

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 18, 2023**

A. Call to Order / Roll Call

The Regular City Council meeting of January 18, 2023, was called to order by Mayor Pro Tempore Craig at 7:03 p.m.

Present: Council Member Khan, Council Member Nakanishi, and Mayor Pro Tempore Craig

Absent: Council Member Bregman, and Mayor Hothi

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Nashed

B. Presentations – None

C. Consent Calendar (Reading; Comments by the Public; Council Action) All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, refer to the Notice at the beginning of this agenda.

Council Member Khan made a motion, second by Council Member Nakanishi, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Nakanishi, and Mayor Pro Tempore Craig

Noes: None

Absent: Council Member Bregman, and Mayor Hothi

C-1 Receive Register of Claims for December 16, 2022 through December 29, 2022 in the Total Amount of \$7,893,015.86 (FIN)

Claims were approved in the amount of \$7,893,015.86.

C-2 Approve Minutes (CLK)

The minutes of December 7, 2022 (Regular Meeting), January 3, 2023 (Shirtsleeve Session), and January 10, 2023 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase Electric Substation Power Transformer from Delta Star Incorporated, of San Carlos (\$2,000,000) (EU)

Adopted Resolution No. 2023-09 authorizing the City Manager to waive the bid process and purchase an electric substation power transformer from Delta Star Incorporated, of San Carlos, in the amount of \$2,000,000.

C-4 Adopt Resolution Awarding Contract for Solids Handling Facility Improvements at White Slough Water Pollution Control Facility, to Garney Pacific, Inc., of Tracy (\$2,424,725) (PW)

Adopted Resolution No. 2023-10 awarding the contract for Solids Handling Facility Improvements at White Slough Water Pollution Control Facility, to Garney Pacific, Inc., of Tracy, in the amount of \$2,424,725.

C-5 Adopt Resolution Authorizing City Manager to Execute Change Order No. 2 with Westech Industries, Inc., of Escalon, for Directional Drilling, Excavation and Conduit Installation Services for State of California Natural Gas Power Plant Project (\$1,690,000) (EU)

Adopted Resolution No. 2023-11 authorizing the City Manager to execute Change Order No. 2 with Westech Industries, Inc., of Escalon, for directional drilling, excavation and conduit installation services for the State of California Natural Gas Power Plant Project, in the amount of \$1,690,000.

C-6 Adopt Resolution Authorizing City Manager to Execute Tow Service Contract for Police Rotational Towing Services with Haynes Brothers Investments, LLC, of Lodi (PD)

Adopted Resolution No. 2023-12 authorizing the City Manager to execute a Tow Service Contract for Police Rotational Towing Services with Haynes Brothers Investments, LLC, of Lodi.

C-7 Adopt Resolution Authorizing City Manager to Execute Five-Year Professional Services Agreement for Animal Services Veterinary Oversight with Elaine M. Dornton, DVM, of Acampo (\$100,000) (PD)

Adopted Resolution No. 2023-13 authorizing the City Manager to execute a five-year Professional Services Agreement for animal services veterinary oversight with Elaine M. Dornton, DVM, of Acampo, in the amount of \$100,000.

C-8 Adopt Resolution Authorizing City Manager to Execute Amendment No. 6 to Professional Services Agreement with Civil Hydro Tech, LLC, of Los Altos, for Consulting and Project Management Services for Central Plume Area, Monitoring Well Abandonment, SGMA and City-wide Plume Management (\$500,600), and Appropriating Funds (\$500,600) (PW)

Adopted Resolution No. 2023-14 authorizing the City Manager to execute Amendment No. 6 to the Professional Services Agreement with Civil Hydro Tech, LLC, of Los Altos, for consulting and project management services for Central Plume Area, monitoring well abandonment, SGMA and City-wide plume management, in the amount of \$500,600, and appropriating funds in the amount of \$500,600.

C-9 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Professional Services Agreement with O'Dell Engineering, Inc., of Modesto, for On-Call Landscape Architectural Services (\$35,000) (PW)

Adopted Resolution No. 2023-15 authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with O'Dell Engineering, Inc., of Modesto, for on-call landscape architectural services, in the amount of \$35,000.

C-10 Adopt Resolution Approving Renewal of Chiropractic Benefit Administration Agreement with Landmark Healthplan of California; and Further Authorizing City Manager to Execute Agreement (HR)

Adopted Resolution No. 2023-16 approving the renewal of Chiropractic Benefit Administration Agreement with Landmark Healthplan of California; and further authorizing the City Manager to execute the agreement.

C-11 Adopt Resolution Authorizing City Manager to Execute Outdoor Equity Grant Contract with State of California (July 1, 2020 through June 30, 2027), Accept Grant Funds, and Appropriate Funds (\$654,285) (PRCS)

This item was pulled by Mayor Pro Tempore Craig.

City Manager Schwabauer provided a brief introduction and Parks, Recreation and Cultural Services Director Christina Jaromay provided a brief report regarding the nature of the grant and how the funds will be utilized.

Council Member Nakanishi made a motion, second by Council Member Khan, to adopt Resolution No. 2023-17 authorizing the City Manager to execute an Outdoor Equity Grant Contract with State of California (July 1, 2020 through June 30, 2027), accepting grant funds, and appropriating funds in the amount of \$654,285.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Nakanishi, and Mayor Pro Tempore Craig

Noes: None

Absent: Council Member Bregman, and Mayor Hothi

C-12 Adopt Resolution Authorizing City Manager to Execute Contract with One-Eighty Programs, a California Non-Profit Corporation, to Provide Natural Area Excursions for City's Outdoor Educational Activities and Excursions Program for Three Years (\$220,764) (PRCS)

This item was pulled by Mayor Pro Tempore Craig.

City Manager Schwabauer provided a brief introduction and Parks, Recreation and Cultural Services Director Christina Jaromay provided a brief report regarding the nature of the grant and how the funds will be utilized.

Council Member Nakanishi made a motion, second by Council Member Khan, to adopt Resolution No. 2023-18 authorizing the City Manager to execute a contract with One-Eighty Programs, a California Non-Profit Corporation, to provide natural area excursions for the City's Outdoor Educational Activities and Excursions Program for three years, in the amount of \$220,764.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Nakanishi, and Mayor Pro Tempore Craig

Noes: None

Absent: Council Member Bregman, and Mayor Hothi

C-13 Adopt Resolution Authorizing City Manager to Sign and Submit Application for Boat Launching Facilities Grant from Division of Boating and Waterways, Harbors and Watercraft Revolving Fund for Replacement of Non-Motorized Boat Launch at Lodi Lake (Up to \$150,000) (PRCS)

Adopted Resolution No. 2023-19 authorizing the City Manager to sign and submit an application for a boat launching facilities grant from the Division of Boating and Waterways, Harbors and Watercraft Revolving Fund for replacement of the non-motorized boat launch at Lodi Lake, in an amount not to exceed \$150,000.

C-14 Appoint Gary Woehl and Terence Spring to Measure L Citizens' Oversight Committee and Repost for Remaining Vacancy on Measure L Citizens' Oversight Committee (CLK)

Made the following appointments and directed the City Clerk to post for the following vacancy:

APPOINTMENTS:

Measure L Citizens' Oversight Committee

District 1:

Gary Woehl - Term to expire May 31, 2025

District 2:

Terence Spring - Term to expire May 31, 2025

POSTING:

Measure L Citizens' Oversight Committee

District 3:

Phil Pennino - Term expired May 31, 2022 (new appointment to expire May 31, 2025)

C-15 Accept Monthly Protocol Account Report through December 31, 2022 (CLK)

Accepted Monthly Protocol Account Report through December 31, 2022.

C-16 Set Public Hearing for February 15, 2023, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates for Residential, Commercial, and Industrial Customers (PW)

Set a public hearing for February 15, 2023, to consider adopting a resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers.

D. Comments by the Public on Non-Agenda Items THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

Caleb Rieck provided public comment regarding Kofu Skate Park.

Aaron Spears provided public comment regarding Kofu Skate Park.

Jillian Dittrich provided public comment regarding Kofu Skate Park.

Pat Byron provided public comment and a handout for Council (filed) regarding Kofu Skate Park.

Logan Garcia provided public comment regarding Kofu Skate Park.

Cole provided public comment regarding Kofu Skate Park.

An unidentified resident provided public comment regarding Kofu Skate Park.

City Manager Schwabauer provided an update regarding the status of Kofu Skate Park.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Khan thanked the residents that attended the Council meeting to provide public comment on Kofu Skate Park.

Council Member Nakanishi provided an update regarding the Eastern San Joaquin Groundwater Authority meeting he attended the prior week.

Mayor Pro Tempore Craig provided an update regarding her participation in the Lodi Police Department's Citizens' Academy and provided information regarding the Senior Citizen's Commission's efforts to assist seniors in the community.

F. Comments by the City Manager on Non-Agenda Items

City Manager Schwabauer thanked City of Lodi staff that have been working to address issues that have resulted from the recent storms and provided statistics regarding the number of calls addressed and services provided by the Police and Fire Departments due to weather. He also thanked Electric Utility Lineman Jeremy Barlow and City Attorney Magdich for their efforts to help restore power to homes in Lodi. He provided statistics regarding overtime hours by Public Works staff to address trees and drainage issues resulting from the storms. City Manager Schwabauer thanked Public Works Director Charlie Swimley for personally inspecting at-risk trees, thanked the public for reporting issues to City staff, and thanked all staff.

Council Member Nakanishi stated that many residents have asked about actions taken by City staff to address the damages by the storms. City Manager Schwabauer stated that City staff will compile a report for Council, to be also shared with the public.

G. Ordinances

G-1 Adopt Ordinance No. 2014 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Reenacting Chapter 15.66, 'County Facilities Fees' (CLK)

City Clerk Nashed introduced the item and City Manager Schwabauer provided a brief report.

Discussion ensued with Mayor Pro Tempore Craig, Council Member Khan, City Manager Schwabauer, and Deputy City Manager Keys regarding fees to be paid by the developer and the tax sharing percentage split between the City of Lodi and the County of San Joaquin. Deputy City Manager Keys thanked County staff for their cooperation during the negotiations for the tax sharing agreement.

Council Member Khan made a motion, second by Council Member Nakanishi, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 2014 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Reenacting Chapter 15.66, 'County Facilities Fees,'" which was introduced at a regular meeting of the Lodi City Council held January 18, 2023.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Nakanishi, and Mayor Pro Tempore Craig

Noes: None

Absent: Council Member Bregman, and Mayor Hothi

H. Public Hearings

H-1 Public Hearing to Consider Resolution Adopting and Implementing Collection of San Joaquin County Facilities Fees, CEQA Determination: Exempt per Section 15061(b)(3) of CEQA Guidelines, 2022 (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Craig called for the public hearing to consider adopting a resolution adopting and implementing the collection of San Joaquin County Facilities Fees, CEQA Determination: Exempt per Section 15061(b)(3) of CEQA Guidelines, 2022.

Community Development Director John Della Monica introduced the item and City Planner Cynthia Marsh provided a PowerPoint presentation regarding the adoption and implementation of collection of San Joaquin County Facilities Fees. Specific topics of discussion included background, purpose and use, fee schedule, and proposed resolution.

Discussion ensued between Council Member Nakanishi, Mayor Pro Tempore Craig, City Manager Schwabauer, Deputy City Manager Keys and Director of Community Development Della Monica regarding the application of

fees to new homes, if those fees are also applied to other cities within the County, and how those fees are utilized.

Mayor Pro Tempore Craig opened the public hearing for public comment.

There being no public comments, Mayor Pro Tempore Craig closed the public hearing.

Council Member Khan made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2023-20 adopting and implementing the collection of San Joaquin County Facilities Fees.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Nakanishi, and Mayor Pro Tempore Craig

Noes: None

Absent: Council Member Bregman, and Mayor Hothi

H-2 Public Hearing to Receive Annual Report of Available Growth Allocations and Consider Adopting Resolution Revising Growth Management Program Procedures to Allow Issuing Growth Allocations for Projects on Land Not Yet Annexed (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Craig called for the public hearing to receive the Annual Report of Available Growth Allocations and consider adopting a resolution revising the Growth Management Program procedures to allow issuing Growth Allocations for projects on land not yet annexed.

Mayor Pro Tempore Craig opened the public hearing for public comment.

The public hearing was continued to February 15, 2023.

Council Member Nakanishi made a motion, second by Council Member Khan, to continue the H-2 item to a date certain of the future City Council meeting date of February 15, 2023.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Nakanishi, and Mayor Pro Tempore Craig

Noes: None

Absent: Council Member Bregman, and Mayor Hothi

I. Regular Calendar

I-1 Confirm Lodi Arts Commission Recommendation to Appoint Nancy Aide Gonzalez St. Clair as Lodi's First Poet Laureate (PRCS)

Parks, Recreation and Cultural Services Director Christina Jaromay provided a report regarding the appointment of Lodi's first Poet Laureate. She introduced Nancy Aide Gonzales St. Clair. Ms. St. Clair thanked the Lodi Arts Commission and the City of Lodi for her appointment as Lodi's first Poet Laureate, and read a poem she composed.

Mayor Pro Tempore Craig, Council Member Nakanishi, and Council Member Khan all congratulated and thanked Ms. St. Clair and Parks, Recreation and Cultural Services Director Jaromay.

Council Member Nakanishi made a motion, second by Council Member Khan, to confirm the Lodi Arts Commission recommendation to appoint Nancy Aide Gonzalez St. Clair as Lodi's first Poet Laureate.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Nakanishi, and Mayor Pro Tempore Craig

Noes: None

Absent: Council Member Bregman, and Mayor Hothi

J. Adjournment

City Attorney Magdich thanked all staff that have worked tirelessly to keep the Lodi community safe during the storms, including Fire Department; Police Department; Public Works Department; Parks, Recreation, and Cultural Services Department; and Electric Utility Department.

There being no further business to come before the City Council, the meeting was adjourned at 8:12 p.m., in memory of Marine Corporal Elwin Ramirez and local businessman William T. Meehleis.

ATTEST:

Olivia Nashed
City Clerk