

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 19, 2022**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of January 19, 2022, was called to order by Mayor Chandler at 6:18 p.m.

Present: Council Member Khan, Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Hothi, and Mayor Chandler

Absent: None

Also Present: City Manager Schwabauer, Deputy City Attorney Lucchesi, and Assistant City Clerk Farris

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, International Brotherhood of Electrical Workers, Confidential General Services, Confidential Mid-Managers, Executive Managers, and Appointed Employees Pursuant to Government Code §54957.6 (CM)
- b) Actual Litigation: Government Code Section 54956.9; Three Applications; James Landis v. City of Lodi, Workers' Compensation, WCAB Case # ADJ13014927(DOI: 1/17/2020 CT), WCAB Case # ADJ13014910(DOI: 9/6/2019), WCAB Case # ADJ5777731(DOI:7/1/2006) (CA)
- c) Actual Litigation: Government Code Section 54956.9; One Application; Gerald Bahr s v. City of Lodi, Workers' Compensation, WCAB Case # ADJ12892437(12/30/2019) (CA)

C-3 Adjourn to Closed Session

At 6:18 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:48 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:01, Mayor Chandler reconvened the City Council meeting, and Deputy City Attorney Lucchesi disclosed the following actions.

Item C-2a) was discussion and direction with no further reportable action.

Item C-2b) was discussion and direction with no further reportable action.

Item C-2c) was discussion and direction with no further reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of January 19, 2022, was called to order by Mayor Chandler

at 7:01 p.m.

Present: Council Member Khan, Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Hothi, and Mayor Chandler

Absent: None

Also Present: City Manager Schwabauer, Deputy City Attorney Lucchesi, and Assistant City Clerk Farris

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 Kuehne, 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 Kuehne, Council Member Nakanishi, Mayor Pro Tempore Hothi, and Mayor Chandler

Noes: None

Absent: None

C-1 Receive Register of Claims for December 17, 2021 through December 30, 2021 in the Total Amount of \$7,399,703.79 (FIN)

Claims were approved in the amount of \$7,399,703.79.

C-2 Approve Minutes (CLK)

The minutes of January 4, 2022 (Shirtsleeve Session), January 5, 2022 (Regular Meeting), and January 11, 2022 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Accepting Zupo Field Daktronics Scoreboard Donation from Meehleis & Sinclair Foundation and Lodi Boosters of Boys/Girls Sports (B.O.B.S.) (\$14,817.59) (PRCS)

Adopted Resolution No. 2022-13 accepting Zupo Field Daktronics scoreboard donation from Meehleis & Sinclair Foundation and Lodi Boosters of Boys/Girls Sports (B.O.B.S.), in the amount of \$14,817.59.

C-4 Adopt Resolution Authorizing City Manager to Waive Bidding Process, Approve Purchase and Standardization of Lyons V-Force Turnouts from AllStar Fire Equipment, Inc., and Transfer and Appropriate Funds (\$33,000) (FD)

Adopted Resolution No. 2022-14 authorizing the City Manager to waive the bidding process, approving the purchase and standardization of Lyons V-Force turnouts from AllStar Fire Equipment, Inc., and transferring and appropriating funds in the amount of \$33,000.

- C-5 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Transformer Services, Inc., of Hillsboro, Oregon (\$115,768); Authorizing Purchase of Materials from Circuit Breaker Sales Co., Inc., of Phoenix, Arizona (\$160,908); and Appropriating Funds for Substation Load Tap Changer Capital Improvement Project for Total Authorized Fiscal Year 2021/22 Budget of \$288,000 (EU)

Adopted Resolution No. 2022-15 authorizing the City Manager to execute a Professional Services Agreement with Transformer Services, Inc., of Hillsboro, Oregon, in the amount of \$115,768; authorizing the purchase of materials from Circuit Breaker Sales Co., Inc., of Phoenix, Arizona, in the amount of \$160,908; and appropriating funds for Substation Load Tap Changer Capital Improvement Project for a total authorized Fiscal Year 2021/22 budget of \$288,000.

- C-6 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with WMB Architects, of Stockton, for Tony Zupo Field Fire Restoration Project Design Services (\$45,880) (PW)

Adopted Resolution No. 2022-16 authorizing the City Manager to execute a Professional Services Agreement with WMB Architects, of Stockton, for Tony Zupo Field Fire Restoration Project design services, in the amount of \$45,880.

- C-7 Adopt Resolution Authorizing City Manager to Execute Amendment to Professional Services Agreement with Complete Paperless Solutions, of Anaheim, for Software Support of Electronic Content Management System (\$23,600) (CLK)

Adopted Resolution No. 2022-17 authorizing the City Manager to execute an amendment to the Professional Services Agreement with Complete Paperless Solutions, of Anaheim, for software support of electronic content management system, in the amount of \$23,600.

- C-8 Adopt Resolution Ratifying Expenses and Authorizing City Manager to Execute Amendment No. 2 to Contract for Janitorial Services for City Facilities with ABM Industry Groups, LLC, of San Francisco (\$75,000) (PW)

Adopted Resolution No. 2022-18 ratifying expenses and authorizing the City Manager to execute Amendment No. 2 to the contract for janitorial services for City facilities with ABM Industry Groups, LLC, of San Francisco, in the amount of \$75,000.

- C-9 Adopt Resolution Revising Contract Maximum for Executed Agreement Amendment No. 4 to Include Amendments No. 1 through No. 4 and Extensions No. 1 and No. 2 of Professional Services Agreement with Michael Baker International, of Rancho Cordova, for Community Development Block Grant administration / Housing Program support services.

This item was pulled at the request of a member of the public. City Manager Schwabauer provided clarification on the services provided by Michael Baker International.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Hothi, to adopt Resolution No. 2022-19 revising the contract maximum for executed Agreement Amendment No. 4 to include Amendments No. 1 through No. 4 and Extensions No. 1 and No. 2 of the Professional Services Agreement with Michael Baker International, of Rancho Cordova, for Community Development Block Grant administration / Housing Program support services.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Kuehne, Council Member Nakanishi, Mayor Pro

Tempore Hothi, and Mayor Chandler

Noes: None

Absent: None

C-10 Adopt Resolution Authorizing City Manager to Execute Lease Agreement with Lodi Adopt-A-Child and Community Partnership for Families of San Joaquin for 100 East Pine Street (PW)

Adopted Resolution No. 2022-20 authorizing the City Manager to execute a lease agreement with Lodi Adopt-A-Child and Community Partnership for Families of San Joaquin for 100 East Pine Street.

C-11 Adopt Resolution Authorizing City Manager to Execute Agreement to Participate in CALNET NextGen Contract between State of California and AT&T through June 30, 2025 (IT)

Adopted Resolution No. 2022-21 authorizing the City Manager to execute an agreement to participate in CALNET NextGen contract between State of California and AT&T through June 30, 2025.

C-12 Adopt Resolution Revising Parks and Recreation Commission Bylaws (PRCS)

This item was pulled at the request of Mayor Chandler who requested a further revision of the bylaws under Purpose, Role, Scope and Function, C-2, to reflect "his/her" annual budget.

Mayor Chandler made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2022-22 revising Parks and Recreation Commission bylaws.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Hothi, and Mayor Chandler

Noes: None

Absent: None

C-13 Post for Vacancy on Lodi Improvement Committee (CLK)

Directed the City Clerk to post for the following vacancy:

Lodi Improvement Committee

Magdalena Saldana - Term to expire March 1, 2024

C-14 Monthly Protocol Account Report (CLK)

Received the monthly Protocol Account Report.

C-15 Adopt Resolution Authorizing Payment of Supplemental Invoices to Settle Underpayments Associated with Woodbridge Irrigation District Water Sale Agreement Consumer Price Index Increases Utilizing Banked Water Credits in Lieu of Cash (PW)

Adopted Resolution No. 2022-23 authorizing the payment of supplemental invoices to settle underpayments associated with Woodbridge Irrigation District water sale agreement Consumer Price Index increases utilizing banked water credits in lieu of cash.

C-16 Adopt Resolution Declaring Emergency Condition Requiring Immediate Repair of Mokelumne Riverbank at Lodi Lake Park (PW)

Adopted Resolution No. 2022-24 declaring emergency condition requiring immediate repair of Mokelumne Riverbank at Lodi Lake Park.

C-17 Set Public Hearing for February 16, 2022, to Consider Adopting Resolution Setting Pre-Approved 2021 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 16, 2022, to consider adopting a resolution setting pre-approved 2021 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.

Pete Valdez, a resident, spoke about social injustice, unfair treatment at school board meetings, and the need for a townhall meeting.

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

Council Member Khan spoke about increasing the number of food truck permits within the City and the need for cleanup on Turner Road.

Mayor Chandler commented that Turner Road is under State jurisdiction, which complicates cleanup efforts.

City Manager Schwabauer stated that Chief Brucia has been working with both Caltrans and the California Highway Patrol on cleanup efforts. He further stated that Community Development Department is researching population-based permits for food trucks.

Council Member Kuehne commented on upcoming charity fundraisers.

Council Member Nakanishi stated that citizens can become involved in local government by attending Council meetings and emailing their representatives.

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

City Manager Schwabauer stated the City has invested considerable CDBG and General Fund money in affordable housing, including Cranes Landing, Hotel Lodi, Lodi House, Salvation Army emergency shelter and Hope Harbor, low bar/no bar shelter, and Harmony Homes. He further noted that the February 2, 2022 Council meeting has been cancelled.

G. Public Hearings – None

H. Regular Calendar

H-1 Adopt Resolution of Intention Approving an Amendment to Contract Between Board of Administration of California Public Employees' Retirement System (PERS) and City of Lodi and Introduce Ordinance Amending Contract Between PERS and City of Lodi with Regard

to Providing Government Code Section 20516 (Employees Sharing Additional Cost) of Additional 3% for Local Miscellaneous Members in Unrepresented Confidential Mid-Management Group, Unrepresented Confidential General Services Group, Unrepresented Executive Management Group, and Unrepresented Council Appointees Group (HR)

Deputy City Manager Andrew Keys provided a presentation regarding an amendment to the California Public Employees' Retirement System (PERS) contract. He noted that this is an administrative item required by CalPERS for employee contracts that have already been approved.

In response to comments by Pete Valdez, a member of the public, City Manager Schwabauer clarified that the City is not giving money for employee pensions, and the item addresses a revision of the CalPERS contract for funds that employees are paying.

Council Member Kuehne made a motion, second by Council Member Khan, to adopt Resolution of Intention No. 2022-25 approving an amendment to the contract between the Board of Administration of California Public Employees' Retirement System (PERS) and City of Lodi and introduce Ordinance No. 1992 amending the contract Between PERS and City of Lodi with regard to providing Government Code Section 20516 (Employees Sharing Additional Cost) of additional 3% for Local Miscellaneous Members in unrepresented Confidential Mid-Management Group, unrepresented Confidential General Services Group, unrepresented Executive Management Group, and unrepresented Council Appointees Group.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Hothi, and Mayor Chandler

Noes: None

Absent: None

H-2 Receive and File City's Annual Comprehensive Financial Report (Fiscal Year 2020/21) by The Pun Group (FIN)

Vanessa Burke, of the Pun Group, provided a PowerPoint presentation regarding the City's Annual Comprehensive Financial Report for Fiscal Year 2020/21. Specific topics of discussion included scope of work; Annual Required Communications (AU-C 260); management's responsibilities; auditors' responsibilities; ethics and independence; significant accounting policies; significant estimates; sensitive disclosures; audit approach; audit results; overview of financial statements; Annual Comprehensive Financial Report; summary statement of net positions; summary statement of activities; summary balance sheet; summary statement of revenues, expenditures, and changes in fund balance; key financial indicators and pension/OPEB information; sales tax; net cost of services to tax revenues; available fund balance to annual expenditures; GASB 68 - pension standard; and GASB 75 - OPEB standard.

In response to Council Member Nakanishi, Ms. Burke clarified a sick leave conversion liability issue.

Council Member Kuehne made a motion, second by Council Member Khan, to receive and file the City's Annual Comprehensive Financial Report (Fiscal Year 2020/21) by the Pun Group.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Kuehne, Council Member Nakanishi, Mayor Pro

Tempore Hothi, and Mayor Chandler
Noes: None
Absent: None

H-3 Provide Direction to Staff Regarding Council Request to Have Staff Run Town Hall Meetings on a Monthly Basis for Individual Districts (CM)

City Manager Schwabauer introduced an item regarding the request to have staff run town hall meetings on a monthly basis. Specific topics of discussion included the cost and need for additional staff to host the meetings.

Council Member Khan stated that Council does not have time to consider the concerns of citizens during Regular Council meetings and that many of the community members in his District do not have the ability to email the City and may face language barriers. He further stated that he feels there is a gap between citizens and the government.

Mayor Chandler stated that one of his constituents felt that monthly meetings would be a costly burden on the City. He further stated that Council Members should meet individually with the public and that monthly town hall meetings are an unrealistic request.

Council Member Kuehne stated that while he commended Council Member Khan's desire to serve the public, he concurred with Mayor Chandler's statement. He further stated that it would not be a wise use of staff time.

Mayor Pro Tempore Hothi stated that town hall meetings should be used to have staff address hot button topics, rather than as monthly meetings.

Council Member Nakanishi stated that town hall meetings get off topic, have unreasonable expectations, and are not cost effective. He further suggested attending committee meetings to get more involved.

Council Member Kuehne further suggested involvement with ABCD (Asset Based Community Development) and the Lodi Improvement Committee.

Council Member Khan suggested having the agenda published in Spanish and Urdu to promote greater citizen involvement.

I. Ordinances

I-1 Adopt Ordinance No. 1990 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 17 – Development Code – Article 3, 'Site Planning and General Development Standards,' Chapter 17.34, 'Signs,' by Adding Section 17.34.070.G, 'Freeway Oriented Electronic Billboard,' and by Amending Article 7, 'Definitions,' Chapter 17.78, 'Definitions,' Section 17.78.020, 'Definitions of Specialized Terms and Phrases,' by Adding 'Freeway Oriented Electronic Billboard'" (CLK)

Council Member Nakanishi made a motion, second by Council Member Kuehne, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1990 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 17 - Development Code - Article 3, 'Site Planning and General Development Standards,' Chapter 17.34, 'Signs,' by Adding Section 17.34.070.G, 'Freeway Oriented Electronic Billboard,' and by Amending Article 7, 'Definitions,' Chapter 17.78, 'Definitions,' Section 17.78.020, 'Definitions of Specialized Terms and Phrases,' by Adding 'Freeway Oriented

Electronic Billboard," which was introduced at a regular meeting of the Lodi City Council held January 5, 2022.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Hothi, and Mayor Chandler

Noes: None

Absent: None

I-2 Adopt Ordinance No. 1991 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 13 - Public Services - by Repealing and Reenacting Section 13.12.150, 'Connections Outside City,' In Its Entirety" (CLK)

Council Member Kuehne made a motion, second by Council Member Khan, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1991 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 13 - Public Services - by Repealing and Reenacting Section 13.12.150, 'Connections Outside City,' In Its Entirety," which was introduced at a regular meeting of the Lodi City Council held January 5, 2022.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Khan, Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Hothi, and Mayor Chandler

Noes: None

Absent: None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:39 p.m.

ATTEST:

Pamela M. Farris
Assistant City Clerk