

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 15, 2023**

A. Call to Order / Roll Call

The Regular City Council meeting of February 15, 2023, was called to order by Mayor Hothi at 7:00 p.m.

Present: Council Member Bregman, Council Member Khan, Council Member Nakanishi, Mayor Pro Tempore Craig, Mayor Hothi, City Manager Schwabauer, City Attorney Magdich, and City Clerk Nashed

Absent: None

Also Present: None

B. Presentations

B-1 American Heart Month Proclamation (CLK)

Mayor Hothi presented a proclamation to Brooke McCollough, President of Adventist Health Lodi Memorial Hospital, and Wayne Craig, President of Lodi Memorial Hospital Foundation, proclaiming February 2023 as American Heart Month in the City of Lodi.

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 Nakanishi made a motion, second by Council Member Khan, 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 Bregman, Council Member Khan, Council Member Nakanishi, Mayor Pro Tempore Craig, and Mayor Hothi

Noes: None

Absent: None

C-1 Receive Register of Claims for January 13, 2023 through January 26, 2023 in the Total Amount of \$3,242,200.01 (FIN)

Claims were approved in the amount of \$3,242,200.01.

C-2 Approve Minutes (CLK)

The minutes of January 4, 2023 (Special Meeting), January 4, 2023 (Regular Meeting - Amended), January 17, 2023 (Shirtsleeve Session), January 18, 2023 (Regular Meeting), January 24, 2023 (Shirtsleeve Session), and January 31, 2023 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Tony Zupo Field Grandstand Seating and Press Box Replacement Improvements Project (PW)

Approved plans and specifications and authorized advertisement for bids for Tony Zupo Field Grandstand Seating and Press Box Replacement Improvements Project.

C-4 Adopt Resolution Awarding Contract for Hale Park Parking Lot Reconstruction to Tosted Asphalt, Inc., of Fresno (\$81,520) and Authorizing City Manager to Execute Change Orders (\$30,000) (PW)

Adopted Resolution No. 2023-29 awarding the contract for Hale Park Parking Lot Reconstruction to Tosted Asphalt, Inc., of Fresno, in the amount of \$81,520, and authorizing the City Manager to execute

change orders in an amount not to exceed \$30,000.

C-5 Adopt Resolution Accepting Lodi High School New North Campus Public Improvements (PW)

Adopted Resolution No. 2023-30 accepting Lodi High School New North Campus Public Improvements.

C-6 Adopt Resolution Authorizing City Manager to Execute Three-Year Professional Services Agreement with Area Wide Exterminators, Inc., of Stockton, for Rodent Control Services at White Slough Water Pollution Control Facility (\$356,004) (PW)

Adopted Resolution No. 2023-31 authorizing the City Manager to execute a three-year Professional Services Agreement with Area Wide Exterminators, Inc., of Stockton, for rodent control services at White Slough Water Pollution Control Facility, in the amount of \$356,004.

C-7 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Durst Office Designs, Inc., of Stockton, for Citywide Purchase and Installation of Office Systems Furniture (\$30,000) (PW)

Adopted Resolution No. 2023-32 authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Durst Office Designs, Inc., of Stockton, for Citywide purchase and installation of office systems furniture in the amount of \$30,000.

C-8 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Professional Services Agreement with Quest Media and Supplies, Inc., for Installation, Replacement and Network Monitoring of Video Surveillance Infrastructure at City's Municipal Services Center (\$122,400) (ISD)

Adopted Resolution No. 2023-33 authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Quest Media and Supplies, Inc., for installation, replacement and network monitoring of video surveillance infrastructure at the City's Municipal Services Center, in the amount of \$122,400.

C-9 Adopt Resolution Authorizing City Manager to Execute Amendment No 3 to Professional Services Agreement with Civic Plus, of Manhattan, Kansas, for Additional SMS Subscriptions and Staff Training (\$5,000) (ISD)

Adopted Resolution No. 2023-34 authorizing the City Manager to execute Amendment No 3 to the Professional Services Agreement with Civic Plus, of Manhattan, Kansas, for additional SMS subscriptions and staff training, in the amount of \$5,000.

C-10 Adopt Resolution Authorizing City Manager to Execute Amendment No. 7 to Professional Services Agreement with Lyons Security Service, Inc., of Orange, for Security Services at City Hall Complex, Hutchins Street Square, Lodi Public Library, and Lodi Transit Station and Parking Garage Adding Additional Services (\$35,000) (ISD)

This item was pulled by Michelle, a member of the public, for additional information. Deputy City Manager Andrew Keys clarified that this amendment will add additional security services at the Transit Station.

Council Member Khan made a motion, second by Council Member Bregman, to adopt Resolution No. 2023-35 authorizing the City Manager to execute Amendment No. 7 to the Professional Services Agreement with Lyons Security Service, Inc., of Orange, for security services at City Hall Complex, Hutchins Street Square, Lodi Public Library, and Lodi Transit Station and Parking Garage adding additional services in the amount of \$35,000.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

NOTE: Item C-10 and Item C-17 were voted on together following discussion of both items.

C-11 Adopt Resolution Authorizing City Manager to Execute Third Phase Agreement with Northern California Power Agency for Purchase Agreements with Geysers Power Company, LLC (EU)

Adopted Resolution No. 2023-36 authorizing the City Manager to execute a Third Phase Agreement with Northern California Power Agency for purchase agreements with Geysers Power Company, LLC.

C-12 Adopt Resolution Authorizing City Manager to Execute Amended Agreement for Property Tax Allocation Upon Annexation with County of San Joaquin (ISD)

Adopted Resolution No. 2023-37 authorizing the City Manager to execute an amended agreement for property tax allocation upon annexation with the County of San Joaquin.

C-13 Adopt Resolution Authorizing City Manager to Execute Three-Year Professional Services Agreement with Two Optional One-Year Extensions with Lance, Soll & Lunghard, LLP, of Sacramento, for Professional Auditing Services (\$438,418) (ISD)

Adopted Resolution No. 2023-38 authorizing the City Manager to execute a three-year Professional Services Agreement with two optional one-year extensions with Lance, Soll & Lunghard, LLP, of Sacramento, for professional auditing services, in the amount of \$438,418.

C-14 Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving Multi-Way Stop Control at Crescent Avenue and Pine Street, at Elm Street and California Street, and at School Street and Locust Street (PW)

Adopted Resolution No. 2023-39 amending Traffic Resolution No. 97-148 by approving multi-way stop controls at Crescent Avenue and Pine Street, at Elm Street and California Street, and at School Street and Locust Street.

C-15 Adopt Resolution to Overfill Full-Time Property and Evidence Clerk Position and Appropriate Funds (\$35,080) (PD)

Adopted Resolution No. 2023-40 to overfill full-time Property and Evidence Clerk position and appropriating funds in the amount of \$35,080.

C-16 Accept Monthly Protocol Account Report (CLK)

Accepted the Monthly Protocol Account Report.

C-17 Direct Staff to Continue Monitoring Intersection of Stockton Street and Poplar Street Until Conditions Warrant Consideration for Three-Way Stop Controls (PW)

This item was pulled at the request of Council Member Khan. Council Member Khan stated that the City has been monitoring this intersection for two years, there are many pedestrians crossing Stockton Street at this intersection, and he feels that it is time to install a stop sign.

Discussion ensued between Council and Public Works Director Charlie Swimley, City Manager Schwabauer, and Senior Traffic Engineer Dorothy Kam regarding past traffic studies, staff time spent on studies at this location, timing of traffic monitoring, enhanced pedestrian safety alternatives, methods of slowing traffic in that area, encouraging pedestrians to cross at alternate locations, and State code governing setting traffic speeds.

Public Works Director Swimley stated that the Public Works Department will continue to monitor this location, noting that the intersection does not meet the standards for a crosswalk and therefore cannot have a lit crosswalk similar to the one at Lodi Lake installed. However, the Traffic Division will explore alternatives to increase the awareness of motorists on Stockton Street to the pedestrian traffic in this area.

Council Member Khan made a motion, second by Council Member Bregman, to approve directing staff to continue monitoring the intersection of Stockton Street and Poplar Street until conditions warrant consideration for three-way stop controls.

VOTE:

The above motion carried by the following vote:

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

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

NOTE: Item C-10 and Item C-17 were voted on together following discussion of both items.

C-18 Set Public Hearing for March 15, 2023 to Consider Adopting Resolution Setting Future Solid Waste Rates Pursuant to Proposition 218 for Residential Customers (PW)

Set a public hearing for March 15, 2023, to consider adopting a resolution setting future solid waste rates pursuant to Proposition 218 for residential customers.

G. Public Hearings

G-1 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 Hothi 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.

Community Development Director John Della Monica provided a PowerPoint presentation regarding Growth Management ordinance modification and 2023 Growth Allocation calculation. Specific topics of discussion included history of Lodi Growth Allocation, previous process, adopted process, proposed minor modifications to process, 2023 Growth Allocation summary, 2022 Growth Allocation activity, 2023 Growth Allocations, 2022 Growth Allocation summary, 2023 Growth Allocations available, and conclusion.

Discussion ensued between Mayor Pro Tempore Craig, City Manager Schwabauer, and Community Development Director Della Monica regarding the process for review of projects.

Discussion ensued between Council Member Nakanishi and City Manager Schwabauer regarding the Growth Management ordinance.

Mayor Hothi opened the public hearing for public comment at 7:49 p.m.

There being no public comments, Mayor Hothi closed the public hearing at 7:52 p.m.

Mayor Pro Tempore Craig made a motion, second by Council Member Bregman, to receive the Annual Report of Available Growth Allocations and adopt Resolution No. 2023-41 revising Growth Management Program procedures to allow issuing Growth Allocations for projects on land not yet annexed.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G-2 Public Hearing 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)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hothi called for the public hearing 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.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding water rates. Specific topics of discussion included water rate setting, recommendation, Water Meter Program status, seven-year summary, rate increase history, Water Operating balances, recommended flat rates, recommended meter rates, 2% increase amounts, local rate comparisons, and staff recommendation.

Discussion ensued between Mayor Hothi, Council Member Khan, Mayor Pro Tempore Craig, City Manager Schwabauer, and Public Works Director Swimley regarding operating balance trends, installation of meters on properties with multiple units, how the utility reserve is set, and the ENR-based increases.

Mayor Hothi opened the public hearing for public comment at 7:49 p.m.

There being no public comments, Mayor Hothi closed the public hearing at 7:52 p.m.

Mayor Pro Tempore Craig made a motion, second by Mayor Hothi, to adopt Resolution No. 2023-42 setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Regular Calendar

H-1 Provide Direction to Staff on Continuance of Informal Informational Meetings (aka Shirtsleeve Meetings) (CM)

City Manager Schwabauer provided a presentation regarding the continuance of Shirtsleeve Sessions. Specific topics of discussion included the benefit of Shirtsleeve Sessions providing an opportunity for longer discussions on topics than would be available at a Regular Meeting and the 7 a.m. start time of the meeting being inconvenient to some.

Mayor Pro Tempore Craig expressed her support for continuing to have the Shirtsleeve Sessions.

Council Member Khan stated that the time is inconvenient for many people and that the time should be adjusted to Tuesday evenings at 7 p.m.

Council Member Nakanishi expressed his support for leaving things as they are.

Mayor Hothi stated that he supports having Shirtsleeve Sessions when there are meatier topics to discuss but to skip the meetings if there is nothing of importance to present.

I. Ordinances – None

D. Comments by the Public on Non-Agenda Items

Due to the number of speakers, Comments by the Public on Non-Agenda Items was moved to the end of the agenda.

Alicia Scott spoke about code enforcement.

Margo Gaspar spoke about code enforcement.

Chelsea Taylor spoke about the skate park.

Pat Byron spoke about the skate park.

Gurman Bal spoke about Enzo the dog and presented supplemental information to Council (filed).

Nonnie spoke about Enzo the dog.

Zohra Fahim spoke about Enzo the dog.

Caller 3779 spoke about Enzo the dog.

Kris Kelly spoke about Enzo the dog.

Joanna Chang spoke about Enzo the dog.

Diana Rosales spoke about Enzo the dog.

Jamie Sanders spoke about Enzo the dog.

Caller 9754 spoke about Enzo the dog.

Caller 8916 spoke about Enzo the dog.

Cambria Berman spoke about Enzo the dog.

Dianna Chang spoke about Enzo the dog.

Caller 7779 spoke about Enzo the dog.

Rebecca Somers spoke about Enzo the dog.
Kim H. spoke about Enzo the dog.
Caller 4325 spoke about Enzo the dog.
Samsung SM-G 998U spoke about Enzo the dog.
Uldra Johnson spoke about Enzo the dog.
Hey Karmen spoke about Enzo the dog.
Madison spoke about Enzo the dog.
Caller 2396 spoke about Enzo the dog.
Chandra Miller spoke about Enzo the dog.
Sandra Owens spoke about Enzo the dog.

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

Due to the number of speakers, Comments by the City Council Members on Non-Agenda Items was moved to the end of the agenda.

Mayor Pro Tempore Craig spoke about the recent meetings she has attended, including the San Joaquin Council of Governments, San Joaquin Regional Rail Commission, San Joaquin Joint Powers Authority, San Joaquin Partnership, Lodi Police Department's Citizens Academy, and CalCities New Mayor and Council Member Academy.

Council Member Bregman stated that he also attended the CalCities New Mayor and Council Member Academy and stressed the importance of new members receiving this training early.

Council Member Nakanishi commented on the email correspondence regarding trash collection received from Richard Piombo. City Manager Schwabauer responded with information regarding the abuse of small waste containers.

Council Member Khan stated he also attended the San Joaquin Council of Governments meeting and further wished Police Captain Griffin well in his upcoming retirement.

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

Due to the number of speakers, Comments by the City Manager on Non-Agenda Items was moved to the end of the agenda.

City Manager Schwabauer clarified that the Lodi Animal Foundation is a private non-profit group that is not controlled by the City.

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:45 p.m.

ATTEST:

Olivia Nashed
City Clerk