

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 17, 2021**

A. Call to Order / Roll Call

The Regular City Council meeting of February 17, 2021, was called to order by Mayor Nakanishi at 7:06 p.m.

Due to the COVID-19 pandemic and pursuant to Executive Order N-29-20, all Council Members participated in the meeting via teleconference and the meeting was available for viewing by the public via livestream at <https://www.facebook.com/CityofLodi/> and <https://zoom.us/s/98343457003?pwd=Vm14anRKUm9PWURFb0JnbThSWDFOdz09>; the opportunity for public comment was available through councilcomments@lodi.gov and <https://zoom.us/s/98343457003?pwd=Vm14anRKUm9PWURFb0JnbThSWDFOdz09>.

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

Absent: None

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

B. Presentations

B-1 211 Day Proclamation (CLK)

Mayor Nakanishi presented a proclamation in recognition of 211 Day. Kay Ruhstaller, CEO, Family Resource and Referral Center accepted the Proclamation.

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 Special Teleconference Notice at the beginning of this agenda.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Chandler, to approve the following items hereinafter set forth, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

C-1 Receive Register of Claims for January 15, 2021 through January 28, 2021 in the Amount of \$9,258,788.14 (FIN)

Claims were approved in the amount of \$9,258,788.14.

C-2 Approve Minutes (CLK)

The minutes of January 26, 2021 (Shirtsleeve Session), January 26, 2021 (Special Meeting), February 2, 2021 (Shirtsleeve Session), and February 3, 2021 (Regular Meeting) were approved as written.

C-3 Accept Quarterly Report of Purchases between \$10,000 and \$20,000 (FIN)

Accepted Quarterly Report of Purchases between \$10,000 and \$20,000.

C-4 Accept Quarterly Investment Report as Required by City of Lodi Investment Policy (FIN)

Accepted Quarterly Investment Report as required by City of Lodi Investment Policy.

C-5 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Task Order No. 49 with West Yost & Associates, Inc., of Davis, for Regulatory Services at White Slough Water Pollution Control Facility (\$62,100) (PW)

Adopted Resolution No. 2021-34 authorizing the City Manager to execute Amendment No. 1 to Task Order No. 49 with West Yost & Associates, Inc., of Davis, for regulatory services at White Slough Water Pollution Control Facility, in the amount of \$62,100.

C-6 Accept Improvements Under Contract for Stormwater Trash Collection Project – Phase 1 (2020) (PW)

Accepted improvements under contract for Stormwater Trash Collection Project - Phase 1 (2020).

C-7 Adopt Resolution Accepting City of Lodi Broadband Feasibility Study Completed by Magellan Advisors, LLC, of Denver, Colorado (EU)

Adopted Resolution No. 2021-35 accepting City of Lodi Broadband Feasibility Study completed by Magellan Advisors, LLC, of Denver, Colorado.

C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Bell Burnett & Associates, of Plymouth, to Perform Capital Assets Accounting Services and Authorize Appropriation (\$50,000) (FIN)

Adopted Resolution No. 2021-36 authorizing the City Manager to execute a Professional Services Agreement with Bell Burnett & Associates, of Plymouth, to perform capital assets accounting services and authorizing an appropriation in the amount of \$50,000.

C-9 Adopt Resolution Authorizing City Manager to Execute Amendment No. 4 to Professional Services Agreement with Civil Hydro Tech, LLC, of Sunnyvale, for Central, Western, Southern, and Northern Plumes Groundwater Monitoring, Sampling, and Reporting Services (\$163,864) and Appropriating Funds (\$163,864) (PW)

Adopted Resolution No. 2021-37 authorizing the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Civil Hydro Tech, LLC, of Sunnyvale, for Central, Western, Southern, and Northern Plumes groundwater monitoring, sampling, and reporting services, in the amount of \$163,864, and appropriating funds in the amount of \$163,864.

C-10 Adopt Resolution Approving Purchase of License and Support Renewal for Palo Alto

Networks Firewall from CDW-G, of Vernon Hills, Illinois (\$40,270.89) (IT)

Adopted Resolution No. 2021-38 approving the purchase of license and support renewal for Palo Alto networks firewall from CDW-G, of Vernon Hills, Illinois, in the amount of \$40,270.89.

C-11 Adopt Resolution Approving Annual Shared Automation Fee Structure for Agreement between City of Stockton and Sirsi Corp., Integrated Library System, and Approving Cost Sharing Fee for Fiscal Year 2020/21 (\$25,903) (LIB)

Adopted Resolution No. 2021-39 approving annual shared automation fee structure for agreement between City of Stockton and Sirsi Corp., Integrated Library System, and approving cost sharing fee for Fiscal Year 2020/21, in the amount of \$25,903.

C-12 Adopt Resolution Authorizing Public Works Director to Execute Freeway Agreement with State of California for Proposed State Route 99/Turner Road Interchange Improvements (PW)

Adopted Resolution No. 2021-40 authorizing the Public Works Director to execute Freeway Agreement with State of California for proposed State Route 99/Turner Road interchange improvements.

C-13 Adopt Resolution Accepting Interlaken Subdivision, Tract No. 4024, Public Improvements (PW)

Adopted Resolution No. 2021-41 accepting Interlaken Subdivision, Tract No. 4024, public improvements.

C-14 Accept Monthly Protocol Account Report through January 31, 2021 (CLK)

Accepted Monthly Protocol Account Report through January 31, 2021.

C-15 Adopt Resolution Setting City of Lodi Electric Utility Energy Efficiency Program 10-Year Target (EU)

Adopted Resolution No. 2021-42 setting City of Lodi Electric Utility Energy Efficiency Program 10-year target.

C-16 Adopt Resolution Reaffirming the Ratification of the City Manager's Proclamation Finding the Continued Existence of a Local Emergency and Rendering Certain Emergency Orders, Including an Increase Related to the Local Emergency in the City Manager's Contracting Authority for Services and Goods to a Maximum Amount of \$250,000 for the Duration of the Local Emergency (CA)

Adopted Resolution No. 2021-43 reaffirming the ratification of the City Manager's proclamation finding the continued existence of a local emergency and rendering certain emergency orders, including an increase related to the local emergency in the City Manager's contracting authority for services and goods to a maximum amount of \$250,000 for the duration of the local emergency.

C-17 Adopt Resolution Declaring Intention to Annex Territory (Rose Gate II Subdivison) to Community Facilities District No. 2007-1 (Public Services) and to Levy a Special Tax to Pay for Certain Public Services (Annexation No. 12); and Setting Public Hearing for April 7, 2021 (PW)

Adopted Resolution No. 2021-44 declaring intention to annex territory (Rose Gate II Subdivision) to Community Facilities District No. 2007-1 (Public Services) and to levy a special tax to pay for certain public services (Annexation No. 12); and setting public hearing for April 7, 2021.

C-18 Set Public Hearing for March 17, 2021, to Consider Resolution Adopting Pre-Approved Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set public hearing for March 17, 2021, to consider resolution adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

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.

Mike Lusk, a citizen, provided public comment regarding the revenue from a City property sale be directed to the Water Impact Fund to pay off a loan that was granted to the Fire Department to cover costs associated with the building of Fire House No. 4, the assessment of builder impact fees to address low income housing, and the fund allocations following the construction of the pumping station at White Slough.

City Manager Schwabauer addressed Mr. Lusk's requests, providing additional information to the City Council. Council Member Kuehne requested that impact fees be a subject on the agenda of a Shirtsleeve Session.

Carina Ochoa, a citizen, provided public comment regarding the transfer of a permit for a food truck.

City Manager Schwabauer asked that Ms. Ochoa email him directly for assistance.

Emily Ramey, a representative from Ygrene Emergency Fund, provided public comment regarding a financing program that provides Property Assessed Clean Energy financing to residential and commercial property owners.

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

City Manager Schwabauer said that he would provide information regarding the permitting of food trucks in response to questions asked by Council Member Hothi and Council Member Khan.

F. Comments by the City Manager on Non-Agenda Items - None

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving Planning Commission's Recommendation to Authorize Additional 20 High-Density Growth Management Allocations for The Benjamin Apartment Project in the Van Ruiten Subdivision (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 Nakanishi called for the public hearing to consider adopting a resolution approving the Planning Commission's recommendation to authorize an additional 20 High-Density Growth Management Allocations for The Benjamin Apartment project in the Van Ruiten subdivision.

Community Development Director John Della Monica provided a PowerPoint presentation regarding Growth Management Allocations for The Benjamin Apartment project in the Van Ruiten subdivision. Specific topics of discussion included background, Land Use Map, aerial view, site plan, and proposed amendments to the Growth Allocation.

Community Development Director Della Monica answered questions asked by Council Member Kuehne about the project's design.

Council Member Khan asked questions about the unit types in each building and about ADA accessibility. Community Development Director Della Monica stated each building has a mix of unit types and that the ground floor units are ADA accessible.

Community Development Director Della Monica answered questions asked by Mayor Nakanishi about the additional allocations.

Mayor Nakanishi opened the public hearing for public comment.

David Diskin, a citizen, provided public comment regarding the project design, concerns about traffic mitigation and safety precautions. Mr. Diskin encouraged consideration to require a percentage of the units be included in the housing choice program and asked that the ADA compliant units be available for those who require accommodations.

Natalie Bowman, a citizen and non-profit organizer, asked about the impact fees and costs to the City associated with the project.

City Manager Schwabauer discussed the Development Impact Fee programs and calculated assessments that support the City infrastructure and the Community Facilities District fee program.

City Manager Schwabauer explained that the public hearing was regarding the authorization of additional High-Density Growth Management Allocations and not the project design.

Mike Lusk, a citizen, provided public comment regarding Development Impact Fees and the future opportunity of including a low-income housing impact fee.

Prabhjot Singh Uppal, a citizen, provided public comment, via email, against the construction of the apartment complex.

Rochelle Pham Trinh, a citizen, provided public comment, via email, against the construction of the apartment complex.

City Clerk Cusmir read the emailed public comments into the record and they will be included with the approved minutes of the meeting.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Council Member Khan stated that he does not believe enough has been done regarding safety features for the project.

City Manager Schwabauer stated the project design went before the Planning Commission and there were no appeals filed, in response to questions asked by Council Member Kuehne.

Council Member Kuehne voiced his concerns about the conditions of the project and the project design having not been reviewed by Council prior to the project's approval.

Mayor Pro Tempore Chandler spoke about the phased review of projects with the project first being reviewed by the Site Plan and Architectural Review Committee and then the Planning Commission. Mayor Pro Tempore Chandler stated that he believes there was ample time to comment on the project.

Council Member Hothi recognized the concerns about accessibility and confirmed that any design concerns could be brought to the Planning Commission.

City Manager Schwabauer stated that concerns could have been brought to the Planning Commission, a Council Member could have also filed an appeal, or the City Council could direct staff to amend the design standards that apply to all projects.

Community Development Director Della Monica pointed out that the parcel has been designated as high-density for quite some time and stated that the concerns voiced during Public Comment were reviewed by the Site Plan and Architectural Review Committee and Planning Commission and that both SPARC and the Planning Commission felt the applicant adequately addressed the concerns.

Mayor Nakanishi discussed the system for approval of projects and suggested the Council be provided more information about development projects prior to their review at the Planning Commission.

The applicant, Mike Carouba on behalf of C Note LP, spoke about industry development standards, previous projects and designs, affordable housing, developer impact fees, the master plan for the project location, and the zoning requirements. Mr. Carouba stated the high-density development provides residents housing choice.

Mr. Carouba addressed questions asked by Council Member Khan regarding ADA accessibility and industry standards.

Council Member Kuehne commended the quantity of the projects previously developed by Mr. Carouba but stated that he would still like the City Council to have a role in the approval process when projects are being considered. Council Member Kuehne spoke about the responsibility that the Council assumes as elected officials when it comes to development in the City.

Mr. Carouba stated the rent for an apartment would probably start at approximately \$1,795, depending on the building costs and the market and that the median income in Lodi is approximately \$54K, in response to questions asked by Council Member Kuehne. Mr. Carouba noted that he expects most renters will be dual-income households.

Council Member Kuehne stated that the apartments are not very affordable even though they are high-density.

Mayor Pro Tempore Chandler stated that the project is high-density and that he supports high-density development to help mitigate sprawling growth that may impact farmland.

Mayor Pro Tempore Chandler made a motion, second by Council Member Hothi, to adopt Resolution No. 2021-45 approving the Planning Commission's recommendation to authorize an additional 20 High-Density Growth Management Allocations for The Benjamin Apartment project

in the Van Ruiten subdivision.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Khan, and Council Member Kuehne

Absent: None

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

H. Regular Calendar – None

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:31 p.m.

ATTEST:

Jennifer Cusmir
City Clerk