

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 1, 2023**

A. Call to Order / Roll Call

The Regular City Council meeting of March 1, 2023, was called to order by Mayor Hothi at 7:01 p.m.

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

Absent: None

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

B. Presentations

B-1 Saka Nakodar Day Proclamation (CLK)

Mayor Hothi presented a proclamation to Dr. Harinder Singh proclaiming February 4, 2023 as Saka Nakodar Day 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.

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

C-1 Receive Register of Claims for January 27, 2023 through February 9, 2023 in the Total Amount of \$4,392,088.99 (FIN)

Claims were approved in the amount of \$4,392,088.99.

C-2 Approve Minutes (CLK)

The minutes of February 7, 2023 (Shirtsleeve Session) and February 21, 2023 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Awarding Contract for Lodi Station Parking Garage Repair Project to TPA Construction, Inc., of Roseville (\$72,000); Authorizing City Manager to Execute Change Orders (Not to Exceed \$20,000); and Appropriating Funds (\$110,000) (PW)

Adopted Resolution No. 2023-43 awarding the contract for the Lodi Station Parking Garage Repair Project to TPA Construction, Inc., of Roseville, in the amount of \$72,000; authorizing the City Manager to execute change orders in an amount not to exceed \$20,000; and appropriating funds in the amount of \$110,000.

C-4 Adopt Resolution Ratifying Expenditures and Authorizing City Manager to Execute Change Orders to 2021-2023 Tree Maintenance Contract with West Coast Arborists, Inc., of Anaheim (\$200,000) and Appropriating Funds (\$200,000) (PW)

Adopted Resolution No. 2023-44 ratifying expenditures and authorizing the City Manager to execute change orders to the 2021-2023 Tree Maintenance contract with West Coast Arborists, Inc., of Anaheim, in the amount of \$200,000; and appropriating funds in the amount of \$200,000.

C-5 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Professional Services Agreement with Securitas Electronic Security, Inc., of Uniontown, Ohio, for Police and Court Room

Fire Panel Upgrades; and Citywide Fire Alarm System Diagnostic and Repair Service (\$50,000); and Appropriate Funds (\$30,000) (PW).

Adopted Resolution No. 2023-45 authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Securitas Electronic Security, Inc., of Uniontown, Ohio, for Police and Court building fire panel upgrades; and Citywide fire alarm system diagnostic and repair service, in the amount of \$50,000; and appropriating funds in the amount of \$30,000.

C-6 Adopt Resolution Authorizing City Manager to Execute Five-Year Agreement with Smart Energy Systems, Inc., of Irvine, (dba Smart Energy Water) for Customer Web Portal Solution (\$631,500); and Execute Five-Year Agreement with iPaySmart, Inc., of Las Vegas, Nevada, for Payment Services (\$3,919,307) (ISD).

Item C-6 was pulled at the request of staff.

C-7 First and Second Quarters Fiscal Year 2022/23 Water, Wastewater and Electric Utility Department Financial Reports (ISD).

Item C-7 was pulled at the request of Mayor Pro Tempore Craig.

Discussion ensued with Mayor Pro Tempore Craig and Public Works Director Charlie Swimley regarding a future presentation of information about the Wastewater fund projected decline in the five-year financial forecast and the new financial plan and model.

Discussion ensued with Mayor Pro Tempore Craig and Deputy City Manager Andrew Keys regarding the credit rating cited in the report and its impact on the City and the utility.

Mayor Pro Tempore Craig made a motion, second by Council Member Nakanishi, to receive the First and Second Quarters Fiscal Year 2022/23 Water, Wastewater and Electric Utility Department Financial Reports.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-8 Receive Annual Report Regarding Boards, Committees, and Commissions Relating to Attendance (CLK).

Received the annual report regarding boards, committees, and commissions relating to attendance.

C-9 Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission (Student Members and Adult Advisors), Library Board of Trustees, Lodi Arts Commission, Parks and Recreation Commission, and Planning Commission (CLK).

Directed the City Clerk to post for the following expiring terms and vacancies:

Greater Lodi Area Youth Commission - Student Members

Reed Waters - Term to expire May 31, 2024

Matthew Gobel - Term to expire May 31, 2023

Zoe Bertsch - Term to expire May 31, 2023

Elijah Plath - Term to expire May 31, 2023

Greater Lodi Area Youth Commission - Adult Advisor

Brittany Lampson - Term to expire May 31, 2023

Library Board of Trustees

Eve Melton - Term to expire June 30, 2023

Lodi Arts Commission

Jesse Hanes - Term to expire July 1, 2023

Jateen Bhakta - Term to expire July 1, 2023

Catherine Metcalf - Term to expire July 1, 2023

Parks and Recreation Commission

Bret Erickson - Term to expire June 30, 2023

William Mitchell - Term to expire June 30, 2023

Michael Carouba - Term to expire June 30, 2023

Planning Commission

Magdalena Saldana - Term to expire June 30, 2023

Manjit Singh - Term to expire June 30, 2023

C-10 Adopt Resolution Opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act (CLK)

Adopted Resolution No. 2023-46 opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

D. Comments by the Public on Non-Agenda Items

Ria Jones, a member of the public, spoke about former Council Member Khan's resignation.

Pete Valdez, a member of the public, spoke about government accountability.

Tye Brockmeier, a member of the public, spoke about the homeless problem, taxes, children's access to local drag shows, and voter fraud.

Geraldine Terfehr, a member of the public, spoke about the recent rent raise at the Lodi Hotel.

Kenneth Wheeler, a member of the public, spoke about former Council Member Khan's resignation.

Antonio Amadar, a member of the public, spoke about former Council Member Khan's resignation.

Former Council Member Shak Khan spoke about his supporters, the loss of rights of District 4 constituents, false accusations, and the intimidation of District 4 constituents.

Anna Marquez, a member of the public, spoke about the death of her dog, Enzo.

Jim Shoemaker, a member of the public, spoke about former Council Member Khan and voter fraud.

Hector Madrigal, a member of the public, spoke about former Council Member Khan.

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

Mayor Pro Tempore Craig spoke about the upcoming public hearing for solid waste rates and stressed the importance of citizen participation.

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

None.

G. Public Hearings – None

H. Regular Calendar

H-1 Adopt Resolution Approving 2022/23 Mid-Year Budget Adjustments; Approving Classifications, Job Descriptions and Salary Ranges for New Assistant City Attorney, Senior Electric Utility Business Analyst and Fleet Services Coordinator Positions (ISD)

Deputy City Manager Andrew Keys provided a PowerPoint presentation regarding the mid-year budget report. Specific topics of discussion included Fiscal Year 2022/23 mid-year review, fund overview - Revenue, fund overview - Expenditures, personnel requests, major requests by fund, and action requested.

City Manager Schwabauer noted that not all of the General Fund excess is unspoken for; only about \$0.5 million is available.

Discussion ensued with Mayor Hothi, Mayor Pro Tempore Craig, Council Member Bregman, Rates and Resources Manager Melissa Price, Police Chief Sierra Brucia, and City Manager Schwabauer regarding the \$120,000 Electric Utility contract adjustment, additional police officer being assigned to patrol staff, additional costs for services at the power plant, and EV charging.

Council Member Nakanishi noted for the public that information on mid-year budget adjustments has

been presented previously and Council has had time to study the information to make an informed decision.

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Craig, to adopt Resolution No. 2023-47 approving the 2022/23 mid-year budget adjustments; and approving classifications, job descriptions and salary ranges for new Assistant City Attorney, Senior Electric Utility Business Analyst and Fleet Services Coordinator positions.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Adopt Resolution Approving Side Letter Agreement between City and Lodi Fire Mid-Management to Provide Additional Holiday Leave in Recognition of Juneteenth (HR).

Deputy City Manager Keys provided a presentation regarding the side letter agreement with Lodi Fire Mid-Management to provide additional holiday leave in recognition of Juneteenth. Mr. Keys stated that this agreement is a trailer to the original contract to bring it in line with the other bargaining groups and that the cost is approximately \$2,750 per year.

Mayor Pro Tempore Craig made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2023-48 approving the side letter agreement between the City and Lodi Fire Mid-Management to provide additional holiday leave in recognition of Juneteenth.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-3 Adopt Resolution Approving Side Letter Agreement between City and Lodi Fire Mid-Management to Provide Paramedic Incentives (HR).

Deputy City Manager Keys provided a presentation regarding the side letter agreement with Lodi Fire Mid-Management (LFMM) to provide paramedic incentives. Specific topics of discussion included incentive for Lodi Professional Firefighters (LPF), prior agreement to re-open negotiations on paramedic incentives with LFMM following LPF's contract, the incentives proposed for LFMM are the same as LPF, current incentive would be \$250 per month for licensed paramedics, incentive would be effective January 9, 2023, incentive would change to 11% salary stipend after the City is approved to run an Advanced Life Support program, the cost would be \$85,000 per year if all employees were licensed, and currently there is only one eligible employee.

Council Member Nakanishi noted for the public that the City has already agreed to move forward with the paramedic program and this is just a step in that process.

Mayor Pro Tempore Craig stated that she is thrilled to have the paramedic program moving forward in the City and thanked Fire Chief Ken Johnson for his efforts.

Council Member Bregman made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2023-49 approving a side letter agreement between the City and Lodi Fire Mid-Management to provide paramedic incentives.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-4 Adopt Resolution Authorizing Cash-Out of Employee Covid 2020 Leave Balances (ISD)

Deputy City Manager Andrew Keys provided a presentation regarding the cash-out of employee Covid 2020 leave balances. Specific topics of discussion included a bank of two weeks leave provided in 2020, cost is \$1.3 million funded through American Rescue Plan Act funds, expiration of State emergency orders, liability growth continues to as salaries rise, and staff recommendation to cash out balances now to avoid growing liability.

Discussion ensued with Council Member Nakanishi and City Manager Schwabauer regarding funding availability.

Council Member Nakanishi made a motion, second by Council Member Bregman, to adopt Resolution No. 2023-50 authorizing the cash-out of employee Covid 2020 leave balances.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-5 Provide Direction to City Staff Regarding Providing Cellular Device and Cellular Service for Council Members (CLK)

City Manager Schwabauer provided a presentation regarding provision of a cellular device and cellular service for Council Members. City Manager Schwabauer stated that business conducted on behalf of the City is public record, even if a private phone is used and the cost of providing a cellular device or cellular service to Council Members is not great.

Discussion ensued with Council Member Nakanishi, Mayor Hothi, Mayor Pro Tempore Craig, and Council Member Bregman regarding optional phones and tablets, adding internet service to City tablets, cellular reimbursement plan for employees, convenience, transparency, and common practice in other cities.

Mayor Pro Tempore Craig made a motion, second by Council Member Bregman, to approve providing cellular device and cellular service for Council Members.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:30 p.m.

ATTEST:

Olivia Nashed
City Clerk