

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

A. Call to Order / Roll Call

The Regular City Council meeting of March 15, 2023, was called to order by Mayor Hothi at 7:05 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 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 Nakanishi made a motion, second by Mayor Pro Tempore Craig, 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 Nakanishi, Mayor Pro Tempore Craig, and Mayor Hothi

Noes: None

Absent: None

Due to technical difficulties, the vote was by roll call.

ROLL CALL VOTE

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

C-1 Receive Register of Claims for February 10, 2023 through February 23, 2023 in the Total Amount of \$7,588,667.85 (FIN)

Claims were approved in the amount of \$7,588,667.85.

C-2 Approve Minutes (CLK)

The minutes of February 1, 2023 (Regular Meeting), February 14, 2023 (Shirtsleeve Session), February 28, 2023 (Shirtsleeve Session), and February 28, 2023 (Special Meeting) were approved as written.

C-3 Adopt Resolution Authorizing City Manager to Accept Donation from Lodi Fire Foundation, Waive Bidding Process, and Execute Purchase Order for Lucas Device and Four-Year Warranty from Stryker Medical (\$25,000) (FD)

This item was pulled at the request of Mayor Pro Tempore Craig. Mayor Pro Tempore Craig thanked the Lodi Fire Foundation and noted the benefits provided by both the Lodi Fire Foundation and the Lodi Police Foundation.

Mayor Pro Tempore Craig made a motion, second by Council Member Bregman, to adopt Resolution No. 2023-51 authorizing the City Manager to accept a donation from the Lodi Fire Foundation, waive the bidding process, and execute a purchase order for a Lucas Device and a four-year warranty from Stryker Medical, in the amount of \$25,000.

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-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Library LED Lights Upgrade Project, and Adopt Resolution Authorizing City Manager to Award Contract to Lowest Responsive Bidder (\$95,000) and Execute Change Orders (\$15,000) (PW)

Approved the plans and specifications and authorized advertisement for bids for the Lodi Library LED Lights Upgrade Project, and adopted Resolution No. 2023-52 authorizing the City Manager to award a contract to the lowest responsive bidder, in an amount not to exceed \$95,000, and execute change orders in an amount not to exceed \$15,000.

C-5 Adopt Resolution Authorizing City Manager to Waive Bid Process and Execute Three-Year Professional Services Agreement with Calgon Carbon, of Moon Township, Pennsylvania, for Custom Regeneration Granular Activated Carbon Services (\$900,000) and Appropriate Funds (\$900,000).(PW)

This item was pulled at the request of Council Member Bregman. Council Member Bregman stated that requests to waive the bid process concern him, but in this case, it is warranted due to the time sensitivity and supply chain issues.

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Craig, to adopt Resolution No. 2023-53 authorizing the City Manager to waive the bid process and execute a three-year Professional Services Agreement with Calgon Carbon, of Moon Township, Pennsylvania, for custom regeneration granular activated carbon services, in the amount of \$900,000; and appropriating funds in the amount of \$900,000.

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-6 Adopt Resolution Authorizing City Manager to Execute Purchase Agreement for Personal Safety Equipment with LC Action Police Supply, of San Jose (\$100,000 Over Three Years).(PD)

Adopted Resolution No. 2023-54 authorizing the City Manager to execute a Purchase Agreement for personal safety equipment with LC Action Police Supply, of San Jose, in an amount not to exceed \$100,000 over three years.

C-7 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)

Prior to the meeting, a Blue Sheet was presented to Council and made available to the public, changing the title of the item to: 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 Irvine for Payment Services (\$3,287,807).

Adopted Resolution No. 2023-55 authorizing the City Manager to execute a five-year agreement with Smart Energy Systems, Inc., of Irvine, (dba Smart Energy Water) for customer web portal solution, in the amount of \$631,500; and to execute a five-year agreement with iPaySmart, Inc., of Las Vegas, Nevada, for payment services, in the amount of \$3,287,807.

C-8 Adopt Resolution Authorizing City Manager to Execute Fee Payment Agreement for 2459 Maggio Circle (Liberty Storage).(PW)

Adopted Resolution No. 2023-56 authorizing the City Manager to execute a Fee Payment Agreement for 2459 Maggio Circle (Liberty Storage).

C-9 Adopt Resolution Authorizing the City Manager to Execute Fee Payment Agreement for 302 North Sacramento Street (Lodi Bowling Alley).(PW)

This item was pulled at the request of Mayor Pro Tempore Craig. Mayor Pro Tempore Craig stated that the new bowling alley is an innovative place that will be an asset to the community and that she is happy that the City was able to assist with the Fee Payment Agreement.

Mayor Pro Tempore Craig made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2023-57 authorizing the City Manager to execute a Fee Payment Agreement for 302 North Sacramento Street (Lodi Bowling Alley).

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-10 Accept Monthly Protocol Account Report (CLK)

Accepted the Monthly Protocol Account Report.

C-11 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Extend Term Limit to June 30, 2024, for Professional Services Agreement with PlaceWorks, a California Corporation, to Prepare Environmental Impact Report and Provide Technical Services for Sphere of Influence and Municipal Services Review Update (CD).

Adopted Resolution No. 2023-58 authorizing the City Manager to execute Amendment No. 2 to extend the term limit to June 30, 2024, for the Professional Services Agreement with PlaceWorks, a California Corporation, to prepare an Environmental Impact Report and provide technical services for the Sphere of Influence and the Municipal Services Review update.

C-12 Approve Comment Letter to Army Corps of Engineers Addressing Concerns Related to Delta Conveyance Project (Delta Tunnel) (PW).

This item was pulled at the request of Council Member Nakanishi. Council Member Nakanishi stated that he is opposed to the Delta Tunnel, and noted that he is a delegate to the Delta Protection Commission, which also opposes the project. Discussion ensued between Mayor Pro Tempore Craig, Council Member Bregman, and City Manager Schwabauer regarding the wordage and signing of the letter.

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Craig, to approve the comment letter to the Army Corps of Engineers addressing concerns related to the Delta Conveyance Project (Delta Tunnel).

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

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 Kaminski, a member of the public, spoke about the need for speed humps in his neighborhood and provided a handout for Council (filed).

Discussion ensued between Council Member Nakanishi and Public Works Director Charlie Swimley regarding the need for more information, speed bumps not being supported at the staff level, and the need for a Shirtsleeve Session on the topic.

John Slaughterback, a member of the public, spoke about the current Council vacancy.

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

Mayor Pro Tempore Craig spoke about the Lodi Citizens' Police Academy, which she recently attended.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Setting Future Solid Waste Rates Pursuant to Proposition 218 for Residential 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 future solid waste rates pursuant to Proposition 218 for residential customers.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding solid waste rates for residential customers. Specific topics of discussion included SB 1383 basics, SB 1383 mandated service changes, current residential rate structure, overage and contamination trends, community outreach and education, Proposition 218 rate setting process, proposed residential rate structure, additional services, community benefits, public hearing and protest procedure, and recommended action.

Council Member Nakanishi noted that even if the rates are not passed, the State mandates are still required.

Mayor Hothi opened the public hearing for public comment at 8:03.

Susan Oesterman, a member of the public, spoke against the solid waste rates proposal.

Neil Adams, a member of the public, spoke against the solid waste rates proposal.

Rosanne Christie, a member of the public, spoke against the solid waste rates proposal.

Bonne Domer, a member of the public, spoke against the solid waste rates proposal.

Roger Stafford, a member of the public, spoke against the solid waste rates proposal.

June Aaker, a member of the public, spoke against the solid waste rates proposal.

Peggy Fleming, a member of the public, spoke against the solid waste rates proposal and provided a handout for Council (filed).

Toby Chandler, a member of the public, spoke against the solid waste rates proposal and provided a handout for Council (filed).

Judith G. Ladner, a member of the public, spoke against the solid waste rates proposal.

Bill Hrovat, a member of the public, spoke against the solid waste rates proposal and provided a handout for Council (filed).

Katelyn Roedner, a member of the public, spoke against the solid waste rates proposal.

Judith Hallisey, a member of the public, spoke against the solid waste rates proposal.

Mono Geralis, a Waste Management employee, spoke regarding the need to comply with the State mandate and urged the public not to blame the issue on Waste Management.

Barry Schoenborn, a member of the public, spoke against the solid waste rates proposal.

John Slaughterback, a member of the public, spoke against the solid waste rates proposal.

Jennifer Shellenborn, a member of the public, spoke against the solid waste rates proposal.

Dave Henchman, a member of the public, spoke against the solid waste rates proposal.

A member of the public, name not provided, spoke against the solid waste rates proposal.

Frank Smart, a member of the public, spoke against the solid waste rates proposal.

City Manager Schwabauer and Alex Oseguera, Brad Cea, and Vanessa Barberis of Waste Management addressed some of the concerns brought up by public comment, including the State law governing protest votes, the State's assertion that less methane is produced by composting, the monopoly of utilities and the solicitation of other solid waste collection providers, overseers of the process, mandatory solid waste collection for residents, meat products and composting, public outreach, on-street auditing, organic workshops, adjustments for right-sizing, changes to the contract in response to feedback, scheduled meet and confer, and the necessity of a new Proposition 218 hearing process if the current rate structure (or lower) is not approved.

Council Member Nakanishi stated his concerns relate to the need for smaller carts and the equity of costs.

Discussion ensued with Council Member Bregman, Council Member Nakanishi, Mayor Pro Tempore Craig, City Manager Schwabauer, Deputy City Manager Keys, Mr. Oseguera, and Mr. Cea regarding the process if the rates are not accepted, City costs in relation to auditing and fining customers, the timeline to reach the current proposed contract, rates compared to the City of Galt, weekly pickup required by the State mandate, benefits included in the proposed contract, senior discount, difficulties with large carts, immediate upgrade to a larger cart following overage, rate structure designed to benefit the majority, and phasing out of small carts.

Discussion ensued with Mayor Pro Tempore Craig, City Manager Schwabauer, and Public Works Director Swimley regarding continuing the item to the April 5, 2023 Council meeting; choices of approving the recommended rates, approving lesser rates, or starting a new Proposition 218 procedure; commercial rates being already in place; temporary acceptance of rates; and the recommendation, including standardized carts, being the best solution for the majority of customers.

Assistant City Clerk Farris reported that the number of protests received was 369, which is less than the required 10,356 protests needed, and the number of votes does not qualify as a majority protest.

There being no further public comments, Mayor Hothi closed the public hearing at 9:03.

Mayor Pro Tempore Craig made a motion, second by Council Member Nakanishi, to continue Item No. G-1 to April 5, 2023.

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

A recess was called at 9:56. The meeting was called to order at 9:58.

H. Regular Calendar

H-1 Adopt Resolution Approving 2022 Housing Element Annual Progress Report and Direct Staff to Transmit Report to California Department of Housing and Community Development and Governor's Office of Planning and Research (CD).

Neighborhood Services Manager Jennifer Rhyne provided a PowerPoint presentation regarding the 2022 Housing Element Annual Progress Report. Specific topics of discussion included State reporting requirements for Housing Element, current Housing Element (2014-2023), City's regional housing need allocation, housing development applications submitted, housing units permitted, regional housing needs allocation process, new housing development conclusions and observations, Housing Element program implementation, and recommendation.

Discussion ensued between Council Member Nakanishi, Mayor Pro Tempore Craig, Ms. Rhyne, and Community Development Director John Della Monica regarding Average Medium Income for Lodi, the Access Center, whether State funds are provided for homeless projects, and funding from Community Development being rolled into building fees.

Mayor Pro Tempore Craig made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2023-59 approving the 2022 Housing Element Annual Progress Report and direct staff to transmit the report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

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 Authorizing City Manager to Execute Amended and Restated Franchise Agreement with USA Waste Service of California, Inc., dba Central Valley Waste Services, for Solid Waste Collection, Recycling, and Organic Waste Collection and Processing Services in the City of Lodi (PW).

This item was pulled from the agenda due to the continuance of Item No. G-1 to the April 5, 2023 Council meeting.

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:12 p.m.

ATTEST:

Pamela M. Farris  
Assistant City Clerk