

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 5, 2023**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 5, 2023, was called to order by Mayor Hothi at 6:05 p.m.

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

Absent: Council Member Nakanishi

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

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code Section 54956.9; Two Applicants; Dominic Welton v. City of Lodi, Workers' Compensation, WCAB Case Nos. ADJ13268256 (6/26/19), ADJ13267802 (6/26/19 CT), ADJ13268289 (5/7/20 CT); Ross Philips v. City of Lodi, Workers' Compensation, WCAB Case Nos. ADJ13628980 (9/24/19), ADJ13629063 (8/19/20), ADJ11271089 (1/22/17) (CA)
- b) Pending Litigation: Government Code §54956.9(a); One Case; Shakir Khan, et al. v. City of Lodi, et al., U.S. District Court, Eastern District of California, Case No. 2:23-cv-00566-DAD-KJN (CA)
- c) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Aline Galeno, Reyna Galeno, Anna Marques, and Birgilio Galeno Based on the Death of their Dog Known as Enzo (CA)

C-3 Adjourn to Closed Session

At 6:06 p.m., Mayor Hothi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:51 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:07 p.m., Mayor Hothi reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

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

Item C-2b) was discussion with no other reportable action.

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

A. Call to Order / Roll Call

The Regular City Council meeting of April 5, 2023, was called to order by Mayor Hothi at 7:07 p.m.

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

Absent: Council Member Nakanishi

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

B. Presentations

B-1 Arbor Day Proclamation (PRCS)

Mayor Hothi presented a proclamation in honor of Arbor Day to Steve Dutra, President of Tree Lodi. Steve Dutra provided an update on Arbor Day plans and presented a check in the amount of \$1,500 to

Parks, Recreation and Cultural Services Director Christina Jaromay, representing funds donated by citizens following the winter storms and \$1,000 donated by Tree Lodi for use in park repair efforts.

B-2 Ramadan Celebration Proclamation (CLK)

Mayor Hothi presented a proclamation in honor of Ramadan.

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.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

C-1 Receive Register of Claims for February 24, 2023 through March 9, 2023 in the Total Amount of \$3,277,849.46 (FIN)

Claims were approved in the amount of \$3,277,849.46.

C-2 Approve Minutes (CLK)

The minutes of March 7, 2023 (Shirtsleeve Session), March 14, 2023 (Shirtsleeve Session), March 14, 2023 (Special Meeting), March 15, 2023 (Regular Meeting), and March 21, 2023 (Shirtsleeve Session) were approved as written.

C-3 Accept Quarterly Report of Purchases between \$30,000 and \$60,000 (ISD)

Accepted the Quarterly Report of Purchases between \$30,000 and \$60,000.

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

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

C-5 Adopt Resolution Authorizing City Manager's Approval to Purchase Chevrolet Silverado 2500HD from Future Chevrolet Fleet Services, of Sacramento, and Appropriate Funds (\$56,999.18) (PRCS)

Adopted Resolution No. 2023-60 authorizing the City Manager's approval to purchase a Chevrolet Silverado 2500HD from Future Chevrolet Fleet Services, of Sacramento, and appropriate funds in the amount of \$56,999.18.

C-6 Adopt Resolution Awarding Contract for Turner Road and Century Boulevard Resurfacing Project to Consolidated Engineering, Inc., of Valley Springs (\$660,130), and Authorizing City Manager to Execute Change Orders (\$150,000) and Appropriating Funds (\$932,765) (PW)

Adopted Resolution No. 2023-61 awarding a contract for the Turner Road and Century Boulevard Resurfacing Project to Consolidated Engineering, Inc., of Valley Springs, in the amount of \$660,130, and authorizing the City Manager to execute change orders in an amount not to exceed \$150,000 and appropriating funds in the amount of \$932,765.

C-7 Adopt Resolution Ratifying Expenses and Authorizing City Manager to Execute Change Order No. 1 to Purchase Order No. 2230171, Not to Exceed \$39,107 for Purchase of 120 Microfiltration Modules from Pall Corporation, of Cortland, New York (PW)

Adopted Resolution No. 2023-62 ratifying expenses and authorizing the City Manager to execute Change Order No. 1 to Purchase Order No. 2230171, in an amount not to exceed \$39,107, for the purchase of 120 microfiltration modules from Pall Corporation, of Cortland, New York.

C-8 Adopt Resolution Authorizing City Manager to Execute Change Order No. 2 (\$102,030), Authorize City Manager to Execute Future Change Orders (Not to Exceed \$50,000) for Transit Station Buildings Exterior Repair Project (\$152,030)\_(PW).

Adopted Resolution No. 2023-63 authorizing the City Manager to execute Change Order No. 2, in the amount of \$102,030, and authorizing the City Manager to execute future change orders in an amount not to exceed \$50,000 for the Transit Station Buildings Exterior Repair Project, for a total cost of \$152,030.

C-9 Accept Improvements Under Contract for Beckman Park Small Dog Park (PRCS).

Accepted the improvements under the contract for the Beckman Park Small Dog Park.

C-10 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 and Rescinding Resolution No. 2023-34 (\$7,600)\_(ISD).

Adopted Resolution No. 2023-64 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 and rescinding Resolution No. 2023-34, in the amount of \$7,600.

C-11 Adopt Resolution Authorizing City Manager to Execute Agreement with CGI Communications, Inc., of Rochester, New York, to Produce a Video Tour Program of Lodi at No Cost to City\_(CM).

Item No. C-11 was pulled at the request of Mayor Pro Tempore Craig.

Discussion ensued with Mayor Pro Tempore Craig and Public Information Officer Mary Campbell regarding uses of the videos on the City website and social media.

Mayor Pro Tempore Craig made a motion, second by Council Member Bregman, to adopt Resolution No. 2023-65 authorizing the City Manager to execute an agreement with CGI Communications, Inc., of Rochester, New York, to produce a video tour program of Lodi at no cost to the City.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

NOTE: Item No. C-11 and Item No. C-16 were voted on together following discussion of both items.

C-12 Adopt Resolution Authorizing City Manager to Execute Two-Year Agreement with UBEO Midco, LLC, dba Ray Morgan Company, of Chico, for City-Wide Copier Maintenance (\$99,000)\_(ISD).

Adopted Resolution No. 2023-66 authorizing the City Manager to execute a two-year agreement with UBEO Midco, LLC, dba Ray Morgan Company, of Chico, for City-wide copier maintenance, in the amount of \$99,000.

C-13 Rescind Resolution No. 2022-242 and Adopt Resolution Authorizing Issuance of Procurement Cards to Specified Positions\_(ISD).

Rescinded Resolution No. 2022-242 and adopted Resolution No. 2023-67 authorizing the issuance of procurement cards to specified positions.

C-14 Adopt Resolution Appropriating Funds for Solids Handling Facility Improvements at White Slough Water Pollution Control Facility (\$1,900,000)\_(PW).

Adopted Resolution No. 2023-68 appropriating funds for the Solids Handling Facility Improvements at White Slough Water Pollution Control Facility in the amount of \$1,900,000.

C-15 Adopt Resolution Accepting Lodi Fire Department's Annual Compliance Report Regarding Hotel, Apartment, and School Inspections as Mandated by Senate Bill No. 1205 (FD).

Adopted Resolution No. 2023-69 accepting the Lodi Fire Department's Annual Compliance Report regarding hotel, apartment, and school inspections as mandated by Senate Bill No. 1205.

C-16 Post for Vacancy on Planning Commission and Re-Post for Vacancies on Site Plan & Architectural Review Committee and Lodi Improvement Committee (CLK)

Item No. C-16 was pulled by Mayor Pro Tempore Craig.

Mayor Pro Tempore Craig encouraged citizens to apply to serve on City boards and commissions.

Mayor Pro Tempore Craig made a motion, second by Council Member Bregman, to direct the City Clerk to post for the following vacancies:

Planning Commission

Steven Hennecke - Term to expire June 30, 2025

Lodi Improvement Committee

Lynsay Nuss - Term to expire March 1, 2023

Site Plan & Architectural Review Committee

Lisa Craig - Term to expire January 1, 2026

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

NOTE: Item No. C-11 and Item No. C-16 were voted on together following discussion of both items.

D. Comments by the Public on Non-Agenda Items

Parks and Recreation Commissioners Aaron Van Nortwick and Bret Erickson read a letter on behalf of the Commission regarding past-due parks maintenance items and future parks projects. As individuals, both Mr. Van Nortwick and Ms. Erickson spoke about the need for more full-time staff for parks maintenance and concerns about park facilities.

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

Mayor Pro Tempore Craig commented about attending the Fire Department's controlled burn training exercises.

Mayor Hothi commented about the Fire Department recently saving a dog trapped in a car and about looking forward to attending the Fire Department's next controlled burn training.

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

None.

G. Public Hearings

G-1 Continued 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 continued 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 collection rates for residential customers. Specific topics of discussion included 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, March 15, 2023 public hearing recap, changes, low volume alternative, revised residential rate structure, rate comparisons, recommended action, and public hearing

and protest procedure.

Discussion ensued with Mayor Pro Tempore Craig, Council Member Bregman, Council Member Yopez, City Manager Schwabauer, and Public Works Director Swimley regarding annual CPI-based increase, the 64-gallon legacy rate, enrollment period for legacy rate, concerns of senior citizens, customer surveys, and backyard service.

Mayor Pro Tempore Craig made a motion, second by Mayor Hothi, to adopt a resolution setting future solid waste rates pursuant to Proposition 218 for residential customers, conditioned upon the passage of the resolution for Item No. H-1 authorizing the 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.

VOTE:

The above motion failed by the following vote:

Ayes: Mayor Pro Tempore Craig, and Mayor Hothi

Noes: Council Member Bregman, and Council Member Yopez

Absent: Council Member Nakanishi

Following the failure of the motion, discussion ensued with Mayor Pro Tempore Craig, City Attorney Magdich, Public Works Director Swimley, and City Manager Schwabauer regarding Waste Management contract expiration at the end of the year, Waste Management contract provisions for a CPI-based rate increase, Proposition 218 process next year, CalRecycle compliance review, organics initiative, and plan for a public hearing for CPI-based increase.

Further discussion ensued with Mayor Pro Tempore Craig, Council Member Bregman, City Manager Schwabauer, and City Attorney Magdich regarding the need for a solution to organics initiative compliance before fines are levied by the State, need to address costs associated with organics initiative compliance, appropriate use of carts, unpopularity of penalty approach to misuse of carts, no resources for education and outreach following failure of rate adoption, incentivization of use of larger carts, closing of gap between costs of 35-gallon and 64-gallon carts, and mobility issues for seniors with large carts.

H. Regular Calendar

H-1 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)

Item No. H-1 was pulled from the agenda due to the failure to set solid waste rates.

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:26 p.m.

ATTEST:

Olivia Nashed  
City Clerk