

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 6, 2022**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 6, 2022, was called to order by Mayor Pro Tempore Hothi at 6:33 p.m.

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

Absent: Mayor Chandler

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, International Brotherhood of Electrical Workers, Confidential General Services, Confidential Mid-Managers, Executive Managers, and Appointed Employees Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 6:33 p.m., Mayor Pro Tempore Hothi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:09 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:09, Mayor Pro Tempore Hothi reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Item C-2a) was discussion and authority given with no further reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of April 6, 2022, was called to order by Mayor Pro Tempore Hothi at 7:09 p.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

G. Public Hearings

- G-1 Public Hearing to Receive and Consider Final 2020 Census Data and Obtain Input from the Public Regarding Redrawing of Election District Boundaries, Adopt Resolution; and Introduce Ordinance Adopting Council's Preferred Map Designating Revised City Council Districts and Boundaries (CA)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Hothi called for the public hearing to receive and consider final 2020 census data and obtain input from the public regarding redrawing of election district boundaries, adopt a resolution and introduce an ordinance adopting the Council's preferred map designating the revised City Council districts and boundaries.

Shalice Tilton, of Nation Demographics Corporation, provided a PowerPoint presentation regarding redistricting draft maps. Specific topics of discussion included redistricting timeline, redistricting rules and goals, existing districts, preferred map (Yellow Map), Green Map, Orange Map, and Public 501 Map.

City Attorney Magdich noted that two workshops were held, with only one attendee, and only one map was presented by a member of the public. That map is not recommended, as noted in the presentation.

Council Member Nakanishi stated that Council has spent a lot of time studying this issue and that he supports the Yellow map as it leaves the districts basically intact and has the least disruption for voters.

Mayor Pro Tempore Hothi opened the public hearing for public comment.

There being no public comments, Mayor Pro Tempore Hothi closed the public hearing.

Council Member Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2022-70 adopting Council's preferred map (Yellow Map) designating revised City Council districts and boundaries.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

Council Member Kuehne made a motion, second by Council Member Nakanishi, to introduce Ordinance No. 1996 adopting Council's preferred map (Yellow Map) designating revised City Council districts and boundaries.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

B. Presentations

B-1 National Animal Control Officer Appreciation Week Proclamation (PD)

Mayor Pro Tempore Hothi presented a proclamation to Animal Services Officer Katie Kooyman and volunteers Tammy Neadle, Deanne Yocum, and Brenda Metcalf proclaiming April 10-16, 2022 as National Animal Control Officer Appreciation Week in the City of Lodi.

B-2 National Public Safety Telecommunicators Week Proclamation (PD)

Mayor Pro Tempore Hothi presented a proclamation to Jaime Worthen, Lead Dispatcher and President of the Lodi Police Dispatchers Association, proclaiming April 10-16, 2022 as National Public Safety Telecommunicators Week in the City of Lodi.

B-3 National Volunteers Week Proclamation (PD)

Mayor Pro Tempore Hothi presented a proclamation proclaiming April 17-23, 2022 as National Volunteer Week in the City of Lodi. Those in attendance included Bill Hinkle, Jeanne Stoller, Hugh Metcalf, Ron Oye, and Michiko Oye with the Sister City Committee; Claire Selling, Benjamin Plath, and Elijah Plath with the Lodi Youth Commission; Frances McDougal-Faught, Marty Duplichan, Margaret Fitch, Joan Nielson, Zola Liner, Jeanette McCusker, Phil Ochoa, and Delores Westertrep with the Hutchins Street Square ushers; Nancy Mellor, Kelli Perrault, Carolyn Ross, Stacey Ardelean, and Hayley Johns with the Lodi Arts Foundation; Nancy Mellor and Orchid Shue with the Lodi Arts Commission; Dylan O'Ryan with Storm Drain Detectives; and Stan Sogsti, Mary Eggers, and Chet Somera with the Lodi Partners.

B-4 Presentation Regarding Love Lodi Event (April 30, 2022) (CLK)

Pastor Glen Barnes provided a presentation regarding the upcoming Love Lodi event that will take place on April 30, 2022. He invited everyone to the kickoff rally at 9 a.m. at Hutchins Street Square and referred interested volunteers to the website at lovelodi.org.

B-5 Ramadan Celebration Proclamation (CLK)

Mayor Pro Tempore Hothi presented a proclamation to Mr. Hamad, scholar and Imam for Al-Aqsa Center, recognizing the observance of Ramadan 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 Kuehne 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 Khan, Council Member Kuehne, Council Member Nakanishi, and Mayor Pro Tempore Hothi

Noes: None

Absent: Mayor Chandler

- C-1 Receive Register of Claims for February 25, 2022 through March 10, 2022 in the Total Amount of \$3,885,945.95 (FIN)

Claims were approved in the amount of \$3,885,945.95.

- C-2 Approve Minutes (CLK)

The minutes of March 2, 2022 (Regular Meeting); March 8, 2022 (Shirtsleeve Session); March 15, 2022 (Shirtsleeve Session); March 16, 2022 (Regular Meeting); March 22, 2022 (Shirtsleeve Session); and March 29, 2022 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase Submersible Pump Assembly from Shape, Inc., of Pleasanton, for Shady Acres Storm Lift Station (\$33,771) (PW)

Adopted Resolution No. 2022-71 authorizing the City Manager to waive the bid process and purchase a submersible pump assembly from Shape, Inc., of Pleasanton, for Shady Acres Storm Lift Station, in the amount of \$33,771.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Garfield Street Safe Routes to School Project (PW)

Approved plans and specifications and authorized advertisement for bids for Garfield Street Safe Routes to School Project.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for Wastewater Main Rehabilitation Program (Project No. 9) (PW)

Approved plans and specifications and authorized advertisement for bids for Wastewater Main Rehabilitation Program (Project No. 9).

C-6 Adopt Resolution Awarding Contract for 2022 Pavement Crack Seal Project to Global Road Sealing, Inc., of Garden Grove (\$72,573.38), and Appropriating Funds (\$22,574) (PW)

Adopted Resolution No. 2022-72 awarding the contract for 2022 Pavement Crack Seal Project to Global Road Sealing, Inc., of Garden Grove, in the amount of \$72,573.38, and appropriating funds in the amount of \$22,574.

C-7 Adopt Resolution Awarding Contract for Lodi Gun Range Ventilation Improvement Project to Diede Construction, Inc., of Woodbridge (\$397,700), Authorizing City Manager to Execute Contract Extensions and Change Orders (\$60,000), Appropriating Funds (\$200,000), and Accepting Donation from Lodi Police Foundation (\$200,000) (PW)

Adopted Resolution No. 2022-73 awarding the contract for Lodi Gun Range Ventilation Improvement Project to Diede Construction, Inc., of Woodbridge, in the amount of \$397,700; authorizing the City Manager to execute contract extensions and change orders in an amount not to exceed \$60,000; appropriating funds in the amount of \$200,000; and accepting a donation from the Lodi Police Foundation in the amount of \$200,000.

C-8 Adopt Resolution Authorizing City Manager to Execute Additional Change Orders for Lodi Electric Utility Office Remodel Project with Diede Construction, Inc., of Woodbridge (\$500,000) and Appropriating Funds (\$500,000) (PW)

Adopted Resolution No. 2022-74 authorizing the City Manager to execute additional change orders for the Lodi Electric Utility Office Remodel Project with Diede Construction, Inc., of Woodbridge, in an amount not to exceed \$500,000, and appropriating funds in the amount of \$500,000.

C-9 Accept Improvements Under Contract for Laurel Avenue Storm Drainage Improvements (PW)

This item was pulled by Council Member Nakanishi for more information.

In response to Council Member Nakanishi, City Manager Schwabauer explained the scope of improvements of the project.

Council Member Nakanishi made a motion, second by Council Member Kuehne, to accept improvements under the contract for Laurel Avenue Storm Drainage Improvements.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-10 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with West Yost & Associates, Inc., of Davis, for Recycled Water Supply and Land Application Alternatives Evaluation (\$93,500) (PW)

This item was pulled by Council Member Nakanishi for more information.

In response to Council Member Nakanishi, City Manager Schwabauer stated that it would be expensive to clean storm water in the manner in which wastewater is cleaned. He explained that wastewater arrives in a fairly predictable volume, whereas storm water is difficult to plan for. Public Works Director Swimley further stated that the 1964 Storm Drain Master Plan planned parks that serve as retention basins, which help to recharge the groundwater.

Council Member Nakanishi made a motion, second by Council Member Khan, to adopt Resolution No. 2022-75 authorizing the City Manager to execute a Professional Services Agreement with West Yost & Associates, Inc., of Davis, for recycled water supply and land application alternatives evaluation, in the amount of \$93,500.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-11 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Extend Term Limit to March 31, 2023 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. 2022-76 authorizing the City Manager to execute Amendment No. 1 to extend the term limit to March 31, 2023 for the Professional Services Agreement with PlaceWorks, a California Corporation, to prepare an Environmental Impact Report and provide technical services for Sphere of Influence and Municipal Services Review update.

C-12 Adopt Resolution Authorizing City Manager to Execute Improvement Agreement for Lower

Sacramento Road Street Improvements (Century Boulevard to 510 Feet North of Century Boulevard) (Benjamin Apartment Complex) (PW)

This item was pulled by Council Member Nakanishi for more information.

City Manager Schwabauer provided details on the improvements required by the Improvement Agreement, including a parkway and meandering sidewalk.

Council Member Nakanishi made a motion, second by Council Member Kuehne, to adopt Resolution No. 2022-77 authorizing the City Manager to execute an Improvement Agreement for Lower Sacramento Road Street Improvements (Century Boulevard to 510 feet north of Century Boulevard) (Benjamin Apartment Complex).

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-13 Adopt Resolution Appointing Olivia Nashed to Position of City Clerk Pursuant to Government Code Section 54957, and Approving Related Employment Agreement (Mayor)

This item was pulled by City Manager Schwabauer in order to welcome the new City Clerk, Olivia Nashed.

Following the vote, Ms. Nashed thanked the Council for the opportunity and stated she was looking forward to working in the Lodi community.

Council Member Kuehne made a motion, second by Council Member Khan, to adopt Resolution No. 2022-78 appointing Olivia Nashed to the position of City Clerk pursuant to Government Code Section 54957, and approving related employment agreement.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-14 Adopt Resolution Authorizing City Manager to Execute Funding Documents with California Department of Transportation for Allocation of Fiscal Year 2021/22 Low Carbon Transit Operations Program Funds (PW)

Adopted Resolution No. 2022-79 authorizing the City Manager to execute funding documents with California Department of Transportation for allocation of Fiscal Year 2021/22 Low Carbon Transit Operations Program funds.

C-15 Adopt Resolution Authorizing City Manager to Process Payment to League of California Cities for 2022 Membership Dues (\$20,859) (CM)

Adopted Resolution No. 2022-80 authorizing the City Manager to process a payment to League

of California Cities for 2022 membership dues, in the amount of \$20,859.

C-16 Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with the Government Code and the City's Records Management Policy (CLK)

Adopted Resolution No. 2022-81 authorizing the destruction of certain Citywide records in accordance with the Government Code and the City's Records Management Policy.

C-17 Set a Public Hearing for April 20, 2022 to Consider an Ordinance Amending Lodi Municipal Code to Revise Title 9 – Public Peace, Morals and Welfare – Chapter 9.18, “Vending on Street, Sidewalks and Private Property,” Section 9.18.045, “Permit Caps to Replace Static Caps on Number of Motorized Food Preparation and Produce/Seafood Trucks with Variable Caps Based on Population of Lodi (CD)

Set a public hearing for April 20, 2022 to consider an ordinance amending Lodi Municipal Code to Revise Title 9- Public Peace, Morals and Welfare - Chapter 9.18, "Vending on Street, Sidewalks and Private Property," Section 9.18.045, "Permit Caps," to replace static caps on number of motorized food preparation and produce/seafood trucks with variable caps based on population of Lodi.

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.

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

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

G. Public Hearings (Continued)

G-2 Public Hearing to Receive Input and Consider Adopting Resolution Calling Election to Submit to Qualified Electors the Questions of Levying a Special Tax within the Area Proposed to be Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 13); and Resolution Declaring the Results of the Special Election and Ordering the Annexation of Territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 13); and Introduce Uncodified Ordinance Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No.13) (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 Pro Tempore Hothi called for the public hearing to consider adopting a resolution calling the election to submit to qualified electors the questions of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 13); and a resolution declaring the results of the Special Election and ordering the annexation of territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 13); and introduce an uncodified ordinance levying and apportioning the special tax in territory annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No.13).

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding Communities Facilities District Annexation No. 13. Specific topics of discussion included annexation map and recommended action.

Mayor Pro Tempore Hothi opened the public hearing for public comment.

There being no public comments, Mayor Pro Tempore Hothi closed the public hearing.

Council Member Khan made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2022-82 calling an election to submit to qualified electors the questions of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 13).

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Kuehne, and Mayor Chandler

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Hothi, to adopt Resolution No. 2022-83 declaring the results of the special election and ordering the annexation of territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 13).

VOTE:

The above motion carried by the following vote:

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

Noes: None

Abstentions: Council Member Kuehne

Absent: Mayor Chandler

Council Member Khan made a motion, second by Council Member Nakanishi, to introduce uncodified Ordinance No. 1997 levying and apportioning the special tax in territory annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No.13).

VOTE:

The above motion carried by the following vote:

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

Noes: None

Abstentions: Council Member Kuehne

Absent: Mayor Chandler

NOTE: Council Member Kuehne left the Council Chambers at 8:15 and returned at 8:20. He was not present for the vote on Resolution No. 2022-82 and as he was not present during the public hearing, he was not able to participate in the vote on Resolution No. 2022-83 or Ordinance No. 1997.

H. Regular Calendar

H-1 Adopt Resolution Approving Salary Adjustment for Water and Wastewater Plant Operator Classifications (HR)

Deputy City Manager Andrew Keys provided a presentation regarding the salary adjustment for Water and Wastewater Plant Operator classifications. Specific topics of discussion included the difficulty in recruiting and retaining employees for these positions due to certification needs, water and wastewater salary tiers being tied together, and a two-year vacancy at the wastewater plant.

Council Member Nakanishi noted that these are essential employees and indicated his support.

Council Member Nakanishi made a motion, second by Council Member Khan, to adopt Resolution No. 2022-84 approving the salary adjustment for Water and Wastewater Plant Operator classifications.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

H-2 Introduce Ordinance Amending Lodi Municipal Code Chapter 2.12, "City Manager," by Repealing and Reenacting Section 2.12.060(T), "Powers and Duties Generally," and Amending Lodi Municipal Code Chapter 3.20, "Purchasing System," by Repealing and Reenacting Section 3.20.045, "State and Local Agency Contracts," Section 3.20.070, "Bidding," 3.20.080, "Purchase Orders," 3.20.100, "Formal Contract Procedure," and 3.20.110, "Open Market Procedure" (ISD)

City Manager Schwabauer and Deputy City Manager Andrew Keys provided a presentation regarding introduction of an ordinance in relation to spending authority. Specific topics of discussion included the increase in spending authority to \$60,000 for the City Manager and to \$30,000 for Department Heads, survey with other local agencies, and an increase in the current threshold for informal bidding from \$2,500 to \$10,000.

Council Member Nakanishi stated that the change would make the purchasing process more efficient and indicated his support of the ordinance.

Council Member Kuehne made a motion, second by Council Member Khan, to introduce Ordinance No. 1998 amending Lodi Municipal Code Chapter 2.12, "City Manager," by repealing and reenacting Section 2.12.060(T), "Powers and Duties Generally," and amending Lodi Municipal Code Chapter 3.20, "Purchasing System," by repealing and reenacting Section 3.20.045, "State and Local Agency Contracts," Section 3.20.070, "Bidding," 3.20.080, "Purchase Orders," 3.20.100, "Formal Contract Procedure," and 3.20.110, "Open Market Procedure."

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

I. Ordinances

I-1 Adopt Ordinance No. 1995 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 3 – Revenue and Finance – Chapter 3.20, 'Purchasing System,' by Repealing and Reenacting Section 3.20.105, 'Public Works Projects,' in Its Entirety to Provide Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act" (CLK)

Council Member Kuehne made a motion, second by Council Member Nakanishi, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1995 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal

Code Title 3 - Revenue and Finance - Chapter 3.20, 'Purchasing System,' by Repealing and Reenacting Section 3.20.105, 'Public Works Projects,' in Its Entirety to Provide Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act," which was introduced at a regular meeting of the Lodi City Council held on March 16, 2022.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:36 p.m., in memory of Carl Troupe, step-father of former City employee Peggy Nicolini.

ATTEST:

Pamela M. Farris
Assistant City Clerk