

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 3, 2023**

A. Call to Order / Roll Call

The Regular City Council meeting of May 3, 2023, was called to order by Mayor Pro Tempore Craig at 7:10 p.m.

NOTE: The scheduled Closed Session was cancelled prior to the meeting.

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

Absent: None

Also Present: City Manager Schwabauer, Assistant City Attorney Lucchesi, and City Clerk Nashed

NOTE: Mayor Hothi and Council Member Bregman attended the meeting via teleconference.

B. Presentations

B-1 National Police Week Proclamation (PD)

Mayor Pro Tempore Craig presented a proclamation to Captain Eric VerSteege proclaiming May 14 to 20, 2023 as National Police Week in Lodi. Captain VerSteege presented the Lodi Police Department's Honor Guard and provided a brief history of the group and explained their duties. He further stated that during National Police Week, there will be a ceremony in honor of fallen peace officers at the State capitol and a county observance for local officers, including Officer Rick Cromwell, a Lodi Police Officer who died in the line of duty in December 1998, as well as honoring Partner volunteers who died in the line of duty.

B-2 National Public Works Week Proclamation (PW)

Mayor Pro Tempore Craig presented a proclamation to Assistant Engineer Alice Bernardino proclaiming May 21 to 27, 2023 as National Public Works Week in Lodi. Ms. Bernardino provided a brief recap of the Public Works Department's accomplishments for the year. Mayor Pro Tempore Craig acknowledged the work of the Public Works Department during this winter's severe storms.

B-3 National Preservation Month Proclamation (CLK)

Mayor Pro Tempore Craig presented a proclamation to members of the Lodi Women's Club proclaiming May 2023 as National Preservation Month in Lodi. Members of the Lodi Women's Club present to receive the proclamation included Kathryn Corradi, Incoming President; Kelli Flesher, Incoming Vice President; Marilyn Van Schenck, Financial Secretary; Mary Luna, Recording Secretary; and Daphne Felde. Ms. Corradi spoke about the mission and service of the Lodi Women's Club and about the recent damage sustained by the building, along with plans for repairs.

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 Council Member Yepez, 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 Bregman, Council Member Nakanishi, Council Member Yepez, Mayor Pro Tempore Craig, and Mayor Hothi

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 March 31, 2023 through April 13, 2023 in the Total Amount of \$5,243,884.29

Claims were approved in the amount of \$5,243,884.29.

C-2 Approve Minutes (CLK)

The minutes of February 15, 2023 (Regular Meeting), March 1, 2023 (Regular Meeting), March 7, 2023 (Special Meeting), March 29, 2023 (Special Meeting), and April 5, 2023 (Regular Meeting) were approved as written.

C-3 Adopt Resolution Approving Purchase of License Renewal of Cortex XDR and Panorama Centralized Management by Palo Alto Networks from CDW-G, of Vernon Hills, Illinois (\$111,078.50) (ISD)

Adopted Resolution No. 2023-77 approving the purchase of license renewal of Cortex XDR and Panorama Centralized Management by Palo Alto Networks from CDW-G, of Vernon Hills, Illinois, in the amount of \$111,078.50.

C-4 Adopt Resolution Awarding Contract for On-Call Well and Pump Repair Contract to Zim Industries, Inc., of Fresno (\$995,750) and Appropriating Funds (\$995,750) (PW)

Adopted Resolution No. 2023-78 awarding the contract for on-call well and pump repair to Zim Industries, Inc., of Fresno, in the amount of \$995,750; and appropriating funds in the amount of \$995,750.

C-5 Adopt Resolution Awarding Contract for Salas Park Parking Lot Improvements to George Reed, Inc., of Modesto (\$631,170), and Authorizing City Manager to Execute Change Orders (\$100,000) (PW)

Adopted Resolution No. 2023-79 awarding the contract for Salas Park parking lot improvements to George Reed, Inc., of Modesto, in the amount of \$631,170, and authorizing the City Manager to execute change orders in an amount not to exceed \$100,000.

C-6 Adopt Resolution Authorizing City Manager to Execute Amendment No. 3 to Professional Services Agreement with Quest Media and Supplies, Inc., of Roseville, for Transit Division Video Surveillance System Licensing and Equipment Replacement (\$89,000); and Authorizing City Manager to Ratify Taxes in Amendment No. 1 (\$1,481) and Execute Future Change Orders (Not to Exceed \$110,000) (ISD)

Adopted Resolution No. 2023-80 authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Quest Media and Supplies, Inc., of Roseville, for Transit Division video surveillance system licensing and equipment replacement, in the amount of \$89,000; and authorizing the City Manager to ratify taxes in Amendment No. 1, in the amount of \$1,481, and execute future change orders in an amount not to exceed \$110,000.

C-7 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Alpha Omega Wireless, Inc., for Purchase and Installation of Upgrade to Wireless Microwave System Between City Water Tower and White Slough Water Pollution Control Facility (\$54,000) and Change Orders (Not to Exceed \$10,400) (ISD)

Adopted Resolution No. 2023-81 authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Alpha Omega Wireless, Inc., for the purchase and installation of an upgrade to the wireless microwave system between the City water tower and White Slough Water Pollution Control Facility, in the amount of \$54,000, and change orders in an amount not to exceed \$10,400.

C-8 Adopt Resolution Ratifying San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2023/24 (PW)

Adopted Resolution No. 2023-82 ratifying San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2023/24.

C-9 Adopt Resolution to Approve Service Level Specifications and Authorize Community Development Director to Release Request for Proposal for Operating Lodi Access Center and Emergency Shelter

and Waive Formal Bid Process to Limit Bid Responses to Inner City Action, Inc., and The Salvation Army (CD)

Mayor Pro Tempore Craig pulled this item for clarification. Community Development Director John Della Monica stated that staff recommends waiving the formal bid process for this item due to the close working relationships with Inner City Action and the Salvation Army. He further stated that these two organizations are extremely familiar with the operations of the City's unsheltered population and able to meet those needs.

This item was included with the vote for the Consent Calendar.

Adopted Resolution No. 2023-83 to approve service level specifications and authorize the Community Development Director to release a Request for Proposal for operating the Lodi Access Center and Emergency Shelter and waive the formal bid process to limit bid responses to Inner City Action, Inc., and The Salvation Army.

C-10 Receive Report Regarding Communication Supporting Senate Bill 687 (Eggman) – Bay Delta Plan Update: Delta Conveyance Project (CLK)

Received a report regarding a communication supporting Senate Bill 687 (Eggman) – Bay Delta Plan Update: Delta Conveyance Project.

C-11 Adopt Resolution to Appropriate Funds (\$85,000) for Purchase of One Animal Services Truck from Winner Chevrolet, of Elk Grove, and Outfitting of Four Ford Police Interceptor Utility Vehicles and One Animal Services Truck from Stommel, Inc., dba LEHR, of Sacramento (PD)

Adopted Resolution No. 2023-84 to appropriate funds in the amount of \$85,000 for the purchase of one Animal Services truck from Winner Chevrolet, of Elk Grove, and outfitting of four Ford Police Interceptor utility vehicles and one Animal Services truck from Stommel, Inc., dba LEHR, of Sacramento.

C-12 Adopt Resolution Authorizing City Manager to Execute a Donation, Waiver of Liability, and Hold Harmless Agreement for Receipt of Surplus Canine and Bomb Detection Training Aids from Lodi Police Canine Association, a California Nonprofit Corporation (PD)

Adopted Resolution No. 2023-85 authorizing the City Manager to execute a Donation, Waiver of Liability, and Hold Harmless Agreement for receipt of surplus canine and bomb detection training aids from Lodi Police Canine Association, a California Nonprofit Corporation.

C-13 Approve Waiver of Potential Conflict of Interest with Goldfarb & Lipman LLP Regarding Their Representation of the Housing Authority of the County of San Joaquin in Connection with Salas Park Supportive Housing Project and Authorize the City Manager to Execute a Consent to the Waiver (CA)

Approved the Waiver of Potential Conflict of Interest with Goldfarb & Lipman LLP regarding their representation of the Housing Authority of the County of San Joaquin in connection with Salas Park Supportive Housing Project and authorized the City Manager to execute a Consent to the Waiver.

C-14 Set Public Hearing for May 17, 2023, to Consider Approving Use of Equipment Identified as Military Equipment in Accordance with AB 481 (PD)

Set a public hearing for May 17, 2023, to consider approving the use of equipment identified as military equipment in accordance with AB 481.

D. Comments by the Public on Non-Agenda Items

J.P. Doucette, representing the Lodi Chamber of Commerce, spoke on the Council's Strategic Plan, particularly economic development and revitalization of parks.

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

Mayor Pro Tempore Craig spoke regarding the San Joaquin Partnership strategic planning session and the upcoming One Voice trip.

Mayor Hothi stated that he and Council Member Bregman are currently in Washington, DC, working to secure funding for a hydrogen plant for the City.

Council Member Bregman provided additional information regarding the hydrogen plant project, stating that it would be the first of its kind in the nation.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving 2023-24 Annual Action Plan for the Community Development Block Grant Program (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 Pro Tempore Craig called for the public hearing to consider adopting a resolution approving the 2023-24 Annual Action Plan for the Community Development Block Grant (CDBG) Program.

Community Development Director John Della Monica provided a brief introduction.

Mayor Pro Tempore Craig called for a three-minute recess to deal with technical issues related to the PowerPoint.

Neighborhood Services Manager Jennifer Rhyne provided a PowerPoint presentation regarding the draft CDBG 2023-2024 Annual Action Plan. Specific topics of discussion included CDBG purpose, 2019-2023 Consolidated Plan, draft 2023-2024 Annual Action Plan (AAP), AAP process, 2023-2024 CDBG budget, requests for funding, funding recommendations, and recommended action.

Council Member Nakanishi indicated his support for the plan.

Discussion ensued with Mayor Hothi and Ms. Rhyne regarding unfunded requests.

Discussion ensued with Council Member Bregman and Ms. Rhyne regarding the Delta Community Development Corporation and the related project.

Discussion ensued with Council Member Yopez and Ms. Rhyne regarding advertising and community outreach for the CDBG process.

Mayor Pro Tempore Craig commended staff on their outreach efforts.

Mayor Pro Tempore Craig opened the public hearing for public comment at 7:57 p.m.

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

Council Member Yopez made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2023-86 approving the 2023-24 Annual Action Plan for the Community Development Block Grant Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

G-2 Public Hearing to Consider Resolution Adopting Pre-Approved Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (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 Craig called for the public hearing to consider a resolution adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

Public Works Director Charlie Swimley provided a brief introduction. Public Works Management Analyst Rebecca Areida clarified that the rate adjustments being presented tonight are contractual obligations with Waste Management and not related to SB 1383 compliance. Ms. Areida and Management Analyst Tiffani

Christy provided a PowerPoint presentation regarding solid waste rates. Specific topics of discussion included contract terms, CPI rate adjustment factor, County gate fees, example rate changes, rate comparisons, and recommended action.

Discussion ensued with Mayor Hothi, Ms. Areida, and Ms. Christy regarding the City of Manteca's standardization to a 96-gallon cart, with the elimination of all other cart sizes.

Discussion ensued with Council Member Nakanishi and City Manager Schwabauer regarding the contractual obligation for the rate adjustment.

Discussion ensued with Mayor Pro Tempore Craig, City Manager Schwabauer, and Public Works Director Swimley regarding the term of the contract with Waste Management and future adjustments for mandated SB 1383 compliance.

Discussion ensued with Council Member Nakanishi and City Manager Schwabauer regarding future rate adjustments for SB 1383 compliance being higher than those being presented this evening for CPI-based adjustments.

Mayor Pro Tempore Craig opened the public hearing for public comment at 8:09 p.m.

Mark Wilcox, a member of the public, spoke in favor of the rates.

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

Council Member Bregman made a motion, second by Council Member Yepez, to adopt Resolution No. 2023-87 adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

H. Regular Calendar

H-1 Adopt Resolution Awarding Contract for Tony Zupo Field Grandstand Seating & Press Box Replacement Improvements Project to A.M. Stephens Construction, Inc., of Lodi (\$4,054,031); Authorize City Manager to Execute Change Orders (\$300,000); Authorize City Manager to Execute Amendment No. 3 to Professional Services Agreement with WMB Architects, Inc. (\$29,840); and Appropriate Funds (\$2,447,534).(PW)

City Manager Schwabauer provided a presentation regarding the contract for the Tony Zupo Field Grandstand Seating and Press Box Replacement Project. Specific topics of discussion included the arson damage at Zupo Field; anticipated insurance settlement; \$250,000 self-insured retention; required improvements not covered by insurance; project cost of just over \$4,000,000, which exceeds the anticipated insurance settlement; the project including the replacement of grandstands, press box, dug outs, and entrance, and additional ADA-required improvements; project exclusion of replacement bleachers; pending insurance claim; availability of funds for the project; importance of Zupo Field to the community; and staff recommendation to move forward with the project.

In response to Mayor Hothi, City Manager Schwabauer confirmed that the funding did include the \$750,000 allocation secured by former Assembly Member Cooper.

Mayor Hothi noted the large number of public comments in favor of the project received by the Council and indicated his support for the project.

Council Member Bregman indicated his support for the project.

City Manager Schwabauer stated that the vocal public support for the project is probably due to the staff report pointing out the need for sacrifices in other areas and an element of risk regarding the insurance

settlement in order to fund the project.

Council Member Nakanishi indicated his support for the project.

Mayor Pro Tempore Craig stated that she appreciated the public input and indicated her support for the project.

Mike Carouba, a member of the Parks & Recreation Commission, spoke in favor of the project and thanked staff for their efforts.

Council Member Bregman made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2023-88 awarding the contract for the Tony Zupo Field Grandstand Seating and Press Box Replacement Improvements Project to A.M. Stephens Construction, Inc., of Lodi, in the amount of \$4,054,031; authorizing the City Manager to execute change orders in an amount not to exceed \$300,000; authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement with WMB Architects, Inc., in the amount of \$29,840; and appropriating funds in the amount of \$2,447,534.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

H-2 Discuss and Reappoint City Council Members to Serve on Various Boards, Committees, and Commissions (CLK)

City Clerk Nashed provided a brief presentation regarding Council Members' service on various boards, committees, and commissions. Specific topics of discussion included Mayor Pro Tempore Craig's service as alternate on the San Joaquin Council of Governments (SJCOG) and the vacancy on the San Joaquin County Abandoned Vehicle Abatement Service Authority.

City Manager Schwabauer clarified the need for a delegate and an alternate on SJCOG, a delegate for the San Joaquin County Abandoned Vehicle Abatement Service Authority; and the ability of Council to address other board and committee representation at this time.

Council Member Bregman made a motion, second by Council Member Yepez, to appoint Mayor Pro Tempore Craig as the delegate to the San Joaquin Council of Governments.

NOTE: Council did not vote on this motion. Mayor Pro Tempore Craig noted that the motion was withdrawn.

Mayor Hothi made a motion, second by Council Member Bregman, to appoint Mayor Pro Tempore Craig as the delegate and Council Member Yepez as the alternate for the San Joaquin Council of Governments and Council Member Yepez as delegate to the San Joaquin County Abandoned Vehicle Abatement Service Authority.

Discussion ensued with Council Member Bregman and City Clerk Nashed regarding the frequency of the meetings for the San Joaquin County Abandoned Vehicle Abatement Service Authority.

Council Member Bregman requested to be appointed as the alternate to the group.

Council Member Nakanishi motioned to amend Mayor Hothi's motion to add Council Member Bregman as the alternate to the San Joaquin Abandoned Vehicle Abatement Service Authority.

Mayor Hothi accepted the amendment to his motion.

Mayor Hothi made a motion, second by Council Member Bregman, to appoint Mayor Pro Tempore Craig as the delegate and Council Member Yepez as the alternate for the San Joaquin Council of Governments and Council Member Yepez as delegate and Council Member Bregman as the alternate to the San Joaquin County Abandoned Vehicle Abatement Service Authority.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

Mayor Pro Tempore Craig requested staff provide a written policy on Council service on the various boards, commissions, and committees, including the role of alternates.

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:34 p.m.

ATTEST:

Olivia Nashed
City Clerk