

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 5, 2021**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 5, 2021, was called to order by Mayor Nakanishi at 6:30 p.m.

Due to the COVID-19 pandemic and pursuant to Executive Order N-29-20, all Council Members participated in the meeting via teleconference and the public portion of the meeting was available for viewing by the public via livestream at <https://www.facebook.com/CityofLodi/> and <https://zoom.us/s/98343457003?pwd=Vm14anRKUm9PWURFb0JnbThSWDFOdz09>; the opportunity for public comment was available through [councilcomments@lodi.gov](mailto:councilcomments@lodi.gov) and <https://zoom.us/s/98343457003?pwd=Vm14anRKUm9PWURFb0JnbThSWDFOdz09>.

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

Absent: None

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

C-2 Announcement of Closed Session

- a) Conference with Legal Counsel – Potential Litigation – Significant Exposure to Litigation Pursuant to Government Code §§54956.9(d)(2) and 54956.9(e)(1), Shall Not be Disclosed, Due to Facts and Circumstances Not Yet Known to Potential Plaintiffs (CA)

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:58 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

In regard to Item C-2a), direction was given to staff and at this time there is no other reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of May 5, 2021, was called to order by Mayor Nakanishi at 7:00 p.m.

Due to the COVID-19 pandemic and pursuant to Executive Order N-29-20, all Council Members participated in the meeting via teleconference and the meeting was available for viewing by the public via livestream at <https://www.facebook.com/CityofLodi/> and <https://zoom.us/s/98343457003?pwd=Vm14anRKUm9PWURFb0JnbThSWDFOdz09>; the opportunity for public comment was available through [councilcomments@lodi.gov](mailto:councilcomments@lodi.gov) and <https://zoom.us/s/98343457003?pwd=Vm14anRKUm9PWURFb0JnbThSWDFOdz09>.

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

Absent: None

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

B. Presentations

B-1 National Police Week Proclamation (PD)

Mayor Nakanishi presented a proclamation to Police Chief Sierra Brucia proclaiming May 9-15, 2021, as National Police Week in the City of Lodi.

B-2 National Public Works Week Proclamation (PW)

Mayor Nakanishi presented a proclamation to Public Works Director Charlie Swimley proclaiming May 16-22, 2021, as National Public Works Week in the City of Lodi.

B-3 Sexual Assault Awareness Month Proclamation (CLK)

Mayor Pro Tempore Chandler presented a proclamation to Theresa Galano, Development Director of the Women's Center - Youth & Family Services, recognizing April as Sexual Assault Awareness Month.

B-4 Child Care Provider Appreciation Day Proclamation (CLK)

Mayor Pro Tempore Chandler presented a proclamation to Rebecca Ray, Director of Community Relations and Development with the Family Resource & Referral Center, proclaiming May 7, 2021, as Child Care Provider Appreciation Day in the City of Lodi.

B-5 Municipal Clerks Week Proclamation (CLK)

Mayor Nakanishi presented a proclamation to City Clerk Jennifer Cusmir proclaiming May 2-8, 2021, as Municipal Clerks Week 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 Special Teleconference Notice at the beginning of this agenda.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Chandler, 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 Hothi, Council Member Khan, Council Member Kuehne, Mayor Pro Tempore Chandler, and Mayor Nakanishi

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 April 2, 2021 through April 15, 2021 in the Amount of \$3,720,807.47 (FIN)

Claims were approved in the amount of \$3,720,807.47.

C-2 Approve Minutes (CLK)

The minutes of April 13, 2021 (Shirtsleeve Session), April 13, 2021 (Special Meeting), and April 20, 2021 (Shirtsleeve Session) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for 2021-2023 Traffic Signal Preventive Maintenance and Repair Program; and Adopt Resolution Authorizing City Manager to Award Contract to Lowest Responsive Bidder (\$80,000) (PW)

Approved specifications and authorized advertisement for bids for 2021-2023 Traffic Signal Preventive Maintenance and Repair Program; and adopted Resolution No. 2021-112 authorizing the City Manager to award a contract to the lowest responsive bidder, in an amount not to exceed \$80,000.

C-4 Adopt Resolution Awarding Contract for 2021 Paver Maintenance Project to Earth Shelter Developers, Inc., of Lodi (\$117,898), Authorizing City Manager to Execute Change Orders (\$10,000), and Appropriating Funds (\$67,898) (PW)

Adopted Resolution No. 2021-113 awarding the contract for the 2021 Paver Maintenance Project to Earth Shelter Developers, Inc., of Lodi , in the amount of \$117,898, authorizing the City Manager to execute change orders in an amount not to exceed \$10,000, and appropriating funds in the amount of \$67,898.

C-5 Adopt Resolution Authorizing City Manager to Execute Change Orders to 2018-2019 Asphalt Materials (\$40,000) (PW)

Adopted Resolution No. 2021-114 authorizing the City Manager to execute change orders to the 2018-2019 Asphalt Materials contract, in an amount not to exceed \$40,000.

C-6 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to 2019-2021 Standby Generators Maintenance, Repair, and Rental Contract to Holt of California, of Pleasant Grove (PW)

Adopted Resolution No. 2021-115 authorizing the City Manager to execute Amendment No. 1 to the 2019-2021 Standby Generators Maintenance, Repair, and Rental contract with Holt of California, of Pleasant Grove.

C-7 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Hach Company, of Loveland, Colorado, for Nitrification Control System at White Slough Water Pollution Control Facility (\$32,260) (PW)

Adopted Resolution No. 2021-116 authorizing the City Manager to execute a Professional Services Agreement with Hach Company, of Loveland, Colorado, for a nitrification control system at White Slough Water Pollution Control Facility, in the amount of \$32,260.

C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Terracon Consultants, Inc., of Lodi, for Construction Materials Testing and Inspection

Services (\$150,000) (PW)

Adopted Resolution No. 2021-117 authorizing the City Manager to execute a Professional Services Agreement with Terracon Consultants, Inc., of Lodi, for construction materials testing and inspection services, in the amount of \$150,000.

C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Ready to Work, of Stockton, for Litter Abatement Services (\$53,267) (PW)

This item was pulled for additional discussion.

Mayor Pro Tempore Chandler stated that working with the Ready to Work Program is just one of the City's tools used to address homelessness.

Council Member Kuehne stated that he is very impressed with the Ready to Work facility and program and encouraged the other Council Members to tour the facility as well.

Council Member Khan stated that he believes this program will help improve the community.

City Manager Schwabauer explained that the City does not have a specific litter abatement line item, but rather used the multiple City departments to address litter and site cleanup, in response to a question asked by Mayor Nakanishi.

Deputy City Manager Keys noted that a full-day cleanup event can cost approximately \$12,000.

Council Member Kuehne made a motion, second by Mayor Nakanishi, to adopt Resolution No. 2021-118 authorizing the City Manager to execute a Professional Services Agreement with Ready to Work, of Stockton, for Litter Abatement Services, in the amount of \$53,267.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

C-10 Adopt Resolution Approving Final Map and Authorizing City Manager to Execute Improvement Agreement for Gateway South Subdivision, Unit No. 2, Tract No. 3942 (PW)

Adopted Resolution No. 2021-119 approving the Final Map and authorizing the City Manager to execute an Improvement Agreement for Gateway South Subdivision, Unit No. 2, Tract No. 3942.

C-11 Adopt Resolution Approving Final Map and Authorizing City Manager to Execute Improvement Agreement for Rose Gate II, Unit No. 2, Tract No. 4054 (PW)

This item was pulled by staff and will be included on a future agenda.

C-12 Adopt Resolution Approving Final Map and Authorizing City Manager to Execute Improvement Agreement for Tienda Square Subdivision, Tract No. 4003 (PW)

This item was pulled by staff and will be included on a future agenda.

C-13 Adopt Resolution Partially Accepting Gateway North Subdivision, Unit No. 2 (Tract No. 3976) Public Improvements (PW)

Adopted Resolution No. 2021-120 partially accepting Gateway North Subdivision, Unit No. 2 (Tract No. 3976) Public Improvements.

C-14 Adopt Resolution Authorizing City Manager to Execute Master Agreement with San Joaquin Council of Governments for Grant and Project Management Services for Lodi Greenline Feasibility Study SB1 Planning Grant (PW)

Adopted Resolution No. 2021-121 authorizing the City Manager to execute a Master Agreement with San Joaquin Council of Governments for grant and project management services for Lodi Greenline Feasibility Study SB1 Planning Grant.

C-15 Adopt Resolution Authorizing City Manager to Execute Funding Documents with California Department of Transportation for Allocation of Fiscal Year 2020/21 Low Carbon Transit Operations Program Funds (PW)

Adopted Resolution No. 2021-122 authorizing the City Manager to execute funding documents with California Department of Transportation for allocation of Fiscal Year 2020/21 Low Carbon Transit Operations Program funds.

C-16 Adopt Resolution Authorizing City Manager to Execute School Resource Officer Memorandum of Understanding with Lodi Unified School District for Four School Resource Officers for Period of September 1, 2021 to June 30, 2024 (\$946,230) (PD)

Vine Sanchez, a resident, asked that this item be pulled for discussion. Mr. Sanchez requested that the City not enter into an agreement with Lodi Unified School District (LUSD) and remove School Resource Officers (SROs) from LUSD school campus. Mr. Sanchez stated that he believes having SROs on campus creates a hostile learning environment for Black and Indigenous students (BIPOC students).

Council Member Kuehne made a motion, second by Mayor Pro Tempore Chandler, to adopted Resolution No. 2021-123 authorizing the City Manager to execute School Resource Officer Memorandum of Understanding with Lodi Unified School District for four School Resource Officers for the period of September 1, 2021 to June 30, 2024, in the amount of \$946,230.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

C-17 Adopt Resolution Authorizing City Manager to Accept California Electric Vehicle Infrastructure Project (CALeVIP) Grant Funding and Appropriating Funds (\$70,000) (EU)

Adopted Resolution No. 2021-124 authorizing the City Manager to accept California Electric

Vehicle Infrastructure Project (CALeVIP) grant funding and appropriating funds in the amount of \$70,000.

C-18 Adopt Resolution Appropriating Funds for Water Meter Program Phase 8 (\$25,000) (PW)

Adopted Resolution No. 2021-125 appropriating funds for the Water Meter Program Phase 8, in the amount of \$25,000.

C-19 Adopt Resolution Approving Adoption and Implementation of Lodi Access Center Community Engagement Plan (CD)

Mayor Pro Tempore Chandler clarified that the Council is voting on the Community Engagement Plan for the proposed Access Center and not the Access Center Project. Mayor Pro Tempore Chandler asked City Manager Schwabauer to provide additional information about the plan and the proposed project.

City Manager Schwabauer explained that the concept for the Access Center is to provide a safe and secure place for the unhoused population to be. The project is intended to not only provide the homeless with a safe space, it also addresses concerns about homeless residents sleeping in City parks and in the Downtown. Mr. Schwabauer said that having a low/no barrier shelter will allow the City to enforce codes that restrict camping in the public right-of-way.

Community Development Director Della Monica identified the types of community outreach that is included in the Community Engagement Plan. Mr. Della Monica emphasized that the project is not a homeless encampment, but rather a resource center that provides a safe space to stay and access services such as mental health, drug rehabilitation, and job readiness services.

Mayor Nakanishi invited public comment.

JoAnne Mounce, a resident, spoke about the last time the City did a large community outreach on Measure L and stated that she hopes every neighborhood and every citizen get the whole picture, including the location, the number of beds, and services offered. Ms. Mounce requested that the dialogue with the public be honest.

Kathryn Siddle, a resident and member of the Lodi Committee on Homelessness, spoke in favor of the Community Engagement Plan and spoke about the work that volunteers are doing to engage the public and members of the unhoused community and initiate conversations about homelessness and homelessness solutions. Ms. Siddle encouraged the community to contact the Lodi Committee on the Homeless.

Johnny Coughran, a resident, spoke about the work he has done with the Community Liaison and spoke about his own experience. Mr. Coughran highlighted the benefits a low barrier/no barrier shelter and stated he supports the project.

Laurie Lanning, a resident, voiced her support for the project. Ms. Lanning spoke about roadblocks that prevent unhoused individuals from accessing services and shelters.

Josue Herrera, a resident, voiced his support for the proposed project and recommended there be minimal restrictions to access services. Mr. Herrera also stated that he believed Council Member Kuehne cut off public comment during discussion on a previous agenda item.

Natalie Bowman, a resident, provided public comment via email in support on the Community Engagement Plan. City Clerk Cusmir read the email into the record.

Phyllis Grupe, a resident, provided public comment via email in support of the Community Engagement Plan. City Clerk Cusmir read the email into the record.

Council Member Khan noted the importance of public outreach and community engagement and pointed out that he supports the proposed Access Center Project. Council Member Khan stated that having individuals in a safe location is better than individuals sleeping in the streets.

Mayor Pro Tempore Chandler spoke about all of the information the City has on the homeless population and described the work that the Community Liaison does to maintain that data.

Council Member Kuehne made a motion, second by Council Member Hothi, to adopt Resolution No. 2021-126 approving the adoption and implementation of Lodi Access Center Community Engagement Plan.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

C-20 Adopt Resolution Ratifying Submittal of Broadband Infrastructure Project as Project Nomination for San Joaquin Council of Governments' One Voice Trip (EU)

Mayor Pro Tempore Chandler stated that he has been an advocate for the broadband project and commended Council Member Kuehne on the work he has done. Mayor Pro Tempore Chandler spoke about the importance of communicating with local providers to determine their levels of interest and that he had already spoken to one provider that is very interested.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2021-127 ratifying the submittal of the Broadband Infrastructure Project as a project nomination for the San Joaquin Council of Governments' One Voice Trip.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

C-21 Adopt Resolution Reaffirming the Ratification of the City Manager's Proclamation Finding the Continued Existence of a Local Emergency and Rendering Certain Emergency Orders, Including an Increase Related to the Local Emergency in the City Manager's Contracting Authority for Services and Goods to a Maximum Amount of \$250,000 for the Duration of the Local Emergency (CA)

Adopted Resolution No. 2021-128 reaffirming the ratification of the City Manager's proclamation finding the continued existence of a local emergency and rendering certain emergency orders, including an increase related to the local emergency in the City Manager's contracting authority for services and goods to a maximum amount of \$250,000 for the duration of the local emergency.

C-22 Adopt Resolution Approving Allocation Plan for Use of Federal American Rescue Plan Act of 2021 Block Grant Funding; Setting Parameters for Vaccine Incentive Program, Utility Bill Relief Program, and Local Economic Development Grants Program and Appropriating Funds (Estimated \$16,135,210); and Appropriating Funds from American Rescue Plan Act of 2021 General Fund Revenue Replacement Allocations (Estimated \$2,243,921) (CM)

Deputy Manager Keys presented the update highlighting the changes that were made following the April 7 City Council meeting to the allocation plan for use of the federal American Rescue Plan Act of 2021 funding.

Following extensive discussion, the City Council made additional revisions to the funding allocations.

Mayor Nakanishi called for the Council to vote on each individual line item.

Council Member Hothi made a motion, second by Mayor Nakanishi, to approve \$5.5M be allocated to the Navigation (Access) Center and Low/No Barrier Shelter Project.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

Council Member Kuehne made a motion, second by Council Member Khan, to approve \$162K be allocated to the Citywide Homeless Cleanup Project.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Pro Tempore Chandler

Absent: None

ROLL CALL VOTE

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

Council Member Kuehne made a motion, second by Council Member Hothi, to approve \$1.5M be allocated to the Utility Debt Relief Program.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Khan, Council Member Kuehne, Mayor Pro



Tempore Chandler, and Mayor Nakanishi  
Noes: None  
Absent: None

**ROLL CALL VOTE**

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

Council Member Kuehne made a motion, second by Council Member Khan, to approve \$500K be allocated to the Local Business Assistance Grant Program.

**VOTE:**

The above motion carried by the following vote:

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

Noes: Mayor Pro Tempore Chandler

Absent: None

**ROLL CALL VOTE**

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

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to approve \$1M be allocated to the Broadband Infrastructure Project.

**VOTE:**

The above motion carried by the following vote:

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

Noes: None

Absent: None

**ROLL CALL VOTE**

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

Council Member Kuehne made a motion, second by Council Member Khan, to approve \$100K be allocated to the East Side Sidewalk Repairs Project.

**VOTE:**

The above motion carried by the following vote:

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

Noes: None

Absent: None

**ROLL CALL VOTE**

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

Council Member Kuehne made a motion, second by Mayor Pro Tempore Chandler, to approve \$60K be allocated to the Chamber of Commerce Farmers' Market Grant.

**VOTE:**

The above motion carried by the following vote:

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

Noes: None  
Absent: None

ROLL CALL VOTE

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

Council Member Kuehne made a motion, second by Mayor Pro Tempore Chandler, to approve \$1,235,500 be allocated to refund the Lodi Electric Utility for COVID-19 Relief Credit Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

Council Member Kuehne made a motion, second by Council Member Khan, to approve \$250K be allocated to vaccine incentives.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

Council Member Hothi made a motion, second by Mayor Nakanishi, to adopt Resolution No. 2021-129 as amended, approving the allocation plan for use of federal American Rescue Plan Act of 2021 block grant funding; setting parameters for Vaccine Incentive Program, Utility Bill Relief Program, and Local Economic Development Grants Program and appropriating funds in the estimated amount of \$16,135,210; and appropriating funds from the American Rescue Plan Act of 2021 General Fund Revenue Replacement Allocations, in the estimated amount of \$2,243,921.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

C-23 Ratification of Employment Agreement Entered into Between City Manager Stephen Schwabauer and Kenneth W. Johnson for the Position of Fire Chief (CM)

City Manager Schwabauer introduced Kenneth Johnson.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Chandler, to approve the Ratification of Employment Agreement entered into between City Manager Stephen Schwabauer and Kenneth W. Johnson for the position of Fire Chief.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

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.

Jenessa (no last name given), a resident, provided public comment asking that the City Council listen to the citizens and voicing displeasure about the lack of public comment on item C-16. Jenessa asked that the Student Resource Officers be removed from school campuses.

Council Member Kuehne apologized if he cut off public comment on C-16 prematurely.

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

Council Member Khan asked about the status of the basketball courts at Blakely Park, his request regarding a cricket pitch, a new community center, and the addition of a mobile library program.

City Manager Schwabauer stated there will be discussion on the parks item during the budget presentation and asked if the remainder of the Council would like information on a community center.

Mayor Nakanishi suggested compiling a Council project wish list for discussion.

Council Member Kuehne supported the creation of a Council wish list and welcomed additional discussion.

Council Member Kuehne spoke about the California Cities Legislative Action Committee. Council Member Kuehne reported on new proposed legislation. AB 1071, if passed, would strengthen the requirements for the City's annual action plan for emergencies, SB 344 is related to homeless shelters, pets, and veterinary services, AB 418 and SB 99 relate to the Energy Resiliency Act, and AB 473 will impact the Public Records Act. Representatives Harder and McNerney are submitting the State Route 99/120 to the Surface Transportation Reauthorization legislation and also the Council of Governments was awarded a \$1M grant for CalStart, which works to advance clean transportation technology.

Council Member Kuehne spoke about the increase in the tri-county van pool program.

Council Member Khan asked about the selection process for the Measure L Citizens' Oversight Committee. City Manager Schwabauer stated that the City Council will be discussing the process

at the May 19 City Council meeting.

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

G. Public Hearings

G-1 Public Hearing to Consider Introducing Ordinance Amending Lodi Municipal Code Chapter 5.32 – Massage Establishments by Repealing and Re-Enacting Chapter 5.32 in Its Entirety to Bring It into Conformance with State Law (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 Nakanishi called for the public hearing to consider introducing an ordinance amending Lodi Municipal Code Chapter 5.32 - Massage Establishments - by repealing and re-enacting Chapter 5.32 in its entirety to bring it into conformance with State law.

Deputy City Attorney Katie Lucchesi provided a presentation regarding the proposed ordinance. Specific topics of discussion included to updates being proposed which will bring the City into compliance with the State. Deputy City Attorney Lucchesi stated that massage parlor businesses and licensed massage practitioners have been notified of the changes.

Mayor Nakanishi opened the public hearing for public comment.

There were no public comments on this item.

Mayor Nakanishi asked how many massage parlors are in Lodi and if the ordinance was taken from a model ordinance. City Attorney Magdich stated that she drafted the original ordinance and used multiple sources and the ordinance has been amended to follow the State guidance. The proposed ordinance being introduced now coincides with State law.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Council Member Kuehne made a motion, second by Council Member Hothi, to introduce Ordinance No. 1982 amending Lodi Municipal Code Chapter 5.32 - Massage Establishments - by repealing and re-enacting Chapter 5.32 in its entirety to bring it into conformance with State law.

VOTE:

The above motion carried by the following vote:

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

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 Adopting Resolution Approving Final 2021-2022 Annual Action Plan for Community Development Block Grant (CDBG) 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 Nakanishi called for the public hearing to consider adopting a resolution approving the Final 2021-2022 Annual Action Plan for the Community Development Block Grant (CDBG) Program.

CDBG Program Specialist Patrice Clemons provided a PowerPoint presentation regarding the Final 2021-22 CDBG Annual Action Plan (AAP). Specific topics of discussion included CDBG purpose, Final AAP, AAP process, community engagement, 2021-22 CDBG budget, final funding recommendations, and recommended action.

Mayor Nakanishi opened the public hearing for public comment.

There being no public comments, Mayor Nakanishi closed the public hearing.

Council Member Hothi made a motion, second by Council Member Kuehne, to adopt Resolution No. 2021-130 approving the Final 2021-2022 Annual Action Plan for Community Development Block Grant (CDBG) Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

H. Regular Calendar

H-1 Report on Removal of Citizen Installed "Bars" on Downtown Benches (PW)

City Manager Steve Schwabauer reported that staff has removed the bars from the benches in the Downtown. The cost of the bar removal was approximately \$400, and the responsible parties reimbursed the City.

David Diskin, a resident, provided public comment in support of the removal of the bars. Mr. Diskin said that he did not understand why it took a month to remove them. Mr. Diskin believes the public should know who installed the bars due to the damage they did to the reputation of the City.

Julie Aaker, a resident, provided public via email in support of the bars remaining on the benches and requesting that the City speak with the Downtown Business Alliance and Downtown businesses to learn about the difference the bars have made. City Clerk Cusmir read the email into the record.

A New Lodi, a local group, provided public comment via email in support of removal of the bars on the Downtown benches and expressing their concern at the length of time it took the City to remove them. City Clerk Cusmir read the email into the record.

Dr. Christopher S. Anderson and Ms. Donna Anderson, residents, provided public comment via email in support of removal of the bar on the Downtown benches. City Clerk Cusmir read the email into the record.

Mayor Pro Tempore Chandler stated that he spoke with Ms. Aaker and believes the Council should reexamine the issue of the benches.

Council Member Khan spoke about the importance of supporting the Downtown businesses and also addressing the concerns of the homeless community. Council Member Khan noted that the City Council is working to address homelessness while still standing with businesses. Council Member Khan spoke about the importance of taking care of issues such as the placement of the bars more quickly to protect the reputation of the City and the Council.

Council Member Hothi spoke about the reputational damage this issue has done to the City, noting that it is not uncommon for architecture such as the bars on benches to be used in the region but it is uncommon for people to take installation into their own hands. Council Member Hothi said in the future the City should take action to prevent people from taking problems into their own hands.

Council Member Kuehne stated that the benches were installed because Lodi is a tourist destination and that the Downtown area should be welcoming. Council Member Kuehne said that he understands the frustration of the business owners and has spoken to many of them. Council Member Kuehne said that he is glad the bars have been removed, but was curious why there were no arm rests on the benches to begin with. Council Member Kuehne supports examining the issue further.

Mayor Nakanishi stated that the City wants to be compassionate to the homeless while keeping the City safe and clean and the Council is working toward that goal.

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:34 p.m.

ATTEST:

Jennifer Cusmir  
City Clerk