

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 19, 2021**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 19, 2021, was called to order by Mayor Nakanishi at 6:00 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 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 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 Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi Professional Firefighters, Pursuant to Government Code §54957.6 (CM)
- b) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding International Brotherhood of Electrical Workers, Pursuant to Government Code §54957.6 (CM)
- c) Conference with Legal Counsel – Exposure to Litigation – Significant Exposure to Litigation Pursuant to Government Code §54956.9(e)(1); Shall Not Be Disclosed Due to Facts and Circumstances Not Yet Known to Potential Plaintiffs (CA)
- d) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Jordan Duncan against City of Lodi Based on Allegation of Wrongful Termination of Employment. (CA)

C-3 Adjourn to Closed Session

The Closed Session adjourned at 7:09 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:11, Mayor Nakanishi called the Regular Meeting of the City Council to order, and City Attorney Magdich disclosed the following actions.

In regard to Item C-2(a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi Professional Firefighters, Pursuant to Government Code §54957.6, this was a discussion item and no action was taken.

In regard to Item C-2(b) Conference with Adele Post, Human Resources Manager, and Andrew

Keys, Deputy City Manager (Labor Negotiators), Regarding International Brotherhood of Electrical Workers, Pursuant to Government Code §54957.6, this was a discussion item and no action was taken.

In regard to Item C-2(c), Conference with Legal Counsel – Exposure to Litigation – Significant Exposure to Litigation Pursuant to Government Code §54956.9(e)(1); Shall Not Be Disclosed Due to Facts and Circumstances Not Yet Known to Potential Plaintiffs, this item was pulled from the agenda.

In regard to Item C-2(d), Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Jordan Duncan against City of Lodi Based on Allegation of Wrongful Termination of Employment, direction was given by Council and no further action was taken.

A. Call to Order / Roll Call

The Regular City Council meeting of May 19, 2021, was called to order by Mayor Nakanishi at 7:11 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/j/98343457003?pwd=Vm14anRKUm9PWURFb0JnbThSWDFOdz09>; the opportunity for public comment was available through councilcomments@lodi.gov and <https://zoom.us/j/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 – None

C. Consent Calendar (Reading; Comments by the Public; Council Action) All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, refer to the 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 16, 2021 through April 29, 2021 in the Amount of \$4,567,822.74 (FIN)

Claims were approved in the amount of \$4,567,822.74.

C-2 Approve Minutes (CLK)

The minutes of April 21, 2021 (Regular Meeting), April 27, 2021 (Shirtsleeve Session), and May 4, 2021 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One Bucket Truck with Material Handling System Mounted on 2022 Ford F-550 Chassis from Altec Industries, Inc., of Dixon (\$175,000) (EU)

Adopted Resolution No. 2021-131 authorizing the City Manager to waive bid process and purchase one bucket truck with material handling system mounted on 2022 Ford F-550 chassis from Altec Industries, Inc., of Dixon, in the amount of \$175,000.

C-4 Adopt Resolution Awarding Contract for Electric Utility Office Remodel Project to Diede Construction, Inc., of Woodbridge (\$2,922,000), Authorizing City Manager to Execute Change Orders (\$520,000), and Appropriating Funds (\$1,150,000) (PW)

Adopted Resolution No. 2021-132 awarding the contract for Electric Utility Office Remodel Project to Diede Construction, Inc., of Woodbridge, in the amount of \$2,922,000, authorizing the City Manager to execute change orders in an amount not to exceed \$520,000, and appropriating funds in the amount of \$1,150,000.

C-5 Adopt Resolution Authorizing City Manager to Execute Change Orders No. 3 and No. 4 with West Coast Arborists, Inc., of Stockton, for Power Line Clearing and Vegetation Management Services through June 30, 2027 (\$8,850,000) (EU)

Adopted Resolution No. 2021-133 authorizing the City Manager to execute Change Orders No. 3 and No. 4 to the contract with West Coast Arborists, Inc., of Stockton, for power line clearing and vegetation management services through June 30, 2027, in the amount of \$8,850,000.

C-6 Adopt Resolution Authorizing City Manager to Execute Change Order No. 1 with Westech Industries, Inc., of Escalon, for Directional Drilling, Excavation, and Conduit Installation Services (\$2,000,000) (EU)

Adopted Resolution No. 2021-134 authorizing the City Manager to execute Change Order No. 1 to contract with Westech Industries, Inc., of Escalon, for directional drilling, excavation, and conduit installation services, in the amount of \$2,000,000.

C-7 Adopt Resolution Ratifying Change Order No. 1 to Statement of Work with ITRON, Inc., of Liberty Lake, Washington, for On- Premises Implementation Services to Deploy ITRON Bridge Meters (\$3,600) and Authorizing Revised Contract Amount (\$30,500) (EU)

Adopted Resolution No. 2021-135 ratifying Change Order No. 1 to Statement of Work with ITRON, Inc., of Liberty Lake, Washington, for on-premises implementation services to deploy ITRON Bridge Meters, in the amount of \$3,600, and authorizing revised contract amount of \$30,500.

C-8 Accept Improvements Under Contract for Well 16 Granular Activated Carbon Replacement (PW)

Accepted improvements under contract for Well 16 Granular Activated Carbon Replacement.

C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for On-Call Heating, Ventilation, and Air Conditioning Services (\$500,000) (PW)

Adopted Resolution No. 2021-136 authorizing the City Manager to execute a Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for on-call heating, ventilation, and air conditioning services, in the amount of \$500,000.

C-10 Adopt Resolution Authorizing City Manager to Execute Three-Year Professional Services Agreement with Tri-City Power, Inc., for Support of City's Uninterrupted Power Supplies in City Main Data Center, Police Server Room, and Lodi Electric Utility Operations Center (\$27,444) (IT)

Adopted Resolution No. 2021-137 authorizing the City Manager to execute three-year Professional Services Agreement with Tri-City Power, Inc., for support of City's uninterrupted power supplies in City main data center, Police server room, and Lodi Electric Utility operations center, in the amount of \$27,444.

C-11 Adopt Resolution Authorizing City Manager to Execute Amendment No. 4 to Professional Services Agreement with Quest Media & Supplies, Inc., of Roseville, for Purchase and Installation of Door Cameras and Intercom for City Administration Office and Human Resources and Upgrade Software of Avigilon Cameras Control Unit (\$14,052.05) (IT)

Adopted Resolution No. 2021-138 authorizing the City Manager to execute Amendment No. 4 to Professional Services Agreement with Quest Media & Supplies, Inc., of Roseville, for purchase and installation of door cameras and intercom for City Administration Office and Human Resources and upgrade software of Avigilon cameras control unit, in the amount of \$14,052.05.

C-12 Adopt Resolution Authorizing City Manager to Execute Amendment No. 3 to Professional Services Agreement with Michael Baker International, of Rancho Cordova, for Community Development Block Grant Administration/Housing Program Support Services by Expanding Scope of Services to Include Administration of Coronavirus Relief Grants as Awarded, Housing and Homeless Grants as Awarded, American Rescue Plan Act Federal Funds as Allocated, State and Federal Grants as Applied for, and Annual Housing Element Reporting (Not to Exceed \$371,220) (CD)

This item was pulled for additional discussion.

City Manager Schwabauer spoke about the grant programs that the City is responsible for managing and the City is hiring a consultant to assist and to oversee the regulatory requirements for the federal grants, in response to questions asked by Council Member Khan.

Community Development Director Della Monica spoke about the work that the City has done with the consultant in the past and noted that the consultant is a national firm with capacity to support the City, in response to an inquiry from Mayor Pro Tempore Chandler.

Mayor Pro Tempore Chandler made a motion, second by Council Member Khan, to adopt Resolution No. 2021-139 authorizing the City Manager to execute Amendment No. 3 to Professional Services Agreement with Michael Baker International, of Rancho Cordova, for Community Development Block Grant Administration/Housing Program support services by expanding scope of services to include administration of Coronavirus Relief grants as awarded, Housing and Homeless grants as awarded, American Rescue Plan Act Federal funds as allocated, State and federal grants as applied for, and Annual Housing Element reporting, in an

amount not to exceed \$371,220.

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-13 Adopt Resolution Approving Final Map and Authorizing City Manager to Execute Improvement Agreement for Rose Gate II, Unit No. 2, Tract No. 4054 (PW)

Adopted Resolution No. 2021-140 approving the Final Map and authorizing the City Manager to execute an Improvement Agreement for Rose Gate II, Unit No. 2, Tract No. 4054.

C-14 Adopt Resolution Approving Final Map and Authorizing City Manager to Execute Improvement Agreement for Tienda Square Subdivision, Tract No. 4003 (PW)

This item was removed from the agenda at the request of staff.

C-15 Adopt Resolution Approving Final Map and Authorizing City Manager to Execute Improvement Agreement for Sunwest Commons Subdivision, Tract No. 4080 (PW)

This item was removed from the agenda at the request of staff.

C-16 Adopt Resolution Authorizing City Manager to Execute Improvement Agreement for Public Improvements of 1365 East Lockeford Street (El Gallo Commissary) (PW)

This item was pulled for additional discussion.

Council Member Khan asked about the location of the project. City Manager Schwabauer identified the project location and described the public improvements that are being constructed.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2021-141 authorizing the City Manager to execute an Improvement Agreement for public improvements of 1365 East Lockeford Street (El Gallo Commissary).

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 Accepting Villa Fiore (Van Ruiten Ranch) Subdivision, Unit No. 2, Tract No. 3919, and Unit No. 3, Tract No. 3960, Public Improvements (PW)

Adopted Resolution No. 2021-142 accepting Villa Fiore (Van Ruiten Ranch) Subdivision, Unit

No. 2, Tract No. 3919, and Unit No. 3, Tract No. 3960, public improvements.

C-18 Adopt Resolution Amending Traffic Resolution No. 97-148 by Authorizing Public Works Director to Establish No-Parking Zone on Harney Lane, between Mills Avenue and Hutchins Street, and on Hutchins Street, between Harney Lane and South City Limits (PW)

Adopted Resolution No. 2021-143 amending Traffic Resolution No. 97-148 by authorizing the Public Works Director to establish a no-parking zone on Harney Lane, between Mills Avenue and Hutchins Street, and on Hutchins Street, between Harney Lane and south City limits.

C-19 Adopt Resolution Approving 2021/2022 Pavement Resurfacing Project for Road Repair and Accountability Act of 2017 Funding (PW)

Adopted Resolution No. 2021-144 approving 2021/2022 Pavement Resurfacing Project for Road Repair and Accountability Act of 2017 funding.

C-20 Adopt Resolution Authorizing City Manager to Apply for San Joaquin Valley Air Pollution Control District Alternative Fuel Vehicle Grant (\$40,000) (PD)

Adopted Resolution No. 2021-145 authorizing the City Manager to apply for San Joaquin Valley Air Pollution Control District Alternative Fuel Vehicle grant in the amount of \$40,000.

C-21 Appoint Teresa Whitmire to San Joaquin County Commission on Aging; and Re-Post for Vacancies on the Library Board of Trustees (CLK)

Made the following appointment and directed the City Clerk to post for the following vacancies:

APPOINTMENTS:

San Joaquin County Commission on Aging
Teresa Whitmire Term to expire June 30, 2024

POSTINGS:

Library Board of Trustees
Caitlin Casey Term to expire June 30, 2024
Frankie Kooger Term to expire June 30, 2024

C-22 Accept Monthly Protocol Account Report through April 30, 2021 (CLK)

Accepted the Monthly Protocol Account Report through April 30, 2021.

C-23 Adopt Resolution Authorizing City Manager to Amend Lodi Electric Utility Commercial Rebate Program by Increasing Eligibility to 75 Percent of Total Project Cost Up to a Maximum of \$75 Per Project (EU)

Adopted Resolution No. 2021-146 authorizing the City Manager to amend Lodi Electric Utility Commercial Rebate Program by increasing eligibility to 75 percent of total project cost up to a maximum of \$75,000 per project.

C-24 Adopt Resolution Extending City of Lodi Participation for Ten Years in San Joaquin County Abandoned Vehicle Abatement Service Authority Program (PD)

Adopted Resolution No. 2021-147 extending City of Lodi participation for ten years in San Joaquin County Abandoned Vehicle Abatement Service Authority Program.

C-25 Adopt Resolution Approving Community Development Department Updated Small Business Assistance Program Plan Supported by American Rescue Plan Act Funds (CD)

Adopted Resolution No. 2021-148 approving Community Development Department updated Small Business Assistance Program Plan supported by American Rescue Plan Act funds.

C-26 Set Public Hearing for July 21, 2021 to Consider Adopting Resolution Adopting 2020 Water Shortage Contingency Plan Update (PW)

Set public hearing for July 21, 2021 to consider adopting a resolution adopting 2020 Water Shortage Contingency Plan update.

C-27 Set Public Hearing for July 21, 2021 to Consider Adopting Resolution Adopting 2015 Urban Water Management Plan Update (PW)

Set public hearing for July 21, 2021 to consider adopting a resolution adopting 2015 Urban Water Management Plan update.

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.

Joy Groen, Executive Director, Vista Oaks Charter School, provided public comment. Ms. Groen stated that the school would like to expand their relationships with the greater Lodi community. Ms. Groen described the educational opportunities that the school offers and invited members of the City Council to tour the school facilities.

Nancy Martinez, President of the Breakthrough Project for Social Justice, read a statement on behalf of the organization, welcoming a new organization to the community, a New Lodi. A New Lodi is hosting its first annual Pride event and invited the City Council to attend.

Dee Dee Wall, teacher at Vista Oaks Charter School, provided public comment, speaking about the benefits of the educational instruction offered at Vista Oaks Charter School. Ms. Wall also spoke about current legislation that the State is considering that may impact the school. Ms. Wall read feedback from parents.

Spencer Rhodes, a Lodi resident, provided public comment via email regarding the Access Center project. City Clerk Cusmir read the email into the record.

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

Council Member Khan spoke about his concerns regarding the code enforcement violations on Main Street. Council Member Khan also asked about the hiring of Code Enforcement personnel and the status of purchasing a waste management vehicle. Council Member Khan asked about the mobile library concept.

Mayor Nakanishi made a statement, wishing the Muslim community a happy Eid ul-Fitr.

City Manager Schwabauer stated that the police and Code Enforcement do enforcement at the hotels along Main Street that Council Member Khan asked about and discussed enforcement of low-level drug offenses and how those crimes are addressed in the courts.

City Manager Schwabauer said that there will be a discussion on a future agenda regarding moving the Code Enforcement officers from the Police Department to the Community Development Department and that he would need to check with the Public Works Director regarding the vehicle referenced by Council Member Khan.

Mayor Nakanishi and Council Member Hothi agreed that the Library Board should review the mobile library concept prior to a presentation to Council or Council consideration.

Council Member Kuehne reported on the California Cities legislative briefing and the One Voice event he attended. Council Member Kuehne stated that there will be federal funding available for local broadband projects. Council Member Kuehne said that the outreach for the Rail to Trails project has started and an opportunity for public input will begin in June.

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

None.

G. Public Hearings – None

H. Regular Calendar

H-1 Adopt Resolution Formalizing Process for Appointments to the Measure L Citizens' Oversight Committee and Direct City Clerk to Post for Vacancies to the Measure L Citizens' Oversight Committee for an Additional 30 Days (CLK)

City Manager Schwabauer provided some background information regarding how the Measure L Citizens Oversight Committee was created and how the members were initially appointed.

City Clerk Cusmir provided a presentation regarding formalizing the process for appointments to the Measure L Citizens' Oversight Committee. Specific topics of discussion included the member recruitment process and outlined how the Committee's original members were selected. City Clerk Cusmir reported that there was currently one eligible applicant each that reside in Districts 3 and 4 and no applicants that reside in District 5.

Council Member Khan stated that he would like keep the process as it was when the Committee was originally established to appoint the individual to represent District 4.

Council Member Hothi stated that he previously served on the Committee and would also like the opportunity to appoint a member to represent District 5, keeping the appointment process the same as it was when the original Committee was formed.

Mayor Pro Tempore Chandler stated that he supports reopening the Committee recruitment for an additional 30 days.

Council Member Kuehne said that he, Mayor Nakanishi, and Mayor Pro Tempore Chandler were able to appoint members to represent their Districts and the new Council Members should be afforded the same. Council Member Kuehne said that he supports keeping the same process that was used when the Committee was established.

Mayor Nakanishi stated that he supports keeping the process the same as when the Committee was first established.

City Manager Schwabauer verified that staff would reopen the recruitment for an additional 30 days and return to the City Council with a formal process for appointing members that is the same

as the process that was used when the Committee was first created. Council Members will make the nominations to appoint a Committee member to represent their Districts; it will take a 4/5 vote of the Council to reject a nominee; and if there is no applicant from a District, then the Council Member may appoint a member from the other eligible applicants.

Mayor Nakanishi stated that he believes a Council Member should be able to choose a representative from any district.

Mayor Pro Tempore Chandler said that he opposed removing the requirement that the representative reside in the corresponding Council Member's District.

Staff will bring back a formalized process for Council to consider and reopen the recruitment.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Chandler, to direct the City Clerk to post for vacancies to the Measure L Citizens' Oversight Committee for an additional 30 days.

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-2 Adopt Resolution to Ratify City Manager's Extension of Great Plates Delivered Program through June 7, 2021 and Adjustment of Fiscal Year 20-21 Appropriation in Amount of \$6,091,820 to Existing Appropriation of \$7,490,709 for Total Amended Appropriation of \$13,582,529; and Further Ask City Council for Direction on City's Continued Participation in Great Plates Program Should Program be Continued Past Current June 7, 2021 End Date Given 100 Percent Reimbursement by Federal Emergency Management Agency (FEMA) (CM)

City Manager Steve Schwabauer provided a presentation regarding the Great Plates Delivered program. Specific topics of discussion included the program investment of approximately \$13.5M, the number of participants of approximately 500 per month, and the FEMA reimbursement.

Mayor Pro Tempore Chandler and Council Member Kuehne voiced their support for the program.

Council Member Hothi and Council Member Khan voiced their support for the program.

Mayor Nakanishi stated that Great Plates is a good project and he fully supports it.

Deputy City Manager Keys stated that \$8M of the reimbursement has been approved by FEMA to date and the City has received \$1M of those funds.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2021-149 to ratify the City Manager's extension of the Great Plates Delivered Program through June 7, 2021 and adjustment of Fiscal Year 20-21 appropriation in the amount of \$6,091,820 to existing appropriation of \$7,490,709 for total amended appropriation of \$13,582,529.

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).

I. Ordinances

- I-1 Adopt Ordinance No. 1982 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 5 – Permits and Regulations – by Repealing and Re-Enacting Chapter 5.32, 'Massage Establishments,' in Its Entirety" (CLK)

City Clerk Jennifer Cusmir introduced this item.

Mayor Pro Tempore Chandler made a motion, second by Mayor Nakanishi, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1982 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 5 - Permits and Regulations - by Repealing and Re-Enacting Chapter 5.32, 'Massage Establishments,' in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held May 5, 2021.

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).

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:23 p.m.

ATTEST:

Jennifer Cusmir
City Clerk