

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 7, 2021**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 7, 2021, was called to order by Mayor Pro Tempore Chandler at 6:15 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/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

C-2 Announcement of Closed Session

- a) Pending Litigation: Government Code §54956.9(a); One Case; Dominic Jimenez v. Chiara Cornaga, et al., and Related Cross-Action, Chiara Cornaga v. City of Lodi, et al; San Joaquin County Superior Court, Case No. STR-CV-UAT-2018-14090 (CA)

C-3 Adjourn to Closed Session

At 6:15 p.m., Mayor Pro Tempore Chandler adjourned the meeting to a Closed Session in order to discuss the above matters. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

City Attorney Magdich disclosed the following actions.

In regard to Item C-2a), Pending Litigation: Government Code §54956.9(a); One Case; Dominic Jimenez v. Chiara Cornaga, et al., and Related Cross-Action, Chiara Cornaga v. City of Lodi, et al; San Joaquin County Superior Court, direction was given by Council and no further action was taken.

A. Call to Order / Roll Call

The Regular City Council meeting of April 7, 2021, was called to order by Mayor Pro Tempore Chandler at 7:03 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

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

Mayor Pro Tempore Chandler presented a proclamation proclaiming April 11-17, 2021 as National Animal Control Officer Appreciation Week in the City of Lodi.

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

Mayor Pro Tempore Chandler presented a proclamation proclaiming April 11-17, 2021 as National Public Safety Telecommunicators Week in the City of Lodi.

B-3 National Volunteers Week Proclamation (PD)

Mayor Pro Tempore Chandler presented a proclamation proclaiming April 11-17, 2021 as National Volunteers 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.

Mayor Nakanishi made a motion, second by Council Member Hothi, 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 February 26, 2021 through March 18, 2021 in the Amount of \$4,734,351.33 (FIN)

Claims were approved in the amount of \$4,734,351.33.

C-2 Approve Minutes (CLK)

The minutes of March 9, 2021 (Shirtsleeve Session), March 9, 2021 (Special Meeting), March 16, 2021 (Shirtsleeve Session), and March 17, 2021 (Regular Meeting) were approved as written.

C-3 Adopt Resolution Authorizing Vehicle Purchase and Appropriate Funds (\$57,506.71) (PD)

Adopted Resolution No. 2021-74 authorizing a vehicle purchase and appropriating funds in the amount of \$57,506.71.

- C-4 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase Water Meter Encode Receiver Transmitters from Meter, Valve & Control, Inc., of Alamo (\$44,383) (PW)

Adopted Resolution No. 2021-75 authorizing the City Manager to waive the bid process and purchase water meter encode receiver transmitters from Meter, Valve & Control, Inc., of Alamo, in the amount of \$44,383.

- C-5 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase Cloth Filters from Aqua-Aerobic Systems, Inc., of Loves Park, Illinois (\$26,454) (PW)

Adopted Resolution No. 2021-76 authorizing the City Manager to waive the bid process and purchase cloth filters from Aqua-Aerobic Systems, Inc., of Loves Park, Illinois, in the amount of \$26,454.

- C-6 Approve Plans and Specifications and Authorize Advertisement for Bids for Stormwater Trash Collection Project – Phase 2 (2021) (PW)

Approved plans and specifications and authorized advertisement for bids for Stormwater Trash Collection Project - Phase 2 (2021).

- C-7 Approve Specifications and Authorize Advertisement for Bids for 2021 Downtown Concrete Cleaning and Adopt Resolution Authorizing City Manager to Award Contract to Lowest Responsive Bidder (\$25,000) (PW)

Approved specifications and authorized advertisement for bids for 2021 Downtown Concrete Cleaning and adopted Resolution No. 2021-77 authorizing the City Manager to award the contract to the lowest responsive bidder in an amount not to exceed \$25,000.

- C-8 Adopt Resolution Rejecting Lowest Bid and Awarding Contract for City Hall Security Improvements Project to Diede Construction, Inc., of Woodbridge (\$243,602) and Appropriating Funds (\$50,000) (PW)

Adopted Resolution No. 2021-78 rejecting the lowest bid and awarding the contract for the City Hall Security Improvements Project to Diede Construction, Inc., of Woodbridge, in the amount of \$243,602 and appropriating funds in the amount of \$50,000.

- C-9 Adopt Resolution Authorizing City Manager to Execute Change Orders to Central Plume PCE/TCE Groundwater and Soil Vapor Extraction System Decommissioning and Removal Project (\$150,000), Appropriating Funds (\$150,000), and Authorizing City Manager to Execute Any Necessary Agreements with Adjacent Property Owners (PW)

Adopted Resolution No. 2021-79 authorizing the City Manager to execute change orders to the Central Plume PCE/TCE Groundwater and Soil Vapor Extraction System Decommissioning and Removal Project in an amount not to exceed \$150,000, appropriating funds in the amount of \$150,000, and authorizing the City Manager to execute any necessary agreements with adjacent property owners.

- C-10 Adopt Resolution Authorizing City Manager to Execute Change Orders to Water Meter Program - Phase 8 with DSS Company dba Knife River Construction, of Stockton

(\$500,000) (PW)

Adopted Resolution No. 2021-80 authorizing the City Manager to execute change orders to Water Meter Program - Phase 8 with DSS Company dba Knife River Construction, of Stockton, in an amount not to exceed \$500,000.

C-11 Accept Improvements Under Contract for Well 27 Granular Activated Carbon Filter System (PW)

Accepted the improvements under the contract for Well 27 Granular Activated Carbon Filter System.

C-12 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Equipment Purchases with Professional Police Supply, Inc., dba Adamson Police Products, of Livermore (\$100,000) (PD)

Adopted Resolution No. 2021-81 authorizing the City Manager to execute a Professional Services Agreement for equipment purchases with Professional Police Supply, Inc., dba Adamson Police Products, of Livermore, in the amount of \$100,000.

C-13 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Transdev Services, Inc., of Lombard, Illinois, for Best Value Operation of Lodi's General Public Fixed Route, Americans with Disabilities Act Paratransit, and Dial-A-Ride Transit Services (\$13,421,824) (PW)

Adopted Resolution No. 2021-82 authorizing the City Manager to execute a Professional Services Agreement with Transdev Services, Inc., of Lombard, Illinois, for best value operation of Lodi's general public fixed route, Americans with Disabilities Act paratransit, and Dial-A-Ride transit services in the amount of \$13,421,824.

C-14 Adopt Resolution Rescinding Resolution No. 2020-209 and Authorizing City Manager to Execute Professional Services Agreement with DC Frost Associates, Inc., of Walnut Creek, for Purchase of Ultra Violet 3000 Plus System Control Center Modifications, Integration of Ultra Violet Programmable Logic Control, and Supervisory Control and Data Acquisition Implementation for White Slough Water Pollution Control Facility (\$96,572) (PW)

Adopted Resolution No. 2021-83 rescinding Resolution No. 2020-209 and authorizing the City Manager to execute a Professional Services Agreement with DC Frost Associates, Inc., of Walnut Creek, for purchase of ultra violet 3000 plus system control center modifications, integration of ultra violet programmable logic control, and supervisory control and data acquisition implementation for White Slough Water Pollution Control Facility in the amount of \$96,572.

C-15 Adopt Resolution Accepting Rose Gate II Subdivision, Unit No. 1, Tract No. 3896, Public Improvements and Amending Traffic Resolution No. 97-148 by Approving Through Street on Westgate Drive from Lodi Avenue to Vine Street (PW)

Adopted Resolution No. 2021-84 accepting Rose Gate II Subdivision, Unit No. 1, Tract No. 3896, public improvements and amending Traffic Resolution No. 97-148 by approving through street on Westgate Drive from Lodi Avenue to Vine Street.

C-16 Adopt Resolution Approving City of Lodi Pay Schedule Dated April 7, 2021 (HR)

Adopted Resolution No. 2021-85 approving the City of Lodi pay schedule dated April 7, 2021.

C-17 Appoint Julieann Martin to the Lodi Arts Commission (CLK)

This item was pulled from the Consent Calendar for further discussion.

Council Member Hothi asked about the two additional vacancies on the Lodi Arts Commission. City Clerk Cusmir stated that she would email the Council the status of the vacancies.

Mayor Nakanishi made a motion, second by Council Member Kuehne, to appoint Julieann Martin to the Lodi Arts Commission, term to expire July 1, 2024.

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-18 Accept Planning Commission's Recommendation to Approve 2020 Housing Element Annual Progress Report and Direct Staff to Transmit the Report to California Department of Housing and Community Development and Governor's Office of Planning and Research (CD)

Accepted the Planning Commission's recommendation to approve the 2020 Housing Element Annual Progress Report and direct staff to transmit the report to the California Department of Housing and Community Development and Governor's Office of Planning and Research.

C-19 Adopt Resolution Accepting California Department of Housing and Community Development Permanent Local Housing Allocation Grant and Appropriating Grant Funds in the Total Amount of \$2,017,590 (CD)

Adopted Resolution No. 2021-86 accepting the California Department of Housing and Community Development Permanent Local Housing Allocation grant and appropriating grant funds in the total amount of \$2,017,590.

C-20 Adopt Resolution Accepting California Department of Housing and Community Development 2019 Local Early Action Planning Grant and Appropriating Funds (\$300,000) (CD)

Adopted Resolution No. 2021-87 accepting the California Department of Housing and Community Development 2019 Local Early Action Planning grant and appropriating funds in the amount of \$300,000.

C-21 Adopt Resolution Accepting Coronavirus Aid, Relief, and Economic Security (CARES) Act Community Development Block Grant (CDBG-CV) Funding and Appropriating Grant Funds in the Total Amount of \$796,408 (CD)

This item was pulled from the Consent Calendar for further discussion.

In response to a question asked by Council Member Khan, City Manager Schwabauer explained that the resolution accepts and appropriates Coronavirus Aid, Relief, and Economic Security (CARES) Act funding, which was granted to the City during the first round of federal COVID-19 relief funding. The Council had decided how to expend the funding prior to the 2020 election.

Council Member Kuehne made a motion, second by Mayor Nakanishi, to adopt Resolution No. 2021-88 accepting the Coronavirus Aid, Relief, and Economic Security (CARES) Act Community Development Block Grant (CDBG-CV) funding and appropriating grant funds in the total amount of \$796,408.

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-22 Adopt Resolution that Subjects City of Lodi to California Uniform Public Construction Cost Accounting Act (PW)

Adopted Resolution No. 2021-89 that subjects the City of Lodi to California Uniform Public Construction Cost Accounting Act.

C-23 Adopt Resolution Authorizing City Manager to Enter Into Agreement in Form Acceptable to City Attorney Between City of Lodi and All American Modular for Development of Four Modular Units for Harmony Homes Project (Not to Exceed \$750,000) (CD)

This item was pulled from the Consent Calendar for further discussion.

Mayor Pro Tempore Chandler asked about the wording of the resolution and about the cost of the modular units. City Attorney Magdich noted that she, as the City Attorney, is approving the agreement to form and not the terms of the agreement.

Community Development Director John Della Monica provided an estimate and information about the costs associated with the agreement. The costs not only include the units, but also the development of the property, including infrastructure and landscaping.

Council Member Kuehne made a motion, second by Council Member Hothi, to adopt of Resolution No. 2021-90 authorizing the City Manager to enter into an agreement in a form acceptable to the City Attorney between City of Lodi and All American Modular for development of four modular units for the Harmony Homes Project, in an amount not to exceed \$750,000.

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-24 Set Public Hearing for April 21, 2021 to Consider Adopting Resolution Approving Draft 2021-22 Annual Action Plan; and Set Public Hearing for May 5, 2021 to Consider Adopting Resolution Approving Final 2021-22 Annual Action Plan for Community Development Block Grant (CDBG) Program (CD)

Set public hearing for April 21, 2021 to consider adopting a resolution approving Draft 2021-22 Annual Action Plan; and set public hearing for May 5, 2021 to consider adopting a resolution approving Final 2021-22 Annual Action Plan for Community Development Block Grant (CDBG) Program.

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.

Vine Sanchez, a citizen, provided public comment regarding bars that were installed on public benches downtown. Mr. Sanchez spoke against the installation of the bars and requested they be removed.

Josue Herrera, a citizen, provided public comment regarding bars that were installed on public benches downtown. Mr. Herrera spoke against the installation of the bars and requested they be removed.

Jennifer Noyola, a citizen, provided public comment regarding bars that were installed on public benches downtown. Ms. Noyola spoke against the installation of the bars and requested they be removed.

Claire Auguto, a citizen, provided public comment regarding bars that were installed on public benches downtown. Ms. Auguto spoke against the installation of the bars and requested they be removed.

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

Council Member Kuehne stated that the City helps support multiple agencies in the City, such as Salvation Army, to help manage homelessness problems in the community. City Manager Schwabauer confirmed that the City and the community did financially support the construction and upgrades to the Salvation Army shelter. City Manager Schwabauer said that the Council also funded the acquisition and remodeling of Lodi House, which houses homeless families in the City. Mr. Schwabauer estimated the investment to be approximately \$2.5 million in the projects.

Council Member Khan asked about returning to Carnegie Forum for Council Meetings. City Manager Schwabauer reported that there is a plan at the staff level for reopening of City facilities. Mr. Schwabauer explained that the technology deficiencies in Carnegie Forum limits the ability to hold in person meetings and broadcast them virtually via Zoom and on Facebook Live. Because staff would have to limit capacity at the Forum, the public must be able to participate in meetings virtually. Mr. Schwabauer reminded the Council that they approved a project to make improvements to the equipment in Carnegie Forum that will allow staff to limit room capacity and stream meetings.

Council Member Kuehne spoke about government transparency regarding organizations that lease City property at a significant discount. Council Member Kuehne stated that the lease agreements were probably approved by past City Councils and asked staff to report to the

Council how many properties are being used by organizations other than the City and the amount for which properties are being leased.

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

City Manager Schwabauer discussed all of the projects and programs that the City Council is supporting to address the homelessness issues within the City.

City Manager Schwabauer stated that the City did not install the bars on the benches downtown. City staff will investigate the situation and then City Manager Schwabauer will decide what action needs to be taken.

G. Public Hearings

G-1 Public Hearing to Receive Input and Consider Adopting Resolution Calling an Election to Submit to the 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. 12); 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. 12); 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. 12) (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 Chandler called for the public hearing to consider adopting a resolution calling an election to submit to the 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. 12); 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. 12); 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. 12).

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding Community Facilities District Annexation No. 12. Specific topics of discussion included Annexation No. 12 map and recommended action.

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

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

Council Member Kuehne made a motion, second by Council Member Hothi, to adopt Resolution No. 2021-91 calling an election to submit to the 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. 12).

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 Nakanishi, to adopt Resolution No. 2021-92 declaring the results of the special election and ordering the annexation of territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 12).

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 Nakanishi, to introduce uncodified Ordinance No. 1981 levying and apportioning the special tax in territory annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 12).

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 Cancelled Public Hearing to Introduce an Ordinance Amending PD 39 (Reynolds Ranch) to Include Development Standards for Retail Uses in General and Hotels Specifically (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 to introducing an ordinance amending PD 39 (Reynolds Ranch) to include Development Standards for retail uses in general and hotels specifically.

Staff reported that the developer has requested that this item be pulled from the agenda until further discussion with staff can occur.

H. Regular Calendar

H-1 Provide Additional Direction on City of Lodi's Priorities for Use of Federal American Rescue Plan Act of 2021 Funding (CM)

Deputy City Manager Andrew Keys provided a PowerPoint presentation on the American Rescue Plan Act of 2021. Specific topics of discussion included background, local government allocation, Council direction at March 23, 2021 Special Meeting, flexibility, Priority 1 and 2 of replenishing lost revenues and refund expenses, General Fund - Priority 1, Priority 2 uses, total funds for City plan, Priority 3 - community priority - projects removed from consideration, revised community priority projects, Navigation Center and Low Barrier Center (\$5,500,000), Citywide homeless

cleanup (\$62,000), utility debt relief (\$1,500,000), small business assistance grants (\$600,000), broadband infrastructure (\$1,000,000), East Side sidewalk repairs (\$100,000), refund Electric Utility for COVID relief credit (\$1,235,000), vaccine incentives (\$250,000), new request from Lodi Chamber of Commerce (\$40,000), Economic Development grants - unfunded/unknown demand, and requested action.

Council Member Kuehne stated that he supports priorities number 1, 2, 5, 6, and 9 and they are top five priorities.

Mayor Nakanishi commended Deputy Manager Keys and staff on the balanced approach to the priority projects and supports the priorities as presented by staff.

Mayor Pro Tempore Chandler stated that he supports priorities number 3 and 9, a grant for the Farmers' Market. City Manager Schwabauer recommended reopening the business grant applications. Mayor Pro Tempore Chandler and Council Member Hothi voice their support of reopening the grant process.

Deputy City Manager Keys summarized the Council's direction to keep the priority list "as is," include the request from the Chamber of Commerce, and review priority number 4 regarding business grants.

Council Member Hothi voiced his support for reopening the business grant application process, funding projects to help address homelessness, and the funding request from the Chamber of Commerce.

Pat Patrick, President and CEO, Lodi Chamber of Commerce, provided public comment. Mr. Patrick thanked the Council for supporting the request for funds from the Chamber of Commerce and spoke about the number of people that the businesses and Farmers' Market bring to the downtown area. Mr. Patrick asked that the Council consider granting any leftover funds to the Chamber of Commerce and spoke about the events the Chamber had to cancel and business operations that needed to be modified during the pandemic.

Hector Madrigal, a citizen, provided public comment via email. Mr. Madrigal suggested the relief funds be used to cover shortfalls in the City budget and to support the businesses and residents of Lodi. City Clerk Cusmir read the email into the record.

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:06 p.m.

ATTEST:

Jennifer Cusmir
City Clerk