

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 2, 2021**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 2, 2021, was called to order by Mayor Nakanishi 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/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 International Brotherhood of Electrical Workers, Pursuant to Government Code §54957.6 (CM)
- b) 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)

C-3 Adjourn to Closed Session

At 6:15 p.m., Mayor Nakanishi called the Closed Session to discuss the above matters to order. The Closed Session adjourned at 6:58 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:04 p.m., Mayor Nakanishi called the City Council meeting to order, and City Attorney Magdich disclosed the following actions.

In regard to Item C-2a), 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, the item was for discussion only and no action was taken.

In regard to Item C-2b), 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 for discussion only and no action was taken.

A. Call to Order / Roll Call

The Regular City Council meeting of June 2, 2021, was called to order by Mayor Nakanishi at 7:04 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 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 – 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 30, 2021 through May 13, 2021 in the Amount of \$2,944,265.92 (FIN)

Claims were approved in the amount of \$2,944,265.92.

C-2 Approve Minutes (CLK)

The minutes of May 5, 2021 (Regular Meeting), May 11, 2021 (Shirtsleeve Session), and May 18, 2021 (Shirtsleeve Session) were approved as written.

C-3 Accept the Quarterly Investment Report as Required by the City of Lodi Investment Policy (FIN)

Accepted the Quarterly Investment Report as required by the City of Lodi Investment Policy.

C-4 Accept Quarterly Report of Purchases between \$10,000 and \$20,000 (FIN)

Accepted Quarterly Report of Purchases between \$10,000 and \$20,000.

C-5 Adopt Resolution Authorizing City Manager to Contract with Tree Lodi, a California Non-Profit Corporation, to Implement Two-Year Pilot Residential Shade Tree Program to Achieve State Energy Efficiency Goals; and Authorizing Necessary Appropriations and Expenditure of \$71,500 for Trees, Materials and Supplies, and Other Programming Costs Including Administrative Oversight to be Carried Forward Into Fiscal Year 21-22 (EU)

Adopted Resolution No. 2021-150 authorizing the City Manager to contract with Tree Lodi, a California Non-Profit Corporation, to implement a two-year pilot residential shade tree program to achieve State energy efficiency goals; and authorizing necessary appropriations and expenditure of \$71,500 for trees, materials and supplies, and other programming costs, including administrative oversight, to be carried forward into Fiscal Year 21-22.

C-6 Adopt Resolution Authorizing City Manager to Execute Additional Change Orders to Water Meter Program - Phase 8 with DSS Company dba Knife River Construction, of Stockton (\$100,000) and Appropriating Funds (\$40,000) (PW)

Adopted Resolution No. 2021-151 authorizing the City Manager to execute additional change orders to contract for Water Meter Program - Phase 8 with DSS Company dba Knife River Construction, of Stockton, in the amount of \$100,000 and appropriating funds in the amount of \$40,000.

C-7 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Valley Outdoor Advertising, of Lodi, for Water Conservation Advertising (\$49,152) (PW)

This item was pulled for discussion.

Public Works Director Swimley stated that the water conservation advertising contract will meet State requirements as well as help the City reach water customers to educate them about conservation, in response to a question asked by Council Member Khan. Council Member Khan suggested less expensive ways to advertise.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2021-152 authorizing the City Manager to execute a Professional Services Agreement with Valley Outdoor Advertising, of Lodi, for water conservation advertising, in the amount of \$49,152.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Khan

Absent: None

ROLL CALL VOTE

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

C-8 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Professional Services Agreement with Telstar Instruments, of Concord, for Supervisory Control and

Data Acquisition and Instrumentation Maintenance and Integration Services (PW)

This item was pulled for discussion by a member of the public. The member of the public chose not to comment on the item.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2021-153 authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Telstar Instruments, of Concord, for Supervisory Control and Data Acquisition and instrumentation maintenance and integration services.

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-9 Adopt Resolution Authorizing City Manager to Execute Improvement Deferral Agreement for 1600 North Guild Avenue (PW)

Adopted Resolution No. 2021-154 authorizing the City Manager to execute an Improvement Deferral Agreement for 1600 North Guild Avenue.

C-10 Adopt Resolution Authorizing City Manager to Execute Improvement Deferral Agreement for 508 West Lockeford Street (PW)

Adopted Resolution No. 2021-155 authorizing the City Manager to execute an Improvement Deferral Agreement for 508 West Lockeford Street.

C-11 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 at the request of staff.

C-12 Adopt Resolution Approving Final Map and authorizing the City Manager to execute Improvement Agreement for Sunwest Commons Subdivision, Tract No. 4080 (PW)

This item was pulled at the request of staff.

C-13 Receive Presentation and Adopt Resolution Authorizing Chief of Police to Execute Inmate Communications Agreement with Network Communications International Corporation, of Longview, Texas (PD)

Received a presentation and adopted Resolution No. 2021-156 authorizing the Chief of Police to execute Inmate Communications Agreement with Network Communications International Corporation, of Longview, Texas.

C-14 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. 2021-157 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-15 Appoint Ella Waters, Claire Selling, Elijah Plath, Ben Plath, and Merit Onyekwere to the Greater Lodi Area Youth Commission; Nancy Ahlberg Mellor and Kelli Perrault to the Lodi Arts Commission; and Larry Long and Aaron VanNortwick to the Parks and Recreation Commission (CLK)

Made the following appointments:

Greater Lodi Area Youth Commission

Merit Onyekwere - Term to expire May 31, 2023
Benjamin Plath - Term to expire May 31, 2023
Elijah Plath - Term to expire May 31, 2023
Claire Selling - Term to expire May 31, 2023
Ella Waters - Term to expire May 31, 2022

Lodi Arts Commission

Nancy Ahlberg Mellor - Term to expire July 1, 2024
Kelli Perrault - Term to expire July 1, 2024

Parks and Recreation Commission

Larry Long - Term to expire June 30, 2025
Aaron VanNortwick - Term to expire June 30, 2025

- C-16 Adopt Resolution Approving Participation and Allocation of Funding for Regional Early Action Planning (REAP) Grant Funds Awarded to San Joaquin Council of Governments (SJCOG) on Behalf of San Joaquin Valley Regional Early Action Planning Committee Member Agencies; and Authorize Economic Development and Community Development to Submit Concept Proposal to Request REAP Grant Funds as Stipulated in Table 1 of SJCOG REAP Grant Guidelines to Support Production of Affordable Housing and Increase Opportunities for Low to Moderate Income Households to Access Quality Affordable Housing Opportunities Including Homeownership (CM/CD)

Adopted Resolution No. 2021-158 approving participation and allocation of funding for Regional Early Action Planning (REAP) grant funds awarded to San Joaquin Council of Governments (SJCOG) on behalf of San Joaquin Valley Regional Early Action Planning Committee Member Agencies; and authorizing Economic Development and Community Development to submit concept proposal to request REAP grant funds as stipulated in Table 1 of SJCOG REAP Grant Guidelines to support production of affordable housing and increase opportunities for low to moderate income households to access quality affordable housing opportunities, including homeownership.

- C-17 Ratification of Employment Agreement Entered into Between City Manager Stephen Schwabauer and Christina Jaromay for Position of Parks, Recreation and Cultural Services Director (CM)

This item was pulled for discussion.

City Manager Schwabauer explained that there was a national search to fill the Parks, Recreation, and Cultural Services Director position and the candidate selected is Christina Jaromay. Mr. Schwabauer recommended the City Council approve Ms. Jaromay's contract.

Ms. Jaromay introduced herself and spoke briefly about her background and previous work she has done with the California State Parks Department.

Council Member Kuehne made a motion, second by Mayor Nakanishi, to ratify Employment Agreement entered into between City Manager Stephen Schwabauer and Christina Jaromay for position of Parks, Recreation and Cultural Services Director.

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 Adopt Resolution Initiating Proceedings for the Levy and Collection of Assessments, Resolution Approving the Annual Report, and Resolution Declaring Intention to Levy and Collect Assessments for the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2021/22; and Set Public Hearing for July 7, 2021 (PW)

Adopted Resolution No. 2021-159 initiating proceedings for the levy and collection of assessments, Resolution No. 2021-160 approving the Annual Report, and Resolution No. 2021-161 declaring intention to levy and collect assessments for the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2021/22; and set public hearing for July 7, 2021.

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.

The Breakthrough Project for Social Justice submitted a public comment via email. City Clerk Cusmir read the email into the record.

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

Mayor Pro Tempore Chandler congratulated the new Fire Chief Ken Johnson and spoke about the Oath of Office ceremony.

Council Member Khan welcomed the new Fire Chief Ken Johnson and spoke about the Oath of Office ceremony. Council Member Khan offered his condolences to the families that lost their loved ones in Tracy.

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

None.

G. Public Hearings

G-1 Public Hearing to Adopt Resolution to Vacate a 16.5-Foot Public Utility Easement Located at 2500, 2505, and 2506 Mayfair Court and Lot A, Gateway North Unit 1, Tract 3940 (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 Nakanishi called for the public hearing to consider adopting a resolution to vacate a 16.5-foot Public Utility Easement located at 2500, 2505, and 2506 Mayfair Court and Lot A, Gateway North Unit No. 1, Tract 3940

Public Works Director Charlie Swimley provided a presentation regarding the Public Utility Easement vacation. Specific topics of discussion included the easement's previous use and the location of the easement.

Mayor Nakanishi opened the public hearing for public comment.

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

Public Works Director Swimley stated that a portion of the easement will become public right-of-way and the other portion will be private property, in response to a question asked by Mayor Pro Tempore Chandler.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Chandler, to adopt Resolution No. 2021-162 to vacate a 16.5-foot Public Utility Easement located at 2500, 2505, and 2506 Mayfair Court and Lot A, Gateway North Unit No. 1, Tract 3940.

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 Adopt Resolution to Abandon Two 10-Foot Public Utility Easements Located at 121 North Guild Avenue (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 Nakanishi called for the public hearing to consider adopting a resolution to abandon two 10-foot Public Utility Easements located at 121 North Guild Avenue.

Public Works Director Charlie Swimley provided a presentation regarding the proposed Public Utility Easements abandonment. Specific topics of discussion included the easement's previous use and the location of the easement.

Mayor Nakanishi opened the public hearing for public comment.

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

Council Member Kuehne made a motion, second by Council Member Hothi, to adopt Resolution

No. 2021-163 to abandon two 10-foot Public Utility Easements located at 121 North Guild Avenue.

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 Provide Direction Regarding Redistricting Process (CLK)

City Clerk Jennifer Cusmir provided a presentation regarding the redistricting process. Specific topics of discussion included background information of the initial establishment of the City Council Districts, a description of the types of Commissions that are allowed by law to provide recommendations to Council on redistricting, and information regarding the upcoming redistricting process.

Council Member Kuehne spoke about the process the City Council followed in 2018 and stated he supports moving forward with the Council option.

City Clerk Cusmir stated that redistricting is required every ten years, following the federal census and that the current City Council Districts may need to be adjusted based on the new census data, in response to a question asked by Council Member Khan. City Manager Schwabauer stated that the new districts need to be adopted prior to the 2022 election.

The City Council agreed to move forward with redistricting without appointing a Commission.

City Attorney Magdich spoke about the past public outreach the City hosted while initially forming the City Council Districts.

H-2 Adopt Resolution Approving Fiscal Year 2021/22 Financial Plan and Budget; Approving Fiscal Year 2021/22 Appropriation Spending Limit; Approving Job Specifications and Salary Ranges for Three New Positions; Approving FY 2021/22 Investment Policy; and Approving FY 2021/22 to 2022/23 Budget and Fiscal Policies (FIN)

Deputy City Manager Andrew Keys provided a PowerPoint presentation regarding the financial plan and budget. Specific topics of discussion included budget adoption; changes from draft document, position requests, Capital Improvement Project (CIP) Program, all Funds expenditures, and recommended action; General Fund assumptions, revenues, expenditures, and key inputs; Measure L revenues and expenditures; Vehicle Replacement Fund; IT Network Infrastructure Replacement Fund; five-year forecast assumptions, revenue, expenses, fund balance, and risks/opportunities; Electric Utility overview, revenue highlights, expenditure highlights, additions to CIP program, equipment and vehicle requests, and reserves; Water Utility overview, revenue highlights, expenditure highlights, additions to CIP program, equipment and vehicle requests and operating fund reserves; Wastewater Utility overview, revenue highlights, expenditure highlights, additions to CIP program, equipment and vehicle requests, and operating fund reserves; Transit overview, revenue highlights, expenditure highlights, additions to CIP

program, and equipment and vehicle requests; Street overview, revenue highlights, expenditure highlights, additions to CIP program, and CIP five-year forecast; Community Development Overview, revenue highlights, expenditure highlights, and key inputs; Library overview, revenue highlights, expenditure highlights, and additional requests; Parks, Recreation and Cultural Services (PRCS) revenue highlights, expenditure highlights, CIP allocation process, CIP five-year forecast, Zupo Field project, and other key projects; General Fund Capital Outlay CIP five-year forecast; Parks unfunded projects; additional Council CIP requests; and PRCS CIP details - unfunded projects.

Deputy City Manager Keys explained that the expenditures of American Rescue Act funds are not included in the budget due to timing issues, but the funds have been appropriated and will be rolled over, in response to questions asked by Council Member Khan.

Public Works Director Swimley outlined the schedules for public works projects, in response to questions asked by Council Member Khan.

City Manager Schwabauer addressed questions asked by Council Member Khan regarding ADA compliance projects.

Mayor Pro Tempore Chandler made a motion, second by Council Member Hothi, to adopt Resolution No. 2021-164 approving the Fiscal Year 2021/22 Financial Plan and Budget; approving Fiscal Year 2021/22 Appropriation Spending Limit; approving job specifications and salary ranges for three new positions; approving FY 2021/22 Investment Policy; and approving FY 2021/22 to 2022/23 Budget and Fiscal Policies.

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 - None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:09 p.m.

ATTEST:

Jennifer Cusmir
City Clerk