

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 2, 2023**

A. Call to Order / Roll Call

The Regular City Council meeting of August 2, 2023, was called to order by Mayor Pro Tempore Craig at 7:05 p.m.

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

Absent: Mayor Hothi

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

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 Notice at the beginning of this agenda.

Council Member Bregman made a motion, second by Council Member Nakanishi, 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 Bregman, Council Member Nakanishi, Council Member Yepez, and Mayor Pro Tempore Craig

Noes: None

Absent: Mayor Hothi

C-1 Receive Register of Claims for June 30, 2023 through July 13, 2023 in the Total Amount of \$4,295,878.06 (FIN)

Claims were approved in the amount of \$4,295,878.06.

C-2 Approve Minutes (CLK)

The minutes of May 2, 2023 (Shirtsleeve Session); June 7, 2023 (Regular Meeting); July 11, 2023 (Shirtsleeve Session); and July 18, 2023 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing City Manager to Purchase One Plug-In Hybrid Kia Sorento from Lahham Automotive, Inc. (Kia of Stockton) for Electric Utility Department (\$60,000).(EU)

Adopted Resolution No. 2023-155 authorizing the City Manager to purchase one plug-in hybrid Kia Sorento from Lahham Automotive, Inc. (Kia of Stockton) for the Electric Utility Department, in the amount of \$60,000.

C-4 Approve Specifications and Authorize Advertisement for Bids for 2023 Crack Seal Project and Adopt Resolution Authorizing City Manager to Award Contract to Lowest Responsive Bidder (\$75,000).(PW)

Approved the specifications and authorized advertisement for bids for the 2023 Crack Seal Project and adopted Resolution No. 2023-156 authorizing the City Manager to award a contract to the lowest responsive bidder in an amount not to exceed \$75,000.

C-5 Adopt Resolution Authorizing City Manager to Execute Additional Change Orders (Not to Exceed \$20,000) for Lodi Station Parking Garage Repair Project, and Appropriate Fund (\$20,000).(PW)

Adopted Resolution No. 2023-157 authorizing the City Manager to execute additional change orders, in an amount not to exceed \$20,000, for the Lodi Station Parking Garage Repair Project, and appropriating fund in the amount of \$20,000

C-6 Accept Improvements Under Contract for Stormwater Trash Collection Project - Phase 2 (PW)

This item was pulled at the request of Mayor Pro Tempore Craig.

In response to Mayor Pro Tempore Craig, Public Works Director Charlie Swimley explained the use of the Stormwater Trash Collection Project contractor to provide services at the Tiny Homes project and clarified that those services were paid for through the appropriate grant funds.

Council Member Nakanishi made a motion, second by Council Member Bregman, to accept the improvements under the contract for Stormwater Trash Collection Project - Phase 2.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Hothi

NOTE: Items C-6, C-7, and C-14 were voted on together, following Council discussion.

C-7 Accept Improvements Under Contract for Peterson Park Tennis Court Resurfacing (PW)

This item was pulled at the request of Mayor Pro Tempore Craig.

Mayor Pro Tempore Craig stated that she appreciated the inclusion of the Strategic Vision statements on the staff reports and noted that the Peterson Park Tennis Court Resurfacing project was working towards the goal of maintaining sports and park facilities.

Council Member Nakanishi made a motion, second by Council Member Bregman, to accept the improvements under the contract for Peterson Park Tennis Court Resurfacing.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Hothi

NOTE: Items C-6, C-7, and C-14 were voted on together, following Council discussion.

C-8 Accept Improvements Under Contract for Hale Park Parking Lot Reconstruction (PW)

Accepted the improvements under the contract for Hale Park Parking Lot Reconstruction.

C-9 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Robertson-Bryan, Inc., of Elk Grove, for Aeration Basin Diffuser System Project Engineering Services (\$416,967) (PW)

Adopted Resolution No. 2023-158 authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Robertson-Bryan, Inc., of Elk Grove, for the Aeration Basin Diffuser System Project engineering services, in the amount of \$416,967.

C-10 Adopt Resolution Authorizing City Manager to Waive Bid Process and Execute Amendment No. 1 to Professional Services Agreement with Lodi Memorial Hospital Association, Inc., dba Adventist Health Lodi Memorial (\$45,400) (FD)

Adopted Resolution No. 2023-159 authorizing the City Manager to waive the bid process and execute Amendment No. 1 to the Professional Services Agreement with Lodi Memorial Hospital Association, Inc., dba Adventist Health Lodi Memorial, in the amount of \$45,400.

C-11 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Professional Services Agreement with CityBase, of Chicago, Illinois, for Payment Kiosk Services Extending Term and Increasing Fees (\$30,000) (FIN)

Adopted Resolution No. 2023-160 authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with CityBase, of Chicago, Illinois, for payment kiosk services extending the term and increasing fees, in the amount of \$30,000.

C-12 Adopt Resolution Authorizing City Manager to Enter into Professional Services Agreement in a Form Acceptable by City Attorney for Purchase and Installation of Three-Stage Elevator (Not to Exceed \$160,000) and Waive Formal Bid Process (CD)

Adopted Resolution No. 2023-161 authorizing the City Manager to enter into a Professional Services Agreement in a form acceptable to the City Attorney for the purchase and installation of a three-stage elevator, in an amount not to exceed \$160,000, and waiving the formal bid process.

C-13 Adopt Resolution Accepting Lodi Electric Utility's 2023 Wildfire Mitigation Plan (EU)

Adopted Resolution No. 2023-162 accepting the Lodi Electric Utility's 2023 Wildfire Mitigation Plan.

C-14 Approve Response to San Joaquin County Grand Jury Report Regarding School Safety: A Shared Responsibility, Case No. 0322 (PD)

This item was pulled at the request of Mayor Pro Tempore Craig.

At Mayor Pro Tempore Craig's request, Police Captain Eric Versteeg provided information regarding the collaborative efforts of the Lodi Police Department and Lodi Unified School District on school safety.

Council Member Nakanishi made a motion, second by Council Member Bregman, to approve the response to the San Joaquin County Grand Jury Report Regarding School Safety: A Shared Responsibility, Case No. 0322.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Hothi

NOTE: Items C-6, C-7, and C-14 were voted on together, following Council discussion.

C-15 Adopt Resolution Appropriating Funds for Vehicle Purchase for Facilities Superintendent (\$45,000) (PW)

Adopted Resolution No. 2023-163 appropriating funds for a vehicle purchase for the Facilities Superintendent, in the amount of \$45,000.

C-16 Appoint Eve Melton to the Library Board of Trustees (CLK)

Made the following appointment:

Library Board of Trustees

Eve Melton - Term to expire June 30, 2026

D. Comments by the Public on Non-Agenda Items

J.P. Doucette, Lodi Chamber of Commerce CEO, spoke regarding the owner of Wild and Well Yoga's difficulties in opening her business and provided background information on her efforts (filed).

Ron Heberle, a member of the public, commended Captain Versteeg's report on school safety. He also spoke regarding the property on Stockton Street being declared as surplus property and urged Council to reserve that land for the development of a fire station.

Ria Jones, a member of the public, spoke regarding the upcoming Freedom Fest that will be held in Lodi, the resistance from some members of the community, and the need for election integrity in San Joaquin County.

Mono Geralis, a Waste Management employee, spoke regarding complaints he has received from Waste Management customers and a fellow employee regarding a specific Community Improvement Officer who has fined and filed property liens for garbage cans that are visible from the street and for neighbors' parking violations.

Cesar Trevino, a member of the public, spoke regarding being displaced due to the Main Street hotel project and submitted supplemental information (filed).

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

Council Member Nakanishi thanked City Manager Schwabauer for his efforts in dealing with citizen complaints and spoke regarding National Night Out.

Council Member Bregman concurred with Council Member Nakanishi's comments regarding City Manager Schwabauer and spoke regarding National Night Out.

Council Member Yopez spoke regarding National Night Out.

Mayor Pro Tempore Craig spoke regarding the California Adaptation Forum, Lodi's Wildfire Mitigation Plan, extreme heat plans, and Friends of Lodi Lake.

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

City Manager Schwabauer spoke regarding City Council's Strategic Priorities and the new graphic near the dais depicting those priorities, the City's Code Enforcement process, and Police Chief Sierra Brucia's upcoming retirement.

G. Public Hearings

G-1 Public Hearing to Consider Approval of Planning Commission's Recommendation to Introduce Ordinance Amending Lodi Municipal Code Title 17 – Development Code – Article 3, "Site Planning and General Development Standards," Chapter 17.34, "Signs," by Amending Section 17.34.070, "Standards for Specific Types of Signs," by Revising Development Standards of Subsection (F) "Programmable Electronic Signs" (Applicant: City of Lodi; File: 2023-01 Z; CEQA Status: Exempt per Section 15061(b)(3) – General Rule Exemption) (CD).

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Craig called for the public hearing to consider approval of the Planning Commission's recommendation to introduce an ordinance amending Lodi Municipal Code Title 17 - Development Code - Article 3, "Site Planning and General Development Standards," Chapter 17.34, "Signs," by amending Section 17.34.070, "Standards for Specific Types of Signs," by revising the Development Standards of Subsection (F) "Programmable Electronic Signs."

City Manager Schwabauer provided a brief introduction to the public hearing.

City Planner Cynthia Marsh provided a PowerPoint presentation regarding the introduction of an ordinance amending Lodi Municipal Code Section 17.34.070 regarding electronic signs. Specific topics of discussion included background, current standard, proposed standard, and staff recommendation.

In response to Council Member Nakanishi, City Manager Schwabauer explained the reasons for the zoning code changes.

Discussion ensued with Mayor Pro Tempore Craig and City Planner Marsh regarding use permit requirements for electronic signs.

Mayor Pro Tempore Craig opened the public hearing for public comment at 8:06 p.m.

Michael Thomas, representing Vinewood Community Church, spoke regarding the church's year-long process of replacing their current sign with an electronic sign and the need to finish the process soon due to the serious illness of the donor financing the sign.

City Manager Schwabauer and Interim City Attorney Lucchesi explained the constraints of the City in issuing a permit due to the State-mandated ordinance process.

There being no further public comments, Mayor Pro Tempore Craig closed the public hearing at 8:12 p.m.

Council Member Bregman made a motion, second by Council Member Nakanishi, to introduce Ordinance No. 2017 amending Lodi Municipal Code Title 17 - Development Code - Article 3, "Site Planning and General Development Standards," Chapter 17.34, "Signs," by amending Section 17.34.070, "Standards for Specific Types of Signs," by revising the Development Standards of Subsection (F) "Programmable Electronic Signs."

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Hothi

G-2 Public Hearing to Consider Resolution Adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2023/24; and Ordering the Levy and Collection of Assessments (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Craig called for the public hearing to consider a resolution adopting the final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2023/24; and ordering the levy and collection of assessments.

City Manager Schwabauer provided a brief introduction to the public hearing.

Public Works Director Charlie Swimley provided background information on the item.

Public Works Associate Engineer Alice Bernardino provided a PowerPoint presentation regarding Lodi Consolidated Landscape Maintenance District No. 2003-1. Specific topics of discussion included overview, map of zones, budget, and comparison of annual assessments by zone.

Discussion ensued with Council Member Nakanishi and City Manager Schwabauer regarding the money collected being an assessment, rather than a tax or a fee; property owners paying the assessment as part of their property tax bill; the formula for the amount of the assessment; and Landscape Maintenance Districts being the only option at the time the affected subdivisions were constructed.

Discussion ensued with Mayor Pro Tempore Craig, City Manager Schwabauer, and Associate Engineer Bernardino regarding no expiration on the assessment; the need to reset the assessment amount each year; current surplus funds; and if assessments differ for residential and commercial properties.

Mayor Pro Tempore Craig opened the public hearing for public comment at 8:24 p.m.

There being no public comments, Mayor Pro Tempore Craig closed the public hearing at 8:25 p.m.

Council Member Nakanishi made a motion, second by Council Member Bregman, to adopt Resolution No. 2023-164 adopting the final Engineer's Annual Levy Report for the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2023/24; and ordering the levy and collection of assessments.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Hothi

H. Regular Calendar – None

I. Ordinances

- I-1 Adopt Ordinance No. 2016 Entitled, "An Ordinance of Lodi City Council Amending Lodi Municipal Code Title 17 - Development Code - Related to Section 17.10.030, "Zoning Map," to Amend the Zoning Designation of Assessor Parcel Numbers 027-400-14 and 027-400-19 of Planned Development 35 (PD 35) to General Commercial (GC) (Application No. P2023-008) (CLK)

City Manager Schwabauer provided an introduction to the item.

City Clerk Nashed provided a brief report.

Josh Elson, of Baumbach & Piazza, the applicant's engineer, stated that he was available for any questions.

Council Member Nakanishi verified the zoning change is in order to allow a car wash at the location.

Council Member Bregman made a motion, second by Council Member Yepez, to approve (following reading of the title) the waiving of the reading of the ordinance in full and adopt and order to print Ordinance No. No. 2016 entitled, "An Ordinance of Lodi City Council Amending Lodi Municipal Code Title 17 - Development Code - Related to Section 17.10.030, "Zoning Map," to Amend the Zoning Designation of Assessor Parcel Numbers 027-400-14 and 027-400-19 of Planned Development 35 (PD 35) to General Commercial (GC) (Application No. P2023-008)," which was introduced at a regular meeting of the Lodi City Council held July 19, 2023.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Hothi

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:28 p.m.

ATTEST:

Olivia Nashed
City Clerk