

**LODI CITY COUNCIL
REGULAR MEETING
CARNEGIE FORUM
305 WEST PINE STREET, LODI
WEDNESDAY, JANUARY 17, 2024 - 6:00 PM**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of January 17, 2024, was called to order by Mayor Craig at 6:03 p.m.

Present: Council Member Hothi, Council Member Nakanishi, Council Member Yepez, and Mayor Craig

Absent: Mayor Pro Tempore Bregman

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

NOTE: Council Member Hothi and City Attorney Lucchesi participated in the meeting via teleconference.

NOTE: Mayor Pro Tempore Bregman arrived at 6:18 p.m.

C-2 Announcement of Closed Session

- a) Public Employee Performance Evaluation (Government Code § 54957): Three Appointed Positions - City Clerk, City Attorney, and Interim City Manager.

C-3 Adjourn to Closed Session

At 6:04 p.m., Mayor Craig adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:19 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:20 p.m., Mayor Craig reconvened the City Council meeting, and City Attorney Lucchesi disclosed that there was no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of January 17, 2024, was called to order by Mayor Craig at 7:22 p.m.

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

Absent: None

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

NOTE: Council Member Hothi and City Attorney Lucchesi participated in the meeting via teleconference.

NOTE: Council Member Nakanishi left the meeting at 8:29 a.m.

Interim City Manager Keys presented a request from staff that the Water/Wastewater Proposition 218 Public Hearing scheduled for this agenda be brought forth as the first item to be considered by Council.

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Bregman, to amend the agenda order for this meeting by bringing forth the Water/Wastewater Proposition 218 Public Hearing as the first item to be considered by City Council.

ROLL CALL VOTE

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

VOTE:

The above motion carried by the following vote:

Ayes:	Council Member Hothi, Council Member Nakanishi, Council Member Yepez, Mayor Pro Tempore Bregman, and Mayor Craig
Noes:	None
Absent:	None

B. Presentations

B.1 Helping One Woman Certificate of Recognition (CLK)

At the request of staff, the presentation was postponed to a later City Council meeting agenda.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Mayor Pro Tempore Bregman made a motion, second by Council Member Yepez, to approve the following items hereinafter set forth, except those otherwise noted, in accordance with the report and recommendation of the City Manager.

ROLL CALL VOTE

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

VOTE:

The above motion carried by the following vote:

Ayes:	Council Member Hothi, Council Member Yepez, Mayor Pro Tempore Bregman, and Mayor Craig
Noes:	None
Absent:	Council Member Nakanishi

C.1 Receive Register of Claims for December 15, 2023 through December 28, 2023 in the Total Amount of \$9,838,112.35 (FIN)

Claims were approved in the amount of \$9,838,112.35.

C.2 Adopt a Resolution Authorizing the City Attorney to Enter into Amendment No. 2 to Attorney-Client Representation Agreement with Neumiller & Beardslee, APC for Legal Services Related to Prosecution of Lodi Municipal Code Violations (\$250,000) (CA)

Adopted Resolution No. 2024-03 authorizing the City Attorney to enter into Amendment No. 2 to Attorney-Client Representation Agreement with Neumiller & Beardslee, APC, for legal services related to prosecution of Lodi Municipal Code violations, in the amount of \$250,000.

- C.3** Adopt a Resolution Authorizing the Interim City Manager to Execute Amendment No. 1 to Professional Services Agreement with Gallagher Benefit Services, to Add Services and Increase Funds (Not to Exceed \$156,100) (HR)

Adopted Resolution No. 2024-04 authorizing the Interim City Manager to execute Amendment No. 1 to the Professional Services Agreement with Gallagher Benefit Services, to add services and increase funds, in an amount not to exceed \$156,100.

- C.4** Adopt a Resolution Ratifying Interim City Manager's Employment of Luis Aguilar as Economic Development Director and Approving the Employment Agreement, effective February 5, 2024 (HR)

At the request of Interim City Manager Keys, this item was pulled from the Consent Calendar to allow Luis Aguilar the opportunity to address the City Council. Mr. Aguilar introduced himself and spoke briefly to Council.

Council Member Hothi spoke in favor of this item.

This item was included in the vote for the Consent Calendar.

Adopted Resolution No. 2024-05 ratifying the Interim City Manager's employment of Luis Aguilar as Economic Development Director and approving the Employment Agreement, effective February 5, 2024.

- C.5** Adopt a Resolution Amending Traffic Resolution No.97-148, by Adding Residential Permit Parking on Sacramento Street between Turner Road and North of De Force Avenue (PW)

Adopted Resolution No. 2024-06 amending Traffic Resolution No. 97-148 by adding residential permit parking on Sacramento Street between Turner Road and north of De Force Avenue.

- C.6** Approve Plans and Specifications and Authorize Advertisement for Bids for the City of Lodi Animal Shelter (PW)

Approved the plans and specifications and authorized advertisement for bids for the City of Lodi Animal Shelter.

- C.7** Accept Monthly Protocol Account Report through December 31, 2023 (CLK)

Accepted the Monthly Protocol Account Report through December 31, 2023.

- C.8** Post for Vacancies on the Personnel Board of Review (CLK)

Directed the City Clerk to post for the following vacancies.

POSTINGS:

Personnel Board of Review

Vacant – Term to expire January 1, 2027

Vacant – Term to expire January 1, 2027

Vacant – Term to expire January 1, 2027

Vacant – Term to expire January 1, 2027

Vacant – Term to expire January 1, 2027

D. Comments by the Public on Non-Agenda Items

Sofia Garibaldi, a member of the public, provided supplemental documentation and spoke regarding the peaker plant and the landscape and tree maintenance contract with West Coast Arborists in the Lodi Lake Nature Area.

Alex Aliferis, a member of the public, spoke regarding Proposition 47 and the increase in stolen automobiles and other crime.

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

Mayor Craig spoke regarding the San Joaquin Regional Rail Commission's recent meeting which addressed the Lodi Station project; her attendance at the meetings of the Lodi Improvement Committee, the Senior Citizens Commission, and the Youth Commission; the new Deputy City Clerk, Maria Ditmore; and the ribbon cutting at the LOEL Center. In response to Mayor Craig, Human Resources Manager Adele Post provided an update on the City Manager recruitment.

Mayor Pro Tempore Bregman spoke regarding attendance at the NCPA event.

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

Interim City Manager Keys spoke regarding Lodi Lake improvements, Lodi Municipal Code violation prosecutions, Citywide residential solid waste reroute, Lodi Connect launch, and the Lodi service groups.

G. Public Hearings

G.1 Public Hearing to Consider Adopting a Resolution Setting Rate Adjustment of Three Percent (3%) To Water Rates, Effective February 1, 2024 and Four Percent (4%) To Wastewater Rates, Effective July 1, 2024 and Setting Future Water and Wastewater Rate Schedules Pursuant to Proposition 218 for Residential, Commercial and Industrial Customers (PW)

Per the City Council vote to amend the agenda order, the Public Hearing was brought forth as the first item on the agenda.

Public Works Director Charlie Swimley provided a brief overview and introduced Mark Hildebrand, of Hildebrand Consulting. Mr. Hildebrand provided a PowerPoint presentation regarding setting the rate adjustments for Water and Wastewater rates and setting future Water and Wastewater Rate Schedules pursuant to Proposition 218 for residential, commercial and industrial customers. Specific topics of discussion included the 2024 Water/Wastewater Rate Study, rate setting process, legal requirements for setting water rates in California, Water revenue, Water operating expenses, projected Water Capital spending, Water financial forecast and proposed rate revenue increases, historical Water rate increases, single family tiered rate design, single family tiered rates allocation, current and proposed metered rates, current and proposed non-metered rates, Water bill impact analysis, Water bill survey, Wastewater revenue, Wastewater operating expenses, projected Wastewater Capital spending, highlighted large Capital projects in the next five years, Wastewater financial forecast and proposed rate revenue increases, historical Wastewater rate increases, current and proposed Wastewater rates, Wastewater bill impact analysis, Wastewater bill survey, and next steps.

Council Member Hothi stated he felt the rate increases were reasonable, given inflation.

In response to Mayor Craig, Public Works Director Swimley addressed the membrane

replacement at the Surface Water Treatment Facility and the status of the multifamily water meter installations.

Mayor Craig opened the public hearing for public comment at 7:44 p.m.

Linda Reichert, a member of the public, spoke regarding the confusing nature of the letter received and against the rate increase.

Alex Aliferis, a member of the public, spoke against the rate increase.

Jeffrey Flaherty, a member of the public, spoke against the rate increase and being overcharged on his bill.

Mayor Craig made a final call for any Prop 218 protests.

Interim City Manager Keys and City Attorney Lucchesi clarified the protest procedure.

Council Member Nakanishi left the dais at 7:59 p.m.

An unidentified member of the public stated he had a petition against the rate increase.

City Attorney Lucchesi spoke regarding the invalidity of the rate protest petition.

Council Member Nakanishi returned to the dais at 8:01 p.m.

Mayor Craig called a recess at 8:02 p.m. and reconvened the meeting at 8:12 p.m.

Interim City Manager Keys and Public Works Director Swimley addressed the issues raised by comments by the public.

There being no further public comments, Mayor Craig closed the public hearing at 8:22 p.m.

City Clerk Nash announced the results of the protest count. The number needed to constitute a majority protest was 12,606 based on 25,211 customer accounts served by the City. The number of protests received was 280. Because this number was insufficient for a majority protest, the City Clerk determined that there was an absence of a majority protests and the protests received were deemed valid without further examination. In the absence of a majority protest, the Council proceeded with the item.

Mayor Pro Tempore Bregman spoke in support of the rate increase.

Mayor Craig stated that the situation with low-income and senior utility customers needs to be addressed and further spoke in support of the rate increase.

Mayor Pro Tempore Bregman made a motion, second by Council Member Yepez, to adopt Resolution No. 2024-09 setting the rate adjustment of 3% to Water rates, effective February 1, 2024, and 4% to Wastewater rates, effective July 1, 2024, and setting future Water and Wastewater Rate Schedules pursuant to Proposition 218 for residential, commercial, and industrial customers.

ROLL CALL VOTE

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

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Nakanishi, Council Member Yepez,

Mayor Pro Tempore Bregman, and Mayor Craig
Noes: None
Absent: None

H. Regular Calendar

H.1 Adopt a Resolution Approving a Side-Letter Agreement with AFSCME General Services Unit and AFSCME Maintenance & Operators Unit, Amending the City's Contribution to Medical Insurance Premiums (HR)

Human Resources Manager Adele Post provided a presentation regarding a Side-Letter Agreement with AFSCME General Services Unit and AFSCME Maintenance and Operators Unit, amending the City's contribution to medical insurance premiums. Specific topics of discussion included background, an increase of the subsidy threshold from \$47,000 to \$55,000, and subsidy to apply to 16 employees at cost of \$15,000.

Mayor Pro Tempore Bregman made a motion, second by Council Member Yepez, to adopt Resolution No. 2024-07 approving a Side-Letter Agreement with AFSCME General Services Unit and AFSCME Maintenance and Operators Unit, amending the City's contribution to medical insurance premiums.

ROLL CALL VOTE

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

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Yepez, Mayor Pro Tempore Bregman, and Mayor Craig
Noes: None
Absent: Council Member Nakanishi

H.2 Adopt a Resolution Approving the Exception to the 180-day Waiting Period for Appointing a Retired Annuitant to Provide Training to New Construction Project Manager (HR)

Human Resources Manager Adele Post provided a presentation regarding the exception to the 180-day waiting period for appointing a retired annuitant to provide training to the new Construction Project Manager. Specific topics of discussion included CalPERS requirements; need for training for current incumbent during the transition process; and limitations on hours, salary, and benefits.

Mayor Pro Tempore Bregman made a motion, second by Council Member Yepez, to adopt Resolution No. 2024-08 approving the exception to the 180-day waiting period for appointing a retired annuitant to provide training to the new Construction Project Manager.

ROLL CALL VOTE

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

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Yepez, Mayor Pro Tempore Bregman, and Mayor Craig
Noes: None
Absent: Council Member Nakanishi

I. Ordinances

- I.1** Adopt Ordinance No. 2022, "An Ordinance of the Lodi City Council amending Lodi Municipal Code, Title 17 (Development Code), Sections 17.14.100 (Walls, fences and hedges), 17.20.030 (Commercial zoning district land uses and permit requirements), 17.22.030 (Mixed use zoning districts land uses and permit requirements), 17.24.030 (Industrial zoning district land uses and permit requirements), 17.36.170 (Parking facilities/vehicle storage), 17.36.180 (Auto sales and rental), 17.36.190 (Storage Indoor (mini-storage facilities)), and 17.54.090 (Filing and processing of final maps). (Applicant: City of Lodi; File Number: 2023-02 Z; CEQA Status: Exempt per Section 15061(b)(3) - General Rule Exemption.)"

Mayor Pro Tempore Bregman made a motion, second by Council Member Yepez, to (following reading of the title) waive reading of the ordinance in full and adopt and order to print Ordinance No. 2022 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code, Title 17 (Development Code), Sections 17.14.100 (Walls, Fences and Hedges), 17.20.030 (Commercial Zoning District Land Uses and Permit Requirements), 17.22.030 (Mixed Use Zoning Districts Land Uses and Permit Requirements), 17.24.030 (Industrial Zoning District Land Uses and Permit Requirements), 17.36.170 (Parking Facilities/Vehicle Storage), 17.36.180 (Auto Sales and Rental), 17.36.190 (Storage Indoor (Mini-Storage Facilities)), and 17.54.090 (Filing and Processing of Final Maps) (Applicant: City of Lodi; File Number: 2023-02 Z)," which was introduced at a regular meeting of the Lodi City Council held January 3, 2024.

ROLL CALL VOTE

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

VOTE:

The above motion carried by the following vote:

Ayes:	Council Member Hothi, Council Member Yepez, Mayor Pro Tempore Bregman, and Mayor Craig
Noes:	None
Absent:	Council Member Nakanishi

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:05 p.m.

ATTEST:

Olivia Nashed
City Clerk