

**LODI CITY COUNCIL
REGULAR MEETING
CARNEGIE FORUM
305 WEST PINE STREET, LODI
WEDNESDAY, JANUARY 3, 2024 - 5:30 P.M.**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of January 3, 2024, was called to order by Mayor Craig at 5:38 p.m.

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

Absent: Council Member Yepez

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

NOTE: Council Member Yepez arrived at 5:39 p.m.

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code Section 54956.9; Three Applicants; William Broderick v. City of Lodi, Workers' Compensation, WCAB Case # ADJ15932091 (CT-12/13/2020); Michael Russell v. City of Lodi, Workers' Compensation, WCAB Case #'s ADJ14377522 (3/19/2019), ADJ14377490 (11/17/2020 CT); and Paul Alvarez v. City of Lodi, Workers' Compensation, WCAB Case #'s ADJ8113313 (9/1/2009), ADJ17099777 (2/8/2022) (CA)
- b) Prospective sale of real property located immediately north of 2057 Lower Sacramento Road (APN 058-030-38). Negotiating parties are City of Lodi and adjacent property owner Harpreet S. Chaudhary Trust et. al. per Government Code § 54956.8. (CM)
- c) 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 5:39 p.m., Mayor Craig adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:10 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:10 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 3, 2024, was called to order by Mayor Craig at 7:13 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

B. Presentations - None

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

A motion was made by Council Member Nakanishi, seconded by Mayor Pro Tempore Bregman, 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 Nakanishi, Council Member Yepez, Mayor Pro Tempore Bregman, and Mayor Craig

Noes: None

Absent: None

C.1 Receive Register of Claims for December 1, 2023 through December 14, 2023 in the Total Amount of \$3,267,514.88 (FIN)

Claims were approved in the amount of \$3,267,514.88.

C.2 Approve Minutes (CLK)

a) December 19, 2023 (Shirtsleeve Session)

b) December 26, 2023 (Shirtsleeve Session)

The minutes of December 19, 2023 (Shirtsleeve Session) and December 26, 2023 (Shirtsleeve Session) were approved as written.

C.3 Authorize Interim City Manager to Execute License Agreement with the San Joaquin County Registrar of Voters for the Installation of a Permanent Vote-By-Mail Ballot Drop Box at City Hall (CLK)

This item was pulled at the request of the City Clerk in order to provide a report. Specific topics of discussion included a request from the San Joaquin County Registrar of Voters (ROV) for the installation of a permanent vote-by-mail ballot drop box on City property as part of a project to install drop boxes throughout the County; the proposed location of the drop box at the City Hall campus; feedback received on the location; time frame for installation of the drop box based on upcoming primary election; options to consider on the item - Option 1 (move forward with item as presented), Option 2 (direct staff to renegotiate the contract terms and/or drop box location); or Option 3 (not move forward with permanent drop box); and possible locations.

Ria Jones, a member of the public, spoke in opposition to a permanent drop box.

Holly Moore, Election Integrity Officer for the San Joaquin County Republican Central Committee, provided supplemental documentation to City Council and spoke in opposition to a permanent drop box.

Cynthia Cuevas, a member of the public, spoke in opposition to a permanent drop box.

Council discussion ensued, including the need for security, the option of continuing to have a temporary box within City Hall, education of voters on options of submitting their ballots, the lack of need for a permanent box, and explanation of the County agreement.

A motion was made by Mayor Pro Tempore Bregman, seconded by Council Member Hothi, to direct staff to renegotiate the contract terms and/or the permanent ballot drop box location, with the location being changed to the Finance Department, adjacent to the City kiosk located on Elm Street, across from the Police Department (Option 2).

VOTE

The motion failed to pass with the following vote:

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

A motion was made by Mayor Craig, seconded by Mayor Pro Tempore Bregman, to not move forward with a permanent vote-by-mail ballot drop box (Option 3).

VOTE:

The above motion carried by the following vote:

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

- C.4 Adopt a Resolution Authorizing the Interim City Manager to Execute 1) Professional Services Agreements with Kimley-Horn and Associates, Inc., a Professional Consulting Firm, for Environmental Review Services in an amount not to exceed \$145,000, and with GHD Inc., a Professional Consulting Firm, for Traffic Analysis Services in an amount not to exceed \$95,000, and 2) a Reimbursement Agreement with Maverik, Inc., a Utah corporation qualified to do business in California, for the Proposed Maverik Fueling Station Project (CD)

This item was pulled at the request of Council Member Yepez.

In response to Council Member Yepez and Mayor Craig, Community Development Deputy Director/City Planner Cynthia Marsh provided additional information regarding the project and agreements.

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

Adopted Resolution No. 2024-01 authorizing the Interim City Manager to execute 1) Professional Services Agreements with Kimley-Horn and Associates, Inc., a Professional Consulting Firm, for environmental review services, in an amount not to exceed \$145,000, and with GHD, Inc., a Professional Consulting Firm, for traffic analysis services, in an amount not to exceed \$95,000; and 2) a Reimbursement Agreement with Maverik, Inc., a Utah corporation qualified to do business in California, for the proposed Maverik Fueling Station Project.

C.5 Adopt a Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2022/23 (FIN)

Adopted Resolution No. 2024-02 approving the Impact Mitigation Fee Program Annual Report for Fiscal Year 2022/23.

D. Comments by the Public on Non-Agenda Items

Sophia Garibaldo, a member of the public, provided supplemental documentation to Council and spoke regarding the local peaker plant and the removal of trees.

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

None.

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

Interim City Manager Keys spoke regarding a free drop-off site for Christmas trees provided by the City and Waste Management and thanked CalTrans District 10 for the recent homeless encampment removal.

G. Public Hearings

G.1 Public Hearing to Consider an Ordinance 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.) (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 Craig called for the public hearing to consider an ordinance 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).

Community Development Deputy Director/City Planner Cynthia Marsh provided a PowerPoint presentation regarding Phase 1 of the incremental code amendments to Lodi Municipal Code, Title 17 (Development Code). Specific topics of discussion included the sections included in the City-initiated amendment, code changes needed to create consistency with the Lodi General Plan, requirement for a city's zoning ordinance to be consistent with its General Plan, recommended changes to address recently-approved State planning law, provisions for ministerial review of certain allowable land uses, clean-up of targeted items for clarification, streamlining of various permits, establishment of development standards for parking facilities/vehicle storage, auto sales and rental, and mini-storage facilities, summary of changes, CEQA exemption, and staff recommendation.

Mayor Craig opened the public hearing for public comment at 8:18 p.m.

There being no public comments, Mayor Craig closed the public hearing at 8:18 p.m.

Mayor Pro Tempore Bregman thanked staff for the time and effort to put together this item.

Council Member Nakanishi expressed his support for the changes.

In response to Mayor Craig, Community Development Deputy Director Marsh clarified information regarding the Downtown area.

A motion was made by Council Member Nakanishi, seconded by Mayor Pro Tempore Bregman, to approve Ordinance No. 2022 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.).

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 Receive and File City's Annual Comprehensive Financial Report for Fiscal Year 2022/23 by Lance, Soll & Lunghard, LLP (LSL) (FIN)

Accounting Manager Melissa Munoz introduced Brandon Young, Partner of Lance, Soll & Lunghard, LLP (LSL), who provided a PowerPoint presentation regarding the Annual Comprehensive Financial Report for Fiscal Year 2022/23. Specific topics of discussion included members of the LSL team, scope of engagement, results of audit, changes from prior year, and financial highlights.

Mr. Young and Accounting Manager Munoz addressed questions from Council Member Nakanishi, Council Member Hothi, and Mayor Craig.

No action was required by Council.

H.2 Adopt Resolutions for the Reorganization of the Following Agencies for the Purpose of Electing New Officers: Lodi Public Improvement Corporation, Industrial Development Authority, Lodi Financing Corporation, Lodi Public Financing Authority (CLK)

City Clerk Nashed provided a report regarding the reorganization of the following agencies for the purpose of electing new officers following the Council reorganization in December: Lodi Public Improvement Corporation, Industrial Development Authority, Lodi Financing Corporation, Lodi Public Financing Authority.

A motion was made by Council Member Nakanishi, seconded by Mayor Pro Tempore Bregman, to adopt Resolution No. LPIC2024-01 reorganizing the Lodi Public Improvement Corporation, Resolution No. IDA-48 reorganizing the Industrial Development Authority, Resolution No. LFC-35 reorganizing the Lodi Financing Corporation, and Resolution No. LPF2024-01

reorganizing the Lodi Public Financing Authority for the purpose of electing new officers.

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.3 Assign and Confirm Annual Appointments of City Council Members on Various Boards, Committees, and Commissions (CLK)

City Clerk Nashed provided a report regarding the annual appointments of City Council Members on various boards, committees, and commissions, stating the only change to the current roster is to appoint the Mayor and Mayor Pro Tempore as delegate and alternate to the San Joaquin Valley Special City Selection Committee.

A motion was made by Council Member Nakanishi, seconded by Mayor Pro Tempore Bregman, to assign and confirm annual appointments of City Council Members on various boards, committees, and commissions.

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

I. Ordinances

I.1 Adopt Ordinance No. 2020, "An Ordinance of the Lodi City Council Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 14)" (CLK)

A motion was made by Mayor Pro Tempore Bregman, seconded by Council Member Hothi, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 2020 entitled, "An Ordinance of the Lodi City Council Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 14)," which was introduced at a regular meeting of the Lodi City Council held December 20, 2023.

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

I.2 Adopt Ordinance No. 2021, "An Ordinance of the Lodi City Council Related to the Zoning Map Section 17.10.030 of the Lodi Municipal Code to Amend the Zoning Designation of Assessor Parcel Number 043-230-25 to Mixed Use Corridor (MCO) (Application No. PL2023-034)" (CLK)

A motion was made by Mayor Pro Tempore Bregman, seconded by Council Member Nakanishi, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 2021 entitled, "An Ordinance of the Lodi City Council Related to the Zoning Map Section 17.10.030 of the Lodi Municipal Code to Amend the Zoning Designation of Assessor Parcel Number 043-230-25 to Mixed Use Corridor (MCO) (Application No. PL2023-034)," which was introduced at a regular meeting of the Lodi City Council held December 20, 2023.

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

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:43 p.m.

ATTEST:

Olivia Nashed
City Clerk