

**LODI CITY COUNCIL
REGULAR MEETING
CARNEGIE FORUM
305 WEST PINE STREET, LODI
WEDNESDAY, NOVEMBER 15, 2023 - 6:00 P.M.**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 15, 2023, was called to order by Mayor Hothi at 6:09 p.m.

NOTE: Council Member Yepez arrived following City Council's adjournment to Closed Session and participated in Closed Session.

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

Absent: Council Member Yepez

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

C-2 Announcement of Closed Session

- a) Threatened and Anticipated Litigation: Government Code §54956.9(b) (One Case). Conference with Legal Counsel Regarding Response to EFF and ACLU on automated license plate reader (ALPR) information disclosure (see attached email, pursuant to Fowler v. City of Lafayette) (CA)
- b) Conference with Adele Post, Human Resources Manager (Labor Negotiator), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, International Brotherhood of Electrical Workers, Confidential General Services, Confidential Mid-Managers, Executive Managers, and Appointed Employees Pursuant to Government Code §54957.6 (HR)
- c) Public Employment – Regarding One Position (Government Code § 54957) – Conference with Human Resources Manager Adele Post regarding City Manager Recruitment.
- d) Prospective sale of real property located at: 219 S. School Street (APN 043-04-411); negotiating parties are City of Lodi and the successful bidder F&M Bank in the Notice of Intent to Sell dated August 30, 2023, per Government Code § 94956.8.(CM)
- e) Prospective sale of real property located at: 18021 North Kennison Lan (APN 049-130-02), and 17700 North Guild Avenue (APN 049-130-47). Negotiating parties are City of Lodi and adjacent property owners per Government Code § 94956.8.

C-3 Adjourn to Closed Session

At 6:09 p.m., Mayor Hothi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:08 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:08 p.m., Mayor Hothi reconvened the City Council meeting, and City Attorney Lucchesi confirmed attendance of all Council Members and disclosed the following actions.

In regard to Items C-2a), C-2b), and C-2c), direction was given to staff.

In regards to Items C-2d) and C-2e), these items were not heard during Closed Session and will be continued to a future meeting.

A. Call to Order / Roll Call

The Regular City Council meeting of November 15, 2023, was called to order by Mayor Hothi at 7:10 p.m.

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

Absent: Council Member Yepez

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 Bregman, seconded by Mayor Pro Tempore Craig, 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,
Mayor Pro Tempore Craig, and Mayor Hothi

Noes: None

Absent: Council Member Yepez

C.1 Receive Register of Claims for October 13, 2023 through October 26, 2023 in the Total Amount of \$5,442,810.05

Claims were approved in the amount of \$5,442,810.05.

C.2 Approve Minutes

- a) August 2, 2023 (Regular Meeting)
- b) September 12, 2023 (Shirtsleeve Session)
- c) October 31, 2023 (Shirtsleeve Session)
- d) November 7, 2023 (Shirtsleeve Session)

The minutes of August 2, 2023 (Regular Meeting), September 12, 2023 (Shirtsleeve Session), October 31, 2023 (Shirtsleeve Session), and November 7, 2023 (Shirtsleeve Session) were approved as written.

C.3 Adopt Resolution Accepting Hutchins Street Square Foundation's Donation in Support of Hutchins Street Square (\$152,584) (PRCS)

Adopted Resolution No. 2023-251 accepting Hutchins Street Square Foundation's donation in

support of Hutchins Street Square, in the amount of \$152,584.

C.4 Adopt Resolution Approving Return of Artwork to Donor Hayden Goni Johnson (PRCS)

Adopted Resolution No. 2023-252 approving the return of artwork to donor Hayden Goni Johnson.

C.5 Adopt Resolution Authorizing City Manager to Execute a Professional Services Agreement with California Capital Small Business Financial Development Corporation, a California Public Benefit Nonprofit Corporation, dba California Capital Financial Development Corporation, to Implement Underwriting and Administration of the Hometown Microloan Program, and to Further Authorize the Expenditure (Not to Exceed \$450,000) (CM)

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

Mayor Pro Tempore Craig commended Business Development Manager Astrida Trupovnieks for her work on the Microloan Program and welcomed California Capital Small Business Financial Development Corporation.

Representatives of California Capital briefly addressed Council.

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

Adopted Resolution No. 2023-253 authorizing the City Manager to execute a Professional Services Agreement with California Capital Small Business Financial Development Corporation, a California Public Benefit Nonprofit Corporation, dba California Capital Financial Development Corporation, to implement underwriting and administration of the Hometown Microloan Program, and further authorizing the expenditure in an amount not to exceed \$450,000.

C.6 Adopt Resolution Approving Purchase of Thirteen Dell Network Switches for Refresh of Equipment in City Data Center from SidePath, Inc., of Laguna Hills (\$187,000) (ISD - IT)

Adopted Resolution No. 2023-254 approving the purchase of thirteen Dell network switches for the refresh of equipment in the City Data Center from SidePath, Inc., of Laguna Hills, in the amount of \$187,000.

C.7 Adopt Resolution Authorizing City Manager to Waive the Bid Process and Approve Purchase of a 2025 Freightliner M2 Asphalt Patching Dump Truck with Emulsion Sprayer from Municipal Maintenance Equipment, Inc., of Sacramento (\$230,316) Utilizing the Sourcwell Contract No. 080521-PBL (PW)

John Slaughterback, a member of the public, spoke against the purchases being considered on Items C-7 and C-8.

In response to Council Member Nakanishi, Interim City Manager Keys and Public Works Director Swimley provided information regarding the condition of the vehicles being considered for replacement and the criteria for City vehicle replacement.

Mayor Pro Tempore Craig commended staff for keeping the vehicles in services for so many years and noted diesel vehicles may not be available in the future.

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

Adopted Resolution No. 2023-255 authorizing the City Manager to waive the bid process and approve the purchase of a 2025 Freightliner M2 asphalt patching dump truck with emulsion

sprayer from Municipal Maintenance Equipment, Inc., of Sacramento, in the amount of \$230,316, utilizing the Sourcewell Contract No. 080521-PBL.

- C.8** Adopt Resolution Authorizing City Manager to Waive the Bid Process and Approve Purchase of a 2025 Freightliner 114SD Tandem Axle Dump Truck from PB Loader Corporation of Fresno (\$277,925), Utilizing the Sourcewell Contract No. 080521-PBL; and Appropriate Funds (\$10,441) (PW)

John Slaughterback, a member of the public, spoke against the purchases being considered on Items C-7 and C-8.

In response to Council Member Nakanishi, Interim City Manager Keys and Public Works Director Swimley provided information regarding the maintenance and repair costs, age, and condition of the vehicles being considered for replacement.

Mayor Pro Tempore Craig commended staff for keeping the vehicles in services for so many years and noted diesel vehicles may not be available in the future.

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

Adopted Resolution No. 2023-256 authorizing the City Manager to waive the bid process and approve the purchase of a 2025 Freightliner 114SD tandem axle dump truck from PB Loader Corporation, of Fresno, in the amount of \$277,925, utilizing the Sourcewell Contract No. 080521-PBL; and appropriating funds in the amount of \$10,441.

- C.9** Adopt Resolution Authorizing City Manager to Execute Additional Change Orders to 2021-2023 Sidewalk and Miscellaneous Concrete Repair Program (\$67,000), and Appropriate Funds (\$30,048) (PW)

Adopted Resolution No. 2023-257 authorizing the City Manager to execute additional change orders to the 2021-2023 Sidewalk and Miscellaneous Concrete Repair Program, in the amount of \$67,000, and appropriating funds in the amount of \$30,048.

- C.10** Adopt Resolution Authorizing City Manager to Execute Measure K Renewal Cooperative Agreement with San Joaquin Council of Governments for GrapeLine Operations Project, to Receive Funds for Fiscal Years 2023/24, 2024/25, 2025/26 and 2026/27 (\$1,600,000) (PW)

Adopted Resolution No. 2023-258 authorizing the City Manager to execute the Measure K Renewal Cooperative Agreement with San Joaquin Council of Governments for GrapeLine Operations Project, to receive funds for Fiscal Years 2023/24, 2024/25, 2025/26 and 2026/27, in the amount of \$1,600,000.

- C.11** Accept Improvements Under Contract for Salas Park Parking Lot Improvements (PW)

Accepted the improvements under the contract for Salas Park Parking Lot Improvements.

- C.12** Accept Improvements Under Contract for Henri and Lower Sacramento Storm Drain Connection (PW)

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

In response to Council Member Nakanishi, Public Works Director Swimley provided information regarding Vineyard Terrace drainage issues.

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

Accepted the improvements under the contract for Henri Lane and Lower Sacramento Road Storm Drain Connection.

C.13 Approve Plans and Specifications and Authorize Advertisement for Bids for 2024 Lodi Lake Improvement Project (PW)

Approved the plans and specifications and authorized the advertisement for bids for the 2024 Lodi Lake Improvement Project.

C.14 Consider Approval of the Job Description of Animal Services Manager in the Police Department (ISD - HR)

Approved the job description of the Animal Services Manager in the Police Department.

C.15 Consider Approving Amendments to the Job Classifications of Administrative Clerk and Senior Administrative Clerk to Provide for Flexible Staffing (ISD - HR)

Approved the amendments to the job classifications of Administrative Clerk and Senior Administrative Clerk to provide for flexible staffing.

C.16 Set a Public Hearing for December 6, 2023 to Consider Adopting a Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees For 2024 (CD)

Set a public hearing for December 6, 2023, to consider adopting a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2024.

C.17 Set a Public Hearing for December 20, 2023, for Council Consideration of the Issuance of Growth Allocations for the Proposed Lakehouse Hotel/Residential Project at Lower Sacramento Road/West Turner Road (CD)

Set a public hearing for December 20, 2023, for Council consideration of the issuance of Growth Allocations for the proposed Lakehouse Hotel/Residential Project at Lower Sacramento Road/West Turner Road.

C.18 Set Public Hearing for December 20, 2023, to Receive Comments on City of Lodi GrapeLine Fixed Route Service Levels and Proposed General Public Dial-A-Ride/ADA Paratransit Policy Changes (PW)

Set a public hearing for December 20, 2023, to receive comments on City of Lodi GrapeLine Fixed Route service levels and proposed general public Dial-A-Ride/ADA paratransit policy changes.

C.19 Set Public Hearing for January 17, 2024, to Consider Adopting Resolution Setting Future Water and Wastewater Rate Schedules Pursuant to Proposition 218 for Residential, Commercial and Industrial Customers (PW)

Set a public hearing for January 17, 2024, to consider adopting a resolution setting future water and wastewater rate schedules pursuant to Proposition 218 for residential, commercial, and industrial customers.

D. Comments by the Public on Non-Agenda Items

The following members of the public spoke regarding support for a ceasefire in Gaza: Oula Miqbel, Nabieha Miqbel, and Vanessa Madrigal-Lauchland.

The following members of the public expressed gratitude for the City Council's stance regarding the situation in Gaza: Monty Merrill and Jamie Howen.

John Slaughterback, a member of the public, spoke regarding street repair.

Robby Van Arsdale, a member of the public, spoke regarding the traffic issues on South Central Avenue.

Donna Phillips, a member of the public, spoke regarding parking at Lodi Lake near Hughes Beach.

The following members of the public spoke regarding pickle ball courts in Lodi: Patricia Carney, Dennis Kaufman, and Nancy Hennefer.

Jacob Neal, a member of the public, provided supplemental information and spoke regarding a tennis court complex in Lodi.

Interim City Manager Keys read the letter recently sent by the City to members of the public who spoke regarding the conflict in Gaza.

Interim City Manager Keys provided information regarding recent and upcoming street maintenance projects, an upcoming Council agenda item regarding the traffic issues on South Central Avenue, and parking at Lodi Lake.

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

In response to Council Member Nakanishi, Parks and Recreation Director Christina Jaromay provided information regarding pickle ball and tennis courts in Lodi.

Mayor Pro Tempore Craig encouraged support of the upcoming Small Business Saturday.

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

Interim City Manager Keys provided updates regarding the Standing Citywide Initiatives and thanked Billie, of Westland School in Los Angeles, for choosing Lodi for her 3rd grade report on California cities.

G. Public Hearings - None

H. Regular Calendar

H.1 Adopt Resolution Appointing Ricardo Garcia to the Position of Police Chief and Approving the Related Employment Agreement, effective December 30, 2023 (ISD - HR)

Interim City Manager Keys provided a brief introduction. Human Resources Manager Adele Post provided a presentation regarding the appointment of Ricardo Garcia to the position of Police Chief and approving the related Employment Agreement, effective December 30, 2023. Specific topics of discussion included background, recruitment, and employment contract.

Mayor Hothi welcomed incoming Chief Garcia and invited him to the podium. Incoming Chief Garcia spoke briefly to Council.

A motion was made by Mayor Pro Tempore Craig, seconded by Council Member Bregman, to adopt Resolution No. 2023-259 appointing Ricardo Garcia to the position of Police Chief and approving the related Employment Agreement, effective December 30, 2023.

VOTE:

The above motion carried by the following vote:

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

H.2 Provide Council Direction to Interim City Manager on Formation of an Economic Development Committee (CM)

Interim City Manager Andrew Keys provided a PowerPoint presentation regarding the formation of an Economic Development Committee. Specific topics of discussion included background, Committee options, Option 1 - No Committee, Option 2 - Council Subcommittee, Option 3 and Option 4 - Council Participation, Option 3 - Appointed Ad Hoc Committee, Option 4 - Permanent Standing Committee, next steps, and staff recommendation.

JP Doucette, President of the Lodi Chamber of Commerce, spoke in favor of an initial ad hoc committee, followed by a standing committee once goals are established.

In response to Oula Miqbel, a member of the public, Interim City Manager Keys and City Attorney Lucchesi clarified standing committee terms and the appointment process.

Mayor Pro Tempore Craig spoke in favor of having an initial ad hoc committee to serve as an advisory body for Economic Development and the Downtown Specific Plan, followed by a standing committee, and stated she felt Council Members should be represented on the committee.

Council Member Bregman spoke in favor of an ad hoc committee and Council representation on the committee.

Council Member Nakanishi spoke in favor of Council representation on a standing committee.

Council Member Bregman stated he would support Mayor Pro Tempore Craig as being a member of the committee and noted that there is a lot of public interest in serving on the committee.

Mayor Hothi stated he would support Mayor Pro Tempore Craig and Council Member Bregman as being members of the committee.

Mayor Hothi voiced support for Chamber of Commerce and Downtown Business Alliance representation on the committee.

Mayor Pro Tempore Craig suggested staff provide a list of potential groups for representation on the committee, with a maximum of nine members, with each district having a representative.

Council Member Bregman suggested having district representation for the districts that do not have a Council Member on the committee, with the other members being drawn from organizations such as the Chamber of Commerce, Downtown Business Alliance and Visit Lodi.

Council provided direction to staff and no further action was required.

H.3 Receive a Presentation Requesting Council Direction Regarding the Downtown Specific Plan Request for Proposals (CD)

City Planner Cynthia Marsh provided a PowerPoint presentation regarding the Downtown Specific Plan Request for Proposals (RFP). Specific topics of discussion included Strategic Vision No. 1 - Downtown, Downtown Strategic Plan objectives, RFP focus areas, RFP process and timing, community engagement and public consultation, stakeholders, and advice and direction.

In response to Mayor Pro Tempore Craig, City Planner Marsh and Interim City Manager Keys provided information regarding the RFP Selection Committee's responsibilities.

In response to Robby Van Arsdale, a member of the public, City Planner Marsh provided information regarding Downtown parking.

Council Member Bregman stated he would like to be on the committee.

Council provided direction to staff and no further action was required.

H.4 Receive Presentation on Lodi GrapeLine Transit System (PW)

Transportation Manager Julia Tyack provided a PowerPoint presentation regarding the Lodi GrapeLine Transit System. Specific topics of discussion included organization, transit services overview, fixed route, fixed route maps, VineLine paratransit Americans with Disabilities Act (ADA), general public Dial-a-Ride, VineLine paratransit and general public Dial-a-Ride service area map, transit services by Council District, Lodi Transit Station and connections, funding sources, upcoming public hearing, and contact information.

In response to Mayor Hothi, Transportation Manager Tyack provided information regarding student ridership and the transit service area.

Council Member Nakanishi commended the Transit services.

In response to Mayor Pro Tempore Craig, Transportation Manager Tyack and Interim City Manager Keys provided information regarding Dial-a-Ride service usage and clarified information regarding the upcoming public hearing.

This was an informational item and no action was required by Council.

H.5 Adopt Resolution Selecting the Lodi Energy Center Hydrogen Conversion Project as the City's One Voice Project; and Authorize Staff to Prepare Application for Nomination for the 2023 San Joaquin Council of Governments' One Voice Trip (PW)

Interim City Manager Keys provided a brief overview. Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the selection of a project for the City's One Voice project. Specific topics of discussion included background information on the San Joaquin Council of Government's (SJCOG) One Voice trip, competition for Federal funding, criteria, Lodi projects for consideration, and project recommendation of the Lodi Energy Center Hydrogen Conversion Project.

In response to Mayor Hothi, Public Works Director Swimley provided information regarding the funding being requested and competition between cities within San Joaquin County.

Mayor Pro Tempore Craig spoke regarding SJCOG support of the project.

Council Member Bregman spoke in support of the project.

In response to Council Member Nakanishi, Mayor Hothi and Interim City Manager Keys provided information regarding promised funding, unmet funding needs, and Lodi's funding responsibility for this NCPA project.

Mayor Hothi spoke regarding the need for a representative from Electric Utility to attend the One Voice trip to handle technical questions.

A motion was made by Council Member Bregman, seconded by Council Member Nakanishi, to adopt Resolution No. 2023-260 selecting the Lodi Energy Center Hydrogen Conversion Project as the City's One Voice project; and authorizing staff to prepare an Application for Nomination for the 2023 San Joaquin Council of Governments' One Voice Trip.

VOTE:

The above motion carried by the following vote:

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

I. Ordinances

I.1 Adopt Ordinance No. 2019 Entitled, "An Ordinance of the 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 Number 062-41-35 to General Commercial (GC) (Application No. P2023-025)" (CLK)

A motion was made by Mayor Pro Tempore Craig, seconded by Council Member Bregman, to (following reading of the title) waive reading of the ordinance in full and adopt and order to print Ordinance No. 2019 entitled, "An Ordinance of the 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 Number 062-41-35 to General Commercial (GC) (Application No. P2023-025)," which was introduced at a regular meeting of the Lodi City Council held November 1, 2023.

VOTE:

The above motion carried by the following vote:

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

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:24 p.m.

ATTEST:

Olivia Nashed
City Clerk