

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 21, 2020**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of October 21, 2020, was cancelled.

C-2 Announcement of Closed Session

- a) Pending Litigation: Government Code §54956.9(a); one case; Cross Culture Christian Center, a California Non-Profit Corporation; Pastor Jonathan Duncan, an individual v. Gavin Newsom, in his official capacity as Governor of California, et al., United States District Court, Eastern District of California Case No 2:20cv-00832-JAM-CKD
- b) Pending Litigation: Government Code §54956.9(a); one case; Best Supplement Guide, LLC; Sean Covell, an individual, vs. Gavin Newsom, in his official capacity as the Governor of California, et al., United States District Court, Eastern District of California Case No. 2:20-cv-00965-JAM-CKD

C-3 Adjourn to Closed Session - N/A

C-4 Return to Open Session / Disclosure of Action

The City Council Closed Session meeting of October 21, 2020, was cancelled.

A. Call to Order / Roll Call

The Regular City Council meeting of October 21, 2020, was called to order by Mayor Kuehne at 7:02 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/j/97854687709?pwd=bEE3cy90K09WSzNMQWIsZFFNSIN6Zz09>; the opportunity for public comment was available through councilcomments@lodi.gov and <https://zoom.us/j/97854687709?pwd=bEE3cy90K09WSzNMQWIsZFFNSIN6Zz09>.

Present: Council Member Chandler, Council Member Mounce, Mayor Pro Tempore Nakanishi, and Mayor Kuehne

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 Mounce made a motion, second by Mayor Pro Tempore 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 Chandler, Council Member Mounce, Mayor Pro Tempore Nakanishi, and Mayor Kuehne

Noes: None

Absent: None

ROLL CALL VOTE

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

Council Member Mounce made a motion, second by Council Member Chandler, to approve Consent Items C-7, C-11, C-13, C-15, and C-19, following discussion on each item.

VOTE:

The above motion carried by the following vote:

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

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 September 18, 2020 through October 1, 2020 in the Amount of \$11,667,794.83 (FIN)

Claims were approved in the amount of \$11,667,794.83.

C-2 Approve Minutes (CLK)

The minutes of September 16, 2020 (Regular Meeting), September 29, 2020 (Shirtsleeve Session), and October 6, 2020 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Water Well Rehabilitation Project at Various Locations (PW)

Approved plans and specifications and authorized advertisement for bids for Water Well Rehabilitation Project at Various Locations.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Well 28 Granular Activated Carbon System; Adopt Resolution Authorizing City Manager to Award Contract to Lowest Responsive Bidder (\$1,400,000), or Reject All Bids, Execute Change Orders (\$140,000), and Appropriating Funds (\$510,000) (PW)

Approved plans and specifications and authorized advertisement for bids for Well 28 Granular Activated Carbon System; adopted Resolution No. 2020-229 authorizing the City Manager to award contract to lowest responsive bidder in an amount not to exceed \$1,400,000, or reject all bids, execute change orders in an amount not to exceed \$140,000, and appropriating funds in the amount of \$510,000.

- C-5 Approve Specifications and Authorize Advertisement for Bids for Well 16 Granular Activated Carbon Replacement and Adopt Resolution Authorizing City Manager to Award Contract to Lowest Responsive Bidder (\$180,000), or Reject All Bids, Execute Change Orders (\$18,000), and Appropriating Funds (\$198,000) (PW)

Approved specifications and authorized advertisement for bids for Well 16 Granular Activated Carbon Replacement and adopted Resolution No. 2020-230 authorizing the City Manager to award contract to lowest responsive bidder in an amount not to exceed \$180,000, or reject all bids, execute change orders in an amount not to exceed \$18,000, and appropriating funds in the amount of \$198,000.

- C-6 Adopt Resolution Rejecting All Bids, Approving Specifications, Authorizing Re-Advertisement for Bids, Authorizing City Manager to Award Contract to Lowest Responsive Bidder for Central Plume PCE/TCE Groundwater and Soil Vapor Extraction System Decommissioning and Removal (\$600,000), Authorizing City Manager to Execute Change Orders (\$80,000), and Appropriating Funds (\$295,000) (PW)

Adopted Resolution No. 2020-231 rejecting all bids, approving specifications, authorizing re-advertisement for bids, authorizing the City Manager to award contract to lowest responsive bidder for Central Plume PCE/TCE Groundwater and Soil Vapor Extraction System Decommissioning and Removal in an amount not to exceed \$600,000, authorizing the City Manager to execute change orders in an amount not to exceed \$80,000, and appropriating funds in the amount of \$295,000.

- C-7 Adopt Resolution Accepting Various Donations Received by Parks, Recreation and Cultural Services for Programs and Projects (PRCS)

This item was pulled from the Consent Calendar at the request of Council Member Mounce for discussion.

Deputy Parks, Recreation, and Cultural Services Director Cathi DeGroot responded to questions asked by Council Member Mounce regarding the nature of the donations received and provided details on how the funds would be used. Donations were received for a memorial tree planting for Ron Williamson and a memorial bench for Bob Johnson and a donation of equipment at Blakely Pool was received from the Lodi Swim Club.

Adopted Resolution No. 2020-232 accepting various donations received by Parks, Recreation and Cultural Services for programs and projects.

- C-8 Adopt Resolution Authorizing Patrol Vehicle Safety Equipment Purchase and Installation from Lehr Auto Electric, of Sacramento, and Appropriate Funds (\$40,000) (PD)

Adopted Resolution No. 2020-233 authorizing patrol vehicle safety equipment purchase and installation from Lehr Auto Electric, of Sacramento, and appropriating funds in the amount of \$40,000.

- C-9 Adopt Resolution Awarding Contract for Lodi Avenue and Mills Avenue Resurfacing Project to DSS Company dba Knife River Construction, of Stockton (\$1,133,926) and Authorizing City Manager to Execute Change Orders (\$170,000) (PW)

Adopted Resolution No. 2020-234 awarding contract for Lodi Avenue and Mills Avenue Resurfacing Project to DSS Company dba Knife River Construction, of Stockton, in the amount of \$1,133,926 and authorizing the City Manager to execute change orders in an amount not to

exceed \$170,000.

C-10 Adopt Resolution Authorizing City Manager to Execute Change Orders to 2019-2021 Traffic Signal Preventive Maintenance and Repair Program (\$20,000) (PW)

Adopted Resolution No. 2020-235 authorizing the City Manager to execute change orders to 2019-2021 Traffic Signal Preventive Maintenance and Repair Program in an amount not to exceed \$20,000.

C-11 Accept Improvements Under Contract for Blakely Park Restroom Improvements (PW)

This item was pulled from the Consent Calendar at the request of Council Member Mounce for discussion.

Council Member Mounce stated that she was sure the residents in the neighborhood are thankful for a new restroom facility at the park, but voiced concern about the project cost.

Accepted improvements under contract for Blakely Park Restroom Improvements.

C-12 Adopt Resolution Accepting Public Improvements of Iris Drive Subdivision, Tract No. 4023 (PW)

Adopted Resolution No. 2020-236 accepting public improvements of Iris Drive Subdivision, Tract No. 4023.

C-13 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with CleanStreet, of Gardena, for Street Sweeping Services (\$45,600) (PW)

This item was pulled from the Consent Calendar at the request of Council Member Mounce for discussion.

City Manager Steve Schwabauer stated that it is currently more cost effective to hire an outside company to assist City staff rather than hiring new staff and purchasing new equipment, which would only be utilized on a part-time basis. Council Member Mounce said that, while she understands, she supports providing City services with in-house City staff and creating employment opportunities.

Public Works Director Charles Swimley explained staff is trying to accommodate all of the new development, but the department cannot keep up with the current level of service. This contract will act as a supplement only to bridge the gap between current date and the time when it is feasible to hire another sweeper.

Council Member Chandler suggested making scheduling and route modifications in order to allow City staff to complete all of the work.

Mr. Mike Lusk, member of the public, provided public comment, supporting City staff performing street sweeping work rather than a contractor and asking if developers are being held responsible for sweeping the streets.

Deputy City Manager Andrew Keys responded that the developers are responsible for cleaning streets during the development phase and that this contract is for on-going street sweeping post-development. Public Works Director Swimley noted that the builders cleaning the streets are also part of the NPDES requirements.

Adopted Resolution No. 2020-237 authorizing the City Manager to execute a Professional Services Agreement with CleanStreet, of Gardena, for street sweeping services in the amount of \$45,600.

C-14 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Stantec Consulting Services, Inc., of Rancho Cordova, to Provide Brownfields Environmental Assessment and Grant Implementation Services for Grant Period October 1, 2020 through December 30, 2023 (\$300,000) (CM)

Adopted Resolution No. 2020-238 authorizing the City Manager to execute a Professional Services Agreement with Stantec Consulting Services, Inc., of Rancho Cordova, to provide brownfields environmental assessment and grant implementation services for grant period October 1, 2020 through December 30, 2023, in the amount of \$300,000.

C-15 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with TINKER, LLC, to Deliver Energy Efficiency Education Curriculum to Middle School Children for a Two-Year Time Period with One One-Year Option to Renew and Authorize Expenditure (Not to Exceed \$19,000 Per Year) Contingent on Available Annual Appropriations (EU)

This item was pulled from the Consent Calendar at the request of Mayor Pro Tempore Nakanishi for discussion.

Mayor Pro Tempore Nakanishi asked if this education curriculum is a requirement. City Manager Schwabauer stated that it is a requirement and paid for with public benefit program funds.

Adopted Resolution No. 2020-239 authorizing the City Manager to execute a Professional Services Agreement with TINKER, LLC, to deliver energy efficiency education curriculum to middle school children for a two-year time period with one one-year option to renew and authorizing expenditure in an amount not to exceed \$19,000 per year contingent on available annual appropriations.

C-16 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Industrial Commercial Refrigeration, Inc., of Lodi, for Citywide Heating, Ventilation, and Air Conditioning Maintenance Services (\$100,000) (PW)

Adopted Resolution No. 2020-240 authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Industrial Commercial Refrigeration, Inc., of Lodi, for Citywide heating, ventilation, and air conditioning maintenance services in the amount of \$100,000.

C-17 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Carr Electric, of Stockton, for Citywide Electrical Repair Services (\$15,000) (PW)

Adopted Resolution No. 2020-241 authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Carr Electric, of Stockton, for Citywide electrical repair services in the amount of \$15,000.

C-18 Adopt Resolution Approving Revised City of Lodi Electric Utility Renewables Portfolio Standard Procurement Plan and Enforcement Program (EU)

Adopted Resolution No. 2020-242 approving Revised City of Lodi Electric Utility Renewables Portfolio Standard Procurement Plan and Enforcement Program.

C-19 Fourth Quarter Fiscal Year 2019/20 Water, Wastewater, and Electric Utility Department Financial Reports (CM)

This item was pulled from the Consent Calendar at the request of Mr. Mike Lusk, member of the public, for discussion.

Mr. Lusk asked about builder impact fees and the payment on City debt for Firehouse 4 and the treatment plant at Lodi Lake.

Public Works Director Swimley stated \$150,000 was recently transferred back into the water impact fees for Firehouse 4. Deputy Manager Keys responded to questions asked by Mr. Lusk about the transfer of water impact fees.

Received Fourth Quarter Fiscal Year 2019/20 Water, Wastewater, and Electric Utility Department Financial Reports.

C-20 Appoint Hayley Johns to the Lodi Arts Commission; and Post for Expiring Terms on the Lodi Senior Citizens Commission and the Personnel Board of Review (CLK)

Made the following appointment and directed the City Clerk to post for the following vacancies:

APPOINTMENT:

Lodi Arts Commission

Hayley Johns - Term to expire July 1, 2022

POSTINGS:

Lodi Senior Citizens Commission

Robert N. Anderson - Term to expire December 31, 2020

Susan Crosby - Term to expire December 31, 2020

Personnel Board of Review

Walter Scheffer - Term to expire December 31, 2020

Phillip Diaz - Term to expire December 31, 2020

C-21 Set Public Hearing for November 4, 2020, to Consider Adopting Resolution Approving 2020-21 Annual Action Plan Amendment No. 1 for Community Development Block Grant (CDBG) Program (CD)

Set public hearing for November 4, 2020, to consider adopting resolution approving 2020-21 Annual Action Plan Amendment No. 1 for Community Development Block Grant (CDBG) Program.

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.

There was no public comment on non-agenda items.

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

Council Member Mounce stated that her mother, Betty Gates, who regularly attends Council Meetings, sends everyone her well wishes.

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

There were no comments from the City Manager on non-agenda items.

G. Public Hearings – None

H. Regular Calendar

H-1 Adopt Resolution Approving Classification, Job Description, and Salary Range of Senior Transportation Planner in the Public Works Department (HR)

Human Resources Manager Adele Post provided a presentation regarding the approval of the classification, job description, and salary range for the position of Senior Transportation Planner in the Public Works Department. She explained that the position was approved by Council when the fiscal year budget was approved and noted that the position was specific to transportation planning.

Council Member Mounce made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-243 approving the classification, job description, and salary range of the position of Senior Transportation Planner in the Public Works Department.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

H-2 Adopt Resolution Approving the Retitle and Amendment of the Parks Superintendent Job Description and the Addition of One Parks and Properties Superintendent in the Parks, Recreation and Cultural Services Department (HR)

This item was pulled from the agenda.

I. Ordinances

I-1 Adopt Ordinance No. 1979 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Repealing and Reenacting Chapter 15.60 – Flood Damage Prevention – in Its Entirety; Amending Lodi Municipal Code Title 17 – Development Code – by Repealing and Reenacting Section 17.14.040, "General Performance Standards," in Its Entirety; and Amending Lodi Municipal Code Chapter 17.28 – Overlaying Zoning Districts – by Repealing and Reenacting Section 17.28.030, "Flood Hazard (-F) Overlay Zoning Districts," in Its Entirety; and Amending the Lodi Zoning Map to Establish the Flood Hazard (-F) – 200-Year Overlay District to Implement the Provisions of Senate Bill 5 and Senate Bill 1278 Related to 200-Year Flood

Protection” (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Nakanishi, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1979 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 - Buildings and Construction - by Repealing and Reenacting Chapter 15.60 - Flood Damage Prevention - in Its Entirety; Amending Lodi Municipal Code Title 17 - Development Code - by Repealing and Reenacting Section 17.14.040, "General Performance Standards," in Its Entirety; and Amending Lodi Municipal Code Chapter 17.28 - Overlaying Zoning Districts - by Repealing and Reenacting Section 17.28.030, "Flood Hazard (-F) Overlay Zoning Districts," in Its Entirety; and Amending the Lodi Zoning Map to Establish the Flood Hazard (-F) - 200-Year Overlay District to Implement the Provisions of Senate Bill 5 and Senate Bill 1278 Related to 200-Year Flood Protection," which was introduced at a regular meeting of the Lodi City Council held on October 7, 2020.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:37 p.m.

ATTEST:

Jennifer Cusmir
City Clerk