



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

Streaming Links:

<https://www.facebook.com/CitvofLodi/>

<https://zoom.us/j/99839136017?pwd=TVh0VIFEZWNzdVZzRDF6MHNhWnp1UT09>

AGENDA – Special Meeting

Date: July 21, 2020

Time: 7:00 a.m.

SPECIAL NOTICE

Effective immediately and while social distancing measures are imposed, Council chambers will be closed to the public during meetings of the Lodi City Council.

The following alternatives are available to members of the public to watch Council meetings and provide comments on agenda and non-agenda items before and during the meetings.

Viewing:

Members of the public may view and listen to the open session of the meeting at <https://www.facebook.com/CityofLodi/>; or

Please click the link below to join the webinar:

<https://zoom.us/j/94531814801?pwd=aDgreW9lZDlVU1I1Zk5HV3lMQnM1dz09>

Password: 527898

Or iPhone one-tap : US: +16699009128,,94531814801#

Or Telephone: Dial: US: +1 669 900 9128
Webinar ID: 945 3181 4801

Public Comment:

Members of the public can send written comments to the City Council prior to the meeting by emailing councilcomments@lodi.gov. These emails will be provided to the members of the City Council and will become part of the official record of the meeting.

Members of the public who wish to verbally address the City Council during the meeting should email those comments to councilcomments@lodi.gov. Comments must be received before the Mayor or Chair announces that the time for public comment is closed. The Assistant City Clerk will read three minutes of each email into the public record. **IMPORTANT:** Identify the Agenda Item Number or Oral Communications in the subject line of your email. Example: Public Comment for Agenda Item Number C-17. Members of the public may also participate via Zoom at the following link: <https://zoom.us/j/94531814801?pwd=aDgreW9lZDlVU1I1Zk5HV3lMQnM1dz09>.

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment in this meeting, please contact the Office of the City Clerk at (209) 333-6702 or cityclerk@lodi.gov at least 48 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. If you need special assistance in this meeting for purposes other than providing public comment, please contact the Office of the City Clerk at (209) 333-6702 or cityclerk@lodi.gov at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.160 (b) (1)).

SPECIAL TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20:

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020, to mitigate the spread of Coronavirus (COVID-19). In particular, the Executive Order suspends that provision of the Brown Act that requires noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members of the legislative body or the public for purposes of a quorum or to hold a meeting. Executive Order N-29-20 allows an agency to conduct a teleconference meeting that provides members of the public telephonic or other electronic participation in place of making a physical location for the public to observe the meeting and provide public comment, consistent with other provisions of the Brown Act.

For information regarding this Agenda please contact:
Pamela M. Farris
Assistant City Clerk
Telephone: (209) 333-6702

A. Call to Order / Roll Call

B. Regular Calendar

- B-1 Provide Direction on COVID-19 Response for Economic Development by Offering No Cost Permitting Options for Certain Outdoor Business Operations Allowed Under Current Health Orders (CM)
- B-2 Provide Enforcement Direction to Staff on COVID-19 Public Health Orders in Light of Threats to the Loss of State Funding (CM/CA)

C. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this agenda was posted at a place freely accessible to the public 24 hours in advance of the scheduled meeting.

Pamela M. Farris
Assistant City Clerk

All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Pamela M. Farris at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Pamela M. Farris (209) 333-6702.

Meetings of the Lodi City Council are telecast on SJTV, Channel 26. The City of Lodi provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the City's website at www.lodi.gov by clicking the meeting webcasts link.

Members of the public may view and listen to the open session of this teleconference meeting at the following Streaming Links:

<https://www.facebook.com/CityofLodi/>

<https://zoom.us/j/94531814801?pwd=aDgreW9lZlVU1l1Zk5HV3lMbnM1dz09>



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Provide Direction on COVID-19 Response for Economic Development by Offering No Cost Permitting Options for Certain Outdoor Business Operations Allowed Under Current Health Orders

MEETING DATE: July 21, 2020

PREPARED BY: City Manager

RECOMMENDED ACTION: Provide direction on COVID-19 response for economic development by offering no cost permitting options for certain outdoor business operations allowed under current health orders.

BACKGROUND INFORMATION: Effective July 13, 2020, the California Department of Health issued a new order pertaining to all counties within the state and orders specific to counties on the County Monitoring List. San Joaquin County is on the County Monitoring List. The County of San Joaquin Public Health Officer followed suite issuing a modified stay-at-home order. The orders prevent certain industries and activities from operating indoors for a minimum of three weeks. These include gyms and fitness centers, places of worship, and restaurants. Also included are protests, offices for non-critical infrastructure sectors, personal care services, hair salons and barbershops, and malls. Businesses with outdoor space available are permitted to utilize that space to conduct operations with limitations. Limitations include, but are not limited to, the use of face coverings and social distancing requirements as further outlined in both State and County Public Health Orders, as well as State Guidelines. The exception, are barbering, cosmetology, and electrolysis services which are subject to licensing with the Barbering & Cosmetology Board and are required to be performed in a licensed establishment (Bus & Prof Code §7317). For the businesses that can operate outdoors, in most cases the only available space is private parking lots, public right-of-ways, or potentially City parks.

Based on previous restrictions placed on indoor dining, the City Council authorized a no cost permit program for outdoor dining. This process allows business owners to apply at no cost for a permit to encroach in either a private parking lot, or in certain locations, into the public right of way. The City is funding certain safety equipment to facilitate the outdoor operations for these businesses in an effort to keep the economy in Lodi strong.

Staff is seeking direction from the City Council on a possible expansion of this COVID-19 related economic development program. Staff needs answers to the following questions and specific direction on the scope of each proposed program should Council desire to offer these programs.

All of the questions pertain to gyms and fitness centers, places of worship, and personal care services, excluding barbering, cosmetology, and electrolysis, which as discussed above can only be performed in a licensed establishment.

APPROVED: _____
Stephen Schwabauer, City Manager

Provide Direction on COVID-19 Response for Economic Development by Offering No Cost Permitting Options for Certain Outdoor Business Operations Allowed Under Current Health Orders

July 21, 2020

Page 2

- 1.) Should the City offer a no cost permit program for businesses to operate outdoors in private parking lots?
- 2.) Should the City consider a program similar to the downtown outdoor dining program in other locations when it is feasible for these businesses to utilize public right-of-way?
- 3.) Since some businesses may not be able to use private parking or immediately adjacent rights-of-way, should the City consider a no cost permit process for use of City parks?

City staff has begun to field a substantial amount of questions on these issues, including one request from a faith based organization to conduct activities in a park near to their main point of operation. Staff is seeking direction from Council as how to operate under the newly revised health orders in our continuing effort to support Lodi businesses.

FISCAL IMPACT: Depending on the scope for the program permitted, the City may incur costs. Costs for economic development programs to respond to COVID are eligible uses of the CARES Act funding authorized by the State. Other potential uses of those funds are Public Safety response, including salaries and benefits. Approving any program acknowledges the City will be funding it from the approximately \$838,000 in CARES Act funding not included in the FY 2020/21 budget. Revenue losses incurred because of no cost permitting cannot be made up through any outside grant source.

FUNDING AVAILABLE: CARES Act funding.

Stephen Schwabauer
City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Provide Enforcement Direction to Staff on COVID-19 Public Health Orders in Light of Threats to the Loss of State Funding

MEETING DATE: July 21, 2020 Special Meeting

PREPARED BY: City Manager and City Attorney

RECOMMENDED ACTION: Provide enforcement direction to staff on COVID-19 Public Health Orders in light of threats to the loss of State funding.

BACKGROUND INFORMATION: On July 1, 2020, Governor Gavin Newsom issued a letter to California Elected Officials (see attached) stressing the importance of fighting and defeating the COVID-19 pandemic, and emphasized the role of cities and counties to protect their residents by ensuring compliance with state and county public health orders. The Governor further stated that a “local government that refuses to abide by, ensure compliance with, or take action against noncompliance with these statewide public health directives, or that takes action that is otherwise congruent with these directives, could jeopardize their eligibility for state funding.” Although not addressed in the Governor’s letter, staff understands that an inability to certify compliance with public health orders could also affect the City’s ability to qualify for FEMA funding.

FISCAL IMPACT: \$3,115,287

FUNDING AVAILABLE: CARES Act, FEMA funding, County grant, and other State funding, including the Great Plates Delivered program.

Stephen Schwabauer
City Manager

Janice D. Magdich
City Attorney

Attachment

APPROVED: _____
Stephen Schwabauer, City Manager



OFFICE OF THE GOVERNOR

July 1, 2020

Dear California Elected Officials:

We are in unprecedented times, and now more than ever we must be committed to fighting and defeating the COVID-19 pandemic as a unified California. Local governments are the backbone of this great state and play a critical role in a core responsibility of government: ensuring the public health and public safety of the people we are elected to serve. State and Local government unity and cooperation will be paramount in containing the deadly COVID-19 disease and recovering from the devastating impacts created by this pandemic.

On March 4, 2020, under the authority of the Emergency Services Act, I proclaimed a State of Emergency to exist statewide due to the threat of COVID-19. Early and decisive action in response to the pandemic resulted in a flattened curve, expanded health care and testing capacity, and better public awareness about the simple steps individuals can and must take to reduce the risk of transmission of COVID-19. These actions included imposing a statewide stay-at-home order and a mandatory face covering requirement in certain circumstances. These actions were, and remain, necessary to protect the public health and safety, and to enable a phased and measured approach to re-opening California.

Unfortunately, we have seen a recent increase in COVID-19 cases, including a concerning increase in hospitalizations. Everyone in the state must accept and continue to uphold their individual responsibility to help defeat this pandemic. When those responsibilities are disregarded, state and local governments must take action to protect their residents.

Cities and counties have the power, conferred by the California Constitution, to take action to protect their residents. This power is instrumental to local government's ability to protect our communities and to help California succeed in its fight against this pandemic. I am calling on all elected officials to remain vigilant in the efforts to protect the health and safety of our communities and, more importantly, to ensure compliance with the state's public health orders and utilize the authorities entrusted in you to protect your communities.



In addition to their own powers under the California Constitution, local governments have a broad range of legal authorities available under state statute to enforce requirements associated with this pandemic. As you may know, violation of an order issued under the Emergency Services Act is a misdemeanor. (Gov. Code, § 8665). This includes orders to follow directives issued by the State Public Health Officer. Violating certain health officer orders is also unlawful. (Health & Saf. Code, § 120295.) All peace officers, including county sheriffs and city police officers, are empowered and encouraged to enforce the orders of a local health officer within their jurisdictions. (Gov. Code, §§ 26602, 41601, 101029.) Additionally, when local governments do take action pursuant to their own power under the California Constitution, state law bolsters local enforcement authority: for example, under state law, violation of any city or county ordinance is a misdemeanor unless otherwise specified. (Gov. Code, §§ 36900, 25132.)

It is essential that all political subdivisions of the State ensure compliance with public health orders within their communities. The consequences of failing to ensure compliance are dire. These consequences include a surge of COVID-19 cases and fatalities in, or attributable to, carriers in your community, and an unsustainable burden on health care services that may divert resources from other health needs, further delaying reopening efforts.

A local government that refuses to abide by, ensure compliance with, or take enforcement action against noncompliance with these statewide public health directives, or that takes action that is otherwise incongruent with these directives, could jeopardize their eligibility for state funding. Additionally, failure to comply with these directives may result in the impacts of the COVID-19 pandemic lasting longer, with long-term health and economic detriments to your community.

I cannot underscore enough just how critical your responsibility is in this unified effort to protect Californians. I have every confidence that together, we will do all we can to help our communities and the State in this great effort. California counties and cities have demonstrated, time and again, their dedication and commitment to preserving lives and protecting property, and it is my expectation that these efforts will continue. Thank you for your ongoing cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gavin Newsom', with a long horizontal flourish extending to the right.

Gavin Newsom
Governor of California