

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 6, 2020**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 6, 2020, was called to order by Mayor Kuehne at 6:33 p.m.

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 Assistant City Clerk Farris

NOTE: Due to the COVID-19 pandemic and pursuant to Executive Order N-29-20, all Council Members participated in the meeting via teleconference.

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; Xavier Becerra, in his official capacity as the Attorney General of California; Sonia Angell, in her official capacity as California Public Health Officer; Maggie Park, in her official capacity as Public Health Officer, San Joaquin County; Marcia Cunningham, in her official capacity as Director of Emergency Services, San Joaquin County; City of Lodi; Tod Patterson, in his official capacity as Chief of Police of Lodi, California, United States District Court, Eastern District of California Case No. 2:20-cv-00832-JAM-CKD

C-3 Adjourn to Closed Session

At 6:33 p.m., Mayor Kuehne adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:42 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:01 p.m., Mayor Kuehne reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Item C-2a) was discussion with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of May 6, 2020, was called to order by Mayor Kuehne at 7:01 p.m.

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 Assistant City Clerk Farris

NOTE: 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 www.facebook.com/cityoflodi; the opportunity for public comment was available through councilcomments@lodi.gov.

B. Presentations

B-1 National Public Works Week Proclamation (PW)

Mayor Kuehne presented a proclamation to Public Works Director Charlie Swimley declaring May 17 to 23, 2020 as National Public Works Week in Lodi. Mr. Swimley thanked the Mayor for recognizing Public Works Week and noted that the theme this year is, "The Rhythm of Public Works." He stated that the Public Works team has risen to the occasion of the pandemic by taking on many new responsibilities, but, through it all, Public Works has remained steady.

B-2 National Police Week Proclamation (PD)

Mayor Kuehne presented a proclamation to Police Chief Sierra Brucia declaring the week of May 10 to 16, 2020, as National Police Week in Lodi. Chief Brucia thanked Council for recognizing the Police Department, especially during these challenging times. He noted that due to the COVID-19 pandemic, Officer Rick Cromwell, who died in the line of duty, would be privately honored by the Department.

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 Council Member Chandler, to approve the following items hereinafter set forth, 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).

C-1 Receive Register of Claims for March 27, 2020 through April 16, 2020 in the Amount of \$2,128,164.13 (FIN)

Claims were approved in the amount of \$2,128,164.13.

C-2 Approve Minutes (CLK)

The minutes of April 7, 2020 (Shirtsleeve Session), April 14, 2020 (Shirtsleeve Session), April 15, 2020 (Regular Meeting), April 15, 2020 (Special Meeting), and April 21, 2020 (Shirtsleeve Session) were approved as written.

- C-3 Adopt Resolution Awarding Contract for Wastewater Main Rehabilitation Program (Project No. 8) to Insituform Technologies, LLC, of Chesterfield, Missouri (\$1,882,322), Authorizing City Manager to Execute Change Orders (\$400,000), and Authorizing City Manager to Execute Related Documents (PW)

Adopted Resolution No. 2020-83 awarding contract for Wastewater Main Rehabilitation Program (Project No. 8) to Insituform Technologies, LLC, of Chesterfield, Missouri, in the amount of \$1,882,322; authorizing the City Manager to execute change orders in an amount not to exceed \$400,000; and authorizing the City Manager to execute related documents.

- C-4 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Diede Construction, Inc., of Woodbridge, for Operations and Maintenance Services of Central Plume PCE/TCE Remedial Sites (\$171,656), and Appropriating Funds (\$171,656) (PW)

Adopted Resolution No. 2020-84 authorizing the City Manager to execute a Professional Services Agreement with Diede Construction, Inc., of Woodbridge, for operations and maintenance services of Central Plume PCE/TCE Remedial Sites, in the amount of \$171,656, and appropriating funds, in the amount of \$171,656.

- C-5 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Global Labs, Inc., of El Dorado Hills, for Laboratory Services (\$150,000) (PW)

Adopted Resolution No. 2020-85 authorizing the City Manager to execute a Professional Services Agreement with Global Labs, Inc., of El Dorado Hills, for laboratory services, in the amount of \$150,000.

- C-6 Adopt Resolution Approving 2020/2021 Pavement Resurface Project for Road Repair and Accountability Act of 2017 Funding (PW)

Adopted Resolution No. 2020-86 approving 2020/2021 Pavement Resurface Project for Road Repair and Accountability Act of 2017 funding.

- C-7 Adopt Resolution Ratifying Expenses and Authorizing City Manager to Execute Change Order to Resolution No. 2019-178 to Purchase Replacement Ultra High Frequency (UHF) Conventional Multisite Radio Communications Systems from Motorola Solutions, Inc., of San Diego (\$53,431) (IT)

Adopted Resolution No. 2020-87 ratifying expenses and authorizing the City Manager to execute change order to Resolution No. 2019-178 to purchase replacement ultra high frequency (UHF) conventional multisite radio communications systems from Motorola Solutions, Inc., of San Diego, in the amount of \$53,431.

- C-8 Adopt Resolution Amending the Implementation of the Electric Vehicle Strategy by Authorizing Staff to Increase Commercial Rebate Amounts, and Reallocate Electric Vehicle Ride and Drive Event Funds to Other Promotional Activities, as Necessary (CM)

Adopted Resolution No. 2020-88 amending the implementation of the Electric Vehicle Strategy by authorizing staff to increase commercial rebate amounts, and reallocate Electric Vehicle Ride and Drive Event funds to other promotional activities, as necessary.

- C-9 Adopt Resolution Authorizing City Manager to Execute ESRI Enterprise Advantage Program (EEAP) Agreement with Environmental Systems Research Institute, Inc., (ESRI),

of Redlands, for Geographic Information System (GIS) Integration Services (\$89,000), and Authorizing Electric Utility Director to Purchase Additional Support Service Credits (\$68,000) to Advance Lodi Electric Utility's GIS Adoption and Integration Efforts (EU)

Adopted Resolution No. 2020-89 authorizing the City Manager to execute ESRI Enterprise Advantage Program (EEAP) agreement with Environmental Systems Research Institute, Inc., (ESRI), of Redlands, for geographic information system (GIS) integration services, in the amount of \$89,000, and authorizing the Electric Utility Director to purchase additional Support Service Credits, in the amount of \$68,000, to advance Lodi Electric Utility's GIS adoption and integration efforts.

C-10 Adopt Resolution Authorizing City Manager to Execute the Participating Electric Distribution Utility Joinder to the Clean Fuel Reward Program Governance Agreement (EU)

Adopted Resolution No. 2020-90 authorizing the City Manager to execute the Participating Electric Distribution Utility Joinder to the Clean Fuel Reward Program Governance Agreement.

C-11 Adopt the Following Resolutions Pertaining to the November 3, 2020, General Municipal Election:

Adopted the following resolutions pertaining to the November 3, 2020, General Municipal Election: Resolution No. 2020-91 calling and giving notice of the General Municipal Election; Resolution No. 2020-92 requesting the San Joaquin County Board of Supervisors to render specified services for the conduct of a General Municipal Election; Resolution No. 2020-93 setting forth the Council's policy regarding impartial analysis, arguments, and rebuttal arguments for any measure(s) that may qualify to be placed on the ballot; and Resolution No. 2020-94 adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at the General Municipal Election.

C-12 Appoint Trenton Diehl to the Site Plan and Architectural Review Committee (CLK)

Made the following appointment:

Site Plan and Architectural Review Committee
Trenton Diehl Term to expire January 1, 2024

C-13 Receive Report Regarding Communication Pertaining to Support of H.R. 6467, Coronavirus Community Relief Act (CLK)

Received report regarding communication pertaining to support of H.R. 6467, Coronavirus Community Relief Act.

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. Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda. If you wish to address the Council, please refer to the Special Teleconference Notice at the beginning of this agenda. Individuals are limited to one appearance during this section of the Agenda.

Comments were received via email (filed) and read into the record from the following members of the public:

Kathy Carey Dais - problems with the homeless
Amanda Lee - termination of Lodi Police Officer
Jenny Miller - termination of Lodi Police Officer
Theresa Delp - closure of the parking garage

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

Council Member Mounce stated that she appreciated the comments about the closure of the parking garage, but the City has already responded and the parking garage is open again. She further stated that Kathy Dais and other members of Take Back Lodi are the reason the City was as clean as it was despite having people living on the streets, and she agrees with what Ms. Dais had to say; the City has made strides to help people living on the street; Mayor Kuehne and Council Member Chandler have worked hard on this issue but it is not obvious to the public; it is time to make some visible changes; the City needs to designate City-owned property to fence off and provide an area with bathrooms and sanitation stations to get the homeless out of downtown and the parks; and Downtown, Lawrence Park, and the PG&E station are all getting worse, despite Officer Schiele's hard work.

In response to Council Member Mounce, City Manager Schwabauer stated an item would be brought to Council at either the second meeting in May or the first meeting in June.

Council Member Chandler stated that he agrees with Council Member Mounce regarding finding space, but there is no reason to expect that the homeless will not be in other areas of the City as well. He further stated that citizens are accusing the Council of not opening the City, but the Council does not have that authority and citizens should contact the Governor's office; City Council will do everything in their power to open the City but at this time, it is just following orders.

Mayor Pro Tempore Nakanishi stated he supports the comments regarding the homeless and looks forward to the report. He noted that the City is in the 7th week of the stay-at-home order which began March 19; the curve has been flattened and the hospital is empty but there is a loss of jobs and income, and Council has received many emails and letters demanding the City do something. He stated that he agrees but the City does not have the authority to overrule the County and the State, and citizens should write to San Joaquin County Public Health and to the Governor. He further stated that the San Joaquin County Board of Supervisors will be discussing their plan on Tuesday regarding reopening some types businesses, which is the same plan advocated by the cities in Stanislaus County in their letter to the Governor; he is in favor of sending the same type of letter.

Mayor Kuehne stated Council has received a variety of emails regarding opening the City back up. He noted that a third of the population wants to open up as if nothing had happened, a third is cautiously optimistic and wants to open things slowly and carefully, and a third wants nothing to open until there is a vaccine. He stated that he has been communicating with Dr. Park on a weekly basis about her position and how it affects Lodi; Supervisor Winn contacted him regarding putting together a protocol or a list of businesses to provide protocols for reopening in preparation for when County Public Health authorizes reopening. Lodi citizens have done an excellent job of sheltering in place, and there has been only one death and very few cases, so he is supportive of staff pressing the issue with the County and is willing to sign a letter to the Governor.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving Final 2020-21 Annual Action Plan for Community Development Block Grant (CDBG) Program (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 Kuehne called for the public hearing to consider adopting resolution approving Final 2020-21 Annual Action Plan for Community Development Block Grant (CDBG) Program.

Community Development Director John Della Monica gave a short overview of the item and introduced CDBG Program Administrator Patrice Clemons. Ms. Clemons provided a PowerPoint presentation regarding CDBG Final Annual Action Plan for 2020-2021. Specific topics of discussion included CDBG purpose, 2020-2021 Annual Action Plan, Annual Action Plan Process, budget, funding recommendations, and recommended action.

Council Member Mounce stated that during the second round for CDBG based on the Community CARE Program, the City should give consideration to some of the objectives discussed at the last meeting, specifically the organizations that requested funding but did not receive it in this round.

Mayor Kuehne opened the public hearing for public comment.

There being no public comments, Mayor Kuehne closed the public hearing.

Council Member Mounce made a motion, second by Council Member Chandler, to adopt Resolution No. 2020-95 approving the Final 2020-21 Annual Action Plan for Community Development Block Grant (CDBG) Program.

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).

G-2 Public Hearing to Consider Introducing an Ordinance Amending Lodi Municipal Code Title 17 – Development Code, by Repealing and Reenacting Section 17.18.020 – Purposes of Residential Zoning Districts, Section 17.20.030 – Commercial Zoning District Land Uses and Permit Requirements, Section 17.20.040 – Commercial District General Development Standards, and Section 17.22.030 - Mixed Use Zoning Districts Land Uses and Permit Requirements in Their Entirety (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 Kuehne called for the public hearing to consider introducing an ordinance amending Lodi Municipal Code Title 17 - Development Code, by repealing and reenacting Section 17.18.020, "Purposes of Residential Zoning Districts," Section 17.20.030, "Commercial Zoning District Land Uses and Permit Requirements," Section 17.20.040,

"Commercial District General Development Standards," and Section 17.22.030, "Mixed Use Zoning Districts Land Uses and Permit Requirements" in their entirety.

Community Development Department contract Planner Ed Junker provided a PowerPoint presentation regarding the proposed ordinance. Specific topics of discussion included purpose of amendment, scope and effect of revisions, proposed amendments, residential density, office district uses, map of office-zoned lands, core office district, Community Commercial (CC) parcel size, map of CC-zoned lands, core CC district, Mixed Commercial Use (MCO) district residential uses, maps of MCO district single family residential uses, Planning Commission review, CEQA review, and recommendation.

In response to City Manager Schwabauer, Mr. Junker stated that there is interest in a senior care facility, but evaluation of the Code is separate from any project before the department.

In response to Council Member Chandler, Mr. Junker stated that the current commercial parcels under two acres in size were legal when created but parcels cannot be created in this manner now.

Council Member Mounce expressed concern over the revisions to Section 17.18.020 and stated the City needs to be cautious about putting additional pressure on the Eastside, which is already over populated, as the City does not want the unintended consequence of more apartment complexes added to the Eastside. She also expressed concerns about the mixed-use zoning district on Elm Street, stating she cannot support this piece of the ordinance.

Mr. Junker stated that these zoning overlays already exist on the Eastside and are being identified by staff at this time, not created.

City Manager Schwabauer clarified that the object is to make the houses that are currently non-conforming into conforming uses.

Community Development Director John Della Monica confirmed that a single-family detached house can remain but a new one cannot be built.

Council Member Mounce stated that commercial uses produce noise in the neighborhood, and further, she is concerned because a house that is in poor condition cannot be rebuilt.

City Manager Schwabauer clarified that many years ago the zoning in that area was changed from residential to industrial, so it is currently industrial which makes all of the houses legal nonconforming; the purpose of the ordinance is to make the houses legal and remove the burden of code nonconformance which prevents property owners from getting building permits.

Mr. Della Monica reiterated that the purpose of the change is to bring the single-family residences into conformance so that owners can do things, such as obtain a repair or remodel permit.

Council Member Mounce stated that residents should not have the risk of an adjacent property owner selling a house that would be converted to industrial use.

In response to Mayor Kuehne, Mr. Junker confirmed that duplexes, triplexes, and apartments are allowed per the 2013 Code.

City Schwabauer clarified that the change was in response to citizens asking to remodel their houses, so he would suggest approving this ordinance change to allow permits to be issued to

those with currently legal nonconforming uses, and then returning to Council with changes to address the other concerns regarding this area.

Mayor Pro Tempore Nakanishi suggested looking at the Lodi Avenue mixed-use area and amending the Code again.

Council Member Mounce stated she cannot support the ordinance if the area is all zoned multi-use and industrial is allowed in the residential areas.

City Manager Schwabauer reiterated that the ordinance is not changing any of the current zoning; the aim is to allow residential property owners to upgrade their houses.

In response to Council Member Chandler, City Manager Schwabauer stated these zoning changes were made in the 1980s.

Council Member Chandler suggested extracting this section from the motion and then clarify property identifications.

In response, Mr. Junker clarified that on the map, pink represents residential use and blue is not confirmed as residential; there is probably more residential uses than reflected on the map, which reinforces the need to recognize those property as legal and conforming.

Council Member Mounce stated that she appreciates that the changes are intended to help people be conforming, but the City needs to remove the multi-use zoning and make it residential only.

Mr. Della Monica suggested making the change to allow single-family residential to bring those properties into conformance and then visit the issue of rezoning to eliminate land use, but in the meantime this would allow property owners to maintain their homes and could heal some of the neighborhood.

Mayor Kuehne stated he would be support the change if the language was cleaned up to allow homeowners to work on their houses; City Manager Schwabauer stated that those language changes could not be made tonight.

Mayor Kuehne opened the public hearing for public comment.

There being no public comments, Mayor Kuehne closed the public hearing.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Chandler, to introduce Ordinance No. 1977 amending Lodi Municipal Code Title 17 - Development Code, by repealing and reenacting Section 17.18.020, "Purposes of Residential Zoning Districts," Section 17.20.030, "Commercial Zoning District Land Uses and Permit Requirements," Section 17.20.040, "Commercial District General Development Standards," and Section 17.22.030, "Mixed Use Zoning Districts Land Uses and Permit Requirements" in their entirety.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

ROLL CALL VOTE

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

H. Regular Calendar

H-1 Adopt Resolution Approving Policy for Emergency Paid Sick Leave and Expansion of the Family Medical Leave Act in Accordance with H.R. 6201, the Families First Coronavirus Response Act (CM)

Human Resources Manager Adele Post provided a presentation regarding the policy for Emergency Paid Sick Leave and the Expansion of the Family Medical Leave Act in accordance with H.R. 6201. Specific topics of discussion included numerous changes; Blue Sheet which shows last-minute changes to child care and isolation; covers two acts - Emergency Paid Sick Leave and Expansion of the Family Medical Leave Act; temporary policy which will expire on December 31, 2020; expansion of definition of childcare provider; and deletion of Senior Library Assistant position from exempted list.

In response to Mayor Pro Tempore Nakanishi, City Manager Schwabauer stated that no federal money is provided to support the mandated adoption of this policy; private companies receive funding but not government agencies.

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-96 approving Policy for Emergency Paid Sick Leave and Expansion of the Family Medical Leave Act in Accordance with H.R. 6201, the Families First Coronavirus Response Act.

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 Discussion on Status of Stay-at-Home Orders in Issued in Response to the COVID-19 Pandemic (CM)

City Manager Schwabauer provided an introduction to the discussion on the status of the stay-at-home orders issued in response to the COVID-19 pandemic. He stated the City does not have a public health authority and does not have the authority that is granted to public health authorities; the State and San Joaquin County have issued orders; only businesses allowed are those deemed essential; earlier this week the Governor announced as of Friday the State will be transitioning to Phase 2a; there is a pattern of softening restrictions; San Joaquin County is taking steps to implement those changes; types of businesses included in Phase 2a are largely retail stores operating with curbside service; the Governor is also working on creating a set of factors that counties can rely on for Phase 2b which will include another broader group of businesses; expecting more guidance from the State on Thursday as to what the County will need to be able to certify; and the County has not issued Phase 3 guidelines which will include more assembly-type businesses.

Council Member Mounce stated that the one-size-fits all approach taken by the State does not make sense; Lodi has done a great job flattening the curve and has a low number of infected and

hospitalized citizens; the orders are killing small businesses; as long as social distancing is observed, there is no reason not to move Lodi towards reopening; the Council needs to send a letter to the Public Health Director and the Governor to urge them to take into consideration the City's data, to make sure they understand that one-size does not fit all, and to find a way to open up business in Lodi.

Council Member Chandler stated that he wholly endorses Council Member Mounce's comments and feels that the City needs to be more aggressive in making the point that the citizens of Lodi need to be able to open their businesses.

Mayor Pro Tempore Nakanishi stated that he agrees with Council Member Mounce; the orders are ambiguous and arbitrary; and businesses such as hair salons, dog groomers, barbers, and car washes need to be included in allowed businesses.

Mayor Kuehne stated that he supports Council Member Mounce's comments; Lodi is the only city in the County that has had multiple protests because the citizens know the City is doing well in preventing the spread; the County needs to treat Lodi slightly differently; Lodi should open slowly and cautiously, sooner than the other cities; and he is supportive of a letter to the Governor.

Mayor Pro Tempore Nakanishi indicated he would support a letter similar to the one written by the cities in Stanislaus County.

Council Member Mounce stated that she feels the City should stop citing businesses and the City should shift the enforcement of the County and Governor's orders to the County.

Council Member Chandler and Mayor Kuehne concurred.

Police Chief Brucia stated the City needs to maintain consistency; it is difficult for officers to make judgement calls in the field because the orders are ambiguous; and enforcement has mostly been education with only one or two citations issued.

Council Member Mounce reiterated that the Police Department should not be using resources for enforcement or education.

Mayor Pro Tempore Nakanishi stated that Tuesday the Public Health Authority would be making a presentation to the San Joaquin County Board of Supervisors and suggested the City wait for that report.

Council Member Mounce disagreed, stating the City should move forward as quickly as possible.

Council Member Chandler concurred, stating that there is no reason not to be on the record regarding reopening businesses in Lodi.

Mayor Kuehne concurred, stating he supported including verbiage about proceeding with caution, supporting mitigation work to return to work safely, not supporting large gatherings and concerts, and enumerating protocols.

City Manager Schwabauer encouraged Council not to become involved with public health business as the City is not a public health authority or to tell the public how to operate in opposition to State and County orders.

Mayor Pro Tempore Nakanishi stated he supports sending a letter and asking the Police Department to be light handed.

Chief Brucia stated if the Police Department is asked to enforce parts of the orders and not enforce other parts, there will be an uptick in complaints.

City Attorney Magdich stated inconsistency makes it very difficult for officers; only one citation was issued in the City; if the City does not follow the guidelines, we will have no insurance coverage; tomorrow the Governor will be releasing guidelines for counties to make decisions; the County will be making a road map for recovery; and there will be definite changes following the Governor's announcement.

Council Member Mounce stated she supports writing a letter to the County and the Governor advocating local control; businesses can make decisions on operation and consumers can make decisions on whether to patronize the businesses; and it is not the City's responsibility to enforce the orders.

Council Member Chandler supported sending a letter advocating advancing the phases more rapidly as our community has been acting responsibly.

Mayor Kuehne asked for public comment and the emails (filed) received from the following members of the public were read into the record. All emails advocated the reopening of businesses in Lodi.

Philip Diaz
Jenny Miller
Kathy Carey Dais
Gary & Denise Wiman
Trevor Phillips
Leah Suelter
Amanda Lee
Jacqueline Davis
Mindy Compton
Monica Fritz
Judy Phillips
Alex Aliferis

I. Ordinances

- I-1 Adopt Ordinance No.1976 Entitled, "An Ordinance of the City Council of the City of Lodi Authorizing an Amendment to the Contract Between the City Council of the City of Lodi and the Board of Administration of the California Public Employees' Retirement System"

Council Member Mounce made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Ordinance No.1976 entitled, "An Ordinance of the City Council of the City of Lodi Authorizing an Amendment to the Contract Between the City Council of the City of Lodi and the Board of Administration of the California Public Employees' Retirement System."

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 9:51 p.m.

ATTEST:

Pamela M. Farris
Assistant City Clerk