

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 3, 2020**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 3, 2020, was called to order by Mayor Kuehne at 6:46 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: Council Member Chandler 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, et al., United States District Court, Eastern District of California Case No. 2:20-cv-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

At 6:46, Mayor Kuehne adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:00 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Kuehne reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Items C-2a) and C-2b) were discussion with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of June 3, 2020, was called to order by Mayor Kuehne at 7:00 p.m.

NOTE: Due to the COVID-19 pandemic and pursuant to Executive Order N-29-20, the Council chambers were closed to the public. The meeting was available for viewing by the public via livestream at [www.facebook.com/cityoflodi](http://www.facebook.com/cityoflodi); the opportunity for public comment was available through [councilcomments@lodi.gov](mailto:councilcomments@lodi.gov).

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: Council Member Chandler participated in the meeting via teleconference.

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).

C-1 Receive Register of Claims for May 1, 2020 through May 14, 2020 in the Amount of \$3,576,046.14 (FIN)

Claims were approved in the amount of \$3,576,046.14.

C-2 Approve Minutes (CLK)

The minutes of May 6, 2020 (Regular Meeting), May 6, 2020 (Special Meeting), May 12, 2020 (Shirtsleeve Session), and May 19, 2020 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for the Stormwater Trash Collection Project – Phase 1 (2020) (PW)

Approved plans and specifications and authorized advertisement for bids for the Stormwater Trash Collection Project - Phase 1 (2020).

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Church Street Bike and Pedestrian Improvement Project (PW)

This item was pulled by Council Member Mounce for discussion purposes.

Council Member Mounce referenced the email received from member of the public Mike Lusk (read into the record and filed) regarding the traffic flow on Church Street, Oak Street, and Walnut Street. She requested that Mr. Lusk's comments be taken into consideration and asked staff if his suggestions would be an adequate diversion of traffic for the project.

Public Works Director Charlie Swimley stated that Public Works staff has taken a high-level look at Mr. Lusk's proposal to convert portions of the roadway to one-way traffic, however, the City has not had a Traffic Engineer to study the implications of such a change. In addition, the limitations on staff due to COVID-19 have prevented a deeper look into the suggested changes, but the impact would be major.

In further response to Council Member Mounce, Mr. Swimley stated it would take approximately ten weeks to get the project started, with four weeks until bids are accepted, two weeks to return to Council to award the contract, and four weeks to get the contract signed.

In response to Council Member Mounce's suggestion that staff will have more time to look into Mr. Lusk's recommendations once the COVID-19 crisis settles down, Mr. Swimley stated that the project is utilizing grant funds and there are time lines that must be met.

In response to Mayor Kuehne's inquiry if there might be an opportunity to do a deeper look at the recommendations, Mr. Swimley stated the City does not have the luxury of the time needed for a deeper look, unless Council wants to postpone this project even more, as the staff time needed would be substantial. City Manager Schwabauer further clarified that such changes would need public outreach, many people would be opposed, and it may require an environmental review; evaluating the recommendations would not be a quick project.

Mayor Pro Tempore Nakanishi made a motion, second by Mayor Kuehne, to approve plans and specifications and authorize advertisement for bids for Church Street Bike and Pedestrian Improvement Project.

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).

C-5 Adopt Resolution Awarding Contract for 2020 Pavement Maintenance Project to DSS Company dba Knife River Construction, of Stockton (\$185,450), Authorizing City Manager to Execute Change Orders (\$100,000), and Appropriating Funds (\$65,450) (PW)

Adopted Resolution No. 2020-107 awarding contract for 2020 Pavement Maintenance Project to DSS Company dba Knife River Construction, of Stockton, in the amount of \$185,450; authorizing the City Manager to execute change orders, in an amount not to exceed \$100,000; and appropriating funds, in the amount of \$65,450.

C-6 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to 2017-2019 Sidewalk and Miscellaneous Concrete Repair Program, with Popuch Concrete Contracting, Inc., of Lodi, Including Consumer Price Index Adjustments to the Contract Unit Prices (PW)

Adopted Resolution No. 2020-108 authorizing the City Manager to execute Amendment No. 1 to 2017-2019 Sidewalk and Miscellaneous Concrete Repair Program, with Popuch Concrete Contracting, Inc., of Lodi, including Consumer Price Index adjustments to the contract unit prices.

C-7 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement

for SCADA Database and Graphics Update for McLane Substation with Survalent Technology Corporation, of Buffalo, New York (\$44,500) (EU)

Adopted Resolution No. 2020-109 authorizing the City Manager to execute Professional Services Agreement for SCADA database and graphics update for McLane Substation with Survalent Technology Corporation, of Buffalo, New York, in the amount of \$44,500.

C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Three-Year Renewal of Outage Management System (OMS), Interactive Voice Response (IVR), WindMil and WindMilMap Circuit Analysis Tools and Support Services with MilSoft Utility Solutions, of Abilene, Texas (\$100,800) (EU)

Adopted Resolution No. 2020-110 authorizing the City Manager to execute Professional Services Agreement for three-year renewal of Outage Management System (OMS), Interactive Voice Response (IVR), WindMil and WindMilMap circuit analysis tools and support services with MilSoft Utility Solutions, of Abilene, Texas, in the amount of \$100,800.

C-9 Adopt Resolution Approving Annual Shared Automation Fee Structure for Agreement Between City of Stockton and Sirsi Corp., Integrated Library System, and Approving Cost Sharing Fee for Fiscal Year 2019/20 (\$26,766) (LIB)

Adopted Resolution No. 2020-111 approving annual shared automation fee structure for agreement between City of Stockton and Sirsi Corporation Integrated Library System, and approving cost sharing fee for Fiscal Year 2019/20, in the amount of \$26,766.

C-11 Accept Improvements Under Contract for McLane Substation Renovation Project (EU)

Accepted improvements under contract for McLane Substation Renovation Project.

C-12 Adopt Resolution Authorizing Lodi Arts Commission to Place a Mural on the Downtown Parking Garage Commemorating the Centennial of the 19th Amendment to the U.S. Constitution, and Authorize City Manager to Negotiate an Encroachment Agreement for the Mural Placement (\$20,000) (PRCS)

This item was pulled at the request of Council Member Mounce for discussion purposes.

Council Member Mounce expressed delight in celebrating the centennial anniversary of the 19th Amendment to the U.S. Constitution which gave women the right to vote.

In response to Council Member Mounce, City Manager Schwabauer stated that the Lodi Arts Commission will be required to return to Council regarding the choice of art and locations for the mural.

Council Member Mounce made a motion, second by Mayor Kuehne, to adopt Resolution No. 2020-117 authorizing the Lodi Arts Commission to place a mural on the Downtown Parking Garage commemorating the Centennial of the 19th Amendment to the U.S. Constitution, and authorizing the City Manager to negotiate an encroachment agreement for the mural placement, in an amount not to exceed \$20,000.

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-13 Adopt Resolution Reaffirming Ratification of City Manager's Proclamation Finding the Continued Existence of a Local Emergency and Rendering Certain Emergency Orders, Including an Increase Related to the Local Emergency in the City Manager's Contracting Authority for Services and Goods to a Maximum Amount of \$250,000 for the Duration of the Local Emergency (CA)

This item was pulled at the request of Council Member Mounce for discussion purposes.

Council Member Mounce noted the positive feedback being received by the City on the Great Plates program, which is delivering three meals each day to seniors, helping them avoid leaving their homes.

Council Member Mounce made a motion, second by Mayor Kuehne, to adopt Resolution No. 2020-118 reaffirming the ratification of the City Manager's proclamation finding the continued existence of a local emergency and rendering certain emergency orders, including an increase related to the local emergency in the City Manager's contracting authority for services and goods to a maximum amount of \$250,000 for the duration of the local emergency.

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-14 Adopt Resolution Exempting the City of Lodi from the State-Mandated Congestion Management Program in Conjunction with San Joaquin Council of Governments' Effort to Achieve Countywide Exemption in Accordance with California Government Code §65088.3 (PW)

Adopted Resolution No. 2020-113 exempting the City of Lodi from the State-mandated Congestion Management Program in conjunction with San Joaquin Council of Governments' effort to achieve Countywide exemption in accordance with California Government Code §65088.3.

C-15 Appoint Catherine Metcalf to Lodi Arts Commission, Eugene Chow to Library Board of Directors, and Lisa Craig to Site Plan and Architectural Review Committee (SPARC); and Re-Post for Vacancies on Greater Lodi Area Youth Commission (Adult Advisors and Student Members) (CLK)

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

APPOINTMENTS:

Lodi Arts Commission

Catherine Metcalf Term to expire July 1, 2023

Library Board of Trustees

Eugene Chow Term to expire June 30, 2023

Site Plan & Architectural Review Committee

Lisa Craig Term to expire January 1, 2022

POSTINGS:

Greater Lodi Area Youth Commission (Adult Advisors)

Jean Powell Term to expire May 31, 2023

Jennifer Phillips-Lorentzen Term to expire May 31, 2023

Greater Lodi Area Youth Commission (Student Members)

Benjamin Gobel Term to expire May 31, 2022

Morgan Orlando Term to expire May 31, 2022

Jordyn Hummel Term to expire May 31, 2022

Brandon Duran Term to expire May 31, 2022

Rayleen Salgado Term to expire May 31, 2022

Jasmine Shukla Term to expire May 31, 2021

Kevin Armknecht Term to expire May 31, 2021

Arriana Galvan Term to expire May 31, 2021

C-16 Receive Report Regarding Communication Pertaining to HEROES Act COVID-19 Response Package (CLK)

Received report regarding communication pertaining to HEROES Act COVID-19 Response Package.

C-17 Adopt a Resolution Authorizing the City Manager to Submit a Local Early Action Planning (LEAP) Grant Application and to Enter into Agreements with the California Department of Housing and Community Development for LEAP Grants (\$300,000) (CD)

Adopted Resolution No. 2020-114 authorizing the City Manager to submit a Local Early Action Planning (LEAP) grant application and to enter into agreements with the California Department of Housing and Community Development for LEAP grants, in the amount of \$300,000.

C-18 Adopt a Resolution Authorizing the City Manager to Draft a 2020 Permanent Local Housing Allocation (PLHA) Grant Application to the California Department of Housing and Community Development for Permanent Homeless Shelter Project - Predevelopment Phase (\$2,017,590) (CD)

This item was pulled at the request of Council Member Mounce for discussion purposes.

In response to Council Member Mounce, Community Development Director John Della Monica stated the City is developing solutions to the long-term homelessness crisis. The State has substantial amounts of capital available, and the intention is to apply for this grant, as well as the LEAP grant presented on C-17, to put forth an effort into the development of a permanent no-bar shelter.

Council Member Mounce stated the homelessness problem must be solved in order for Lodi to maintain its status as a tourist destination.

Mayor Kuehne noted that the San Joaquin Council of Governments was awarded \$18 million for affordable housing and homelessness.

Council Member Mounce noted that funding has been available through No Place Like Home for three years and expressed frustration at the amount of time it has taken to address the homelessness problem.

Council Member Mounce made a motion, second by Mayor Kuehne, to adopt Resolution No. 2020-119 authorizing the City Manager to draft a 2020 Permanent Local Housing Allocation (PLHA) grant application to the California Department of Housing and Community Development for Permanent Homeless Shelter Project - Predevelopment Phase, in the amount of \$2,017,590.

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-19 Adopt Resolution Accepting the Fiscal Year 2018/19 Measure L Citizens' Oversight Committee Annual Accountability Report, and Authorizing the City Manager to have a One-Page Flyer (Bill Insert) Created to Promote the Successes of Measure L (\$3,500) (CM)

Adopted Resolution No. 2020-115 accepting the Fiscal Year 2018/19 Measure L Citizens' Oversight Committee Annual Accountability Report, and authorizing the City Manager to have a one-page flyer (bill insert) created to promote the successes of Measure L, in the amount of \$3,500.

C-20 Adopt Resolution Declaring Intention to Annex Territory (Gateway South Subdivision) to Community Facilities District No. 2007-1 (Public Services) and to Levy a Special Tax to Pay for Certain Public Services (Annexation No. 10); and Setting Public Hearing for July 15, 2020 (PW)

Adopted Resolution No. 2020-116 declaring intention to annex territory (Gateway South Subdivision) to Community Facilities District No. 2007-1 (Public Services) and to levy a special tax to pay for certain public services (Annexation No. 10); and setting public hearing for July 15, 2020.

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.

Email messages received from the following members of the public were read into the record and filed:

Jessica Hillskotter - re-opening youth sports  
Theresa Delp - re-opening playgrounds  
Tiffany Gomes - Black Lives Matter protest

Laurie Sharpe - Council leadership during turbulent times  
Amanda Lee - Black Lives Matter protest  
Kyle Vallarino - Curfew  
Jim Hamrick - Rules governing public demonstrations  
Christy Newport - Rules governing public demonstrations  
Kent Steinwert - Rules governing public demonstrations  
Mark Wallace - Rules governing public demonstrations  
Stephen Barney - Public demonstrations  
Mickie Nuss - Public demonstrations

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

Council Member Mounce stated that she would like to hear from the City Attorney regarding the bond issue mentioned in public comments and have the Police Chief speak regarding a possible curfew. She noted that for 50 years there have been peaceful protests surrounding the injustice that is rampant in our society regarding people of color; she is truly disgusted with what happened; racism is alive in America and it is our responsibility to take a stand and make sure the message is clear that this is no longer going to be tolerated in our society, starting with leadership.

Police Chief Sierra Brucia stated that if the City Council chooses to enact a curfew, the Police Department would enforce it. However, he noted the Police Department is preparing for the protest on Sunday, and having a curfew in affect could take away resources from the preparation. He further stated that in his opinion the people that will follow a curfew are not the people who are causing problems.

In response to Council Member Mounce regarding preparation for the protest on Sunday, Chief Brucia stated that the Police Department has been monitoring events throughout the State and nation on a daily basis, including social media news reports. He noted that a peaceful demonstration was held today in front of the Police Department with 40 to 50 people in attendance. There was a significant number of officers on duty, with other officers joining on their own. Regarding the event on Sunday, the Police Department has been in contact with organizers and the business owners in the area; there will be double patrol shifts; the mobile field force will be ready; the SWAT team will be on standby; all five lieutenants will be on duty to act as incident commanders; the entire command staff of the Police Department will be available; a contingent will be monitoring and protecting the Police Department and the Fire Department; the Stockton Police Department will be on standby with their mobile field force; the Sheriffs' Office has been contacted regarding staffing in town during the demonstration and being on standby for support; and LPD mobile field force commander will be meeting with the National Guard Commander.

In response to Council Member Mounce, City Attorney Magdich stated that clearly people have the constitutional right to exercise free speech in a peaceful manner. The City does not have an ordinance to require a permit or indemnification for protests; the court would find \$10 million unconscionable because of the dollar amount; and the City cannot put up barriers to the exercise of free speech rights. She further noted that the last two days of protests in Stockton have been very peaceful, so it would be wrong to assume that Sunday's protest will turn violent, but the Police Department is prepared.

Mayor Pro Tempore Nakanishi stated that what was done to George Floyd was atrocious and should never have happened in the United States, but the citizens and businesses of Lodi do not want demonstrations.

In response to Mayor Pro Tempore Nakanishi, City Manager Schwabauer stated that the City does not have a protest ordinance.

In further response, Ms. Magdich stated that the City would need to tailor a protest ordinance very narrowly because it must allow free speech; it is possible to have time, place, and manner restrictions; it is unreasonable to require a permit application months in advance; and she has not done extensive research because the issue came up today.

Mayor Pro Tempore Nakanishi expressed concern over the Police being able to handle 3,000 protesters coming to a city the size of Lodi and questioned whether it would be legal to limit the size of protests. He stated he understands that the City cannot ask for a bond for protests but stated these gatherings cost the City money.

Council Member Chandler stated that he agrees with Council Member Mounce and Mayor Pro Tempore Nakanishi and understands the frustration on behalf of the black community; it is unjustifiable that we are still where we are; people have the right to hold a peaceful protest but not violence; he has been in contact with the organizer and is optimistic for a peaceful outcome on Sunday and the Police Department is prepared.

Mayor Kuehne stated that what the officer did in the George Floyd case was wrong; the rapidity with which the officer was charged and the firing of the other officers involved sends the right message that this type of behavior will not be tolerated; he is thankful that is not a tactic our officers use and is proud of our Police force here in Lodi; he is a huge proponent of the freedom of speech and allowing the protest to go on is the right thing; it is also the right thing to be prepared; and he is confident the Police force is prepared.

In response to Mayor Kuehne, Ms. Magdich stated encroachment permits require insurance and indemnification, however, there is nothing on the books to require a bond, insurance, or permit for a protest. She further stated that the courts would find \$10 million far too high, as it would be an impediment to the exercise of the right to free speech.

Mayor Kuehne stated he understand from Council comments that all Council Members would like the City to move forward expeditiously on adopting an ordinance so something would be in place in times like these.

Council Member Mounce clarified that she does not feel an ordinance would be necessary for gatherings of 150 people, but something is needed for protests of 2,000 or more.

Mayor Kuehne commented on the email concerning the need for children to play in parks and stated he is sensitive to mental health issues, noting a 900% increase in calls to the suicide prevention hot line. He further stated COVID-19 has been devastating financially and noted that the County has received \$133 million in funding for COVID-19, of which \$8.8 million has been spent, and none has been shared with the cities; the Lodi City Council has been working on getting a fair share of the funding. The Council is also working on getting the County to provide an attestation to reopen Lodi. He also noted Lodi is participating in the Great Plates program to provide meals to seniors.

Council Member Mounce stated she is willing to send a letter to the County Board of Supervisors and the Governor requesting parks re-open and sports resume.

Mayor Kuehne responded that the letters have just gone out to the County and the Governor, but he is not opposed to another letter being sent if a response is not received. He further stated he would like to conduct a Zoom meeting with the Governor.

Mr. Schwabauer stated the City has not heard from the Governor, but County park officials are meeting with Dr. Park next week to discuss reopening local parks and that staff can work on letter.

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

Mr. Schwabauer stated that what happened to George Floyd was horrifying and has no place in our society. He further stated that he knows the officers and leadership in Lodi Police Department very well and is gratified to have confidence in these people; he is proud of how hard the Police Department is working on the security of this town; and he is confident in their readiness and planning.

G. Public Hearings

G-1 Public Hearing to Consider Adopting a Resolution Amending the Procedures for Review of Growth Allocation Applications (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 a resolution amending the procedures for review of Growth Allocation Applications.

Community Development Director John Della Monica provided a brief introduction. Contract Planner Paul Junker provided a PowerPoint presentation regarding review of Growth Allocation schedule. Specific topics of discussion included overview and options.

Mr. Della Monica stated that the City does have active applications for tentative mapping and while individual projects should not govern how the City deals with this from a policy standpoint, one of the things staff considered is that if a short extension was granted, it would allow these projects to move forward and allow ample time for staff to return to Council with a more complete plan.

In response to Mayor Pro Tempore Nakanishi, Mr. Della Monica stated that the letter from Mr. Hoffman addressed the initial proposal and his concern with the level of change. When staff revisited the issue, they wanted to present something more simplified and felt allowing growth to continue according to the current plan, with applications accepted throughout the year, was more prudent than to revert back to the prior more-restrictive timeline. Staff believed extending the existing program to the end of the calendar year would not damage the existing applicant and that some issues raised by the former City Planner would not come into play.

In response to Council Member Chandler, Mr. Della Monica stated that one applicant is in the process and staff was preparing, based on this hearing, to have his map considered by the Planning Commission; and a second applicant is near to that stage.

Mr. Schwabauer further clarified that, in terms of timing, it would mean the difference between beginning the project now and being prepared in summer versus beginning the project in November and having it prepared next spring, so it would delay a project by six to eight months or longer.

In response to Council Member Mounce, Mr. Della Monica confirmed that if the provisions were extended, all of the concerns brought up would become a moot point and that it would be best for the department.

Mayor Kuehne stated that he has had concerns in the past because projects would come before Council at a stage when Council had no opportunity for input, so part of the revision would be to streamline the procedure while allowing Council to have input early in the process. When he met with the City Manager, City Attorney, and Community Development Director, Mr. Della Monica pointed out that there are many issues that need to be streamlined. Mayor Kuehne indicated support of extending the provision to allow staff to return to Council and address the other issues as well.

Council Member Mounce stated she feels the ordinance needs to be changed so that Council will have the power to make sure future developments fit Lodi.

In response, Mr. Della Monica stated that currently Council has no ability for input, but the process could be designed to invite Council review in the predesign stage, which would be more detailed than the conceptual design but not at the final engineering stage.

Mayor Kuehne stated that this could be added into the amendment as well, so that as the projects are submitted, they come to Council first.

In response to Mayor Pro Tempore Nakanishi, Mr. Della Monica stated that extending the provisions of Ordinance No. 1877 allows developers to make application at the time they are prepared to go forward with a project, as opposed to being restricted to a certain calendar window.

Council Member Chandler indicated support for extending the provisions to the end of the year and Council having the ability to look at projects earlier in the process.

Mayor Kuehne opened the public hearing for public comment.

Mr. Schwabauer read letters from members of the public (filed), Craig Hoffman and Dennis Bennet.

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

Council Member Mounce made a motion, second by Mayor Kuehne, to adopt Resolution No. 2020-120 reinstating and extending effective date of the provisions of Ordinance No. 1877 related to the schedule for review of Development Plans through December 31, 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).

NOTE: Council recessed at 8:55 and reconvened at 9:06.

H. Regular Calendar

H-1 Adopt Resolution 1) Authorizing City Manager to Amend Customer Assistance & Relief Energy (CARE) Package Program Increasing Benefits by \$249,000; 2) Authorizing City

Manager to Amend Existing CARE Program Third-Party Administrator Contract Limits and Existing Energy Efficiency Services Professional Services Agreement to include CARE Program Application Services in Amount Not to Exceed \$102,000 Collectively; and 3) Authorizing Necessary Appropriations and Carry Forward into Fiscal Year 2020/21 (CM)

Business Development Manager Astrida Trupovnieks provided a presentation regarding amending the Customer Assistance & Relief Energy (CARE) Package Program. Specific topics of discussion included Council's desire to do more for low- and fixed-income customers during the pandemic; staff's recommendation to expand the local CARE program which provides assistance to low-income and senior citizen customers; opportunity to provide relief to individuals who are financially disadvantaged and need help during the pandemic; lifting of restrictions to remain in place for three months; increase in benefits; and increase in third party administrator contracts.

Council Member Mounce made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-121 authorizing the City Manager to amend Customer Assistance & Relief Energy (CARE) Package Program increasing benefits by \$249,000; authorizing the City Manager to amend existing CARE Program third-party administrator contract limits and existing energy efficiency services Professional Services Agreement to include CARE program application services in amount not to exceed \$102,000 collectively; and authorizing necessary appropriations and carry forward into Fiscal Year 2020/21.

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 Fiscal Year 2020/21 Financial Plan and Budget and Approving Fiscal Year 2020/21 Appropriation Spending Limit (DCM)

Deputy City Manager Andrew Keys provided a PowerPoint presentation regarding the Fiscal Year 2020/21 budget. Specific topics of discussion included overview and changes to draft budget.

In response to Council Member Mounce, Mr. Keys stated the primary differences which were discussed at the last meeting included the discrepancy regarding officers in the Police Department with the original seven officer vacancies changed to six officers and one dispatcher; late fees for utility bills; Fourth of July funding and the related reduction of other expenses; and Measure K funds.

In response to Council Member Chandler, City Manager Schwabauer stated that the 100% decline in Transient Occupancy Tax (TOT) reflects the decline over the time of the closure, while the budget reflects TOT income over an entire year, and staff does not anticipate the closure lasting a year. Mr. Keys further stated that staff anticipates the income ramping up towards the end of the year and to be close to normal during the latter portion of the fiscal year. He clarified that the 50% reduction is based on last year's projection; and the mid-year projection showed a higher anticipated TOT income. In further response, Mr. Keys noted that staff is also more optimistic because Lodi is more of a driving destination and there seems to be a willingness to travel in California by driving rather than flying.

Mayor Pro Tempore Nakanishi indicated support of the budget.

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-122 approving Fiscal Year 2020/21 Financial Plan and Budget and approving Fiscal Year 2020/21 Appropriation Spending Limit.

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).

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:23 p.m.

ATTEST:

Pamela M. Farris  
Assistant City Clerk