



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – Special Meeting

Date: May 20, 2020

Time: Regular Meeting 7:00 p.m.

Streaming Link:

[www.facebook.com/CityofLodi/](http://www.facebook.com/CityofLodi/)

## 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 [www.facebook.com/CityofLodi/](http://www.facebook.com/CityofLodi/)

### **Public Comment:**

Members of the public can send written comments to the City Council prior to the meeting by emailing [councilcomments@lodi.gov](mailto: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](mailto: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.

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](mailto: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](mailto: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.

**The following members of the Lodi City Council are listed to permit them to appear telephonically at the City Council Meeting on May 20, 2020:** Mayor Pro Tempore Alan Nakanishi.

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**

Res. B-1 Discuss City's Response to COVID-19 and Adopt Joint Resolution with San Joaquin County Petitioning the Governor to Allow the County to Draft and Implement Local Directives to Allow Individuals, Businesses, Houses of Worship, and Schools to Resume Activities During the COVID-19 Pandemic in a Manner that Does Not Menace Public Health (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](http://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 [www.facebook.com/CityofLodi/](https://www.facebook.com/CityofLodi/)*



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Discuss City's Response to COVID-19 and Adopt Joint Resolution with San Joaquin County Petitioning the Governor to Allow the County to Draft and Implement Local Directives to Allow Individuals, Businesses, Houses of Worship, and Schools to Resume Activities During the COVID-19 Pandemic in a Manner that Does Not Menace Public Health

**MEETING DATE:** May 20, 2020 Special Meeting

**PREPARED BY:** City Manager/City Attorney

---

**RECOMMENDED ACTION:** Discuss City's Response to COVID-19 and Adopt Joint Resolution with San Joaquin County petitioning the Governor to allow the county to draft and implement local directives to allow individuals, businesses, houses of worship, and schools to resume activities during the COVID-19 pandemic in a manner that does not menace public health.

**BACKGROUND INFORMATION:** On March 4, 2020, Governor Newsom declared a state of emergency for California associated with the outbreak of COVID-19. In response to the growing health crisis, the City Manager, in his authority as the Director of Emergency Services, proclaimed a local emergency in the City of Lodi on March 16, 2020 due to the COVID-19 pandemic. The City Council ratified the emergency declaration on March 18, 2020, April 15, 2020, and again on May 6, 2020. Prior to each ratification the City Manager and staff have provided updates to the Council on the City's response to the emergency.

Public health experts have explained that COVID-19 is easily transmissible from person to person. To slow the spread of the disease, on March 19, 2020, the Governor of California issued Executive Order N-33-20 ordering all individuals within the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, childcare, and construction.

The Governor, in coordination with the State Public Health Officer, articulated a four-stage framework referred to as "California Resilience Road Map" to allow for gradually relaxing the Stay at Home Order requirements, while continuing to preserve public health. On May 4, 2020, the Governor issued Executive Order N-60-20 ordering all individuals within the State of California to comply with the State Public Health Officer's framework for resuming activities, unless stricter local regulations exists and directing the State Public Health Officer to establish criteria and procedures to determine whether and how particular local jurisdictions may implement public health measures that depart from the statewide Stay at Home Order.

On May 7, 2020, the State Public Health Officer released "Variance to Stage 2 of California's Roadmap to Modify the Stay-at-Home Order Guidance to County Governments" ("Variance Guidance"). As of May 15<sup>th</sup> 23 counties have been allowed to expand further into Stage 2 and re-open destination retail (such as shopping malls and swap meets), certain dine-in restaurants (subject to state guidelines), and schools with modifications.

Allowing this initial approach allowed the state and counties to see the early impact of modifications to the statewide Stay-at-Home order. On May 18, 2020, State Public Health Officials announced that they are

---

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

now creating opportunities for additional counties to assume more local control in Stage 2 and improve local level preparedness (“Second Regional Variance”). The new process is similar to the first variance process allowing for prepared counties to advance at their own pace through Stage 2. To qualify, a county must attest to:

**Case Metrics:** Stable or down trending hospitalizations, cases per population count and test positivity rate; including:

- Stable hospitalizations on a 7-day average of daily percent change of less than 5%; or no more than 20 hospitalizations on any single day over the past 14 days
- 14-day cumulative positive incidence of less than 25 per 100,000; or testing positivity over the past 7 days of less than 8%.

**Adequate Preparedness Planning:** A significant level of preparedness with testing, contact tracing, PPE and hospital surge, and planning for long-term care facility disease outbreak prevention and containment; including:

- **Testing capacity.** Minimum daily testing capacity to test 1.5 per 1,000 residents and testing availability for at least 75% of residents.
- **Contact tracing.** At least 15 staff per 100,000 county population trained and available for contact tracing.
- **Hospital surge.** Hospital capacity to accommodate a minimum surge of 35% of their baseline average daily census.
- **Skilled Nursing Facilities (SNF)** disease outbreak prevention and containment. Plans to prevent and mitigate infections in skilled nursing facilities. SNFs have more than 14-day supply of PPE on hand for staff, with established process for ongoing procurement.
- **Response Planning:** Producing plans related to county-wide containment, including testing, contact tracing, vulnerable populations, congregate settings, acute care surge, and essential workforce.

While San Joaquin County has made progress in meeting the criteria for a variance, given the size of our population, it is uncertain if the county would qualify under the Second Regional Variance criteria. As a result, San Joaquin County is seeking to adopt a joint resolution with the cities of Escalon, Lathrop, Lodi, Manteca, Ripon and Tracy petitioning the Governor to allow counties to develop and implement local directives to allow individuals, businesses, houses of worship, and schools to resume activities in a manner that that does not menace public health.

The resolution was adopted by the Board of Supervisors at their Special Meeting on May 19, 2020, by unanimous vote.

In addition to a discussion of the resolution, the City Manager will also outline the City’s recent efforts to address this emergency and its impact, as well as actions on the Federal, State, and County levels in response to COVID-19.

**FISCAL IMPACT:** None

---

Janice D. Magdich, City Attorney

---

Stephen Schwabauer, City Manager

RESOLUTION NO. 2020-\_\_\_\_\_

A JOINT RESOLUTION OF SAN JOAQUIN COUNTY  
BOARD OF SUPERVISORS AND THE CITY COUNCILS  
OF THE CITIES OF ESCALON, LATHROP, LODI,  
MANTECA, RIPON AND TRACY PETITIONING THE  
GOVERNOR TO ALLOW COUNTIES TO IMPLEMENT  
LOCAL DIRECTIVES REGARDING RESUMPTION OF  
ACTIVITIES DURING THE COVID-19 PANDEMIC

=====

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency (“State of Emergency”) to formalize emergency actions and help prepare for the broader spread of the COVID-19 disease; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all individuals in California to stay in their place of residence except as needed to maintain continuity of operations of federal critical infrastructure sectors, thereby reducing and stopping non-essential businesses from continuing operations (“Stay at Home Order”); and

WHEREAS, the stated intent of the State of Emergency and subsequent Stay at Home Order (“State Actions”) was to prevent the catastrophic failure of the hospital system due to an anticipated surge of COVID-19 cases; and

WHEREAS, the key implementation step of the State Actions was designed to “flatten the curve”, so as to avoid overwhelming the hospital systems; and

WHEREAS, on March 17, 2020, the San Joaquin County Board of Supervisors ratified the declaration of a local health emergency to address COVID-19; and

WHEREAS, on March 24, 2020, the San Joaquin County Board of Supervisors ratified the proclamation of a Local Emergency within the County requesting State and Federal assistance be provided to San Joaquin County; and

WHEREAS, through the actions of frontline staff, hospital and medical staff, elected and appointed leaders, and most importantly the actions of the citizens of San Joaquin County, the curve has flattened in the County and has remained flat since April 25, 2020; and

WHEREAS, the Variance Attestation criteria adopted by the State is inconsistent with Governor Newsom’s oft repeated adage that a one-size-fits-all criteria does not recognize the diversity within the State of California; and

WHEREAS, the County of San Joaquin has met all of the criteria, within its control, to move ahead of the State to re-open the economy; and

WHEREAS, the County of San Joaquin has issued clear directives to all employers and essential critical infrastructure worksites to adopt social distancing protocols to protect employees and the public; and

WHEREAS, the citizens of San Joaquin County have demonstrated the ability to moderate their behavior to flatten the curve; and

WHEREAS, despite efforts by the County, State and Federal governments, individuals are not receiving sufficient aid to withstand the economic hardships caused by the Orders; and

WHEREAS, many local businesses are reporting that they have exhausted all of their reserves and are on the brink of failing.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors, County of San Joaquin, and the City Councils of Escalon, Lathrop, Lodi, Manteca, Ripon and Tracy jointly petition the Governor to immediately allow counties, under the direction and with the approval of the Public Health Officer, to craft and implement local directives necessary to allow individuals, businesses, houses of worship, and schools to resume activities in a manner that does not menace public health.

Date: May 20, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a special meeting held May 20, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
JANICE D. MAGDICH  
City Attorney

2020-\_\_\_\_\_