



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

Streaming Link:

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

<https://zoom.us/j/93455719476?pwd=NDdhc1E4OEZyYWV3d2pDY1U5SjVZZz09>

**AGENDA**  
**Special Meeting**  
Date: June 22, 2021  
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 meeting:

<https://zoom.us/j/93455719476?pwd=NDdhc1E4OEZyYWV3d2pDY1U5SjVZZz09>

Passcode: 583605

Or iPhone one-tap :

US: +16699009128,,97500264844#

Or Telephone: Dial: US +1 669 900 9128

Webinar ID: 934 5571 9476

### 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. Members of the public may also participate via Zoom at the following link: <https://zoom.us/j/93455719476?pwd=NDdhc1E4OEZyYWV3d2pDY1U5SjVZZz09>

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.

For information regarding this Agenda please contact:  
**Jennifer Cusmir**  
**City Clerk**  
**Telephone: (209) 333-6702**

### Informal Informational Meeting

**A. Roll Call by City Clerk**

**B. Topic(s)**

Res. B-1 Adopt Resolution Extending Partial Acceptance of Gateway North Subdivision, Unit No. 2 (Tract No. 3976) Public Improvements(PW)

**C. Comments by Public on Non-Agenda Items**

**D. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

\_\_\_\_\_  
Jennifer Cusmir  
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 Jennifer Cusmir 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 Jennifer Cusmir (209) 333-6702.*



# CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Adopt Resolution Extending the Partial Acceptance of the Gateway North Subdivision, Unit No. 2 (Tract No. 3976) Public Improvements

**MEETING DATE:** June 22, 2021

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution extending the partial acceptance of the Gateway North Subdivision, Unit No. 2 (Tract No. 3976) public improvements.

**BACKGROUND INFORMATION:** Gateway North Subdivision, Unit No. 2, is the second phase of the multi-phase residential development located west of Westgate Drive and south of Kettleman Lane, as shown on Exhibit A. Unit No. 2 consists of 107 single-family, residential lots.

The improvement agreement for the project, approved by Council on December 18, 2019, requires the installation of all interior subdivision public improvements, a neighborhood park, street improvements on Lower Sacramento Road, underground water pipe relocation, and street improvements on Kettleman Lane.

The developer, Blossom Land Company, has completed all public improvements within the partial acceptance area, as shown on Exhibit A. The neighborhood park and the public improvements on Lower Sacramento Road are expected to be completed by the end of June 2021. The developer requested the City approve partial project acceptance of the subdivision to allow home occupancy of the homes within the subdivision. On May 5, 2021, the City Council approved the proposed partial acceptance with the following conditions:

1. Maintain a security on remaining work in accordance with the Subdivision Map Act requirements.
2. Provide a two-year warranty bond equal to 10 percent of the value of the accepted improvements. The new warranty bond shall cover all the required public improvements for two years from the date of the final acceptance by the City Council as outlined in the original improvement agreement and approved subdivision plans.
3. Payment of \$10,000 for the partial project acceptance fee.
4. No more than 10 homes will be allowed to be final/occupied prior to the final acceptance of the subdivision improvements.

Developer originally planned for the full project acceptance in June of 2021. To date the Developer, although making progress, has yet to complete the remaining Public Improvements due to various delays. Developer is requesting to allow final/occupancy of additional homes before the final acceptance. Due to the unexpected project delays and the cancellation of the July 5 Council meeting, staff agrees this is a reasonable request and recommend the City Council approve the following:

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

1. Continue to extend the partial acceptance of the project and require Developer and its contractor to maintain the required insurance and securities set forth in the improvement agreement.
2. Maintain the two-year warranty bond stated above.
3. Payment of the \$10,000 for the extended partial project acceptance fee.
4. No more than 50 homes (in addition to the 10 homes already final) will be allowed to be final/occupied prior to the final acceptance of the subdivision improvements.

Staff recommends the City Council adopt a resolution extending the partial acceptance of Gateway North Subdivision, Unit No. 2, (Tract No. 3976) public improvements, with the extended partial project acceptance conditions listed above.

**FISCAL IMPACT:** There will be an increase in long-term maintenance costs for public infrastructure and City services, such as police, fire, and parks. This cost will be partially funded by proceeds from the Community Facilities District No. 2007-1.

**FUNDING AVAILABLE:** Not applicable.

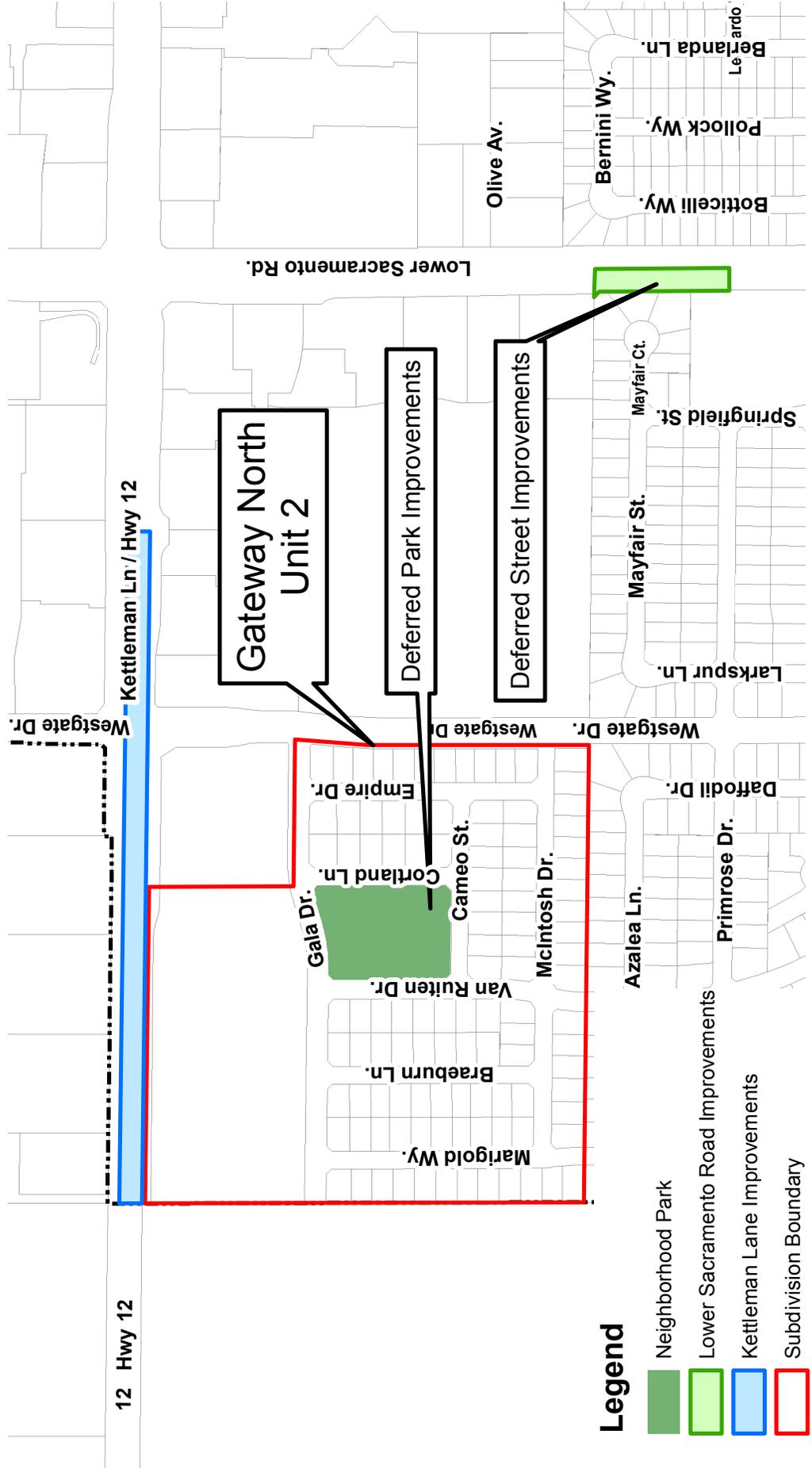
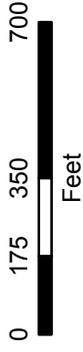
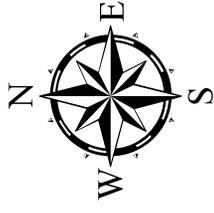
*FOR*   
\_\_\_\_\_  
Charles E. Swimley, Jr.  
Public Works Director

Prepared by Lyman Chang City Engineer/Deputy Public Works Director  
CS/LC/cd  
Attachments

cc: City Attorney Magdich  
Public Works Management Analyst  
Senior Civil Engineer Nathan  
Senior Engineering Technician Wiman  
Assistant Engineer, Kiriu  
Blossom Land Company  
MCR Engineering



# Exhibit A Gateway North, Unit 2 Partial Project Acceptance



When Recorded Please Return to:  
Lodi City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

RESOLUTION NO. 2021-\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL EXTENDING THE  
PARTIAL ACCEPTANCE OF THE GATEWAY NORTH SUBDIVISION,  
UNIT NO. 2 (TRACT NO. 3976) PUBLIC IMPROVEMENTS

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WHEREAS, Gateway North Subdivision, Unit No. 2, is the second phase of the multi-phase residential development located west of Westgate Drive and south of Kettleman Lane and consist of 107 single-family residential lots; and

WHEREAS, the improvement agreement for the project, approved by Council on December 18, 2019, requires the installation of all interior subdivision public improvements, a neighbor park, street improvements on Lower Sacramento Road, and underground water pipe relocation, and street improvements on Kettleman Lane; and

WHEREAS, the developer, Blossom Land Company, has completed all public improvements within the partial acceptance area and the neighborhood park; and

WHEREAS, the developer is requesting the City approve extending the partial project acceptance of the subdivision to allow home occupancy of the homes within the subdivision. Staff recommends the proposed partial acceptance with the following conditions:

1. Continue to extend the partial acceptance of the project and require Developer and its contractor to maintain the required insurance and securities set forth in the improvement agreement.
2. Provide a two-year warranty bond equal to 10 percent of the value of the accepted improvements. The new warranty bond shall cover all the required public improvements for two years from the date of the final acceptance by the City Council as outlined in the original improvement agreement and approved subdivision plans.
3. Payment of \$10,000 for the partial project acceptance fee.
4. No more than 50 homes (in addition to the 10 homes already final) will be allowed to be final/occupied prior to the final acceptance of the subdivision improvements.

WHEREAS, staff recommends extending the partial acceptance of the Gateway North Subdivision, Unit No. 2 (Tract No. 3976) public improvements, within the limit and with the partial project acceptance conditions listed above.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby extend the partial acceptance of the Gateway North Subdivision, Unit No. 2 (Tract No. 3976) public improvements, within the limit and with the partial project acceptance conditions listed above; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (adopted 11/6/19, Resolution No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: June 22, 2021

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I hereby certify that Resolution No. 2021-\_\_\_ was passed and adopted by the City Council of the City of Lodi in a special meeting held June 22, 2021, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER CUSMIR  
City Clerk