

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 12, 2019**

A. Call to Order / Roll Call

The Special City Council meeting of March 12, 2019, was called to order by Mayor Chandler at 7:01 a.m.

Present: Council Member Johnson, Council Member Nakanishi, Mayor Pro Tempore Kuehne, and Mayor Chandler

Absent: Council Member Mounce

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

B. Announcement of Closed Session

B-1 Exposure to Litigation: Government Government Code §54956.9(e)(2); One Case; Potential Suit by FCB Homes, Frontier Land Company, and/or Blossom Land Company, a California corporation, against City of Lodi Arising out of a Proposed Improvement Agreement for Public Improvements for Gateway North, Unit No. 1, Tract No. 3940 and Tentative Subdivision Map for Gateway North

C. Adjourn to Closed Session

At 7:01 a.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 7:22 a.m.

D. Return to Open Session / Disclosure of Action

At 7:22 a.m., Mayor Chandler reconvened the City Council meeting, and City Attorney Magdich disclosed the following action.

Item B-1 was discussion only with no reportable action.

E. Public Hearings

E-1 Continue Public Hearing to April 17, 2019, to Consider Adopting Resolution Authorizing City Manager to Execute Reimbursement Agreement RA-18-01 for Public Improvements Constructed with Lodi Shopping Center (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Chandler called for the public hearing to consider adopting resolution authorizing City Manager to execute Reimbursement Agreement RA-18-01 for public improvements constructed with Lodi Shopping Center.

City Manager Schwabauer stated the recommendation is to open the public hearing and continue the matter to April 17, 2019.

Mayor Chandler opened the public hearing.

Mayor Pro Tempore Kuehne made a motion, second by Council Member Johnson, to continue the public hearing to April 17, 2019, to consider adopting resolution authorizing the City Manager to execute Reimbursement Agreement RA-18-01 for public improvements constructed with the Lodi Shopping Center.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

F. Regular Calendar

F-1 Reschedule Council Action to Adopt Resolution Authorizing City Manager to Execute Improvement Agreement for Gateway North Subdivision, Unit No. 1, Tract No. 3940, for April 17, 2019 (PW)

City Manager Schwabauer stated the recommendation is to continue this matter to April 17, 2019, to be discussed at the same meeting as the public hearing for the Reimbursement Agreement for the Lodi Shopping Center.

Darryl Browman with Browman Development Company stated he hopes it is clear now that the desire to not move forward with the Reimbursement Agreement is an attempt by this developer to not reimburse the share of fair cost consistent with trying to get an improvement agreement approved by the City so the payment of future fees would be limited to a per house basis rather than what is set out in the City's ordinance where it would be paid for initially as the first permit is pulled, making all of the reimbursements due. He is hopeful all of this will be resolved on April 17, 2019.

Council Member Nakanishi made a motion, second by Council Member Johnson, to reschedule Council action to adopt resolution authorizing the City Manager to execute Improvement Agreement for Gateway North Subdivision, Unit No. 1, Tract No. 3940, for April 17, 2019.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

G. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:25 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk