



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – Special Meeting

Date: June 9, 2020

Time: 7:00 a.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 June 9, 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 Adopt Resolution Approving Temporary Downtown Public Parking Stall Dining Standard Plan and Encroachment Permit, and Authorizing Expenditures (\$20,000); Receive Direction Regarding Long-Term Closure of Elm Street, Between School Street and Sacramento Street to Vehicles (PW)

**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

**AGENDA TITLE:** Adopt Resolution Approving Temporary Downtown Public Parking Stall Dining Standard Plan and Encroachment Permit, and Authorizing Expenditures (\$20,000); Receive Direction Regarding Long-Term Closure of Elm Street, Between School Street and Sacramento Street to Vehicles

**MEETING DATE:** June 9, 2020 (Special Meeting)

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution approving Temporary Downtown Public Parking Stall Dining Standard Plan and Encroachment Permit, and authorizing expenditures, not to exceed \$20,000; receive direction regarding long-term closure of Elm Street, between School Street and Sacramento Street to vehicles.

**BACKGROUND INFORMATION:** On May 29, 2020, Governor Newsom began modifying the State's stay-at-home order, allowing County's to authorize businesses to re-open, as long as State guidance is followed.

The social distancing requirements heavily impact restaurant occupancy. Staff met with downtown merchants to discuss options to increase the viability of operations under the current order.

In an effort to assist local restaurants in the City's downtown area with re-opening, while complying with the State's stay-at-home order, Staff and downtown merchants created the Temporary Downtown Public Parking Stall Dining Standard Plan (Exhibit A) and Encroachment Permit (Exhibit B) that establishes conditions for the orderly use of public right-of-way (specifically downtown sidewalks and parking stalls) for the purpose of providing expanded dining areas. The temporary encroachment permit would not have a fee. This concept is currently being implemented in San Francisco, Sacramento, and Davis.

The proposed encroachment permit conditions address social distancing requirements within the parking stall area, Americans with Disabilities Act requirements, compliance with the California Department of Alcoholic Beverage Control, and indemnification and insurance requirements to protect the City from liability.

In 2001, the City constructed the Elm Street Pedestrian Parkway between School Street and Sacramento Street (Exhibit C). The improvements transformed these two blocks into a tree lined, vehicle/pedestrian corridor, connecting the newly constructed Lodi Stadium 12 Theater and the downtown parking structure. Over the past 19 years, the downtown has evolved to where closing this corridor to vehicles on a long term basis may encourage further expansion of dining and wine tasting venues.

Staff recommends approving Temporary Downtown Public Parking Stall Dining Standard Plan and Encroachment Permit, and authorizing expenditures, not to exceed \$20,000; receive direction regarding long-term closure of Elm Street, between School Street and Sacramento Street.

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

**FISCAL IMPACT:** Extending seating to the public right of way would increase occupancy for restaurants, increasing sales for local businesses and generating increased sales tax revenue for the City; and assisting in economic recovery as the City begins to reopen amid the COVID-19 pandemic.

**FUNDING AVAILABLE:** Staff is recommending the use of COVID-19 General Fund – Non Departmental Operating Account to fund the monthly rental of the parking stall barriers to assist in downtown economic stimulus. The estimated cost for the rental through September 30, 2020, or the termination of the City’s emergency declaration (whichever comes first), is not expected to exceed \$20,000.

COVID-19.PW.Supp&Svc: \$20,000

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Andrew Keys  
Deputy City Manager/Internal Services Director

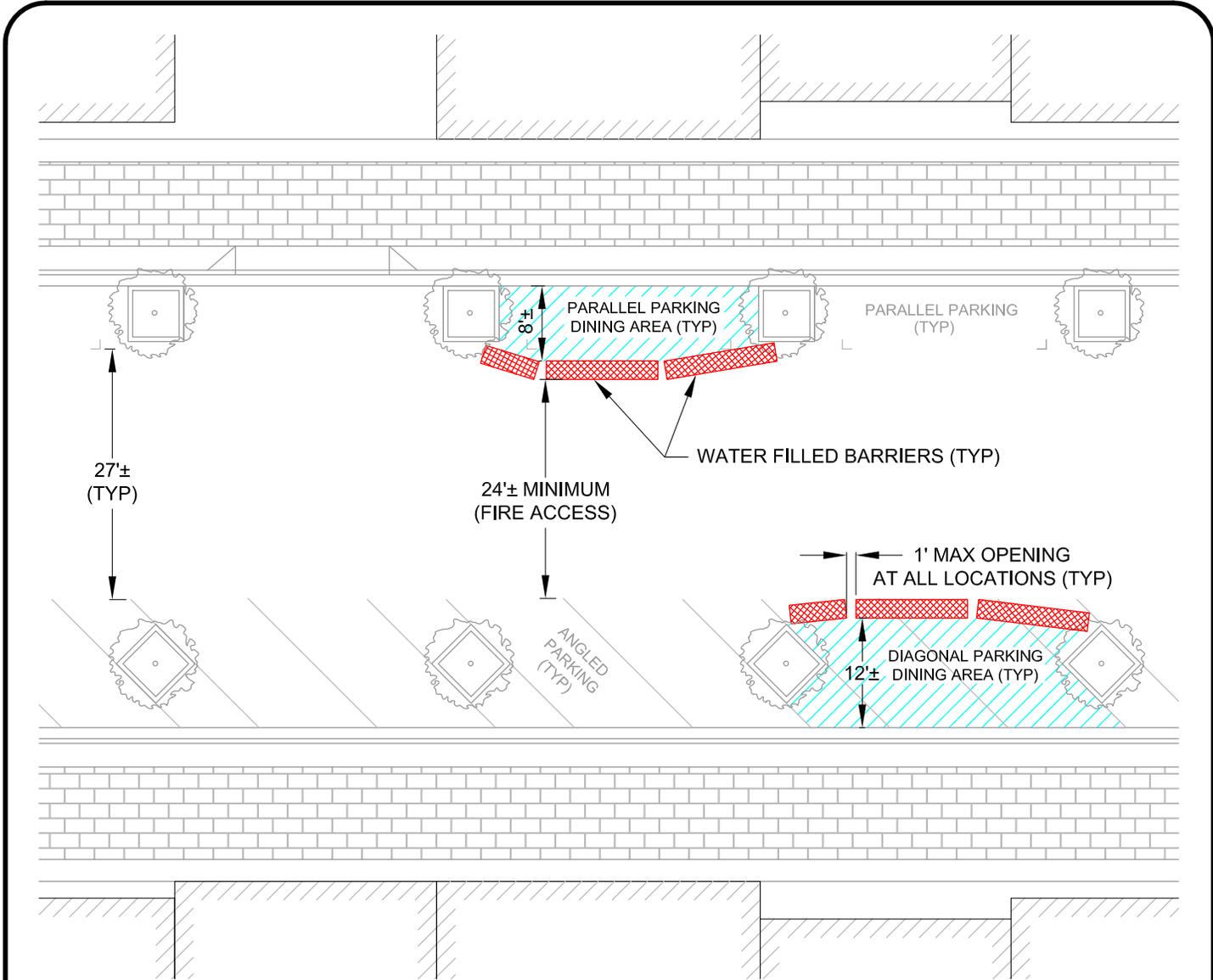
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Charles E. Swimley, Jr.  
Public Works Director

CES/CES/tc  
Attachment



**TEMPORARY DINING  
IN PARKING STALLS  
(DOWNTOWN)**



**TYPICAL LAYOUTS**  
NOT TO SCALE

**NOTES:**

1. TEMPORARY OUTDOOR DINING ONLY TO BE DONE WITH AN ENCROACHMENT PERMIT.
2. BARRIERS TO BE INSTALLED AND INSPECTED PRIOR TO OUTDOOR DINING USE.
3. BARRIERS TO INCLUDE "NO PARKING" SIGNS.
4. NO BARRIER DECORATIONS OR ALTERATIONS ALLOWED.
5. IF THE SIDEWALK IS USED FOR DINING, A 4' MINIMUM PATH MUST BE MAINTAINED AT ALL TIMES.

Dr. SN	No.	Date	Revision	Appr.	Approved By:	STD PLAN
Ch. LC						N/A
Date 06/20					Lyman Chang City Engineer RCE No. 53149	Date



**City of Lodi, Public Works Department**  
 221 West Pine Street (209) 333-6706  
 P. O. Box 3006 FAX (209) 333-6710  
 Lodi, CA 95241-1910

**NO FEE APPLICATION FOR TEMPORARY PUBLIC PARKING STALL  
 OUTDOOR DINING PERMIT**

<b>NAME OF APPLICANT:</b>			
<b>NAME OF RESTAURANT:</b>			
<b>BUSINESS ADDRESS:</b>			
<b>BUSINESS PHONE NUMBER</b>		<b>EMAIL</b>	
<b>ADDITIONAL PHONE NUMBER</b>			
<b>DAYS &amp; HOURS OF OUTDOOR PARKING STALL DINING OPERATION:</b>			
<b>STRUCTURES, ITEMS TO BE PLACED IN PARKING STALL AREA:</b>			

**REQUEST TO SERVE ALCOHOLIC BEVERAGES IN THE PUBLIC RIGHT OF WAY**      **CIRCLE ONE:**      **YES**      **NO**

**Serving alcoholic beverages is permitted as described in Lodi Municipal Code 9.04.010 and a copy of the Alcoholic Beverage Control license is required prior to permit issuance. Liquor liability insurance coverage is required prior to permit issuance.**

**Please attach a photograph of proposed furniture, tables, chairs to be used in the temporary encroachment area and site plan.**

**The undersigned agrees to indemnify and save the City of Lodi free and harmless from any liability in accordance with the provisions of Lodi Municipal Code (LMC) Sec. 12.04.040. Permittee is specifically aware of LMC Sec. 12.04 thereof relating to encroachments. The undersigned agrees and understands that a permit can be denied or voided in accordance with City of Lodi rules and regulations subject to inspection and approval. Permit application fees are non-refundable. Certificate of insurance in permittee's name which names the "City of Lodi, it's elected and appointed Boards, Commissions, officers, Agents, Volunteers and Employees" as an Additional Insured is required for General Liability per occurrence and Automobile Liability Insurance in an amount determined by Risk Mgmt. Primary and Non-contributory as required.**

**DATE** \_\_\_\_\_ **SIGNED** \_\_\_\_\_

<b>OFFICE USE ONLY</b> PERMIT NO. _____ DATE/TIME RCV'D _____ ABC PERMIT NO _____	<b>FEE:</b> _____ Minimum amount (Balance to be collected at permit issuance) <b>TOTAL FEE:</b> _____
<b>REVIEWED BY:</b> _____ COMMUNITY DEVELOPMENT DIRECTOR      DATE _____	_____ PUBLIC WORKS DIRECTOR      DATE _____

**CITY OF LODI ENCROACHMENT PERMIT CONDITIONS**  
**ATTACHMENT TO TEMPORARY ENCROACHMENT PERMIT FOR**  
**PUBLIC PARKING STALL SEATING ENCROACHMENT**  
**LMC CHAPTER 12.04**

- A. Location in the Public Right-of Way Parking Stall: Seating/furniture within the public right-of-way is only permitted generally within the downtown area designated as that area bounded by LMC 12.04.425.A on a temporary basis during the Covid 19 Pandemic and the related economic crisis. Other locations within the City may be considered on a case by case basis. Guidelines, as delineated in the "downtown development standards and guidelines" and approved by the City Council, apply as well as the following conditions.
- B. Physical Requirements.
1. No real property right is provided, given, or otherwise conveyed to any person or entity using City-owned public property or public right-of-way for outdoor dining purpose. Any such use permitted hereunder shall cease no later than termination of the City declared local emergency related to the COVID-19 pandemic. The City reserves the right, in its sole discretion during the pendency of the City local emergency, to terminate or extend any temporary use permit issued hereunder, with or without cause. Upon termination of any temporary use permit granted hereunder, the permittee shall return City-owned public property or public right-of-way (collectively ‘public space’) to the condition existing at the time of permit issuance.
  2. Use of public space shall not interfere with sidewalk access under the Americans with Disabilities Act. A **minimum** four-foot unobstructed sidewalk for pedestrians shall be maintained at all times from a table, chair, bench, merchandise display, planter or any other appurtenance used as part of a sidewalk seating/display area.
  3. Dining tables shall be placed in a manner that observes at least six-foot social distance between groups of customers. Customers in the same household dining together are counted as one group and are exempt from this requirement while sitting at the same table(s).
  4. Privately owned facilities and appurtenances for outdoor dining are hereinafter referred to as “private facilities”. In the event that the private facilities need to be removed or relocated to provide the City with access to its public space and appurtenances, or when in the opinion of the City, any of the private facilities become a hazard to the health and safety of the citizens using the sidewalks, the private facilities shall be removed, relocated, repaired and/or reconstructed at the Permittee’s sole expense. In the event that the Permittee removes the private facilities, at their own initiative or in accordance with Condition F of this permit, all costs of the removal, including restoration of the City’s public space to its original condition, shall be the sole responsibility of the Permittee.

5. No parking stall seating area, signage, planter, or merchandise display shall block access to or from a building.
  6. All parking stall furniture shall be removable and shall be removed, along with seats, tables, and other appurtenances, if the business is closed for more than forty-eight hours, unless otherwise approved by the Public Works Director.
  7. Any umbrella or similar feature shall be safely secured to a table, chair, or the ground. Per the Guidelines, frames or other hard surfaces of awning, umbrellas or other shades shall have 7 ft. vertical clearance, above the sidewalk, outside the seating area, except soft material (cloth, vinyl) may drape to 6'8" vertical clearance.
  8. No wiring, electrical cords, additional lighting, generators, water hoses, water misters or unapproved item shall cross the public sidewalk path of travel.
  9. The design and appearance of all proposed improvements, planters or furniture shall present a coordinated theme and shall be compatible with the establishment.
  10. ADA minimum seating accessibility requirements shall be met by the business owner/Permittee.
  11. Signs shall be permitted in connection with a temporary parking stall seating area as required by the city or other permitting entity for reasons of public health or safety.
- C. Maintenance. The Permittee shall maintain the parking stall area and the adjoining street, curb and gutter in a neat, clean and orderly condition at all times. This shall include all tables, chairs, benches, planters or other appurtenances placed in the public right-of-way. Trash receptacles to serve the seating area shall be provided as required by the Public Works Director.
- D. Special Standards for Parking Stall Dining Areas with Alcoholic Beverage Service.
1. Alcoholic beverages may only be served in parking stall seating areas.
  2. The parking stall seating area shall be physically separated from the sidewalk by a barrier as required by the state of California Department of Alcoholic Beverage Control. The barrier shall be compatible with the appearance and design of the building and the rest of the sidewalk seating area.
  3. No bar shall be allowed in the parking stall seating area.
  4. Empty beverage containers shall be removed from the parking stall seating area as soon as possible.
  5. The appropriate alcoholic beverage control license shall be obtained prior to the operation of a parking stall seating area serving alcoholic beverages and shall be maintained continuously as long as alcoholic beverages are served in the parking stall seating area. Loss of such permit or license shall

automatically constitute termination of the city approval to serve alcoholic beverages in the parking stall seating area.

- E. Indemnification/Insurance. The Permittee shall defend, indemnify, and hold harmless the City of Lodi, its elected and appointed officials, officers, and employees from and against all claims, losses, damage, injury, and liability for damages arising from the Permittee's use of the public right-of-way. The Permittee shall provide to the city, in a form and in amounts acceptable to the City's Risk Manager, certificates of insurance, naming the city as an additional insured covering the area subject to the permit and renewed annually as long as the parking stall seating area is used.
- F. Suspension of Permit. The Public Works Director shall have the right to suspend or prohibit the operation of a parking stall seating area or require removal at any time because of anticipated or actual problems or conflicts in the use of the parking stall seating area. Such problems or conflicts may arise from, but are not limited to, scheduled festivals, parades, marches, and similar special events; repairs to the street, sidewalk, or other public facility; or from demonstrations or emergencies occurring in the area. To the extent possible, the City will give prior written notice of any time period during which the operation of the parking stall seating area must be suspended.
- G. THIS PERMIT IS SUBJECT TO REVOCATION BY CITY MANAGER.

TEMPORARY STRUCTURAL ENCROACHMENT - ADDENDUM TO EXISTING  
STRUCTURAL ENCROACHMENT PERMIT # \_\_\_\_\_

SCOPE OF WORK: TEMPORARY USE OF DESIGNATED PARKING STALLS DUE TO COVID-19 PANDEMIC OCCUPANCY LIMITATIONS.

Temporary extension of existing structural encroachment in the public right of way (parking stalls fronting business) as designated by the City of Lodi.

SCOPE OF WORK: Placement of tables, chairs, umbrellas and serving of alcohol in adjacent parking stalls as designated by the City of Lodi at (address) frontage.

Conditions as per the City of Lodi Downtown Guidelines, Alcohol Beverage Control (ABC) temporary conditions and the following.

1). TEMPORARY ENCROACHMENT: APPLICANT MAY CONTINUE USE OF DESIGNATED PARKING STALLS FOR DINING PURPOSES IN PUBLIC RIGHT OF WAY UNTIL SEPTEMBER 30, 2020 OR AT SUCH TIME THE PROCLAMATION OF LOCAL EMERGENCY CONCERNING THE COVID-19 PANDEMIC AND RELATED ECONOMIC CRISIS EXPIRES BY ITS TERMS OR IS WITHDRAWN BY THE CITY COUNCIL, WHICHEVER COMES FIRST.

2. Insurance of the types and amounts required and approved by the City of Lodi Risk Manager. Renewal of insurance certificate and endorsements shall be provided prior to expiration of policy on file. Failure to provide renewal shall cause permit to be voided and encroachment removed.

3. Placement of tables/chairs as per attached site plan.

4. Encroachment shall comply with the attached guidelines revised 7/12/02 related to "Sidewalk Seating and Sign/Merchandise Placement Criteria". Conditions and documents attached are made a part of this permit.

5. Business transfer of ownership or lease shall cause this permit to be voided. New proprietor shall submit an application should continued public parking stall use be desired.

5. Applicant shall be responsible for any damage incurred by or due to encroachment. Encroachment shall not impede use of the public sidewalk from pedestrian and/or normal public use.

6. Permittee shall maintain the right-of-way in a clean and orderly manner.

7. Sale of alcoholic beverages within the sidewalk dining area and designated parking stalls shall be in conformance with Lodi Municipal Code 9.04.010.



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

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING TEMPORARY DOWNTOWN PUBLIC  
PARKING STALL DINING STANDARD PLAN AND  
ENCROACHMENT PERMIT, AND AUTHORIZING  
EXPENDITURES

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WHEREAS, on May 29, 2020, Governor Newsom began modifying the State's stay-at-home order, allowing County's to authorize businesses to re-open, as long as State guidance is followed; and

WHEREAS, in an effort to assist local restaurants in the City's downtown area with re-opening, while complying with the State's stay-at-home order, Staff has prepared the Temporary Downtown Public Parking Stall Dining Standard Plan and Encroachment Permit that establishes conditions for the orderly use of public right-of-way (specifically downtown sidewalks and parking stalls) for the purpose of providing expanded dining areas; and

WHEREAS, the proposed encroachment permit conditions address social distancing requirements within the parking stall area, Americans with Disabilities Act requirements, compliance with the California Department of Alcoholic Beverage Control, and indemnification and insurance requirements to protect the City from liability; and

WHEREAS, staff recommends approving Temporary Downtown Public Parking Stall Dining Standard Plan and Encroachment Permit, and authorizing expenditures, not to exceed \$20,000.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve Temporary Downtown Public Parking Stall Dining Standard Plan and Encroachment Permit, and authorizing expenditures, not to exceed \$20,000; 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 9, 2020

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I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a special meeting held June 9, 2020, by the following vote:

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

PAMELA M. FARRIS  
Assistant City Clerk