



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: January 16, 2013

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl, City Clerk
Telephone: (209) 333-6702

6:55 p.m. Invocation/Call to Civic Responsibility. Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

NOTE: 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 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call – N/A

C-2 Announcement of Closed Session – N/A

C-3 Adjourn to Closed Session – N/A

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action – N/A

A. Call to Order / Roll Call

B. Presentations – None

C. Consent Calendar (Reading; Comments by the Public; Council Action)

C-1 Receive Register of Claims in the Amount of \$8,959,744.93 (FIN)

C-2 Approve Minutes (CLK)

a) December 18 and 25, 2012 and January 1 and 8, 2013 (Shirtsleeve Sessions)

b) December 19, 2012 and January 2, 2013 (Regular Meetings)

C-3 Approve Specifications and Authorize Advertisement for Bids to Procure Polemount Transformers (EUD)

C-4 Approve Specifications and Authorize Advertisement for Bids for 2013 GrapeLine Bus Stop Improvements (PW)

C-5 Approve Specifications and Authorize Advertisement for Bids for Lodi Transit Station Concrete Pavement Project, 28 South Sacramento Street (PW)

C-6 Accept Improvements Under Contract for Wastewater Main Rehabilitation Program, Project No. 5 (PW)

Res. C-7 Adopt Resolution Approving Purchase of Primary Chain and Flight Collector Equipment for White Slough Water Pollution Control Facility from DC Frost Associates, Inc., of Walnut Creek (\$80,000) (PW)

Res. C-8 Adopt Resolution Authorizing City Attorney to Amend Professional Services Agreement with NBS Government Finance Group, of Temecula, to Perform General Benefit Analysis of the City's Consolidated Landscape Maintenance Assessment District No. 2003-1 (\$10,525.15) (PW)

- Res. C-9 Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving 30-Minute Parking on East Side of Central Avenue, 170 Feet South of Lodi Avenue (314 South Central Avenue) (PW)
- C-10 Approve Requested Change of Grant Conditions with Valley Performing Arts (PRCS)
- Res. C-11 Adopt Resolution Authorizing Use of Recreation Donation Funds for Skate Park Repairs and Appropriating Funds (\$6,500) (PRCS)
- Res. C-12 Adopt Resolution Selecting Harney Lane Grade Separation as Project Nomination for San Joaquin Council of Governments' One Voice Trip (PW)

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.

Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

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

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

G. Public Hearings – None

H. Communications

H-1 Appointments to the Recreation Commission and San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee and Post for Vacancy on the Library Board of Trustees (CLK)

H-2 Monthly Protocol Account Report (CLK)

I. Regular Calendar – None

J. Ordinances – None

K. 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.

Randi Johl
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Receive Register of Claims through December 20, 2012 in the Total Amount of \$8,959,744.93.

MEETING DATE: January 16, 2013

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$8,959,744.93.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$8,959,744.93 through 12/20/12. Also attached is Payroll in the amount of \$2,625,926.70.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Konradt Bartlam, City Manager

Accounts Payable
Council Report

Page - 1
Date - 01/02/13

As of Thursday	Fund	Name	Amount
12/20/12	00100	General Fund	2,656,575.87
	00120	Vehicle Replacement Fund	3,167.72
	00123	Info Systems Replacement Fund	21,401.13
	00160	Electric Utility Fund	2,911,885.58
	00161	Utility Outlay Reserve Fund	5,724.51
	00164	Public Benefits Fund	37,011.55
	00166	Solar Surcharge Fund	3,897.85
	00170	Waste Water Utility Fund	112,340.88
	00171	Waste Wtr Util-Capital Outlay	56,524.48
	00172	Waste Water Capital Reserve	28,635.34
	00173	IMF Wastewater Facilities	1,482.50
	00180	Water Utility Fund	1,189,227.20
	00181	Water Utility-Capital Outlay	732,140.75
	00210	Library Fund	14,913.39
	00234	Local Law Enforce Block Grant	182.10
	00235	LPD-Public Safety Prog AB 1913	61.85
	00260	Internal Service/Equip Maint	54,274.20
	00270	Employee Benefits	480,611.55
	00300	General Liabilities	38,351.58
	00310	Worker's Comp Insurance	110,955.21
	00320	Street Fund	227,507.43
	00321	Gas Tax-2105,2106,2107	34,110.16
	00325	Measure K Funds	17,035.05
	00329	TDA - Streets	22.71
	00340	Comm Dev Special Rev Fund	1,014.46
	00347	Parks, Rec & Cultural Services	61,083.65
	00459	H U D	12,729.59
	00503	L&L Dist Z2-Century Meadows I	304.00
	00516	L&L Dist Z14-Luca Place	23.25
	00518	L&L Dist Z16-W.Kettleman Comm.	5.37
	01211	Capital Outlay/General Fund	21,698.61
	01212	Parks & Rec Capital	48,259.20
	01241	LTF-Pedestrian/Bike	4,279.34
	01250	Dial-a-Ride/Transportation	27,574.08
	01251	Transit Capital	5,805.00
	01252	Transit-Prop. 1B	3,086.64
	01410	Expendable Trust	18,142.43
Sum			8,942,046.21
	00184	Water PCE-TCE-Settlements	84.00
	00185	PCE/TCE Rate Abatement Fund	9,070.45
	00190	Central Plume	8,544.27
Sum			17,698.72
Total Sum			8,959,744.93

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	12/09/12	00100	General Fund	846,658.92
		00160	Electric Utility Fund	139,387.06
		00161	Utility Outlay Reserve Fund	10,004.92
		00164	Public Benefits Fund	3,783.78
		00170	Waste Water Utility Fund	105,868.93
		00180	Water Utility Fund	12,640.96
		00210	Library Fund	29,286.33
		00235	LPD-Public Safety Prog AB 1913	1,422.79
		00239	CalGRIP	2,135.70
		00260	Internal Service/Equip Maint	17,926.03
		00321	Gas Tax-2105,2106,2107	26,629.91
		00340	Comm Dev Special Rev Fund	23,369.37
		00347	Parks, Rec & Cultural Services	103,327.81
		01250	Dial-a-Ride/Transportation	9,233.16
Pay Period Total:				
Sum				1,331,675.67
	12/23/12	00100	General Fund	736,371.44
		00160	Electric Utility Fund	132,879.56
		00161	Utility Outlay Reserve Fund	10,004.90
		00164	Public Benefits Fund	3,783.78
		00170	Waste Water Utility Fund	111,057.41
		00180	Water Utility Fund	14,883.48
		00210	Library Fund	30,382.26
		00235	LPD-Public Safety Prog AB 1913	923.20
		00239	CalGRIP	1,285.20
		00260	Internal Service/Equip Maint	15,320.14
		00321	Gas Tax-2105,2106,2107	23,687.39
		00340	Comm Dev Special Rev Fund	23,577.12
		00347	Parks, Rec & Cultural Services	108,279.30
		01250	Dial-a-Ride/Transportation	7,393.36
Pay Period Total:				
Sum				1,219,828.54
Retiree	01/31/13	00100	General Fund	74,422.49
Pay Period Total:				
Sum				74,422.49



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) December 18, 2012 (Shirtsleeve Session)
b) December 19, 2012 (Regular Meeting)
c) December 25, 2012 (Shirtsleeve Session)
d) January 1, 2013 (Shirtsleeve Session)
e) January 2, 2013 (Regular Meeting)
f) January 8, 2013 (Shirtsleeve Session)

MEETING DATE: January 16, 2013

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) December 18, 2012 (Shirtsleeve Session)
b) December 19, 2012 (Regular Meeting)
c) December 25, 2012 (Shirtsleeve Session)
d) January 1, 2013 (Shirtsleeve Session)
e) January 2, 2013 (Regular Meeting)
f) January 8, 2013 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes marked Exhibit A through F, respectively.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

Attachments

APPROVED: _____
Konradt Bartlam, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, DECEMBER 18, 2012**

The December 18, 2012, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 19, 2012**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of December 19, 2012, was called to order by Mayor Nakanishi at 6:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

- a) Government Code Section 54956.9(a); Actual Litigation; Ross Dress for Less v. City of Lodi; Alameda Superior Court Case Number RG12629154; Regarding Alleged Utility Overcharges
- b) Prospective Sale of Agricultural Easement on Property Located at the White Slough Water Pollution Control Facility, 12751 North Thornton Road, Lodi, California (40 Acres within the Following APNs: 055-150-15; 055-130-04 and 13; 055-120-03 and 08; and 055-190-01); the Negotiating Parties are City of Lodi and Wal-Mart; Government Code §54956.8

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:30 p.m.

C-4 Return to Open Session / Disclosure of Action

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

Items C-2 (a) and C-2 (b) were direction only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of December 19, 2012, was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Presentations

- B-1 Presentation of Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting (CM)

Following introductory comments by Deputy City Manager Jordan Ayers, Mayor Nakanishi

presented the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting to Ruby Paiste, Financial Services Manager, and Wendy Corder-Dowhower, Supervising Accountant.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Mounce made a motion, second by Council Member Johnson, to approve the following items hereinafter set forth in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$1,363,469.87 (FIN)

Claims were approved in the amount of \$1,363,469.87.

C-2 Approve Minutes (CLK)

The minutes of December 4, 2012 (Shirtsleeve Session), December 5, 2012 (Regular Meeting), December 10, 2012 (Special Joint Meeting w/Various Boards and Commissions), and December 11, 2012 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Mills Avenue Asphalt Concrete Overlay Project (Incline Drive to Kettleman Lane) (PW)

Approved the plans and specifications and authorized advertisement for bids for Mills Avenue Asphalt Concrete Overlay Project (Incline Drive to Kettleman Lane).

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Municipal Service Center Transit Vehicle Maintenance Facility Security Wall and Solar Power Phase 2 and Lodi Station Lighting Improvement Projects (PW)

Approved the plans and specifications and authorized advertisement for bids for Municipal Service Center Transit Vehicle Maintenance Facility Security Wall and Solar Power Phase 2 and Lodi Station Lighting Improvement Projects.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for City Hall Annex Phase 1 Interior Demolition and Abatement Project and Adopt Resolution Authorizing the City Manager to Execute Change Order No. 1 to the Professional Services Agreement with WMB Architects (\$34,638) (PW)

Approved the plans and specifications and authorized advertisement for bids for City Hall Annex Phase 1 Interior Demolition and Abatement Project and adopted Resolution No. 2012-195 authorizing the City Manager to execute Change Order No. 1 to the Professional Services Agreement with WMB Architects in the amount of \$34,638.

C-6 Adopt Resolution Authorizing the City Manager to Execute Contract Change Order No. 1 to the Professional Services Agreement with Itron, of Liberty Lake, WA, for Fixed Network Systems (\$53,700) and Appropriating Funds (\$85,000) (PW)

Adopted Resolution No. 2012-196 authorizing the City Manager to execute Contract Change Order No. 1 to the Professional Services Agreement with Itron, of Liberty Lake, WA, for fixed network systems in the amount of \$53,700 and appropriating funds in the amount of \$85,000.

C-7 Adopt Resolution Approving the Purchase of Solids Thickener Equipment for White Slough Water Pollution Control Facility from Tenco-Hydro, Inc., of Brookfield, Illinois (\$193,000) (PW)

Adopted Resolution No. 2012-197 approving the purchase of solids thickener equipment for White Slough Water Pollution Control Facility from Tenco-Hydro, Inc., of Brookfield, Illinois, in the amount of \$193,000.

C-8 Adopt Resolution Awarding the Purchase of a Fire Skid Pump Unit Replacement on Squad 2071 to Burton's Fire, Inc., of Modesto (\$23,772.38) (FD)

Adopted Resolution No. 2012-198 awarding the purchase of a Fire Skid Pump Unit replacement on Squad 2071 to Burton's Fire, Inc., of Modesto, in the amount of \$23,772.38.

C-9 Adopt Resolution Authorizing the City Manager to Execute Contract Change Order with C. Overaa & Company, of Richmond, for Storm and Waste Water Pump Station SCADA Integration Under the Surface Water Treatment Facility Project Contract (\$450,000) (PW)

Adopted Resolution No. 2012-199 authorizing the City Manager to execute contract change order with C. Overaa & Company, of Richmond, for storm and waste water pump station SCADA integration under the Surface Water Treatment Facility Project contract in the amount of \$450,000.

C-10 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for the City Hall Carport and Jail Roof Replacement Project (\$108,707) (PW)

Adopted Resolution No. 2012-200 authorizing the City Manager to execute Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for the City Hall Carport and Jail Roof Replacement Project in the amount of \$108,707.

C-11 Adopt Resolution Authorizing the City Manager to Execute Service Maintenance Agreement with Sungard Public Sector, Inc., of Lake Mary, Florida (\$133,376.82) (PD)

Adopted Resolution No. 2012-201 authorizing the City Manager to execute service maintenance agreement with Sungard Public Sector, Inc., of Lake Mary, Florida, in the amount of \$133,376.82.

C-12 Adopt Resolution Authorizing the City Manager to Execute Agreement with Board of State and Community Corrections Accepting the California Gang Reduction, Intervention, and Prevention Program Grant (\$304,916) and Appropriating Funds (\$85,346) (PD)

Adopted Resolution No. 2012-202 authorizing the City Manager to execute agreement with Board of State and Community Corrections accepting the California Gang Reduction, Intervention, and Prevention Program grant in the amount of \$304,916 and appropriating funds in the amount of \$85,346.

C-13 Adopt Resolution Authorizing the City Manager to Execute a Purchase Agreement with GFLIP III, Limited Partnership, L.P., a California Limited Partnership, for Property Located at 16 and 40 South Cherokee Lane, Lodi, California, and Appropriating Funds (\$440,000)

(CM)

Adopted Resolution No. 2012-203 authorizing the City Manager to execute a purchase agreement with GFLIP III, Limited Partnership, L.P., a California Limited Partnership, for property located at 16 and 40 South Cherokee Lane, Lodi, California, and appropriating funds in the amount of \$440,000.

C-14 Adopt Resolution Authorizing the City Manager to Execute a Funding Agreement with the Department of Boating and Waterways (PRCS)

Adopted Resolution No. 2012-204 authorizing the City Manager to execute a funding agreement with the Department of Boating and Waterways.

C-15 Adopt Resolution Authorizing the City Manager to Extend the Term of the Contract with SAIC Energy, Environment & Infrastructure, LLC, of Hendersonville, Tennessee, for an Electric System Arc Flash Study (EUD)

Adopted Resolution No. 2012-205 authorizing the City Manager to extend the term of the contract with SAIC Energy, Environment & Infrastructure, LLC, of Hendersonville, Tennessee, for an electric system arc flash study.

C-16 Adopt Resolution Establishing the City of Lodi Renewable Energy Resources Procurement Plan (EUD)

Adopted Resolution No. 2012-206 establishing the City of Lodi Renewable Energy Resources Procurement Plan.

C-17 Adopt Resolution Setting City of Lodi Electric Utility's Energy Efficiency Program Ten-Year Target (EUD)

Adopted Resolution No. 2012-207 setting City of Lodi Electric Utility's Energy Efficiency Program ten-year target.

C-18 Adopt Resolution Authorizing the City Manager to Submit an Application to Participate in the Energy Conservation Assistance Act, a Low-Interest Loan Program Sponsored by the California Energy Commission (EUD)

Adopted Resolution No. 2012-208 authorizing the City Manager to submit an application to participate in the Energy Conservation Assistance Act, a low-interest loan program sponsored by the California Energy Commission.

C-19 Adopt Resolution Authorizing the City Manager to Allocate Additional Funds to the Lodi Energy Efficiency Financing Program (\$500,000) (EUD)

Adopted Resolution No. 2012-209 authorizing the City Manager to allocate additional funds to the Lodi Energy Efficiency Financing Program in the amount of \$500,000.

C-20 Adopt Resolution Amending the Guidelines for the Lodi Animal Advisory Commission (PD)

Adopted Resolution No. 2012-210 amending the guidelines for the Lodi Animal Advisory Commission.

C-21 Authorize Amendment to the Public Works Position Control Roster to Replace Senior Engineering Technician with Assistant Engineer Position (PW)

Authorized amendment to the Public Works position control roster to replace Senior Engineering Technician with Assistant Engineer Position.

C-22 Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Support for Preserving Tax-Exempt Financing for Local Government (CLK)

Authorized the Mayor, on behalf of the City Council, to send a letter of support for preserving tax-exempt financing for local government.

C-23 Set Public Hearing for February 6, 2013, to Consider the Certification of the Final Negative Declaration and Adoption of the Lodi Land Use Development Code and Draft Zoning Map (CD)

Set public hearing for February 6, 2013, to consider the certification of the Final Negative Declaration and adoption of the Lodi Land Use Development Code and Draft Zoning Map.

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. Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

None.

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

Council Member Hansen reported on his attendance at the San Joaquin Council of Governments and Northern California Power Agency meetings and specifically discussed Council Member Johnson's reappointment to the Rail Commission and approving a contract for IBEW and hydro operators.

Council Member Mounce reported on her participation in the U.S. Mayors Association Conference with President Obama and his comments regarding the fiscal cliff. Council Member Mounce also responded to the recent Letter to the Editor from Mr. Sheeran by reading the post-appointment letter sent to Mr. Sheeran as an unsuccessful applicant.

Council Member Johnson suggested that the City research restroom options in the downtown area similar to Portland, Oregon.

Mayor Nakanishi spoke in regard to the planned Town Hall meeting in June 2013.

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

City Manager Bartlam wished everyone a happy holiday.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates (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 Nakanishi called for the public hearing to consider adopting resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the pre-approved Engineering News Record adjustment index for water rates. Specific topics of discussion included background, flat rates, metered rates, rate comparisons, and recommendation for adoption of proposed rates.

In response to Council Member Mounce, City Manager Bartlam stated currently the treatment facility land lease funds go into the General Fund based on the construction of the lease and staff is having internal discussions with the Northern California Power Agency regarding possible amendments that may have an impact on fund distribution.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated the PCE/TCE portion of the rates was ratcheted down based on clean-up needs and the model predicts that the utility fund reserves will start to grow in 2019/20, at which time staff will come back to the City Council for direction.

Mayor Nakanishi requested comparable infrastructure data for cities in the Sacramento and San Francisco areas and urged everyone to attend the Town Hall meeting in March to receive additional information regarding utility rates.

Mayor Nakanishi opened the public hearing.

John Slaughterback spoke in regard to his concerns about utilizing comparisons from other cities to determine what is best for Lodi.

Mayor Nakanishi closed the public hearing after receiving no further public comments.

Council Member Hansen made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2012-211 setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: Council Member Mounce

Absent: None

G-2 Public Hearing to Consider Adopting Urgency Ordinance to Extend Interim Ordinance No. 1867, Which Established a Moratorium on 1) the Outdoor Cultivation of Medical Marijuana within the City of Lodi and 2) the Indoor Cultivation of Medical Marijuana that Creates a Public Nuisance (CA)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider adopting urgency ordinance to extend interim Ordinance No. 1867, which established a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

City Attorney Schwabauer provided a brief overview of the proposed urgency ordinance as set forth in the staff report.

In response to Council Member Mounce, Mr. Schwabauer stated he will research the matter of obtaining an electric utility discount for medical marijuana patients as suggested although at first blush he does have concerns about subsidizing an illegal activity from the viewpoint of the federal government.

Mayor Nakanishi opened the public hearing.

Angel Raich spoke in regard to her concern about moving the ordinance forward in a timely fashion prior to the grow season in February based on the additional information she provided including the Attorney General's opinion on the matter.

Joshua Dougherty spoke in regard to his concern about moving the ordinance forward in a timely fashion and his interaction with the Police Department as a medical marijuana patient. Mr. Schwabauer confirmed that medical marijuana can be grown in a greenhouse under the current ordinance so long as it cannot be seen or smelled from the property line.

Robin Rushing spoke in regard to his concerns about enforcement efforts based on complaints from neighbors and the overstatement of crime data related to marijuana.

John Slaughterback spoke in regard to his concerns about the needs of medical marijuana patients being impaired based on minimal complaints from the community at large.

Joe Ventura spoke in regards to the various uses of marijuana on the east side of the City by those other than medical marijuana patients.

Mayor Nakanishi closed the public hearing after receiving no further comments.

In response to Council Member Mounce, Mr. Schwabauer stated any enforcement efforts would be based upon testimony from a third party such as a police or code enforcement officer and not only a neighbor.

In response to Council Member Johnson, Mr. Schwabauer confirmed that it does take a 4/5 vote to pass an urgency ordinance.

Mayor Nakanishi reiterated that he would like to see two ordinances brought back for Council consideration including one that would be a complete ban.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt urgency Ordinance No. 1868 to extend interim Ordinance No. 1867, which established a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: None

H. Communications - None

I. Regular Calendar

I-1 Review of City's Annual Financial Report (Fiscal Year 2011/12) by Macias, Gini & O'Connell, LLP (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the 2011/12 Comprehensive Annual Financial Report. Specific topics of discussion included the auditor's opinion, status of the City's financial position, highlights of the City's financial records, single audit, and management letter.

In response to Council Member Mounce, Mr. Ayers stated with respect to the benefits liability the departments are assessed the actual charged amount versus the actuarial amounts.

In response to Council Member Mounce, Mr. Ayers stated staff could consider storing back-up tapes at the White Slough facility, which would be a greater distance in the event of an emergency. Mr. Ayers stated the vendor responses to the request for information on the new financial system are due in January, the selection will be made in February, and implementation will start in March.

In response to Council Member Mounce, Scott Brunner representing Macias, Gini and O'Connell stated the debt to asset ratio listed on page 117 appears to be normal and not unusual when compared to other cities of similar size and the City appears to be in an average or better financial position than other communities.

In response to Council Member Mounce, Mr. Ayers stated he is aware of GASB 67 and GASB 68 and will keep informed of how CalPers provides its actuarial numbers in response to the same.

In response to Council Member Hansen, Mr. Brunner stated a clean audit means that there was no material inaccuracy in the numbers and the audit itself took between 1,000 and 1,200 hours to complete.

In response to Mayor Nakanishi, Mr. Ayers stated the actuarial liability can be assessed to departments instead of the hard dollar costs although there is more transparency of the amount in one line item versus 18 line items.

In response to Mayor Nakanishi, Mr. Ayers stated staff can look into transport options and storing back-up tapes at the White Slough facility for distance purposes.

In response to Mayor Nakanishi, Mr. Ayers stated the annual pension costs total liability on page 57 is 29 plus 19, the City is currently paying the actuarial calculated rate which includes some past deficit recovery, and the CalPers actuarial assumes that if everything is perfect at CalPers then the City will be fully funded at the end of the 30-year period.

In response to Joe Ventura, Mr. Bartlam stated there has not yet been a final decision to close down the court in Lodi.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to accept the City's Annual Financial Report (Fiscal Year 2011/12) by Macias, Gini & O'Connell, LLP.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: None

I-2 Consider Lease Agreement with Lodi Memorial Hospital for Operation of Adult Day Care Program and the Camp Hutchins Children's Day Care Program at Hutchins Street Square (PRCS)

Parks, Recreation and Cultural Services Director Jeff Hood provided a brief overview of the lease agreement with Lodi Memorial Hospital as set forth in the staff report.

In response to Council Member Mounce, Mr. Hood stated the lease covers both the Senior Center and Camp Hutchins, the current rent is \$1 per year for both and in September staff started to assess electricity and garbage charges for Camp Hutchins.

In response to Council Member Johnson, Mr. Schwabauer stated cost sharing arrangements are not controlled by the original dedication of the space.

In response to Mayor Nakanishi, Mr. Hood stated the hospital took over Camp Hutchins in 1998, there are costs for maintenance and repair that the City pays, and Camp Hutchins is now being assessed electricity and garbage charges.

In response to Council Member Mounce, Mark Sey, Chief Administrative Officer of Lodi Memorial Hospital, stated that the hospital would be amicable to covering direct costs as well as routine maintenance and repairs for the space.

In response to Council Member Hansen, Mr. Sey stated both programs are operating at a deficit although the hospital recognizes the overall value of both programs to the community.

In response to Council Members Hansen and Johnson, Jill Vanasse provided an overview of the Camp Hutchins program including the cost for attendance, participant numbers and ages, activities available at the facility, staff qualifications, staffing ratios, and staff sharing options between both programs.

In response to Council Member Mounce, Mr. Sey stated that there is no space available for the programs at the new highly-regulated hospital facility.

In response to Mayor Nakanishi, Mr. Hood stated that the space in question is approximately 2,000 square feet and if these two programs did not occupy the space it would be another rental space for revenue.

Council Member Johnson made a motion, second by Council Member Mounce, to review the options associated with amending the lease agreement with Lodi Memorial Hospital to include a mechanism for cost recovery and a monthly charge.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katakian, and Mayor Nakanishi

Noes: None

Absent: None

J. Ordinances - None

K. Reorganization of the Following Agency Meetings: 1) Lodi Public Improvement Corporation; 2) Industrial Development Authority; 3) Lodi Financing Corporation; 4) City of

Lodi Redevelopment Agency; and 5) Lodi Public Financing Authority

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, to adopt the following resolutions: Resolution No. LPIC2012-01 reorganizing the Lodi Public Improvement Corporation; Resolution No. IDA-35 reorganizing the Industrial Development Authority; Resolution No. LFC-22 reorganizing the Lodi Financing Corporation; Resolution No. RDA2012-01 reorganizing the City of Lodi Redevelopment Agency; and Resolution LPFA2012-03 reorganizing the Lodi Public Financing Authority.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:30 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, DECEMBER 25, 2012**

The December 25, 2012, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 1, 2013**

The January 1, 2013, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 2, 2013**

The January 2, 2013, Regular Meeting of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 8, 2013**

The January 8, 2013, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids to Procure Polemount Transformers

MEETING DATE: January 16, 2013

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Approve specifications and authorize advertisement for bids to procure polemount transformers.

BACKGROUND INFORMATION: Polemount transformers are needed in stock to replace damaged/old transformers for distribution system maintenance and new electric service. The inventory was found to be below minimum quantities.

In order to maintain EUD's transformer inventory, staff recommends advertisement for bids as follows:

Polemount:	10 each	37.5 kVA single-phase conventional 120/240V Secondary
	10 each	50 kVA single-phase conventional 120/240V Secondary
	6 each	100 kVA single-phase conventional 240/480V Secondary
	3 each	75 kVA single-phase conventional 277V Secondary
	6 each	37.5 kVA single-phase conventional 277/480V Secondary

The specifications are on file at the Electric Utility Department, 1331 South Ham Lane. The planned bid opening date is Wednesday, January 30, 2013.

FISCAL IMPACT: Estimated cost is \$44,700.

FUNDING: Included in FY2012/13 Account Number 160.1496

Elizabeth A. Kirkley
Electric Utility Director

PREPARED BY: Thomas Dean, Electric Materials Technician

EAK/JM/TD/LST

APPROVED: _____
Konradt Bartlam, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids for 2013 GrapeLine Bus Stop Improvements

MEETING DATE: January 16, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve specifications and authorize advertisement for bids for 2013 GrapeLine bus stop improvements.

BACKGROUND INFORMATION: This project consists of constructing improvements at eight bus stop locations on the GrapeLine's fixed-route bus system. Bus shelters with benches and amenities will be installed at all eight locations.

New or replacement concrete will be placed at six locations to accommodate the shelter. City staff will work with property owners to obtain license agreements prior to the start of construction for bus stop improvements partially on private property. The improvements provide wider pedestrian travel paths and meet Americans with Disabilities Act (ADA) requirements. The proposed bus stop improvements are as follows:

- Turner Road east of California Street – south side of street
- Calaveras Street south of Murray Street – east side of street
- Cherokee Lane north of Maple Street – west side of street
- Central Avenue north of Tokay Street – east side of street
- Lower Sacramento Road south of Lodi Avenue – west side of street
- Lockeford Street west of Crescent Avenue – south side of street
- Kettleman Lane west of Church Street – north side of street
- Lower Sacramento Road south of Vine Street – west side of street

These locations were selected based on the bus drivers' observations of frequently-used stops. One of the bus stop locations is in Caltrans' right of way and will require an encroachment permit prior to construction.

The specifications are on file in the Public Works Department. The planned bid opening date is February 27, 2013. The approximate project completion date will be at the end of July 2013, given the delivery time (10 to 12 weeks) for the shelter equipment.

FISCAL IMPACT: There will be a slight increase in the long-term maintenance costs associated with these improvements, which will be included in future Transit Operations budgets.

FUNDING AVAILABLE: Funding will be identified at project award.

F. Wally Sandelin
Public Works Director

Prepared by Paula Fernandez, Transportation Manager/Senior Traffic Engineer

FWS/PJF/pmf

cc: Transportation Manager

MV General Manager

APPROVED: _____
Konradt Bartlam, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids for Lodi Transit Station Concrete Pavement Project, 28 South Sacramento Street

MEETING DATE: January 16, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve specifications and authorize advertisement for bids for Lodi Transit Station Concrete Pavement Project, 28 South Sacramento Street.

BACKGROUND INFORMATION: This project consists of replacing 7,600 square feet of concrete pavement, driveway, sidewalk and wheelchair ramps within the Transit Station, installing 1,130 square feet of reinforced concrete pavement with an asphalt concrete overlay within Sacramento Street, and other incidental and related work, all as shown on the plans and specifications for the project.

The existing concrete pavement at the Lodi Transit Station bus driveway/loading area has developed extensive cracks and settlement. Numerous patches have been attempted; however, permanent repairs are required. The patches and cracks have created safety and ADA access issues requiring replacement of the concrete pavement. The project also includes installing reinforced concrete pavement within Sacramento Street at the passenger loading island to replace the failing street pavement.

The specifications are on file in the Public Works Department. The planned bid opening date is February 27, 2013. Project completion is expected prior to Summer 2013.

FISCAL IMPACT: Decreased maintenance costs at the Lodi Transit Station and on Sacramento Street associated with these improvements.

FUNDING AVAILABLE: Funding will be identified at project award.

F. Wally Sandelin
Public Works Director

Prepared by Paula Fernandez, Transportation Manager/Senior Traffic Engineer and Lyman Chang, Senior Civil Engineer
FWS/PJF/LC/pmf
cc: Transportation Manager
MV General Manager

APPROVED: _____
Konradt Bartlam, City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for Wastewater Main Rehabilitation Program, Project No. 5

MEETING DATE: January 16, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept improvements under contract for Wastewater Main Rehabilitation Program, Project No. 5.

BACKGROUND INFORMATION: The contract was awarded to Michels Pipeline Construction, of Salem, Oregon, on December 21, 2011, in the amount of \$859,428.25. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

The project included in-place (trenchless) rehabilitation of approximately 17,000 linear feet of 6-inch diameter wastewater main, the rehabilitation of approximately 61 manholes and the reconnection of 452 wastewater laterals. The project also includes upsizing approximately 1,455 linear feet of 6-inch wastewater pipe to 8-inch using pipe-bursting technology.

The contract completion date was December 3, 2012. The final contract price was \$1,225,222.05. The difference between the contract amount and the final contract price is mainly due to the following items totaling \$365,793.80:

- Council authorized Change Order No. 1 on March 7, 2012, which included additional rehabilitation of the wastewater pipes in Hutchins Street, from Lodi Avenue to Lockeford Street. Pipe diameters in this section of pipe range from 14 inches to 18 inches. (\$272,582.55)
- Change Order No. 2 which included installation of one additional 48-inch manhole on Railroad Avenue and various additional lining locations. (\$31,788.50)
- Increase in unit bid item quantities installed. (\$61,422.75)

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

FISCAL IMPACT: Completion of this project will reduce future maintenance costs and increase the performance and reliability of the wastewater system.

FUNDING AVAILABLE: This project was funded by Wastewater Main Replacement Fund (171680).

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager
FWS/GW/pmf
cc: Deputy Public Works Director – Utilities

APPROVED: _____
Konradt Bartlam, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Approving Purchase of Primary Chain and Flight Collector Equipment for White Slough Water Pollution Control Facility from DC Frost Associates, Inc., of Walnut Creek (\$80,000)

MEETING DATE: January 16, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution approving purchase of primary chain and flight collector equipment for White Slough Water Pollution Control Facility from DC Frost Associates, Inc., of Walnut Creek, in the amount of \$80,000.

BACKGROUND INFORMATION: The function of the primary chain and flight collector equipment is to collect scum and sludge from the primary sedimentation basins. The existing primary chain and flight collector equipment was installed in 1991 to replace the original plant primary chain and flight equipment installed in 1967. Through the years, small parts have been replaced; however, the major parts, such as sprockets, drive chains, and shafts, now need to be replaced.

There are five primary basins. This current purchase will provide a set of primary chain and flight collector equipment for two of the primary basins. The Capital Improvement Plan provides for the purchase of two additional sets in 2013/14 and one in 2014/15, so that all the primary basins can maintain the manufacturer's performance criteria.

DC Frost, Inc., is the sole source equipment distributor that designed and built the original primary chain and flight collector equipment, and their equipment requires no special construction. Once the new equipment is installed by staff, the designated primaries will provide the operational performance necessary to maintain continuous compliance with discharge permit requirements.

Per Lodi Municipal Code Section 3.20.070, Bidding, the bidding process may be dispensed when the City Council determines that the purchase or method of purchase is in the best interests of the City. Staff recommends purchase of primary chain and flight collector equipment from DC Frost Associates, Inc.

FISCAL IMPACT: If the primary chain and flight collector equipment is not rehabilitated, existing equipment could fail, requiring an emergency purchase. Additionally, the City of Lodi could have problems maintaining discharge permit requirements without the rehabilitation.

FUNDING AVAILABLE: Plant Maintenance Capital Improvements (171493)

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Karen Honer, Wastewater Superintendent
FWS/KH/pmf
cc: Larry Parlin, Deputy Public Works Director - Utilities

APPROVED: _____
Konradt Bartlam, City Manager

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
PURCHASE OF PRIMARY CHAIN AND FLIGHT COLLECTOR
EQUIPMENT FOR WHITE SLOUGH WATER POLLUTION
CONTROL FACILITY

=====

WHEREAS, the function of the primary chain and flight collector equipment is to collect scum and sludge from the primary sedimentation basins at the White Slough Water Pollution Control Facility. The existing primary chain and flight collector equipment was installed in 1991 to replace the original plant equipment installed in 1967; and

WHEREAS, there are five primary basins, and this purchase will provide primary chain and flight collector equipment for two of the primary basins. The Capital Improvement Plan provides for the purchase of two additional sets in 2013/14 and one in 2014/15, so that all the primary basins will maintain the manufacturer's performance criteria and maintain continuous compliance with discharge permit requirements; and

WHEREAS, DC Frost, Inc., is the sole source equipment distributor that designed and built the original primary chain and flight collector equipment, and their equipment requires no special construction; and

WHEREAS, per Lodi Municipal Code Section 3.20.070, Bidding, the bidding process may be dispensed when the City Council determines that the purchase or method of purchase is in the best interests of the City; and

WHEREAS, staff recommends the purchase of primary chain and flight collector equipment from DC Frost Associates, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the purchase of primary chain and flight collector equipment for White Slough Water Pollution Control Facility from DC Frost, Inc., of Walnut Creek, California, in the amount of \$80,000.

Dated: January 16, 2013

=====

I hereby certify that Resolution No. 2013-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 16, 2013, by the following vote:

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

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Attorney to Amend Professional Services Agreement with NBS Government Finance Group, of Temecula, to Perform General Benefit Analysis of the City's Consolidated Landscape Maintenance Assessment District No. 2003-1 (\$10,525.15)

MEETING DATE: January 16, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Attorney to amend professional services agreement with NBS Government Finance Group, of Temecula, to perform a general benefit analysis of the City's Consolidated Landscape Maintenance Assessment District No. 2003-1, in the amount of \$10,525.15.

BACKGROUND INFORMATION: On October 3, 2012, the City Council approved Resolution No. 2012-156 authorizing the City Attorney to execute a professional services agreement with NBS Government Finance Group to perform a general benefit analysis for the City's Consolidated Landscape Maintenance District No. 2003-1 (District) in the amount of \$16,224.85. The contract amount of \$16,224.85 was mistakenly interpreted as the contract amount when actually, it is the total amount charged for the 2012/13 District annual report.

The correct compensation amount for NBS to perform a general benefit analysis for the District is \$26,750.00, a difference of \$10,525.15. Staff is requesting the Council approve an amendment to the professional services agreement to correct the contract compensation amount to NBS by \$10,525.15, for a total of \$26,750.00, as shown in Exhibit A, and appropriate funds.

FISCAL IMPACT: The results of this general benefit analysis may result in a partial allocation of maintenance costs to Street Fund.

FUNDING AVAILABLE: Funding comes from the various assessment revenue accounts of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2013/14.

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Chris Boyer, Assistant Engineer
Attachment
FWS/CB/pmf

APPROVED: _____
Konradt Bartlam, City Manager

AMENDMENT NO. 1

NBS Government Finance Group
Professional Services Agreement

THIS AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT, is made and entered this ____ day of January, 2013, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and NBS FINANCE GROUP (hereinafter "CONTRACTOR").

WITNESSETH:

1. WHEREAS, CONSULTANT and CITY entered into a Professional Services Agreement (Agreement) on December 4, 2012, as set forth in Exhibit 1 (attached).
2. WHEREAS, the contract compensation amount needs to be corrected, as set forth in Exhibit 2;

NOW, THEREFORE, the parties agree to amend the Fee as set forth in the Agreement as Exhibit 2, for a total contract compensation amount of \$26,750. All other terms shall be as set forth in the Agreement.

IN WITNESS WHEREOF, CITY and CONTRACTOR have executed this Amendment No. 1 on _____, 2013.

CITY OF LODI, a municipal corporation
Hereinabove called "CITY"

NBS GOVERNMENT FINANCE GROUP
Hereinabove called "CONTRACTOR"



D. STEPHEN SCHWABAUER
City Attorney

NAME: MIKE RENTNER
TITLE: President/CEO

Attest:

RANDI JOHL, City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER
City Attorney

AGREEMENT FOR PROFESSIONAL SERVICES

**ARTICLE 1
PARTIES AND PURPOSE**

Section 1.1 Parties

THIS AGREEMENT is entered into on December 4, 2012, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and NBS GOVERNMENT FINANCE GROUP (hereinafter "CONTRACTOR").

Section 1.2 Purpose

CITY selected the CONTRACTOR to provide the services required in accordance with attached Scope of Services, Exhibit A, attached and incorporated by this reference.

CITY wishes to enter into an agreement with CONTRACTOR for General Benefit Analysis Report (hereinafter "Project") as set forth in the Scope of Services attached here as Exhibit A. CONTRACTOR acknowledges that it is qualified to provide such services to CITY.

**ARTICLE 2
SCOPE OF SERVICES**

Section 2.1 Scope of Services

CONTRACTOR, for the benefit and at the direction of CITY, shall perform the Scope of Services as set forth in Exhibit A.

Section 2.2 Time For Commencement and Completion of Work

CONTRACTOR shall commence work pursuant to this Agreement, upon receipt of a written notice to proceed from CITY or on the date set forth in Section 2.6, whichever occurs first, and shall perform all services diligently and complete work under this Agreement based on a mutually agreed upon timeline or as otherwise designated in the Scope of Services.

CONTRACTOR shall submit to CITY such reports, diagrams, drawings and other work products as may be designated in the Scope of Services.

CONTRACTOR shall not be responsible for delays caused by the failure of CITY staff to provide required data or review documents within the appropriate time frames. The review time by CITY and any other agencies involved in the project shall not be

counted against CONTRACTOR's contract performance period. Also, any delays due to weather, vandalism, acts of God, etc., shall not be counted. CONTRACTOR shall remain in contact with reviewing agencies and make all efforts to review and return all comments.

Section 2.3 Meetings

CONTRACTOR shall attend meetings as may be set forth in the Scope of Services.

Section 2.4 Staffing

CONTRACTOR acknowledges that CITY has relied on CONTRACTOR's capabilities and on the qualifications of CONTRACTOR's principals and staff as identified in its proposal to CITY. The Scope of Services shall be performed by CONTRACTOR, unless agreed to otherwise by CITY in writing. CITY shall be notified by CONTRACTOR of any change of Project Manager and CITY is granted the right of approval of all original, additional and replacement personnel at CITY's sole discretion and shall be notified by CONTRACTOR of any changes of CONTRACTOR's project staff prior to any change.

CONTRACTOR represents it is prepared to and can perform all services within the Scope of Services (Exhibit A) and is prepared to and can perform all services specified therein. CONTRACTOR represents that it has, or will have at the time this Agreement is executed, all licenses, permits, qualifications, insurance and approvals of whatsoever nature are legally required for CONTRACTOR to practice its profession, and that CONTRACTOR shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and approvals, and shall indemnify, defend and hold harmless CITY against any costs associated with such licenses, permits, qualifications, insurance and approvals which may be imposed against CITY under this Agreement.

Section 2.5 Subcontracts

Unless prior written approval of CITY is obtained, CONTRACTOR shall not enter into any subcontract with any other party for purposes of providing any work or services covered by this Agreement.

Section 2.6 Term

The term of this Agreement commences on ^{December 4,} ~~October 10,~~ 2012 and terminates upon the completion of the Scope of Services or on September 6, 2013, whichever occurs first.

ARTICLE 3
COMPENSATION

Section 3.1 Compensation

CONTRACTOR's compensation for all work under this Agreement shall conform to the provisions of the Fee Proposal, attached hereto as Exhibit B and incorporated by this reference.

CONTRACTOR shall not undertake any work beyond the scope of this Agreement unless such additional work is approved in advance and in writing by CITY.

Section 3.2 Method of Payment

CONTRACTOR shall submit invoices for completed work on a monthly basis, or as otherwise agreed, providing, without limitation, details as to amount of hours, individual performing said work, hourly rate, and indicating to what aspect of the Scope of Services said work is attributable. CONTRACTOR's compensation for all work under this Agreement shall not exceed the amount of the Fee Proposal.

Section 3.3 Costs

The Fee Proposal shall include all reimbursable costs required for the performance of the Scope of Services. Payment of additional reimbursable costs considered to be over and above those inherent in the original Scope of Services shall be approved in advanced and in writing, by CITY.

Section 3.4 Auditing

CITY reserves the right to periodically audit all charges made by CONTRACTOR to CITY for services under this Agreement. Upon request, CONTRACTOR agrees to furnish CITY, or a designated representative, with necessary information and assistance needed to conduct such an audit.

CONTRACTOR agrees that CITY or its delegate will have the right to review, obtain and copy all records pertaining to performance of this Agreement. CONTRACTOR agrees to provide CITY or its delegate with any relevant information requested and shall permit CITY or its delegate access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. CONTRACTOR further agrees to maintain such records for a period of three (3) years after final payment under this Agreement.

ARTICLE 4
MISCELLANEOUS PROVISIONS

Section 4.1 Nondiscrimination

In performing services under this Agreement, CONTRACTOR shall not discriminate in the employment of its employees or in the engagement of any sub CONTRACTOR on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, or any other criteria prohibited by law.

Section 4.2 ADA Compliance

In performing services under this Agreement, CONTRACTOR shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

Section 4.3 Indemnification and Responsibility for Damage

CONTRACTOR to the fullest extent permitted by law, shall indemnify and hold harmless CITY, its elected and appointed officials, directors, officers, employees and volunteers from and against any claims, damages, losses, and expenses (including reasonable attorney's fees), arising out of performance of the services to be performed under this Agreement, provided that any such claim, damage, loss, or expense is caused by the negligent acts, errors or omissions of CONTRACTOR, any subcontractor employed directly by CONTRACTOR, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, except those injuries or damages arising out of the active negligence of the City of Lodi or its officers or agents.

Section 4.4 No Personal Liability

Neither the City Council, nor any other officer or authorized assistant or agent or City employee shall be personally responsible for any liability arising under this Agreement.

Section 4.5 Responsibility of CITY

CITY shall not be held responsible for the care or protection of any material or parts of the work described in the Scope of Services prior to final acceptance by CITY, except as expressly provided herein.

Section 4.6 Insurance Requirements for CONTRACTOR

CONTRACTOR shall take out and maintain during the life of this Agreement, insurance coverage as set forth in Exhibit C attached hereto and incorporated by this reference.

Section 4.7 Successors and Assigns

CITY and CONTRACTOR each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONTRACTOR shall not assign or transfer any interest in this Agreement without the prior written consent of CITY. Consent to any such transfer shall be at the sole discretion of CITY.

Section 4.8 Notices

Any notice required to be given by the terms of this Agreement shall be in writing signed by an authorized representative of the sender and shall be deemed to have been given when the same is personally served or upon receipt by express or overnight delivery, postage prepaid, or three (3) days from the time of mailing if sent by first class or certified mail, postage prepaid, addressed to the respective parties as follows:

To CITY: City of Lodi
 221 West Pine Street
 P.O. Box 3006
 Lodi, CA 95241-1910
 Attn: Wally Sandelin, Public Works Director

To CONTRACTOR: NBS Government Finance Group
 32605 Temecula Parkway, Suite 100
 Temecula, CA 92592
 Attn: Greg Davidson, Director

Section 4.9 Cooperation of CITY

CITY shall cooperate fully and in a timely manner in providing relevant information it has at its disposal relevant to the Scope of Services.

Section 4.10 CONTRACTOR is Not an Employee of CITY

CONTRACTOR agrees that in undertaking the duties to be performed under this Agreement, it shall act as an independent contractor for and on behalf of CITY and not an employee of CITY. CITY shall not direct the work and means for accomplishment of the services and work to be performed hereunder. CITY, however, retains the right to require that work performed by CONTRACTOR meet specific standards without regard to the manner and means of accomplishment thereof.

Section 4.11 Termination

CITY may terminate this Agreement, with or without cause, by giving CONTRACTOR at least ten (10) days written notice. Where phases are anticipated within the Scope of Services, at which an intermediate decision is required concerning whether to proceed further, CITY may terminate at the conclusion of any such phase.

Upon termination, CONTRACTOR shall be entitled to payment as set forth in the attached Exhibit B to the extent that the work has been performed. Upon termination, CONTRACTOR shall immediately suspend all work on the Project and deliver any documents or work in progress to CITY. However, CITY shall assume no liability for costs, expenses or lost profits resulting from services not completed or for contracts entered into by CONTRACTOR with third parties in reliance upon this Agreement.

Section 4.12 Confidentiality

CONTRACTOR agrees to maintain confidentiality of all work and work products produced under this Agreement, except to the extent otherwise required by law or permitted in writing by CITY. CITY agrees to maintain confidentiality of any documents owned by CONTRACTOR and clearly marked by CONTRACTOR as "Confidential" or "Proprietary", except to the extent otherwise required by law or permitted in writing by CONTRACTOR. CONTRACTOR acknowledges that CITY is subject to the California Public Records Act.

Section 4.13 Applicable Law, Jurisdiction, Severability, and Attorney's Fees

This Agreement shall be governed by the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be venued with the San Joaquin County Superior Court. If any part of this Agreement is found to conflict with applicable laws, such part shall be inoperative, null, and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in force and effect. In the event any dispute between the parties arises under or regarding this Agreement, the prevailing party in any litigation of the dispute shall be entitled to reasonable attorney's fees from the party who does not prevail as determined by the San Joaquin County Superior Court.

Section 4.14 City Business License Requirement

CONTRACTOR acknowledges that Lodi Municipal Code Section 3.01.020 requires CONTRACTOR to have a city business license and CONTRACTOR agrees to secure such license and pay the appropriate fees prior to performing any work hereunder.

Section 4.15 Captions

The captions of the sections and subsections of this Agreement are for convenience only and shall not be deemed to be relevant in resolving any question or interpretation or intent hereunder.

Section 4.16 Integration and Modification

This Agreement represents the entire understanding of CITY and CONTRACTOR as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing, signed by both parties.

Section 4.17 Contract Terms Prevail

All exhibits and this Agreement are intended to be construed as a single document. Should any inconsistency occur between the specific terms of this Agreement and the attached exhibits, the terms of this Agreement shall prevail.

Section 4.18 Severability

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

Section 4.19 Ownership of Documents

All documents, photographs, reports, analyses, audits, computer media, or other material documents or data, and working papers, whether or not in final form, which have been obtained or prepared under this Agreement, shall be deemed the property of CITY. Upon CITY's request, CONTRACTOR shall allow CITY to inspect all such documents during CONTRACTOR's regular business hours. Upon termination or completion of services under this Agreement, all information collected, work product and documents shall be delivered by CONTRACTOR to CITY within ten (10) calendar days.

CITY agrees to indemnify, defend and hold CONTRACTOR harmless from any liability resulting from CITY's use of such documents for any purpose other than the purpose for which they were intended.

Section 4.20 Authority

The undersigned hereby represent and warrant that they are authorized by the parties to execute this Agreement.

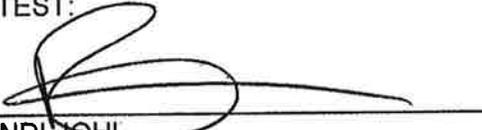
Section 4.21 Federal Transit Funding Conditions

If the box at left is checked, the Federal Transit Funding conditions attached as Exhibit apply to this contract. In the event of a conflict between the terms of this contract or any of its other exhibits, and the Federal Transit Funding Conditions, the Federal Transit Funding Conditions will control.

IN WITNESS WHEREOF, CITY and CONTRACTOR have executed this Agreement as of the date first above written.

CITY OF LODI, a municipal corporation

ATTEST:



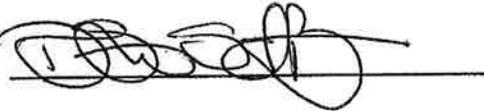
RANDI JOHL
City Clerk



D. STEPHEN SCHWABAUER
City Attorney

APPROVED AS TO FORM:
D. STEPHEN SCHWABAUER, City Attorney
JANICE D. MAGDICH, Deputy City Attorney

CONTRACTOR:NBS

By: 

By: 

Name: Greg Davidson Mike Rentner
Title: Director. President & CEO

Attachments:
Exhibit A – Scope of Services
Exhibit B – Fee Proposal
Exhibit C – Insurance Requirements

Funding Source: 103021
(Business Unit & Account No.)

Doc ID: WP\DEV_SERV\LandscapeDistrict\NBS General Benefits Contract

CA:rev.01.2012

Aerial view of Lodi
via Google Earth

Proposal to Perform a

**General Benefit Analysis for the
17 Total Zones of the City's
Consolidated Landscape Maintenance
District (LMD) No. 2003-1**

for the

City of Lodi

July 5, 2012



helping communities
fund tomorrow

870 Market Street, Suite 1223
San Francisco, CA 94102

Toll free: 800.434.8349

nbsgov.com

COVER LETTER AND EXECUTIVE SUMMARY

July 5, 2012

D. Stephen Schwabauer
City Attorney
City of Lodi
P.O. Box 3006
Lodi, CA 95241

RE: NBS' ability to support the City of Lodi with a General Benefit Analysis for the 17 Total Zones (16 existing zones plus 1 annexation zone) of the City's Consolidated Landscape Maintenance District (LMD) No. 2003-1

Dear Mr. Schwabauer and colleagues,

From our discussions, we understand that the City of Lodi is interested in a General Benefit Analysis for the 17 Total Zones (16 existing zones plus 1 annexation zone) of the City's Consolidated Landscape Maintenance District (LMD) No. 2003-1.

NBS is a firm with over 15 years of history with directly applicable experience in property-related fees, special assessments and taxes, and we work closely with the legislative options available in California as well as limitations set by Propositions 218 and 26.

We purposefully are submitting this brief letter-format proposal but we are happy to provide further information as desired.

How would NBS proceed?

Nick Dayhoff, the City's assigned Financial Analyst, and myself, would dedicate time to understand your specific needs and quantify the data and parameters. We have included a sample scope to demonstrate our typical approach, but we would work with you to hone the final tasks and commensurate timeline. The goals are to identify areas of the Engineer's Report that can be strengthened and supported in accordance with Proposition 218 and recent case law. The report will provide analysis and numerical support for the breakdown of special vs. general benefit. The City will be able to use the report to determine the amount of the general benefit contribution and the amount of the budget that should be assessed for special benefit.

What would be our first steps?

We would provide a thorough review of the proposed improvements and maintenance services, budgets, location and type of improvements, analyze Proposition 218 special benefit, general benefit and recent case law to separate and quantify special vs. general benefit. Meet with City staff to develop a general benefit contribution and approach for Consolidated Landscape Maintenance District No. 2003-1. Provide staff with related support for the duration of the project.

helping communities fund tomorrow

What is NBS' experience?

As mentioned above, we at NBS have a wealth of experience with Special Financing Districts across California, which includes working through legal issues on fees, assessments and special taxes. As a quick primer on NBS, we are proud of our 15 year history of assisting cities, counties, and local government entities with specific consulting and analysis projects.

Please review this very brief statement, our comprehensive scope and additional information. We would appreciate the opportunity to work with you all on this effort. Please call me with any questions at 800.676.7516 or email at gdauidson@nbsgov.com.

Sincerely,



Greg Davidson
Director

SCOPE OF SERVICES

General Benefit Analysis

Project Schedule. NBS will communicate with City staff, legal counsel and other interested parties to:

- Establish lines of communication.
- Clarify the specific project goals, components and criteria that will meet the City's preference.
- Develop project schedules to meet legal requirements and provide for effective interfacing of all involved parties.
- Establish meeting points consistent with schedule to achieve project milestones.
- Establish and coordinate with City staff a schedule to assure completion of necessary actions and compliance with statutes.

Special v. General Benefit Analysis. Review the proposed improvements and maintenance services, budgets, location and type of improvements, analyze Proposition 218 special benefit, general benefit and recent case law to separate and quantify special vs. general benefit. Meet with City staff to develop a general benefit contribution and approach for Consolidated Landscape Maintenance District No. 2003-1. Provide staff with related support for the duration of the project.

Support Determinations. Review the determinations made by the original Assessment Engineer, which shall include, but not be limited to the Method of Assessment and provide support for those determinations as information and research allows.

Exempt Parcels. Review all parcels that have been exempted from the annual assessment within the boundaries of the District and provide recommendations on how each of these parcels should be addressed in the future.

Findings and Recommendations Report. Prepare a report, summarizing our findings and recommendations. The main goal of the report is to identify areas of the Engineer's Report that can be strengthened and supported in accordance with Proposition 218 and recent case law. The report will provide analysis and numerical support for the breakdown of special vs. general benefit. The City will be able to use the report to determine the amount of the general benefit contribution and the amount of the budget that should be assessed for special benefit. Support for determinations made by the original assessment engineer will be provided as available. The identification of parcels exempt from the assessment will be identified and addressed.

TIMELINE

DATE	DESCRIPTION
September 2012	Kickoff meeting to discuss timeline, goals and objectives
November 2, 2012	NBS provides draft general benefit analysis to the City for review and comment
November 16, 2012	City provides feedback on general benefit analysis. NBS incorporates any changes
November 30, 2012	NBS provides final general benefit analysis to the City

DATE	DESCRIPTION
March 2013	NBS implements findings of the general benefit analysis into the FY 2013/14 Engineer's Report
August 2013	NBS submits 2013/14 assessments and Resolution Ordering Levy and Collection of Assessments to San Joaquin County for placement on the County Tax Roll

PROJECT TEAM

NBS is staffed with seasoned experts who are dedicated to providing our clients with the best possible results. The NBS staff of over 35 consultants and engineers has extensive experience in the fields of finance, management, engineering, and local governance and combine their knowledge to produce a synergy that results in maximum success and minimum risk.

Professional Biographies

Greg Davidson, Client Services Director

Greg Davidson is a Director with NBS where he and his staff form and administer special financing districts, including Landscape Maintenance Districts, 1913 and 1915 Act Assessment Districts, Mello-Roos Community Facilities Districts, and Property-Based Business Improvement Districts. Greg is actively involved in managing the day-to-day district administration operations, the preparation of the annual special assessment levies, and related special projects. He has worked directly with more than 100 Agencies administering 300 Districts.

- *District Formation:* Greg has formed Special Financing Districts consisting of:
 - Business Improvement Districts
 - Community Facilities Districts (CFD, or Mello-Roos)
 - Landscape Maintenance Districts
- *District Administration:* Greg has over 13 years of experience in actively managing ongoing administration and annual levy calculations for 1913/1915 Act Assessment Districts, Landscape Maintenance Districts, Mello-Roos Community Facilities Districts, and Property-Based Business Improvement Districts. He has trained numerous staff, and has directly prepared levies for hundreds of Assessment and Special Tax Districts. He has also provided consulting services related to curing troubled districts which have involved judicial foreclosure, refinancing and property owner bond tender programs.
- *Financial Projects:* Greg has experience performing revenue audits, parcel audits, tax roll billing services and the formation of various Special Financing Districts.
- *Continuing Disclosure:* Greg has several years of experience in preparing and disseminating Municipal Disclosure Reports for numerous California Agencies. He currently is involved with the preparation and approval of more than 160 disclosure reports for 1915 Act, Community Facilities District, Tax Allocation and General Obligation Bonds.
- *1915 Reassessment and Refunding:* Greg has prepared several Reassessment Reports as required by the CA Streets and Highways Code §9523, saving parcel owners a significant amount of money.
- *Proposition 218:* Greg provides Proposition 218 consulting services related to the establishment or increase of charges and assessments.

Pablo Perez, Project Manager

Pablo Perez is a Director with NBS where he and his staff form and administer various types of Special Financing Districts (SFD). He has over 19 years of experience, and is actively involved with district formations and bond issuance/refunding analysis as well as daily management of district administration operations. He also performs feasibility studies and related financial projects.

- *SFD projects:* Pablo has significant experience with many types of SFD's including: 1972 Act Maintenance Districts, Community Facilities Districts (CFD's), Standby and other Fees and Charges, 1915 and 1911 Act Assessment Districts, Business Improvement Districts (BID's), Benefit Assessment Districts (BAD's) and Public Safety Districts including Fire Assessments and Taxes. His involvement includes analysis of district finances as well as oversight of tasks such as audits of assessment liens, delinquency management activities, apportionment of liens, continuing disclosure, arbitrage rebate calculations, bond tenders, and district workouts.
- *Continuing Disclosure:* He has been responsible for the preparation and dissemination of disclosure reports for all types of municipal bonds for over a hundred public agencies.
- *Financial Projects:* Pablo has managed numerous projects relating to assessment and special tax districts, including apportionments of 1915 Act liens, tax roll billing services, continuing disclosure reports, arbitrage rebate calculations, human resources consulting, fund analysis and recommendations, bond tenders, conversion of bonds, delinquency management, and special project consulting.
- *Proposition 218:* Pablo provides Proposition 218 consulting services related to the establishment or increase of fees, charges and assessments. He is an acknowledged expert in Proposition 218 compliance programs which of particular significance was the City of La Habra Heights project. There were over 2,000 assessment ballots mailed, and the property owners voted to retain the annual assessment for street maintenance.
- *County Data Procurement:* Pablo is on a "first name basis" with many of the County assessor and auditor's staff in the State.
- Pablo has 22 years of experience in the private and public finance sectors, including 20 years specializing in the administration of special financing districts. Prior to working in public finance administration, he worked for a financial firm in New York.

Nick Dayhoff, Financial Analyst

Nick Dayhoff is a Financial Analyst at NBS, where he administers special financing districts, including 1913/1915 Act Assessment Districts, Mello-Roos Community Facilities Districts, Landscape and Lighting Districts, Benefit Assessment Districts, and Property Related Fees and Charges. Nick has experience in all aspects of special district administration, including continuing disclosure and delinquency management. He is actively involved in the daily administration of district administration operations.

- *District Administration:* Nick's administrative functions include calculation of annual levies, analysis of district finances, calculation of redemption of bonds from prepayments, apportionment of liens and annual report preparation. Nick deals with county agents including the Auditor Controller's Office, Treasurer Tax Collector, and County Assessor's Office. He understands county timetables and requirements for transmittal and processing of data critical to the successful administration of special districts. In addition, he is available to assist district property owners with questions or concerns and provide explanations of bond covenants and government code in a manner understandable to professionals and the layperson.
- *Special Projects:* In addition to the above listed responsibilities, Nick has experience in special projects, including Proposition 218 compliance and notification, district closeouts, assisting public agencies with the coordination of public hearings, assisting cities and districts with code compliance on several topics related to land-based financing, assistance with judicial foreclosure processes and pre-formation and pre-bond disclosure analysis.

- *Continuing Disclosure:* Nick has prepared and disseminated municipal disclosure reports for several California agencies. He prepared and disseminated ongoing disclosure reports for special financing districts including 1915 Act Assessment Districts, Community Facilities Districts, Revenue Bonds and Local Obligation Disclosure Reporting in compliance with Securities Exchange Commission regulation 15c2-12.

FEES

General Benefit Analysis

Base Fee.....\$9,750 plus \$1,000 per zone

Expenses

Customary out-of-pocket expenses will be billed to the City at actual cost to NBS. These expenses may include, but not be limited to travel, postage, telephone, reproduction, meals and various third-party charges for data, maps, and recording fees. Consultant's expenses will not exceed 10% of the total fee.

Additional Services

The following table shows our current hourly rates. Additional services authorized by the City will be billed at this rate or the then applicable hourly rate.

Title	Hourly Rate
Director	\$ 190
Senior Consultant/Programmer	150
Engineer	140
Consultant	130
Analyst	100
Clerical/Support	55
Expert Witness	TBD; with minimum fee

Terms

Services will be invoiced monthly until completion of the project. Expenses will be itemized and included in the next regular invoice. Fees for all other services will be invoiced upon completion of the task. If the project is prematurely terminated by either party, NBS shall receive payment for work completed. Payment shall be made within 30 days of submittal of an invoice. If payment is not received within 90 days simple interest will begin to accrue at the rate of 1.5% per month. Either party can cancel administration contracts with 30 days written notice.

CITY OF LODI
 1972 ACT DISTRICT ADMINISTRATION
 SPREAD OF ADMINISTRATION FEES AND EXPENSES
 GOOD THROUGH 9/30/13

District	Parcel Count	FY 2012/13 Levy Amount	Base Fee Allocated Pro rata based on Levy Amount	Zone Fee Allocated Pro rata based on Levy Amount	Total Annual District Fee	Percentage	Expenses	Total Invoice
Consol 2003-1 Almondwood Estates	74	17,588.32	361.64	-	361.64	2.29%	10.23	371.87
Consol 2003-1 Century Meadows One	133	27,060.18	556.39	2,869.53	3,425.92	21.71%	96.90	3,522.82
Consol 2003-1 Millsbridge II	39	6,968.52	143.28	738.96	882.24	5.59%	24.95	907.19
Consol 2003-1 Almond North	28	6,743.00	138.64	715.05	853.69	5.41%	24.15	877.84
Consol 2003-1 Legacy I, Legacy II and Kfirst Estates	223	46,334.94	952.70	4,913.48	5,866.18	37.18%	165.92	6,032.10
Consol 2003-1 The Villas	80	19,563.20	402.24	2,074.53	2,476.77	15.70%	70.05	2,546.82
Consol 2003-1 Woodlake Meadow	5	671.00	13.80	114.34	128.14	0.81%	3.62	131.76
Consol 2003-1 Vintage Oaks	17	6,336.58	130.29	671.95	802.24	5.08%	22.69	824.93
Consol 2003-1 Interlake Square	11	2,008.82	41.30	213.02	254.32	1.61%	7.19	261.51
Consol 2003-1 Lakeshore Properties	7	906.36	18.64	96.11	114.75	0.73%	3.25	118.00
Consol 2003-1 Tate Property	4	1,445.36	29.72	153.27	182.99	1.16%	5.18	188.17
Consol 2003-1 Winchester Woods	8	1,567.84	32.24	166.26	198.50	1.26%	5.61	204.11
Consol 2003-1 Guild Avenue Industrial	8	720.60	14.82	76.41	91.23	0.58%	2.58	93.81
Consol 2003-1 Luca Place	1	420.24	8.64	44.56	53.20	0.34%	1.51	54.71
Consol 2003-1 Guild Avenue Industrial	4	579.18	11.91	61.42	73.33	0.46%	2.07	75.40
Consol 2003-1 West Kettleman Lane Commercial	2	105.96	2.18	11.25	13.43	0.09%	0.38	13.81
Total	644	\$139,020.10	\$2,858.43	\$12,920.14	\$15,778.57	100.00%	\$446.28	\$16,224.85

Original	CPI at 10/01/06	Fees at 10/01/06	CPI at 10/01/07	Fees at 10/01/07	Fees at 9/20/08	CPI at 10/01/08	Fees at 9/01/09
Base Fee	2.5%	62.50	3.3%	84.56	2,647.06	3.6%	2,742.35
Per Zone Fee		20.00		27.06	847.06		877.55
Per Zone Fee for Zone 7		2.50		3.38	105.88		109.69
Fees at 9/01/09 from above	CPI at 10/01/09	Fees at 10/01/09	CPI at 10/01/10	Fees at 10/01/10	Fees at 10/01/11	CPI at 10/01/11	Fees at 10/01/12
2,742.35	0.1%	2.74	0.9%	24.71	2,769.80	3.2%	2,858.43
877.55	0.88	878.43	7.91	886.34	88.63	28.36	914.70
109.69	0.11	109.80	0.99	110.79	3.55	114.34	

NOTE: per agreement, the 2012/13 Zone fee is \$914.70 per Zone except Zone 1 (no Zone fee) and Zone 7 (\$114.34 per agreement). Annual Zone fee = Zones 2-16 (except Zone 7) = 14 zones x \$914.70 = \$12,805.80 + \$114.34 Zone 7 = \$12,920.14. Total annual Zone fee is spread among districts based on levy amount. Base fee is also allocated to all Zones, including Zone 1, pro rata based on levy amount.



Insurance Requirements for Contractor The Contractor shall take out and maintain during the life of this contract, insurance coverage as listed below. These insurance policies shall protect the Contractor and any subcontractor performing work covered by this contract from claims for damages for personal injury, including accidental death, as well as from claims for property damages, which may arise from Contractor's operations under this contract, whether such operations be by Contractor or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amount of such insurance shall be as follows:

- 1. COMPREHENSIVE GENERAL LIABILITY
\$1,000,000 Ea. Occurrence

\$2,000,000 Aggregate
- 2. COMPREHENSIVE AUTOMOBILE LIABILITY
\$1,000,000 Bodily Injury - Ea. Person
\$1,000,000 Bodily Injury - Ea. Occurrence
\$1,000,000 Property Damage - Ea. Occurrence
- 3. PROFESSIONAL ERRORS AND OMISSIONS
Not less than \$1,000,000 per Claim. Certificate of Insurance only required.

NOTE: Contractor agrees and stipulates that any insurance coverage provided to the City of Lodi shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).

NOTE: (1) The street address of the **CITY OF LODI** must be shown along with (a) and (b) above: 221 West Pine Street, Lodi, California, 95241-1910; (2) The insurance certificate must state, on its face or as an endorsement, a description of the project that it is insuring.

A copy of the certificate of insurance with the following endorsements shall be furnished to the City:

- (a) Additional Named Insured Endorsement
Such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed Boards, Commissions, Officers, Agents, Employees, and Volunteers as additional named insureds.

(This endorsement shall be on a form furnished to the City and shall be included with Contractor's policies.)
- (b) Primary Insurance Endorsement
Such insurance as is afforded by the endorsement for the Additional Insureds shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the insurance afforded by this endorsement.
- (c) Severability of Interest Clause
The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.
- (d) Notice of Cancellation or Change in Coverage Endorsement
This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 W. Pine St., Lodi, CA 95240.

Compensation Insurance The Contractor shall take out and maintain during the life of this contract, Worker's Compensation Insurance for all of Contractor's employees employed at the site of the project and, if any work is sublet, Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Contractor. In case any class of employees engaged in hazardous work under this contract at the site of the project is not protected under the Worker's Compensation Statute, the Contractor shall provide and shall cause each subcontractor to provide insurance for the protection of said employees. . A waiver of subrogation is required for workers compensation insurance. This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 W. Pine St., Lodi, CA 95240.

NOTE: No contract agreement will be signed nor will any work begin on a project until the proper insurance certificate is received by the City.



870 Market Street, Suite 1223
San Francisco, CA 94102

Toll free: 800.434.8349

nbsgov.com

October 9, 2012

D. Stephen Schwabauer
City Attorney
City of Lodi
P.O. Box 3006
Lodi, CA 95241

RE: NBS' ability to support the City of Lodi with a General Benefit Analysis for the 17 Total Zones (16 existing zones plus 1 annexation zone) of the City's Consolidated Landscape Maintenance District (LMD) No. 2003-1

Dear Mr. Schwabauer and colleagues,

The City of Lodi requested our pricing for the proposal sent on July 5, 2012 for the General Benefit Analysis for the 17 Total Zones (16 existing zones plus 1 annexation zone) of the City's Consolidated Landscape Maintenance District (LMD) No. 2003-1.

This fee schedule will cover the full cost of providing the scope of services described in our original proposal. We appreciate the opportunity to work with you all on this effort. Please call me with any questions at 800.676.7516 or email at gdaavidson@nbsgov.com.

Sincerely,

Greg Davidson
Director

FEES

General Benefit Analysis

Fee.....\$26,750

Expenses

Customary out-of-pocket expenses will be billed to the City at actual cost to NBS. These expenses may include, but not be limited to travel, postage, telephone, reproduction, meals and various third-party charges for data, maps, and recording fees. Consultant's expenses will not exceed 10% of the total fee.

Additional Services

The following table shows our current hourly rates. Additional services authorized by the City will be billed at this rate or the then applicable hourly rate.

Title	Hourly Rate
Director	\$ 190
Senior Consultant/Programmer	150
Engineer	140
Consultant	130
Analyst	100
Clerical/Support	55
Expert Witness	TBD; with minimum fee

Terms

Services will be invoiced monthly until completion of the project. Expenses will be itemized and included in the next regular invoice. Fees for all other services will be invoiced upon completion of the task. If the project is prematurely terminated by either party, NBS shall receive payment for work completed. Payment shall be made within 30 days of submittal of an invoice. If payment is not received within 90 days simple interest will begin to accrue at the rate of 1.5% per month. Either party can cancel administration contracts with 30 days written notice.

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
CITY ATTORNEY TO AMEND PROFESSIONAL SERVICES
AGREEMENT WITH NBS GOVERNMENT FINANCE GROUP
FOR PERFORMANCE OF GENERAL BENEFIT ANALYSIS OF
THE CITY'S CONSOLIDATED LANDSCAPE MAINTENANCE
DISTRICT NO. 2003-1

=====

WHEREAS, on October 3, 2012, the City Council approved Resolution No. 2012-156 authorizing the City Attorney to execute a Professional Services Agreement with NBS Government Finance Group to perform a general benefit analysis for the City's Consolidated Landscape Maintenance District No. 2003-1 in the amount of \$16,224.85; however, the contract compensation amount was incorrect; and

WHEREAS, the amendment to the Professional Services Agreement will correct the contract compensation amount to NBS by \$10,525.15, for a total of \$26,750.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Attorney to amend the Professional Services Agreement with NBS Government Finance Group, of Temecula, California, to perform a general benefit analysis of the City's Consolidated Landscape Maintenance District No. 2003-1 to correct the contract compensation amount by \$10,525.15, for a total of \$26,750.

Dated: January 16, 2013

=====

I hereby certify that Resolution No. 2013-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 16, 2013, by the following vote:

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

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving 30-Minute Parking on East Side of Central Avenue, 170 Feet South of Lodi Avenue (314 South Central Avenue)

MEETING DATE: January 16, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution amending Traffic Resolution No. 97-148 by approving 30-minute parking on east side of Central Avenue, 170 feet south of Lodi Avenue (314 South Central Avenue).

BACKGROUND INFORMATION: Public Works staff received a request from a business on Central Avenue, south of Lodi Avenue, for the installation of a 30-minute parking restriction. The request is based on the lack of available parking in the area. Currently, F & F Market is located on the east side of Central Avenue, south of an alley, with prohibited parking due to the roadway width and no off-street parking. The market owner and employees indicate customers from surrounding businesses and restaurants park for long periods in the one parking space adjacent to their market. Their customers need short-term parking. At staff's request, the owner circulated the attached petition to adjacent property owners and tenants. There are no objections from adjacent property owners and tenants to changing the one parking space to 30-minute parking.

Parking enforcement, outside the downtown area, is handled based on complaints. It appears to work at other 30-minute parking areas on Central Avenue and should work well at this location. Staff recommends approving the 30-minute parking every day between 8 a.m. and 8 p.m., as shown in the attached exhibit.

FISCAL IMPACT: Normal maintenance only.

FUNDING AVAILABLE: Street Maintenance – Special Department Materials (3215031): \$200 sign installation cost

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Paula Fernandez, Transportation Manager/Senior Traffic Engineer
FWS/PJF/pmf
Attachments
cc: City Attorney
Police Chief
Utility Superintendent
Transportation Manager
Affected Property Owners and Tenants

APPROVED: _____
Konradt Bartlam, City Manager

To: Paula Fernandez

PETITION

Request: 30 minute parking space at 314 S. Central Avenue

Area: Central Avenue (west and east side) from Lodi Avenue to Hillborn St

I, the property owner or tenant, do not object for the City of Lodi to install one 30 minute parking space located in front of 314 S. Central Avenue.

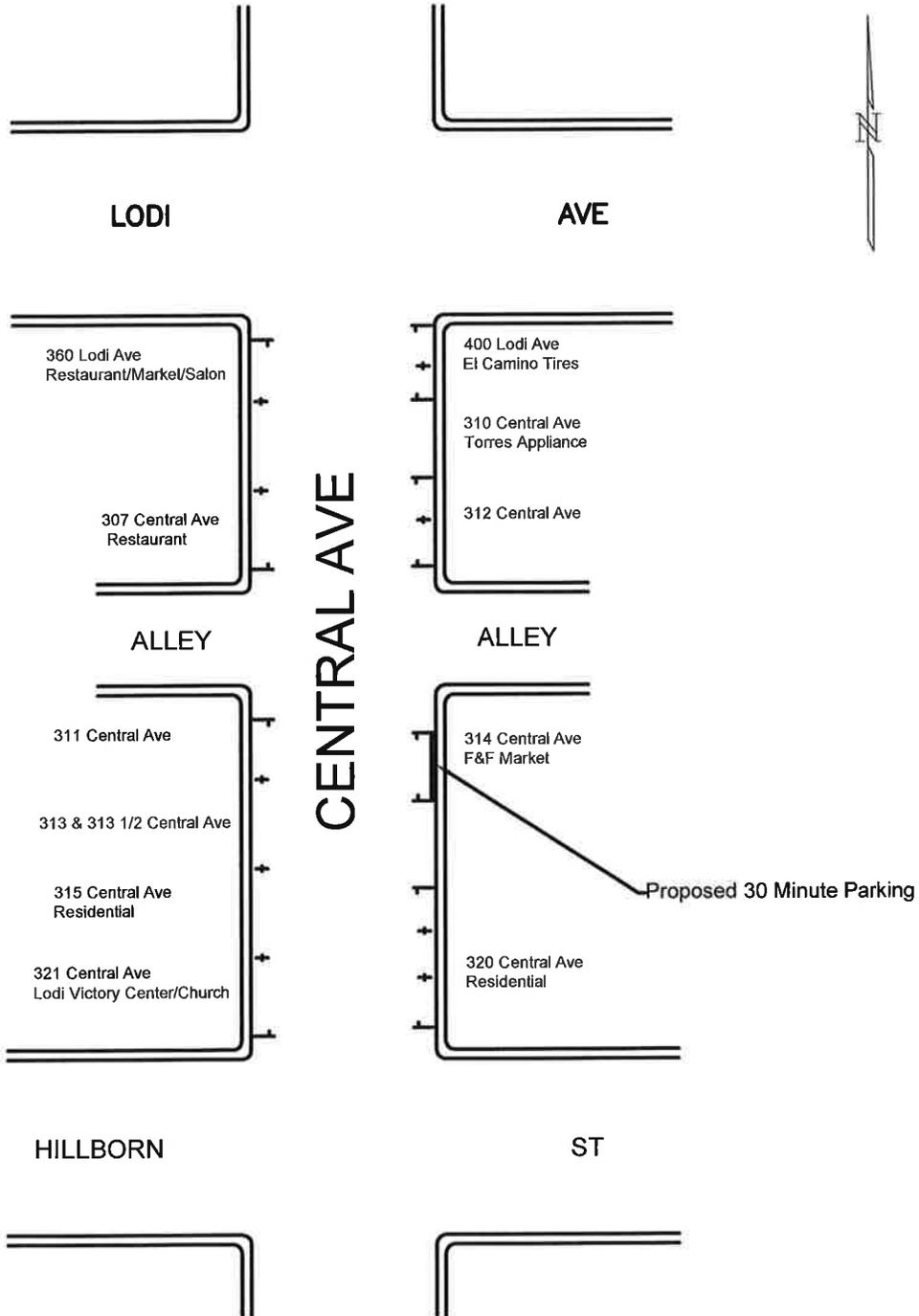
NAME (print)	SIGNATURE	ADDRESS	Property Owner	Tenant
<u>ANA</u>	<u>[Signature]</u>	400 E. Lodi Avenue		<input checked="" type="checkbox"/>
<u>Melesio Torres</u>	<u>[Signature]</u>	310 S. Central Avenue		<input checked="" type="checkbox"/>
<u>Abil Cie Hernandez</u>	<u>[Signature]</u>	312 S. Central Avenue		<input checked="" type="checkbox"/>
<u>FAZAL REHMAN</u>	<u>[Signature]</u>	314 S. Central Avenue		<input checked="" type="checkbox"/>
<u>David Palau</u>	<u>[Signature]</u>	316 S. Central Avenue		<input checked="" type="checkbox"/>
<u>David Valdez</u>	<u>[Signature]</u>	320 S. Central Avenue		<input checked="" type="checkbox"/>
<u>SAFDAR</u>	<u>SAFDAR</u>	360 E. Lodi Avenue	<input checked="" type="checkbox"/>	
<u>Fernando Bgudo</u>	<u>[Signature]</u>	307 S. Central Avenue		<input checked="" type="checkbox"/>
<u>S. Bellamy</u>	<u>[Signature]</u>	311 S. Central Avenue	<input checked="" type="checkbox"/>	
<u>S. Bellamy</u>	<u>[Signature]</u>	313 S. Central Avenue	<input checked="" type="checkbox"/>	
<u>S. Bellamy</u>	<u>[Signature]</u>	313 1/2 S. Central Ave	<input checked="" type="checkbox"/>	
<u>Pastor Ray Quash</u>	<u>RAY QUESADA</u>	321 S. Central Avenue	<input checked="" type="checkbox"/>	



CITY OF LODI

PUBLIC WORKS DEPARTMENT

Central Ave
170 ft. South of Lodi Ave.
Proposed 30 Minute Parking



Note: All existing parking stalls are all-day parking

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING 30-MINUTE PARKING ON THE EAST
SIDE OF CENTRAL AVENUE, 170 FEET SOUTH OF
LODI AVENUE (314 SOUTH CENTRAL AVENUE), AND
THEREBY AMENDING TRAFFIC RESOLUTION
NO. 97-148

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve 30-minute parking on the east side of Central Avenue, 170 feet south of Lodi Avenue (314 South Central Avenue), as shown on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED by the City Council that the City of Lodi Traffic Resolution No. 97-148, Section 3B (2) "Street Parking Restrictions" is hereby amended and added to as follows:

Section 3B (2):

Central Avenue (east side), 170 feet south of Lodi Avenue (314 South Central Avenue – 1 stall). Implement thirty-minute parking every day between the hours of 8 a.m. and 8 p.m.

Dated: January 16, 2013

=====

I hereby certify that Resolution No. 2013-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 16, 2013, by the following vote:

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

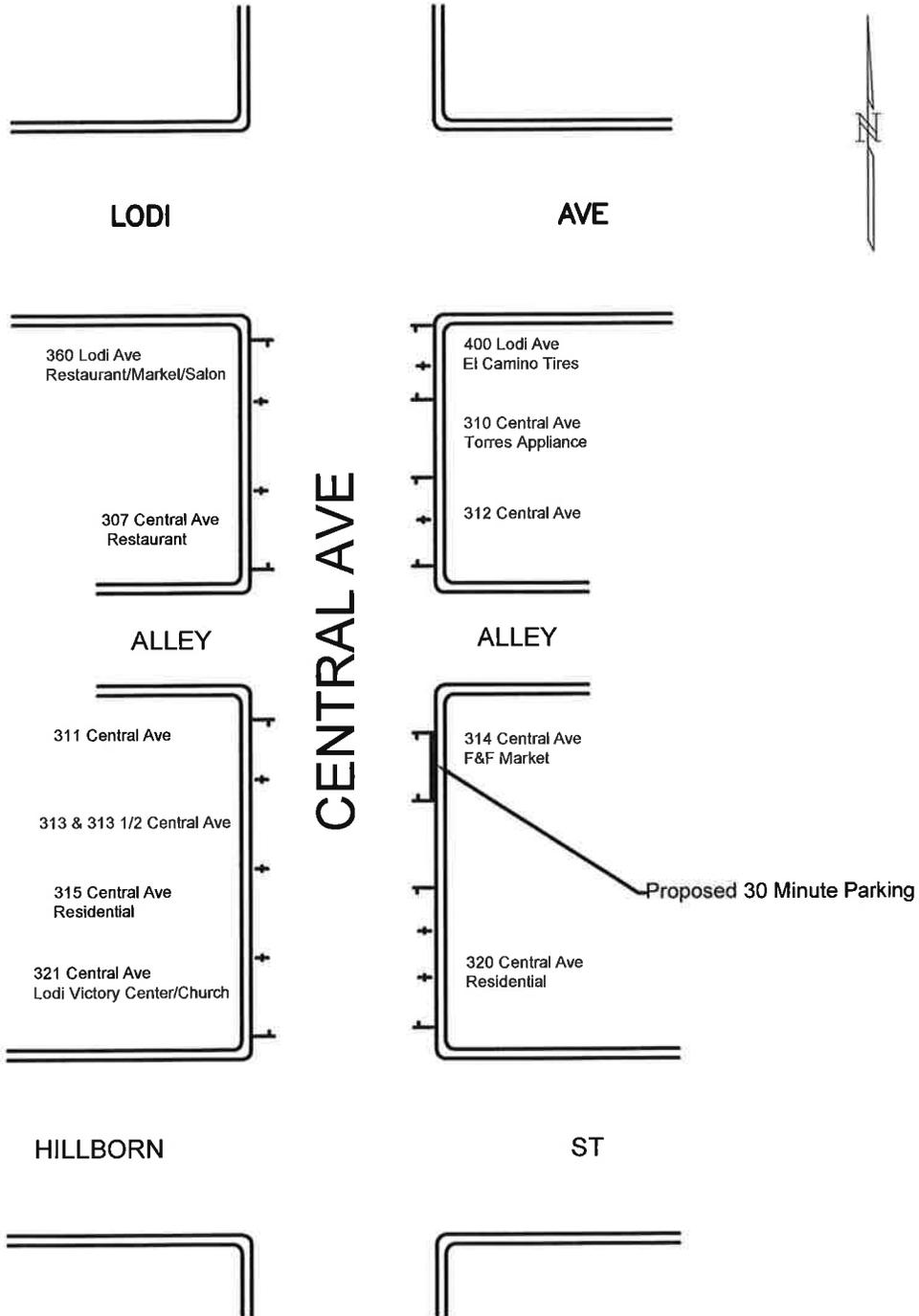
RANDI JOHL
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

Central Ave
170 ft. South of Lodi Ave.
Proposed 30 Minute Parking



Note: All existing parking stalls are all-day parking



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Approve Requested Change of Grant Conditions With Valley Performing Arts

MEETING DATE: January 16, 2013

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Approve requested change of grant conditions with Valley Performing Arts.

BACKGROUND INFORMATION: Valley Performing Arts (VPA), a nonprofit organization, received a City of Lodi Division of Arts and Culture Grant in 2010 for \$7,500, after the City Council approved the Lodi Arts Commission's (LAC) recommendation for award. These funds were intended to support a production of "Fiddler on the Roof" by Lodi Musical Theatre (LMT) in May 2011. Later in 2010, the director of LMT informed the LAC liaison that the group would not be able to fulfill its grant obligations because the theatrical rights to "Fiddler" were not available at that time.

Since then, LMT was informed by the City Manager that it would be able to use the grant funds for a future performance at Hutchins Street Square. While the original grant was for "Fiddler on the Roof," and rights to the show are now available, the group would now like to perform "Les Miserables."

On December 12, 2012, representatives from VPA and LMT attended the LAC meeting to ask permission to use the grant to perform "Les Miserables." Nicole Howton of LMT stated her group has acquired the rights to "Les Miserables" and is the only company in Northern California currently granted these rights. LMT plans to stage 14 performances at Hutchins Street Square in the fall of 2013, including three weekend public performances and many matinees for school groups. The LAC voted unanimously to recommend the City Council approve the requested change.

FISCAL IMPACT: \$7,500 from the 2010 grant, but no further funds are requested.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation and Cultural Services Director

JD/dkb

Attachments
cc:

APPROVED: _____
Konradt Bartlam, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing Use of Recreation Donation Funds for Skate Park Repairs and Appropriating Funds (\$6,500)

MEETING DATE: January 16, 2013

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Adopt resolution authorizing use of Recreation donation funds for skate park repairs and appropriating funds in the amount of \$6,500.

BACKGROUND INFORMATION: More than two decades ago, money was raised for a City-operated teen center. The funds (\$13,589.84) have been held in a Recreation Commission trust account for all these years.

A City teen center has not been built and the likelihood of a City-operated teen center being constructed or operated in the foreseeable future is essentially zero, especially with the Lodi Boys & Girls Club and the 180 Teen Center filling that role.

On December 4, 2012, the Recreation Commission voted unanimously (4-0) to release these funds to use at the Kofu Park Skate Park, stating the funds would benefit the intended users, mostly teenagers. Staff cannot locate any records specific to the source of the funds or any reason they should not be used to benefit the Skate Park. Interestingly, Recreation Commissioner Jeff Palmquist stated he had been part of a City committee of teenagers in 1992 who had investigated the potential for a teen center or location for teen activities. Mr. Palmquist said a skate park, potentially at Kofu Park, was one of the options considered at that time, and said using the donated funds for repairs at the existing skate park was consistent with the original goals.

Many of the features within the Skate Park are in need of repair due to heavy use. Staff believes about \$5,000 worth of immediate repairs are needed to replace worn ramp surfaces. Approximately \$1,500 is needed to repair a popular park feature that was placed into storage more than a year ago because it was deemed unsafe. Staff desires an appropriation of \$6,500 to cover these anticipated costs. Unspent funds will remain in the donations account until needed for significant skate park repairs, at which time the City Council will be asked to make an additional appropriation.

FISCAL IMPACT: Using donation funds will allow the Parks Division to make repairs that otherwise would not be done because of the impact on the operations budget.

FUNDING AVAILABLE: PRCS donation account 1410.2356.2

Jordan Ayers, Deputy City Manager

Jeff Hood
Parks, Recreation and Cultural Services Director

APPROVED: _____
Konradt Bartlam, City Manager

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO:	Internal Services Dept. - Budget Division		
3. FROM:	Jeff Hood	5. DATE:	1/2/13
4. DEPARTMENT/DIVISION:	PRCS/Parks Division		

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW					
	FUND #	BUS. UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	1410		2356.2	PRCS donations	\$6,500
B. USE OF FINANCING	347313		7331	Repairs to machinery/equipment	\$6,500

7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

Money held in trust for a Teen Center for more than 20 years will be used for Skate Park repairs, as teens are the most frequent users and the funds were meant to benefit teens. The Recreation Commission endorsed this plan, which includes replacing worn ramp material and repairing a popular skate park feature, at its Dec. 4, 2012 meeting.

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: _____ Res No: _____ Attach copy of resolution to this form.

Department Head Signature: _____

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager	Date
---	------

Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
USE OF RECREATION DONATION FUNDS FOR SKATE PARK
REPAIRS AND APPROPRIATING FUNDS (\$6,500)

=====

WHEREAS, the Parks, Recreation and Cultural Services Department holds \$13,589.84 in funds designated to benefit a City-owned teen center; and

WHEREAS, other organizations in the City provide services to teens and the City will not build a teen center in the foreseeable future; and

WHEREAS, a majority of Kofu Park Skate Park users are teenagers; and

WHEREAS, on December 4, 2012, the Recreation Commission recommended the City Council use all of these donated funds to make repairs as needed at the Kofu Park Skate Park; and

WHEREAS, the Parks Division estimates the ramps at the Kofu Park Skate Park needs repairs costing \$6,500 to benefit users.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the transfer of \$6,500 designated for a teen center in Donations Account No. 1410.2356.2 to revenue Account No. 3471.6153, and appropriates \$6,500 for Account No. 347313.7331 for Kofu Park Skate Park repairs.

Dated: January 16, 2013

=====

I hereby certify that Resolution No. 2013-_____ was passed and adopted by the Lodi City Council in a regular meeting held January 16, 2013, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



TM

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Selecting Harney Lane Grade Separation as Project Nomination for San Joaquin Council of Governments' One Voice Trip

MEETING DATE: January 16, 2013

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution selecting Harney Lane Grape Separation as project nomination for San Joaquin Council of Governments' One Voice trip.

BACKGROUND INFORMATION: The San Joaquin Council of Governments (SJCOG) is again developing regional priorities in preparation for the annual "One Voice" lobbying trip to Washington, D.C., in April 2013. The One Voice trip is an opportunity for all jurisdictions in the county to work cooperatively to secure federal funds.

City staff recommends requesting funds for a grade separation on Harney Lane at the Union Pacific Railroad tracks. This project is estimated to cost approximately \$20 million. One June 17, 2009, the City Council voted in favor of making Harney Lane its priority for Measure K railroad grade separation funding. With new development at Reynolds Ranch and projected growth in the region, Harney Lane will become an increasingly important east-west corridor for the City.

Motorists are currently subject to approximately 680 minutes of vehicle delay each day to trains on Harney Lane, and anticipated development will only increase this in the future, resulting in a greater potential for accidents. A grade separation will provide safe community access for all modes to transportation to nearby commercial centers and schools. Public safety will also be enhanced through improved response times for emergency vehicles, and vehicle emissions will be reduced as motorists can avoid delays waiting for trains to pass.

The City has commitments or expectations for \$16 million in funding through 2016 for this project, leaving a \$4 million shortfall that will be sought through the One Voice process.

The One Voice program began in 2000. The City has received funding for one project (\$400,000 for wastewater plant upgrades in 2004) out of \$64.2 million in awards to San Joaquin County.

FISCAL IMPACT: Award of funding for the Harney Lane grade separation would free transportation funds for other needed projects.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/pmf

APPROVED: _____
Konradt Bartlam, City Manager

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE LODI CITY COUNCIL
SELECTING HARNEY LANE GRADE SEPARATION AS
PROJECT NOMINATION FOR SAN JOAQUIN
COUNCIL OF GOVERNMENTS' ONE VOICE TRIP

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby select the Harney Lane Grade Separation as the project nomination for the San Joaquin Council of Governments' One Voice trip; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute the Local Jurisdiction Endorsement Form.

Dated: January 16, 2013

=====

I hereby certify that Resolution No. 2013-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 16, 2013, by the following vote:

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

RANDI JOHL
City Clerk

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.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointments to the Recreation Commission and San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee and Post for Vacancy on the Library Board of Trustees

MEETING DATE: January 16, 2013

PREPARED BY: City Clerk

RECOMMENDED ACTION: Concur with the appointments to the Recreation Commission and San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee and direct the City Clerk to post for vacancy on the Library Board of Trustees.

BACKGROUND INFORMATION: On October 17, 2012, the City Council directed the City Clerk to post for various expiring terms. The Mayor reviewed the applications, conducted interviews, and recommends that the City Council concur with the following appointments.

In addition, the City Council Protocol Manual states that any member who misses three consecutive regular meetings without leave of absence from the board or commission expressed in its official minutes shall be deemed to have vacated the office. One member of the Library Board of Trustees has missed in excess of that, and at the request of the Board (see attached minutes), it is recommended that the City Council direct the City Clerk to post for the vacancy below.

APPOINTMENT:

Recreation Commission

David Akin Term to expire December 31, 2016
Larry Long Term to expire December 31, 2016

NOTE: Four applicants (two seeking reappointment and two new applications); posting ordered 10/17/12; application deadline 11/19/12

San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee

Randall S. Blank Term to expire January 31, 2016

NOTE: One applicant (one seeking reappointment); posting ordered 10/17/12; application deadline 11/19/12

POSTING:

Library Board of Trustees

Stephen Paul Mackey Term to expire June 30, 2014

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

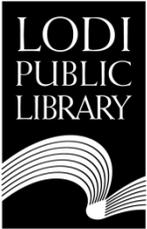
FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.

RJ/JMR

Randi Johl, City Clerk

APPROVED: _____
Konradt Bartlam, City Manager



Minutes
LODI PUBLIC LIBRARY BOARD OF TRUSTEES
SPECIAL MEETING
Monday, December 17, 2012

1) Call to Order – Roll Call

The Library Board of Trustees meeting was called to order by Trustee Casey at 6:05 pm.

Present: Trustees Kooger, Casey, Martin, and Costa

Absent: Trustee Mackey

Also Present: City Manager Bartlam, City Attorney Schwabauer, Library Services Director Martinez, Administrative Secretary Brage, S. Moroz, library employee Herrera

2) Announcement of Closed Session

a) Evaluation of Library Board Appointee: Interim Library Services Director--to include Appointment, Employment, Evaluation of Performance, Discipline, or Dismissal of a Public Employee. Government Code Section 54957(b)(1)

3) Adjourn to Closed Session

At 6:05 p.m., Trustee Casey adjourned the meeting to a Closed Session to discuss the above matter.

4) Return to Open Session/Disclosure of Action

At 6:16 p.m., Trustee Casey reconvened the Library Board meeting, and City Attorney Schwabauer disclosed the following actions.

Item 2a was discussion only with no reportable action.

City Attorney Schwabauer noted all trustees are present with the exception of Trustee Mackey. City Attorney Schwabauer understands this is Trustee Mackey's third consecutive unexcused absence and Trustee Mackey, therefore, is deemed resigned. City Attorney Schwabauer will notify the City Clerk's Office who will send notice the office is deemed vacant.

5) Approval of Minutes

The minutes of the regular meeting of November 12, 2012 were approved as distributed.

6) Comments by the Public on Agenda Items

No comments by the public.

7) Reports: Written

a) Financial –

Director Martinez reported revenues and expenses are basically on track given 45% of the year is elapsed. There are no significant over/under items with the exception of binding/duplication expenses which is being adjusted in the mid-year revisions.

Revenues are now on track after receiving a \$12,000 grant. Director Martinez noted last month we calculated revenues were about \$8,000 less than budgeted and it is hard to figure monthly as some items are received in lump sums.

b) Private Sector Report –

Private Sector investments dipped again last month.

Trustee Casey announced we received a Christmas card from Mr. Phillips.

c) Library Director's Report – N. Martinez

Referring to the Director's Report, Director Martinez asked if trustees had questions or wished to discuss any items.

- Trustee Kooger referred to item #2, regarding the \$5,800 quote to install cable. Director Martinez is working with Mark White in ISD to see if we can negotiate a better price. Mr. White also suggested hooking into the cable at City Hall and running it via the fiber optic line to the library might be a less costly solution. Director Martinez noted the library had cable to the community room, but Comcast is now only doing underground cable installations. City Manager Bartlam offered to look into the possibility of using PEG money to pay for the cable installation.
- In response to trustees, Director Martinez advised the Sirsi contract with Stockton will go to Stockton City Council for approval on January 15, 2013. It appears our cost will be a couple thousand less than last year and will have more features. One new feature is the Enterprise Discovery layer that will allow us to customize the patron catalog somewhat. We are also slated for a Sirsi software upgrade. Both upgrades will likely be made at the same time.
- Trustees noted the library visits were down in November. Director Martinez was not sure why, but thought it might be related to the holidays.

8) Reports: Oral

a) Friends of Lodi Public Library

Director Martinez reported the Friends took her to lunch to celebrate her upcoming retirement. They authorized the purchase of headphones and a contribution for tonight's retirement reception.

b) Lodi Public Library Foundation Report – Terry Costa

Trustee Costa was unable to attend the Foundation meeting. Director Martinez reported the Foundation mailed a “retiring library director’s plea for donations” letter to about 450 supporters. They also discussed a Summer 2013 fundraising event they hoped to hold at Bare Ranch which may not work out and they may pursue another venue.

Trustee Costa advised they formed a new Marketing Committee with Foundation Directors Louis Ponick and Cindy Chappell; and Library Board Liaison Terry Costa, and library employee Yvette Herrera.

9) Consent Calendar

a) Receive information on 2013 Library Volunteer of the Year selection process

Director Martinez advised the Volunteer of the Year selection process typically starts in January when nomination forms are distributed. The nominations are due in mid-February. If more than one nomination is received, a committee is formed typically composed of the library director, a current trustee and a former trustee. Secretary Brage will distribute the nomination forms at the January meeting.

10) Regular Calendar

a) Review of FY 12/13 Mid-Year Budget Adjustments to Revenue Projections and Estimated Expenditures

Director Martinez handed out a budget sheet with more accurate personnel estimates than what was included in the packet. She noted that many line item estimates are provided by Finance and she cannot adjust those numbers. Director Martinez advised she increased overtime and part-time budget line items because we may need to pay someone overtime to come in on holidays and empty the book drop (which she took care of). She also estimates the library will need additional hours to fill in on the reference desk once she and Library Services Manager Woodruff are retired. She also increased postage a bit to cover interlibrary loan mailings. Director Martinez advised there are not significant savings to put toward books.

- In reply to Trustee Kooger, Director Martinez advised there are no savings from her and Ms. Woodruff’s retirements. She also advised the revenue portion of the mid-year budget revisions are due tomorrow. The expenses portion of the mid-year budget adjustments are due January 3, 2013. City Manager Bartlam clarified the personnel costs are supplied by Finance and may not yet reflect any potential savings due to the retirements.

- In reply to Trustee Casey, Director Martinez advised at one point she thought she would need to adjust downward the revenues-fines & fees, but at this point it looks like those revenues are on target as originally budgeted and no mid-year adjustment was made.
- Director Martinez also included investment earnings (small amount) we expect to receive on the library's \$47,000 fund balance.
- In reply to Trustee Kooger, Director Martinez advised we have only spent \$6,200 of the book budget. She explained because the budget is so small, librarians are frugal with purchases plus we expect to receive rather large invoices from our periodicals jobber and for the databases we offer.
- In reply to Trustee Kooger, Director Martinez agreed there is an overall \$5,000 increase in the book budget and she is not sure where the offset came from. City Manager Bartlam noted it looks like there are some savings in the personnel section.

b) Receive Staffing and Scheduling Information

Director Martinez handed out a report on staffing and scheduling. Director Martinez explained the report includes explanations of full and part-time staffing needs, the percentage of time employees spend on the desk or in customer service. She noted full-time employees spend about 30% of their time at the customer service desks and part-time employees spend about 50-75%. One exception is the full-time Volunteer Services Coordinator who spends a high percentage of time in contact with the public.

Director Martinez noted the part-time budget is divided into three pools: 50 hours for Pages, 65 hours for Aides, and 50 hours for Librarian's Associates. When a former Senior Library Assistant left, we took that position and created a Volunteer Services Coordinator position and back-filled the SLA position with 25 part-time hours to more than cover the 15 hours the former SLA employee spent on the desk. Trustee Kooger noted that left a 15 hour deficit for backroom duties.

c) Consider Appointing Dean Gualco Interim Library Services Director

City Attorney Schwabauer reported Mr. Bartlam offered the services of Human Resources Manager Dean Gualco to the library as Interim Library Services Director with the understanding the library will fund one half of Mr. Gualco's salary. Mr. Gualco will also continue to Manage Human Resources for the City. City Attorney Schwabauer noted Mr. Gualco has a PhD in Education and significant experience in managing and human resources, but he does not have a degree in library sciences.

Motion: Trustee Kooger moved to appoint Dean Gualco as Interim Library Services Director as outlined by City Attorney Schwabauer (Mr. Gualco divides his time between the library and Human Resources and the library pays half of his salary). Trustee Costa seconded and the motion carried.

Discussion ensued. Trustee Casey asked if we know the amount of Mr. Gualco's pay the library will fund. City Manager Bartlam advised we do not know that figure but we can get it. Trustees Kooger and Casey expressed confidence in Mr. Gualco and his skills.

11) Comments by the Public on Non-Agenda Items

Darla Gunning of the California State Library asked trustees to keep her informed as they move forward in their search to find a permanent Library Director.

12) Comments by the Board Members on Non-Agenda Items

Trustees thanked Director Martinez for her many years of admirable service and wished her well.

Trustee Kooger asked that we add to the January agenda: Process for Selecting a New Library Director.

Trustee Casey stated that finding a new library director will be a priority and the goal is to have a new director in place by the beginning of the new fiscal year.

11) Adjournment

The meeting adjourned at 6:56 pm.

Respectfully submitted,

Scot Martin, Secretary
Board of Trustees
Lodi Public Library



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report
MEETING DATE: January 16, 2013
PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through December 31, 2012.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: See attached.

Randi Johl
City Clerk

RJ/JMR

Attachment

APPROVED: _____
Konradt Bartlam, City Manager

