



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: February 3, 2010

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 may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. Invocations are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Invocation 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. Pledge of Allegiance

C. Presentations

C-1 Awards – None

C-2 Proclamations – None

C-3 Presentations

a) Quarterly Update by the Greater Lodi Area Youth Commission (COM)

b) Presentation Regarding Carnegie Library Building Centennial, February 12, 2010 (LIB)

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

D-1 Receive Register of Claims in the Amount of \$4,580,772.92 (FIN)

D-2 Approve Minutes (CLK)

a) January 19, 2010 (Shirtsleeve Session)

b) January 20, 2010 (Regular Meeting)

c) January 26, 2010 (Shirtsleeve Session)

D-3 Accept Quarterly Investment Report as Required by Government Code Section 53646 and the City of Lodi Investment Policy (CM)

D-4 Accept Quarterly Report of Purchases Between \$5,000 and \$20,000 (CM)

D-5 Receive Report of Sale of Surplus Equipment (PW)

D-6 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Grapeline Bus Stop Improvements, Various Locations (PW)

D-7 Approve Documents and Authorize Advertisement for Request for Proposals for Municipal Service Center PBX Replacement Project (PW)

- Res. D-8 Adopt Resolution Authorizing the City Manager to Extend Agreement for General Liability Claims Adjusting and Administrative Services with D.B. Claims Services Group, Inc. (CM)
- Res. D-9 Adopt Resolution Approving Applications for Statewide Park Program Grant Funds (PR)
- D-10 Concur with Staff Requests Seeking Federal Assistance to Fund City Projects (CM)
- D-11 Set Public Hearing for February 17, 2010, to Consider Certification of Final Environmental Impact Report and Adoption of the General Plan (CD)

E. 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.

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

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

H. Public Hearings

- Res. H-1 Public Hearing to Consider the Approval of the Action Plan Amendment for the Reallocation of Available Community Development Block Grant and Community Development Block Grant – Recovery Program Funding (CD)
- Ord. H-2 Public Hearing to Consider Adopting an Uncodified Interim Urgency Ordinance Extending (Adopt Urgency) Interim Ordinance No. 1823, Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries (CA)

I. Communications

- I-1 Claims Filed Against the City of Lodi – None
- I-2 Appointments
- a) Post for One Vacancy on the Lodi Budget/Finance Committee (CLK)
- I-3 Miscellaneous – None

J. Regular Calendar

- Res. J-1 Adopt Resolution Appropriating \$39,000 for Replacement of Damaged Section of Play Structure at Century Park (to be Offset with Insurance Proceeds of Approximately \$14,000) (PR)
- Res. J-2 Adopt Resolution Authorizing the City Manager to Enter into a Third Amendment to World of Wonders Science Museum Lease (CM)
- J-3 Consider Approving the First “Mokelumne River Challenge” on June 12, 2010 (PR)

K. Ordinances – None

L. 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: Quarterly Update by the Greater Lodi Area Youth Commission

MEETING DATE: February 3, 2010

PREPARED BY: Brad Vander Hamm, LYC Liaison

RECOMMENDED ACTION: Receive quarterly update from Greater Lodi Area Youth Commission (LYC).

BACKGROUND INFORMATION: The LYC desires to stay more connected to the City Council and the community by having current commissioners provide a quarterly reports on the activities of the Commission and also recognize the following students that have been honored as Teen of the Month: December 2009, Cassandra Porter; January 2010, Kelsey Snell; and February 2010, Jill Mulrooney.

FISCAL IMPACT: None

FUNDING AVAILABLE: None

James M. Rodems
Community Center Director

Prepared by: Brad Vander Hamm, Liaison
Greater Lodi Area Youth Commission

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Carnegie Library Building Centennial--February 12, 2010
MEETING DATE: February 3, 2010
PREPARED BY: Nancy Martinez, Library Services Director

RECOMMENDED ACTION: None required

BACKGROUND INFORMATION: Library Services Director Nancy Martinez will present information on the centennial of Lodi's Carnegie Library dedicated on February 12, 1910.

FISCAL IMPACT: None

FUNDING AVAILABLE: None required

Nancy C. Martinez
Library Services Director

NM/sb

APPROVED: _____
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Receive Register of Claims through January 14, 2010 in the Total Amount of \$4,580,772.92

MEETING DATE: February 3, 2010

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$4,580,772.92.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$4,580,772.92 through 01/14/10. Also attached is Payroll in the amount of \$1,196,184.66.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable
Council Report

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Date - 01/19/10

As of Thursday	Fund	Name	Amount
01/14/10	00100	General Fund	934,537.52
	00120	Vehicle Replacement Fund	53,962.33
	00123	Info Systems Replacement Fund	414.29
	00160	Electric Utility Fund	2,138,966.13
	00161	Utility Outlay Reserve Fund	6,073.26
	00164	Public Benefits Fund	43,941.21
	00166	Solar Surcharge Fund	75,000.00
	00170	Waste Water Utility Fund	75,693.70
	00171	Waste Wtr Util-Capital Outlay	880.00
	00172	Waste Water Capital Reserve	15,886.35
	00173	IMF Wastewater Facilities	524.75
	00180	Water Utility Fund	25,345.07
	00181	Water Utility-Capital Outlay	228,192.78
	00182	IMF Water Facilities	1,248.85
	00210	Library Fund	10,079.15
	00211	Library Capital Account	1,195.06
	00230	Asset Seizure Fund	384.12
	00234	Local Law Enforce Block Grant	314.93
	00235	LPD-Public Safety Prog AB 1913	61.17
	00260	Internal Service/Equip Maint	29,662.39
	00270	Employee Benefits	462,006.96
	00310	Worker's Comp Insurance	30,063.57
	00320	Street Fund	31,248.37
	00321	Gas Tax	16,238.18
	00325	Measure K Funds	96,821.25
	00326	IMF Storm Facilities	49,410.00
	00330	RTIF County/COG	1,225.00
	00340	Comm Dev Special Rev Fund	6,480.49
	00345	Community Center	21,177.12
	00346	Recreation Fund	12,070.56
	00459	H U D	541.25
	00501	Lcr Assessment 95-1	1,392.80
	00502	L&L Dist Z1-Almond Estates	346.19
	00503	L&L Dist Z2-Century Meadows I	220.17
	00506	L&L Dist Z5-Legacy I,II,Kirst	569.78
	00507	L&L Dist Z6-The Villas	478.86
	00509	L&L Dist Z8-Vintage Oaks	185.24
	01211	Capital Outlay/General Fund	1,509.25
	01212	Parks & Rec Capital	6,049.88
	01218	IMF General Facilities-Adm	3,344.71
	01241	LTF-Pedestrian/Bike	875.00
	01250	Dial-a-Ride/Transportation	158,891.50
	01410	Expendable Trust	13,464.23

Sum			4,556,973.42
	00190	Central Plume	23,799.50

Sum			23,799.50

Total Sum			4,580,772.92

Council Report for Payroll

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	01/10/10	00100	General Fund	751,175.29
		00160	Electric Utility Fund	157,421.96
		00164	Public Benefits Fund	6,867.93
		00170	Waste Water Utility Fund	93,272.43
		00180	Water Utility Fund	283.92
		00210	Library Fund	27,714.41
		00235	LPD-Public Safety Prog AB 1913	1,983.95
		00260	Internal Service/Equip Maint	21,634.01
		00321	Gas Tax	42,687.29
		00340	Comm Dev Special Rev Fund	21,098.40
		00345	Community Center	29,432.76
		00346	Recreation Fund	36,287.53
		01250	Dial-a-Ride/Transportation	6,324.78
Pay Period Total:				
Sum				1,196,184.66



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) January 19, 2010 (Shirtsleeve Session)
b) January 20, 2010 (Regular Meeting)
c) January 26, 2010 (Shirtsleeve Session)

MEETING DATE: February 3, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) January 19, 2010 (Shirtsleeve Session)
b) January 20, 2010 (Regular Meeting)
c) January 26, 2010 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes marked Exhibit A through C.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 19, 2010**

The January 19, 2010, 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 20, 2010**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of January 20, 2010, was called to order by Mayor Katzakian at 6:15 p.m.

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

Absent: None

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

C-2 Announcement of Closed Session

- a) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Alexis Gribaudo, a Minor, against City of Lodi Based on Personal Injuries
- b) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Carlos Romero, Adriana Romero, and Leandra Romero, a Minor, against City of Lodi Based on Personal Injuries
- c) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Lodi City Mid-Management Association and Police Mid-Managers Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:15 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:50 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:01 p.m., Mayor Katzakian reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

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

A. Call to Order / Roll call

The Regular City Council meeting of January 20, 2010, was called to order by Mayor Katzakian at 7:01 p.m.

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

Absent: None

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

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations - None

C-3 Presentations - None

D. 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 Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-1 Receive Register of Claims in the Amount of \$6,599,004.11 (FIN)

Claims were approved in the amount of \$6,599,004.11.

D-2 Approve Minutes (CLK)

The minutes of January 5, 2010 (Shirtsleeve Session), January 6, 2010 (Regular Meeting), and January 12, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Specifications and Authorize Advertisement for Bids for Pad-Mounted Liquid-Insulated Vacuum Switchgear (EUD)

Approved the specifications and authorized advertisement for bids for pad-mounted liquid-insulated vacuum switchgear.

D-4 Approve the Following Actions Related to the Purchase and Installation of Automated Residential Electric Meters: (a) Adopt Resolution Authorizing the City Manager to Purchase ITRON Solid-State Meters from General Pacific, of Portland, OR, and Appropriate Funds (\$360,000); (b) Approve Installation Specifications; and (c) Authorize Advertisement for Bids for Installation of Automated Residential Electric Meters (EUD)

Adopted Resolution No. 2010-02 authorizing the City Manager to purchase ITRON solid-state meters from General Pacific, of Portland, OR, and appropriated funds in the amount of \$360,000; and approved installation of specifications and authorized advertisement for bids for installation of automated residential electric meters.

D-5 Adopt Resolution Awarding Contract for Water Main Replacement Program, Project No. 3, to D.A. Wood Construction, Inc., of Empire (\$707,516), and Appropriating Funds (\$850,000) (PW)

Adopted Resolution No. 2010-03 awarding contract for Water Main Replacement Program, Project No. 3, to D.A. Wood Construction, Inc., of Empire, in the amount \$707,516, and appropriating funds in the amount of \$850,000.

- D-6 Adopt Resolution Approving Submittal of the Program Expenditure Plan to San Joaquin Council of Governments and Caltrans for Proposition 1B Transit Program Funds and Authorizing Transportation Manager to Submit All Necessary Paperwork (PW)

Adopted Resolution No. 2010-04 approving submittal of the Program Expenditure Plan to San Joaquin Council of Governments and Caltrans for Proposition 1B Transit Program funds and authorizing Transportation Manager to submit all necessary paperwork.

- D-7 Authorize City Clerk to Grant Application for Leave to Present a Late Claim Filed on Behalf of Alexis Gribaudo, a Minor, Pursuant to Government Code §911.6(b)(2) (CA)

Authorized the City Clerk to grant Application for Leave to Present a Late Claim filed on behalf of Alexis Gribaudo, a minor, pursuant to Government Code §911.6(b)(2).

- D-8 Authorize City Clerk to Grant Application for Leave to Present a Late Claim Filed on Behalf of Leandra Romero, a Minor, Pursuant to Government Code §911.6(b)(2) and Authorize City Clerk to Deny Applications for Leave to Present Late Claims Filed on Behalf of Carlos Romero and Adriana Romero Pursuant to Government Code §911.6(a) (CA)

Authorized the City Clerk to grant Application for Leave to Present a Late Claim filed on behalf of Leandra Romero, a minor, pursuant to Government Code §911.6(b)(2) and authorized the City Clerk to deny Applications for Leave to Present Late Claims filed on behalf of Carlos Romero and Adriana Romero pursuant to Government Code §911.6(a).

- D-9 Adopt Resolution Approving Bylaw Changes for the Greater Lodi Area Youth Commission (COM)

Adopted Resolution No. 2010-05 approving bylaw changes for the Greater Lodi Area Youth Commission.

- D-10 Affirm Project Nominations for San Joaquin Council of Governments' One Voice Trip (CM)

Affirmed the project nominations for San Joaquin Council of Governments' One Voice trip.

- D-11 Consider Authorizing the Mayor to Enter a Memorandum of Understanding with Public Agencies from Merced to Sacramento County to Jointly Plan and Develop Improved Regional Passenger Rail Transportation (CD)

Authorized the Mayor to enter a Memorandum of Understanding with public agencies from Merced to Sacramento County to jointly plan and develop improved regional passenger rail transportation.

- E. 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.

Tom Reed, representing the local Church of Latter Day Saints, reported on the mobilization of its

organization and others to assist on the Statewide day of service on May 8, 2010, in an effort to renew and help with local parks in the City.

Robin Rushing spoke in regard to his concern about the need to place a bench and bus shelter near the Hollywood Video by Lower Sacramento and Kettleman Lane.

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

Council Member Mounce asked staff to look into options for placing a bench and cover near the Hollywood Video site.

Council Member Hansen reported on his attendance at the San Joaquin Council of Governments meetings and specifically discussed the improvements to the French Camp interchange, widening of I-5 from Country Club Boulevard to Hammer Lane, State's commitment to replace the freeway as a part of the improvements, approval of the San Joaquin blueprint, and Martin Luther King Day celebration at Millswood School.

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

City Manager King reported that the Wal-Mart property is owned by Daryl Browman, there is fundamental agreement on the need for a bus shelter at that location, and the City must obtain an easement from the property owner. Mr. Sandelin stated an agreement for various bus shelters will be coming to Council shortly and it will include the Wal-Mart site as well.

In response to Council Members Mounce and Johnson, Mr. King stated the City does not have a shopping cart ordinance and provided an overview of how other communities address displaced shopping carts.

In response to Council Member Hansen, Mr. King stated staff can communicate with the property owners to better maintain the shopping carts on their site. Mr. King stated staff will bring back additional information on the status of the shopping cart ordinance.

In response to Council Member Hitchcock, Mr. King stated from observation it appears that the sidewalk is clean and the shopping carts are being turned over for seating and congregating behind the walk.

H. Public Hearings - None

I. Communications

I-1 Claims Filed Against the City of Lodi - None

I-2 Appointments

- a) Appointments to the Library Board of Trustees: Frankie Paul Kooger; Lodi Animal Advisory Commission: Phillip Laughlin; Lodi Arts Commission: Teri Turrentine; Lodi Senior Citizens Commission: Winona Ellwein; San Joaquin County Mosquito & Vector Control District: Jack Fiori; San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee: Randall Blank; and Site Plan and Architectural Review Committee: Mitchell Slater; and Direct City Clerk to Post for Remaining Vacancies (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to make the following appointments and direct the City Clerk to post for the remaining vacancies shown below:

APPOINTMENTS:

Library Board of Trustees

Frankie Paul Kooger, Term to expire June 30, 2012

Lodi Animal Advisory Commission

Phillip Laughlin, Term to expire December 31, 2012

Lodi Arts Commission

Teri Turrentine, Term to expire July 1, 2010

Lodi Senior Citizens Commission

Winona Ellwein, Term to expire December 31, 2013

San Joaquin County Mosquito & Vector Control District

Jack Fiori, Term to expire December 31, 2013

San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee

Randall Blank, Primary, Term to expire January 31, 2013

Site Plan and Architectural Review Committee

Mitchell Slater, Term to expire January 1, 2014

POSTING:

Lodi Animal Advisory Commission

One Vacancy, Term to expire December 31, 2010

One Vacancy, Term to expire December 31, 2012

Lodi Senior Citizens Commission

One Vacancy, Term to expire December 31, 2013

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

- b) Post for One Expiring Term on Lodi Improvement Committee and One Vacancy on Lodi Budget/Finance Committee (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Hitchcock, to direct the City Clerk to post for the following expiring term and vacancy:

Lodi Improvement Committee

Sunil Yadav, Term to expire March 1, 2010

Lodi Budget/Finance Committee

Bud Mullanix, Term to expire June 30, 2013

VOTE:

The above motion carried by the following vote:

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

Noes: None
Absent: None

I-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Johnson, to approve the cumulative Monthly Protocol Account Report through December 31, 2009.

VOTE:

The above motion carried by the following vote:

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

Noes: None
Absent: None

J. Regular Calendar

J-1 Adopt Resolution Approving Fiscal Year 2009/10 Mid-Year Budget Adjustments (CM)

City Manager King and Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the fiscal year 2009/2010 mid-year budget update. Specific topics of discussion included struggling local economy, unemployment rate, foreclosures, sales trends, State budget shortfalls, General Fund status for mid-year, \$64,000 shortfall anticipated, no further additional employee contributions but extending current concessions, General Fund activities, dependent activities, General Fund revenues, unreserved General Fund balances, top General Fund revenues, revenues versus expenditures, continued monitoring, ongoing efficiencies, decreased services, fewer budgeted positions, workforce reductions through early retirements, Public Works department reorganization, status of utility and other funds, Memorandums of Understanding with various groups, Public Employees Retirement System rate increases, and summary of mid-year budget status.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the good news is that the number of foreclosures is coming down and the City average of foreclosures is lower than other cities in the County including Lathrop.

In response to Council Member Hansen, Mr. Ayers stated looking forward to 2010-2011 he is not sure what the Vehicle License Fees numbers will be in the future but the current year will be about \$200,000 higher than anticipated. Further, Mr. King stated staff has had continuing dialogue with the property owners of the former car dealerships and their efforts with respect to those sites.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated he is not sure what the specifics are with respect to speculating that some larger manufactures may be pushing out the smaller dealerships while supporting specific larger businesses. General discussion ensued regarding the same.

In response to Council Member Hansen, Mr. Ayers stated citizens are made aware that they can pay the bill online through large signs inside and outside the finance office, online on the website, and on the billing itself.

In response to Council Member Hansen, Mr. King and Police Chief Main stated National Night Out was not canceled, there was heavy coordination through the Police Department previously,

and staff will look into options associated with participating in a scaled-back version of National Night Out in the future.

In response to Council Member Mounce, Mr. Ayers stated seven cities were surveyed with respect to the central store services function. Mr. King provided an overview of how the central store concept started and evolved over the years. Council Member Mounce suggested moving costs to different funds and leaving the services in the same physical location at the Municipal Services Center.

In response to Council Member Johnson, the AFSCME representative stated Mr. Ayers discussed the relevant change with three employees and there has not been further discussions of job duties and changes since that time. Mr. King stated it is his understanding that meet and confer has occurred and a specific agreement is not necessary, and the general purchasing duties will remain the same.

In response to Council Member Mounce, Mr. Ayers stated the one position will move to Finance and the title will remain Purchasing Technician and some modifications will be made based on the elimination of the central store concept and realigning the duties with the positions for the "new normal." Further, Mr. Ayers stated theoretically Council could keep the central store function if they chose and assign the costs accordingly.

In response to Council Member Hitchcock, Mr. Ayers stated the bulk of the purchasing work is done for the Electric Utility Department so that department would be the lead department with cost sharing from wastewater.

In response to Council Member Hansen, Mr. Ayers stated the change is proposed for operational efficiency, the central store concept will be eliminated, and purchases would be drop shipped directly to the department and not a central location. Human Resources Manager Dean Gualco stated AFSCME has not objected to the move, there is some concern about the duties, staff does not anticipate classification will change although some tasks may change, and there will be no material change in the job description.

In response to Council Member Mounce, Mr. King stated many departments already engage in their own purchasing and therefore the efficiency is suggested.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated for the Public Works reorganization, three positions are eliminated, certain positions are not back-filled, and there is a need for a registered City Engineer. Mr. Sandelin stated the proposal eliminates one more manager at a savings of \$30,000, and the positions that are to move up are already working out of their classification.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated out of class duties for the laboratory supervisor would include preparing monitoring reports for the various agencies and performing monitoring and permitting related tasks.

Sherry Moroz spoke in regard to the history and status of the purchasing department and central store function for accounting and cost effective purposes. Ms. Moroz stated AFSCME supports the two position changes proposed in the Public Works Department.

Randy Lipelt spoke in regard to who is going to handle the inventoried supplies, and how, after the central store function is eliminated.

Robin Rushing spoke in regard to his concerns about the elimination of the central store concept and how it will affect competitive purchase prices.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-06 approving the Fiscal Year 2009/10 mid-year budget adjustment with respect to the decentralization of the purchasing function.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-06 approving the Fiscal Year 2009/10 mid-year budget adjustment with respect to the reorganization of the Public Works Department.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, and Mayor Katzakian

Noes: Council Member Mounce, and Mayor Pro Tempore Hitchcock

Absent: None

Council Member Hansen made a motion, second by Mayor Katzakian, to adopt Resolution No. 2010-06 approving the Fiscal Year 2009/10 mid-year budget adjustment with respect to increasing the estimate of revenue in the Wastewater Fund.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-2 Provide Direction to Staff to Resolve Unpermitted Sidewalk Removal at 1032 Laurel Avenue (PW)

City Manager King briefly introduced the subject matter of the sidewalk removal issue at 1032 Laurel Avenue.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the current status of subject site as illustrated in various pictures and specifically discussed alternatives including property owner replacement of the sidewalk, selling the right of way to the property owner, and exchanging the right of way for ramp improvements at Turner Road.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated the requirement condition of sale would be reciprocal in exchange for maintaining the street and providing access. He stated the question is whether there is an interest to allow the private drive to serve three residences instead of the current two residences.

In response to Council Member Johnson, Mr. Schwabauer stated the appraisal would be completed at the purchaser's expense.

Sharon Hughes, the property owner at 1032 Laurel Avenue, stated both she and her neighbors would prefer to have the three residence private street.

In response to Council Member Hansen, Mr. Sandelin stated the estimated cost to replace the sidewalk is \$4,000. Mrs. Hughes stated neighbors are not objecting and she would like to purchase the property if she can afford it. She also stated that people continue to park along the street even though it is prohibited and signage is in place.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated selling a right of way for improvements does not traditionally require appraisals. Mr. King stated the City will make an attempt to obtain the estimated value and have the property owner make up the difference. Further, Mr. Schwabauer stated the value will be what the property is worth on the market. He stated factors considered in determining the value include temporary easement costs, construction and nuisance payments, and other related costs.

Council Member Hansen made a motion, second by Council Member Mounce, to direct staff to pursue an option to exchange the right of way for ramp improvements at Turner Road and obtain the necessary appraisal.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: Mayor Pro Tempore Hitchcock

Absent: None

J-3 Discussion Regarding the Timing of the Collection of Impact Fees (CD)

Interim Community Development Director Rad Bartlam provided a brief presentation regarding the current timing of the impact fees. Mr. Bartlam specifically discussed the various impact fees charged for new development, current program establishment in 1992 as a result of the current General Plan, fees covering capital costs for new development, fees currently collected at building permit issuance, suggestion that fees be deferred until certificate of occupancy, no change in dollar amount per se, change for time of collection, and fair argument for both sides of when actual impact occurs.

In response to Council Member Johnson, Mr. Bartlam stated the worst case scenario would be a family who is building a dream home and cannot move into the home because the relevant person administering the certificate of occupancy and charged with collecting the impact fees is not available. Mr. Bartlam stated the certificate of occupancy does not have anything to do with if the builder moves in, but rather that the structure is ready to occupy. He stated the concern is less with a professional developer versus an individual builder.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated he has not seen many incidents specific to this issue but it is not uncommon to find that during the final inspection people are ready to move in but fees cannot be collected and some people move in without the certificate of occupancy. Further, Mr. Bartlam stated there really is not another trigger point in the middle of the process for residential developments where the fees can be collected.

In response to Council Member Hansen, Mr. Bartlam stated Council could modify the timing now, place a sunset on the timing, and change it back later when conditions improve.

John Beckman, representing the Building Industry Association, provided an overview of the current status of development, considerations of fee reductions and fee deferrals in other communities, and discussed the city of Manteca where fee reductions are being considered.

Council Member Mounce made a motion, second by Council Member Johnson, to direct staff to prepare an ordinance, with a sunset clause of three years, allowing for impact fees to be collected at the time the certificate of occupancy is issued.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-4 Authorize City Manager to Execute Addendum to the 2008-2009 Memorandum of Understanding Between the City of Lodi and the Lodi City Mid-Management Association (CM)

City Manager King briefly summarized the addendum to the Memorandum of Understanding specifically discussing the one-year term, reopener if there is an across the board increase, opt-out language on medical similar to other groups, and tuition reimbursement.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to authorize the City Manager to execute addendum to the 2008-2009 Memorandum of Understanding between the City of Lodi and the Lodi City Mid-Management Association.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-5 Set Public Hearing for February 3, 2010, to Extend Interim Ordinance No. 1823, an Uncodified Interim Urgency Ordinance Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries in the City of Lodi (CA)

Deputy City Attorney Magdich provided an overview of the status of the current moratorium on the establishment or operation of medical marijuana dispensaries.

In response to Council Member Hansen, Ms. Magdich stated the petition on the subject matter, which has yet to qualify, pertains to recreational use and not medical use of marijuana.

In response to Mayor Pro Tempore Hitchcock, Ms. Magdich stated the current temporary moratorium ends in April 2010 and the City can extend the moratorium for one additional year.

Robin Rushing spoke in favor of allowing medical marijuana dispensaries in the City to treat a variety of illnesses and bring revenue. In response to Council Member Johnson, Mr. Rushing stated illnesses could include cancer, diabetes, foot pain, arthritis, and anxiety among others.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to set public hearing for February 3, 2010, to extend interim Ordinance No. 1823, an uncodified interim urgency ordinance imposing a temporary moratorium on the establishment or operation of medical marijuana dispensaries in the City of Lodi.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-6 Adopt Resolution Approving the First Amendment to Consultant Contract with the Bartlam Group to Extend Konradt Bartlam's Services as Community Development Director for an Additional 12 Months (CM)

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-07 approving the first amendment to consultant contract with the Bartlam Group to extend Konradt Bartlam's services as Community Development Director for an additional 12 months.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-7 Adopt Resolution Ratifying Employment Agreement Entered into Between City Manager Blair King and Fire Chief Kevin Donnelly (CM)

In response to Council Member Mounce, Mr. King confirmed that the 10% differential is automatic if someone comes up from beneath and there is a six-month severance clause.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the previous Fire Chief salary was approximately \$138,000, incentives are included in a command position, and the Police Chief also has the mandatory differential language.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-08 ratifying employment agreement entered into between City Manager Blair King and Fire Chief Kevin Donnelly.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, and Mayor Katzakian

Noes: Council Member Mounce, and Mayor Pro Tempore Hitchcock

Absent: None

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:01 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 26, 2010**

The January 26, 2010, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept the Quarterly Investment Report as Required by Government Code Section 53646 and the City of Lodi Investment Policy

MEETING DATE: February 3, 2010

PREPARED BY: Deputy City Manager

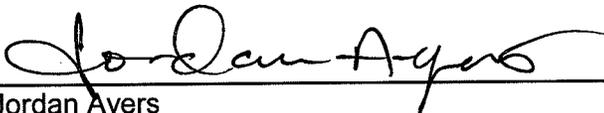
RECOMMENDED ACTION: Accept the Quarterly Investment Report as required by Government Code Section 53646 and the City of Lodi Investment Policy.

BACKGROUND INFORMATION: Government Code Section 53646 and the City of Lodi Investment Policy require that local agency treasurers submit a quarterly report on investments to the legislative body of the local agency.

The total of all invested funds as of the quarter ending December 31, 2009 is \$67,923,356.51. The average annualized return on all invested funds over the quarter has been 0.63%.

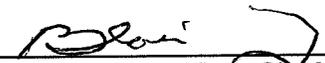
FISCAL IMPACT: N/A

FUNDING AVAILABLE: As per attached report.



Jordan Ayers
Treasurer

Attachment

APPROVED: 

Blair King, City Manager



**CITY OF LODI
INTERNAL SERVICES DEPARTMENT
BUDGET DIVISION**

December 31, 2009 INVESTMENT STATEMENT

Local Agency Investment Funds *	84% of Portfolio	
Average interest earnings as of 12-31-09	0.60%	
LODI	Local Agency Inv Fund (LODI)	\$33,105,398.99
LPIC	Local Agency Inv Fund (LPIC)	23,961,837.75
	Subtotal LAIF	57,067,236.74
Certificates of Deposit	0.15% of Portfolio	
SYS75 - matures 12/21/09	Bank of America (cost) 0.25% int.	100,000.00
	Subtotal CD	100,000.00
Passbook/Checking Accounts	15.85% of Portfolio	
Farmers & Merchants	demand account - no interest earnings	**1,214,141.00
Farmers & Merchants - Money Mkt.	0.76% interest earnings	1,366,608.36
Farmers & Merchants - Payroll	demand account - no interest earnings	85,476.87
Farmers & Merchants - Central Plume	demand account - no interest earnings	22,211.48
Farmers & Merchants - CP Money Mkt.	0.76% interest earnings	8,067,682.06
	Subtotal P/C Accts	10,756,119.77
	 TOTAL	 \$67,923,356.51

Based on the approved budget and to the extent the budget is adhered to, liquidity is available, and the City will be able to meet its expenditure requirements for the next six months. This portfolio is in compliance with the City of Lodi Investment Policy.

Kirk J Evans
Management Analyst

01/22/10
Date

* In accordance with the terms of the Local Agency Investment Fund, invested funds may be utilized on the same day if transaction is initiated before 10:00 a.m.

** This amount was necessary in order to cover outstanding checks



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Quarterly Report of Purchases Between \$5,000 and \$20,000

MEETING DATE: February 3, 2010

PREPARED BY: Randy Lipelt, Buyer

RECOMMENDED ACTION: Information only. This report is made to the City Council in accordance with Lodi Municipal Code §2.12.060.

BACKGROUND INFORMATION: During the 4th calendar quarter of 2009, the following purchases were awarded. Background information for each purchase is attached as Exhibits A through X.

Exh	Date	Contractor	Project	Award Amt.
A	10/01/09	Asher Company	Animal Shelter Kennel Flooring	\$7,061.65
B	10/06/09	Xerox Corporation	#20lb Bond White Paper 8.5" X 11"	\$7,816.95
C	10/06/09	Smalley's Wholesale	Police Ammunition	\$6,024.75
D	10/07/09	PAC Machine Company Inc	White Slough Submersible Pump	\$5,531.19
E	10/07/09	Survalent Technology	SCADA software support	\$11,150.00
F	10/07/09	General Pacific	AMR Project	\$10,875.00
G	10/19/09	North Pacific Lumber	Wood Poles for Electric Inventory	\$16,018.88
H	10/21/09	VWR International LLC	White Slough Laboratory Glassware Washer Replacement	\$5,748.67
I	10/29/09	3T Equipment	Water/Wastewater Division Main Line Cable Reel Replacement	\$12,038.13
J	11/03/09	Mechanical Analysis Repair	Well #17R Motor Replacement	\$6,371.00
K	11/03/09	Koffler Electrical	Well 4R Motor Replacement	\$10,436.74
L	11/04/09	Casey Printing	The City of Lodi-Community Activity Guide	\$7,863.00
M	11/10/09	Electrical Protection Inc.	City Hall Fire Alarm System Replacement	\$11,378.00
N	11/17/09	General Pacific	Meter Locking Rings & Marking Paint	\$6,564.59
O	11/20/09	Dell Marketing	Personal Computers	\$16,082.75
P	11/23/09	Geo E Honn	Power Quality Meter	\$7,193.00
Q	11/30/09	Milsoft Utility Solutions	Engineering Software Pass Key	\$10,331.25
R	12/02/09	MIG-Moore Iacofano Goltsman	Lodi Avenue Gateway Project	\$9,870.00
S	12/07/09	Jensen Precast	Electric Utility Vault Risers & Lids	\$19,433.63
T	12/08/09	Paragon Pools	Pool Pump Replacement	\$7,550.00
U	12/16/09	Proglass Inc	Electric Utility Module Box Pads	\$5,198.58
V	12/21/09	Jensen Precast	Electric Utility Vault Lids	\$14,811.75
W	12/22/09	Brown & Caldwell	G Basin (DeBenedetti Park) Storm Water Pump Station	\$10,000.00
X	12/22/09	Envelope Products Company	Utility Bill/Payment Envelopes/Letterhead Envelopes/Accounting Envelopes	\$5,319.35

FISCAL IMPACT: Varies by project. All purchases were budgeted in the 2009-10 Financial Plan.

FUNDING: Funding as indicated on Exhibits.

Jordan Ayers
Deputy City Manager/Internal Services Director

APPROVED: _____
Blair King, City Manager

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Animal Shelter Kennel Flooring
DEPARTMENT: Police Department
CONTRACTOR ASHER COMPANY
AWARD AMOUNT: \$7,061.65
DATE OF RECOMMENDATION: October 1, 2009

BIDS OR PROPOSALS RECEIVED:

Asher Company	\$7,061.65
C&L Coatings, Inc.	\$36,890.00
The Floorman	\$6,500.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Asher Company completed flooring in the cat room at the Animal Shelter in March, 2009. Due to the quality of their work, and to ensure we maintain the same flooring throughout the facility we are recommending Asher be awarded the contract. Asher Company agreed initially to help clear the space. It was unknown if the Floorman would offer this assistance.

FUNDING: 1211016.1820

Prepared by: Jeanie Biskup

Title: Support Services Manager

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: 20# Bond White Paper, 8.5x11
DEPARTMENT: Stores Inventory
CONTRACTOR Xerox
AWARD AMOUNT: \$7,816.95
DATE OF RECOMMENDATION: October 6, 2009

BIDS OR PROPOSALS RECEIVED:

Xerox	\$7,816.95
The Office City	\$8,725.23
OfficeMax	\$9,723.36
Staples	\$10,473.30

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

This is a routine inventory order to be stored in a controlled climate environment in the Purchasing Division.

FUNDING: 100.1447

Prepared by: Sherry R. Moroz

Title: Purchasing Technician

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Police Ammunition
DEPARTMENT: Police Department
CONTRACTOR Smalley's Wholesale Inc
AWARD AMOUNT: \$6,024.75
DATE OF RECOMMENDATION: October 6, 2009

BIDS OR PROPOSALS RECEIVED:
Smalley's Wholesale Inc \$6,024.75

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Ammunition supplied by the vendor meets the needs of the department in quality and performance. Vendor provides free delivery service saving 500.00 to \$600.00 on each order.

FUNDING:

Prepared by: Jeanie Biskup

Title: Support Services Manager

Reviewed by: _____

Recommendation for Contract Award

PROJECT NAME: White Slough Submersible Pump
DEPARTMENT: Public Works
CONTRACTOR PAC Machine Company Inc.
AWARD AMOUNT: \$5,531.19
DATE OF RECOMMENDATION: October 7, 2009

BIDS OR PROPOSALS RECEIVED:

PAC Machine Company Inc.	\$5,531.19
San Francisco Pump Repair	\$5,867.06

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

The submersible pump being requested is to be utilized by White Slough Maintenance staff during routine and emergency repairs. This pump will allow them to drain the process tanks quicker to expedite the project. Currently staff utilizes pumps with combustion motors. This created potential hazards from the exhaust. The pump being requested can also be used as a back up pumping source for other process pump failures.

FUNDING: 170403.7331

Prepared by: Del Kerlin

Title: Wastewater Treatment Superintendent

Reviewed by: _____

Recommendation for Contract Award

PROJECT NAME: SCADA Software Support
DEPARTMENT: Electric Utility
CONTRACTOR Survalent Technology
AWARD AMOUNT: \$11,150.00
DATE OF RECOMMENDATION: October 07, 2009

BIDS OR PROPOSALS RECEIVED:
Survalent Technology \$11,150.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Survalent Technology provides the SCADA system that controls the Water, Electric and Storm Lift Stations. An annual service agreement ensure our staff with technical support and software updates. This is a 12 month annual service agreement.

FUNDING: 160653.7335

Prepared by: Abel Palacio Sr.

Title: Utility Operations Supervisor

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Automated Meter Reading Project
DEPARTMENT: Electric Utility
CONTRACTOR General Pacific
AWARD AMOUNT: \$10,875.00
DATE OF RECOMMENDATION: October 7, 2009

BIDS OR PROPOSALS RECEIVED:
General Pacific \$10,875.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:
Itron is sole supplier per Council Resolution 99-124

FUNDING: 160613.7352

Prepared by: Ken Berg

Title: Metering Electrician

Reviewed by: _____

Recommendation for Contract Award

PROJECT NAME: Wood Poles for Electric Inventory
DEPARTMENT: Electric Utility
CONTRACTOR North Pacific Lumber Company
AWARD AMOUNT: \$16,018.88
DATE OF RECOMMENDATION: October 19, 2009

BIDS OR PROPOSALS RECEIVED:

North Pacific Lumber	\$16,018.88
McFarland Cascade	\$18,596.25
Stella-Jones	\$18,433.13

“NO BID” or NO RESPONSE RECEIVED:

The Oeser Company
Nevada Wood Preserving
Bell Lumber & Pole Company

BACKGROUND INFORMATION & BASIS FOR AWARD:

These wood poles are for use on the City of Lodi’s Electric System. They can be used for replacement of existing poles or in new construction. North Pacific Lumber was the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed by: _____

Recommendation for Contract Award

PROJECT NAME: White Slough Laboratory Glassware Washer Replacement
DEPARTMENT: Public Works
CONTRACTOR: VWR International LLC
AWARD AMOUNT: \$5,748.67
DATE OF RECOMMENDATION: October 21, 2009

BIDS OR PROPOSALS RECEIVED:

VWR International LLC	\$5,748.67
Fisher Scientific	\$5,874.68

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

The glassware washer is a replacement of the existing unit, which is original equipment at the Facility. The washer is utilized by the Laboratory staff to properly clean the laboratory glassware and perform distilled water rinse to remove surface residues. The existing unit has been repaired several times and it is not economical for further repairs due to the unavailability of parts.

FUNDING: 170403.7719

Prepared by: Del Kerlin

Title: Wastewater Treatment Superintendent

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Water/Wastewater Division Main Line Cable Reel Replacement

DEPARTMENT: Public Works

CONTRACTOR 3T Equipment

AWARD AMOUNT: \$12,038.13

DATE OF RECOMMENDATION: November 9, 2009

BIDS OR PROPOSALS RECEIVED:

3T Equipment	\$12,038.13
Municipal Maintenance Equipment	\$15,496.88
WECO Industries	\$15,745.93
Cues Inc	\$17,268.75

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

The Water Services Division purchased the existing cable reel unit in 1992. It has become increasingly unreliable and the cable has been spliced and repaired many times. The existing cable reel unit is operated by hydraulic motor which uses clutches for controlling the location of the camera. The clutch system is older technology and does not provide the control precision that the electric systems do and is very difficult to load inside the vehicle. A new electric unit is requested to replace the existing worn out unit.

3T Equipment Company, Inc. presented the lowest bid. While compatibility is of concern since the 3T model is not made by the same manufacturer of our existing equipment, there is no indication there will be a problem.

FUNDING: 170404.7352

Prepared by: _____

Title: _____

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Well 17R Motor Replacement
DEPARTMENT: Public Works
CONTRACTOR Mechanical Analysis Repair Inc
AWARD AMOUNT: \$6,371.00
DATE OF RECOMMENDATION: December 2, 2009

BIDS OR PROPOSALS RECEIVED:

Mechanical Analysis Repair	\$6,371.00
Koffler Electric	\$9,597.00
Industrial Electric	\$10,876.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Well #17 recently experienced a motor failure rendering the facility inoperable. This well provides potable water to a residential portion of the City and is equipped with backup generator power. It is not recommended this motor be re-wound. The Division intends to replace this motor with an Aurora vertical pump motor not a US Motor. The purpose of this decision is to pilot test a less expensive motor (constructed in Mexico) that has not previously been used by the City of Lodi for municipal water well purposes. If the motor performance is acceptable, the Aurora brand will be considered in future well motor replacements. The motor for Well #17 is covered under the City’s insurance for major equipment and is eligible for a reimbursement claim.

FUNDING: 180453.7719

Prepared by: Kevin Gaither

Title: Water Services Technician

Reviewed by: _____

Recommendation for Contract Award

PROJECT NAME: Well 4R Motor Replacement
DEPARTMENT: Public Works
CONTRACTOR Koffer Electrical
AWARD AMOUNT: \$10,436.74
DATE OF RECOMMENDATION: November 3, 2009

BIDS OR PROPOSALS RECEIVED:

Koffler Electric	\$10,436.74
Industrial Electric	\$11,827.65

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Well 4R recently experienced a motor failure rendering the facility inoperable. This well provides the primary source of potable water to the City’s 1MG storage tank located on Thurman Street and has backup generator power in the event of a power failure. It is not recommended this motor be re-wound. The Division requests replacing the existing well motor in-kind with a US Motor Brand Vertical Hollow Shaft, premium efficient, 150HP electric motor.

FUNDING: 180453.7331

Prepared by: Kevin Gaither

Title: Water Services Technician

Reviewed by: _____

EXHIBIT L

Recommendation for Contract Award

PROJECT NAME: The City of Lodi-Community Activity Guide/Winter/Spring-2010 Issue

DEPARTMENT: Division of Arts & Culture/Community Center & Parks & Recreation Department

CONTRACTOR Casey Printing

AWARD AMOUNT: \$7,863.00

DATE OF RECOMMENDATION: November 4, 2009

BIDS OR PROPOSALS RECEIVED:

Casey Printing	\$7,863.00
Commerce Printing	\$8,000.00
Folgers Graphics	\$8,000.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Casey Printing offers a complete production and a high quality product at the lowest competitive price.

FUNDING: 108026.7301

Prepared by: Diane C. Amaral

Title: Program Coordinator

Reviewed by: _____

Purchase Order No.: 189

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: City Hall Fire Alarm System Replacement
DEPARTMENT: Public Works
CONTRACTOR: Electrical Protection Inc.
AWARD AMOUNT: \$11,378.00
DATE OF RECOMMENDATION: November 10, 2009

BIDS OR PROPOSALS RECEIVED:
Electrical Protection Inc \$11,378.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

There are three main components of a fire alarm system: the control panel, the devices, and the monitoring of the system. The City Hall Fire Alarm control panel has failed and needs replacing. This requires that the old smoke detectors and pull stations (devices) be updated as well for them to communicate with a new control panel and to meet newer building code requirements. Electrical Protection, Inc (EPI) has the current monitoring contract with the City of Lodi. Other company's systems are proprietary; requiring that you only buy parts and/or have monitoring service provided by them. EPI's systems are all non-proprietary, so that parts are readily available and serviceable by others.

As an example, a proprietary system (Simplex Grinnell) was installed in the new Police Facility. When it came time to contract the monitoring of the system, Simplex Grinnell was three times the price of EPI yet would not allow EPI access to their alarm system, so EPI had to install a separate panel to interface with the Simplex panel at an additional cost of a couple of thousand dollars to the City.

All other fire alarm systems in the City are monitored by EPI. We recommend using EPI's control panel to avoid this kind of problem in the future.

FUNDING: 1211017.1825.2250

Prepared by: Denis Callahan

Title: Fleet and Facilities Manager

Reviewed by: _____

Purchase Order No.: 18974

Recommendation for Contract Award

PROJECT NAME: Meter Locking Rings & Marking Paint
DEPARTMENT: Electric Utility
CONTRACTOR General Pacific
AWARD AMOUNT: \$6,564.59
DATE OF RECOMMENDATION: November 17, 2009

BIDS OR PROPOSALS RECEIVED:

	Paint	Meter Ring
General Pacific	\$1,131.44	\$5,433.15
HD Supply-Portland Paint Only	\$1,194.08	No Bid

“NO BID” or NO RESPONSE RECEIVED:

Ace Supply
All-Phase Electrical Supply
GEXPRO
Rexel Norcal Valley
Wille Electric Supply
Kortick Mfg
Platt Electrical Supply
Wesco Distribution
Intraline Inc
HD Supply-Benicia

BACKGROUND INFORMATION & BASIS FOR AWARD:

These items are for the Electric Inventory. They will be used in new construction and also repairs on existing equipment. General Pacific is the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Personal Computers-Technology Plan Year 1
DEPARTMENT: Library
CONTRACTOR Dell Computers
AWARD AMOUNT: \$16,082.75
DATE OF RECOMMENDATION: November 20, 2009

BIDS OR PROPOSALS RECEIVED:
Dell Computers \$16,082.75

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:
Used State CMAS contract number WN99ABZ

FUNDING: 212.801 Library Board of Trustees Private Sector Trust Fund

Prepared by: Nancy Martinez

Title: Library Services Director

Reviewed by: _____

Purchase Order No.: 19036

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Power Quality Meter
DEPARTMENT: Electric Utility
CONTRACTOR Geo. E. Honn Co. Inc.
AWARD AMOUNT: \$7,193.00
DATE OF RECOMMENDATION: November 23, 2009

BIDS OR PROPOSALS RECEIVED:

Honn Company	\$7,193.00
Fluke	\$7,198.00
Sierra Utility Sales Inc	\$9,734.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Three phase power quality meter kit with single phase monitor for spot checking inside buildings. Equipment of this kind is necessary to insure the EUD is providing power to it's customers that meets industry standards.

Only the Honn Company bid included the single phase unit (Eagle 120). As it is the only unit to fill EUD's needs, its price was added to the other companies buds. The Eagle PQ kit was the lowest price before the addition and comes with the carrying case that would have to be purchased separately for the Fluke meter. It also seems more rugged and waterproof.

FUNDING: 160652.7719

Prepared by: E. W. Fitzpatrick

Title: Distribution Planning Supervisor

Reviewed by: _____

Purchase Order No.: 19037

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Engineering Software Pass Key

DEPARTMENT: Electric Utility

CONTRACTOR Milsoft Utility Solutions

AWARD AMOUNT: \$10,331.25

DATE OF RECOMMENDATION: November 30, 2009

BIDS OR PROPOSALS RECEIVED:

Milsoft Utility Solutions (Pass Key) \$10,331.25

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

The software, Milsoft Solutions is already received with only one Pass Key, which allows one person to work at a time. To have the accessibility of working several individuals at a time, several Pass Keys are required. Therefore, at least three Pass Keys including the already received one are needed at the moment. The main function of the Software is to update the model of the distribution system and the 60KV power line prepared by R.W. Beck and to run an engineering analysis as required.

FUNDING: 160612.7369

Prepared by: Weldat Haile

Title: Senior Power Engineer

Reviewed by: _____

Purchase Order No.: 19045

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Lodi Avenue Gateway
DEPARTMENT: Public Works
CONTRACTOR MIG-Moore Iacofano Goltsman, Inc
AWARD AMOUNT: \$9,870.00
DATE OF RECOMMENDATION: December 2, 2009

BIDS OR PROPOSALS RECEIVED:

The bid proposal for professional services was requested from a highly qualified, experienced consulting firm Moore Iacofano Goltsman, Inc. that is uniquely familiar with the design concepts for the Lodi Avenue Reconstruction Project. \$9,870.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Work to be performed includes preliminary design services for the Lodi Avenue Gateway project based on the East Lodi Avenue Design Guidelines dated July 2008. The work will include project initiation and coordination, staff review and final concept plan. This firm has been engaged on two other occasions resulting in the development of design standards for the Lodi Avenue Reconstruction Project.

FUNDING: 325034.7323

Prepared by: F. Wally Sandelin

Title: Public Works Director

Reviewed by: _____

EXHIBIT S

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Utility Vault Risers and Lids
DEPARTMENT: Electric Utility
CONTRACTOR Jensen Precast
AWARD AMOUNT: \$19,433.63
DATE OF RECOMMENDATION: December 7, 2009

BIDS OR PROPOSALS RECEIVED:

Jensen Precast

\$19,433.63

“NO BID” or NO RESPONSE RECEIVED:

Oldcastle/Utility Vault

BACKGROUND INFORMATION & BASIS FOR AWARD:

These items are for the Electric Inventory. They will be used in new construction and also repairs on existing equipment. Oldcastle/Utility Vault would not bid on the riser and lids by themselves. They wanted to quote the vault also. The City does not need vaults at this time. Jensen Precast is the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed by: _____

Purchase Order No.: 19059

EXHIBIT T

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Pool Pump Replacement
DEPARTMENT: Parks and Recreation
CONTRACTOR Paragon Pools
AWARD AMOUNT: \$7,550.00
DATE OF RECOMMENDATION: December 8, 2009

BIDS OR PROPOSALS RECEIVED:

Paragon Pools	\$7,550.00
Leslie's Pools	\$7,658.00

"NO BID" or NO RESPONSE RECEIVED:

Knorr Systems

BACKGROUND INFORMATION & BASIS FOR AWARD:

The existing circulation pump at Enze Pool of Blakely Park is out of service and needs to be replaced. The existing pump can not be rebuilt. The new pump specifications may provide some electrical cost savings long term.

FUNDING: 107521.7323

Prepared by: Steve Dutra

Title: Park Superintendent

Reviewed by: _____

Purchase Order No.: 19063

EXHIBIT U

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Utility Module Box Pads

DEPARTMENT: Electric Utility

CONTRACTOR Proglass Inc.

AWARD AMOUNT: \$5,198.58

DATE OF RECOMMENDATION: December 16, 2009

BIDS OR PROPOSALS RECEIVED:

Proglass Inc.

\$5,198.58

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

This item is for the Electric Inventory. It will be used in new construction and also repairs on existing equipment. Proglass Inc is the only approved manufacturer of this type of equipment. The Purchase Order was issued to Proglass based on this information.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed by: _____

Purchase Order No.: 19076

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Utility Vault Lids
DEPARTMENT: Electric Utility
CONTRACTOR Jensen Precast
AWARD AMOUNT: \$14,811.75
DATE OF RECOMMENDATION: December 21, 2009

BIDS OR PROPOSALS RECEIVED:
Jensen Precast \$14,811.75

“NO BID” or NO RESPONSE RECEIVED:
Oldcastle/Utility Vault

BACKGROUND INFORMATION & BASIS FOR AWARD:

These items are for the Electric Inventory. They will be used for DeBenedetti Park. Oldcastle/Utility Vault would not bid on the lids by themselves. They wanted to quote the vault also. The City does not need vaults at this time. Jensen Precast is the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed by: _____

Purchase Order No.: 19088

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: G Basin (DeBenedetti Park) Storm Water Pump Station
DEPARTMENT: Public Works
CONTRACTOR: Brown & Caldwell
AWARD AMOUNT: \$10,000.00
DATE OF RECOMMENDATION: December 22, 2009

BIDS OR PROPOSALS RECEIVED:
Brown & Caldwell \$10,000.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Sole source solution for providing preliminary design which will include a site evaluation, flow rate selection, evaluation and recommendation for a gross solids removal device along with design criteria required to complete the pump station design. Development, preparation and finalizing of the RFP document for engineering services for the G Basin (DeBenedetti Park) Storm Water Pump Station Project.

FUNDING: 173005.1825.1900

Prepared by: F. Wally Sandelin

Title: Public Works Director

Reviewed by: _____

Purchase Order No.: 19099

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Utility Bill/Payment Envelopes & Letterhead Envelopes & Accounting Envelopes

DEPARTMENT: Purchasing

CONTRACTOR Envelope Products Company

AWARD AMOUNT: \$5,319.35

DATE OF RECOMMENDATION: December 22, 2009

BIDS OR PROPOSALS RECEIVED:

Envelope Products Company	\$5,319.35
CENVEO	\$5,520.17
Response Envelope	\$5,805.66

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:
Restocking inventory of utility bill payment envelopes, letterhead envelopes, and accounting envelopes. Envelope Products Company is the low responsible bidder.

FUNDING: 100.1447, 100503.7301, 100505.7301

Prepared by: Randy Lipelt

Title: Buyer

Reviewed by: _____



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Receive Report of Sale of Surplus Equipment

MEETING DATE: February 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Receive the report of sale of surplus equipment.

BACKGROUND INFORMATION: The Fleet Policies and Procedures approved by the City Council require the quarterly reporting of surplus equipment sales. The Fleet Services Division coordinates the paperwork once the City Manager and the Deputy City Manager authorize the disposition.

During the fourth calendar quarter of 2009, the City sold the following surplus equipment through First Capitol Auctions of Vallejo. The City received from the sales the following amounts:

<u>Vehicle</u>	<u>Department</u>	<u>Mileage</u>	<u>Sales Revenue</u>
1998 Dodge Caravan (VIN 763301)	Public Works	58,876	\$ 576
1995 Dodge Intrepid (VIN 593907)	Comm. Dev.	54,488	297
2000 Ford Crown Vic (VIN 207065)	Police	107,462	948
2003 Ford Crown Vic (VIN 115642)	Police	107,251	<u>1,506</u>
	Total:		\$3,327

FISCAL IMPACT: Revenues received from the sale of these vehicles was credited to the General Fund (1201) and will be used to help fund the replacement of these vehicles.

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager
FWS/DJC/njl
cc: Jordan Ayers, Deputy City Manager/Internal Services Director
Wes Fujitani, Public Works Fleet Coordinator
Dennis Canright, Community Development Fleet Coordinator
Larry Manetti, Police Fleet Coordinator

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi GrapeLine Bus Stop Improvements, Various Locations

MEETING DATE: February 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve plans and specifications and authorize advertisement for bids for Lodi GrapeLine Bus Stop Improvements, Various Locations.

BACKGROUND INFORMATION: This project consists of constructing improvements to 19 bus stop locations on Lodi's fixed-route bus system, as shown on Exhibit A. Bus shelters with benches will be installed at six locations, and 10 additional locations will receive new benches. There are also three locations where new concrete will be placed behind the sidewalk so that existing benches can be moved to provide for a wider pedestrian path of travel. Exhibit B lists the locations of these improvements.

Locations were selected based on the new routes that took effect in September 2009 and on bus drivers' observations of the most frequently used stops. One of the stops – the only one requiring negotiations with a private property owner, as well as a permit from Caltrans – addresses concerns raised with the lack of a bus stop at 2420 West Kettleman Lane. Staff expects those negotiations to be successfully completed before project construction is scheduled to begin.

Staff is recommending that City Council approve the plans and specifications and authorize advertisement for bids for this project.

The plans and specifications are on file in the Public Works Department. The planned bid opening date is March 10, 2010. The approximate project completion date will be at the end of May 2010.

FISCAL IMPACT: There will be a slight increase in the long-term maintenance costs associated with the installation of these new improvements.

FUNDING AVAILABLE: Federal Transit Administration/
Transportation Development Act Funds (125080): \$140,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer
FWS/WKF/pmf
Attachments
cc: Transportation Manager

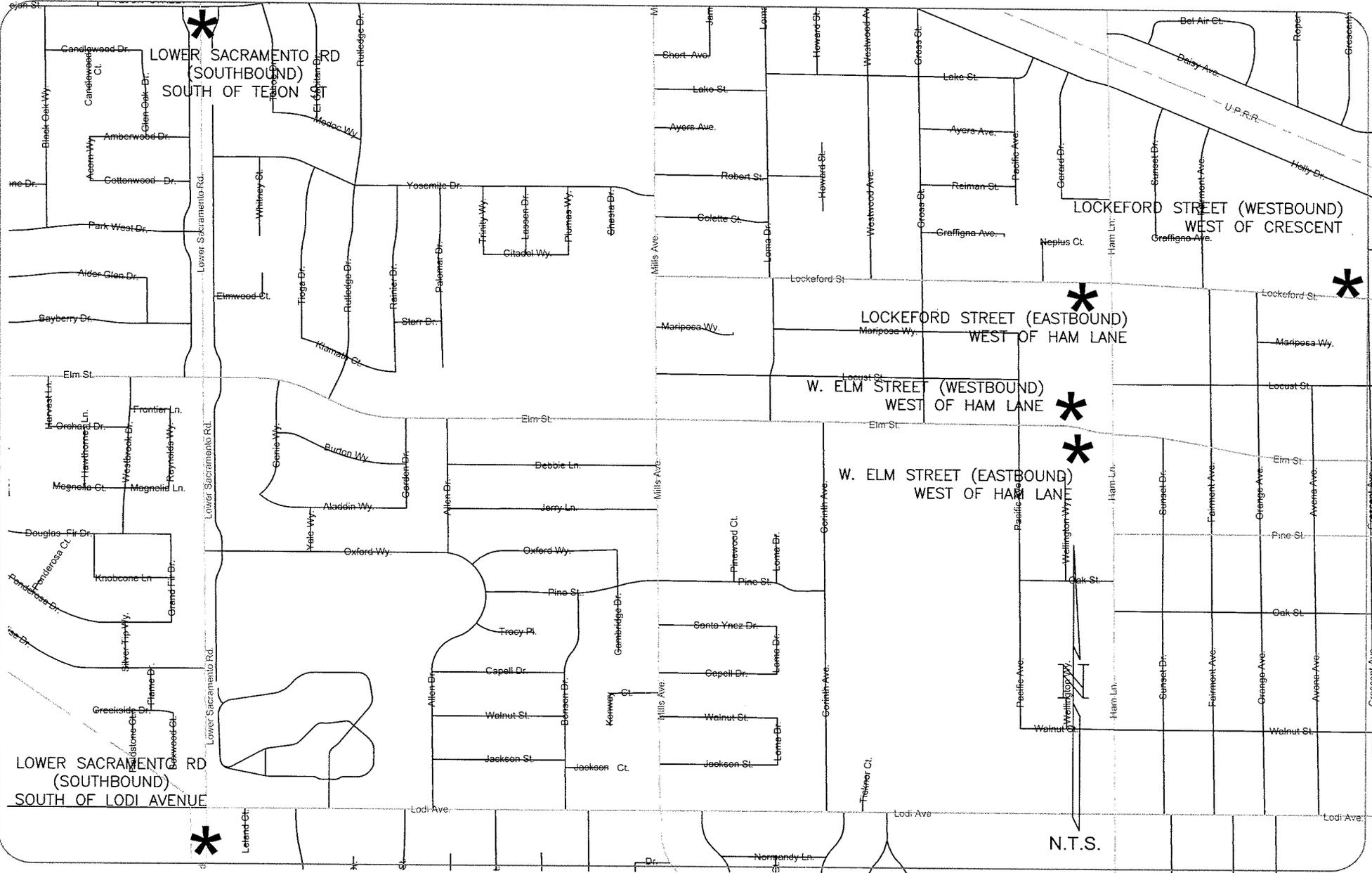
APPROVED: _____
Blair King, City Manager



CITY OF LODI

PUBLIC WORKS DEPARTMENT

BUS SHELTER & BENCH PROJECT VICINITY MAP LOCKEFORD, ELM & LOW. SACRAMENTO

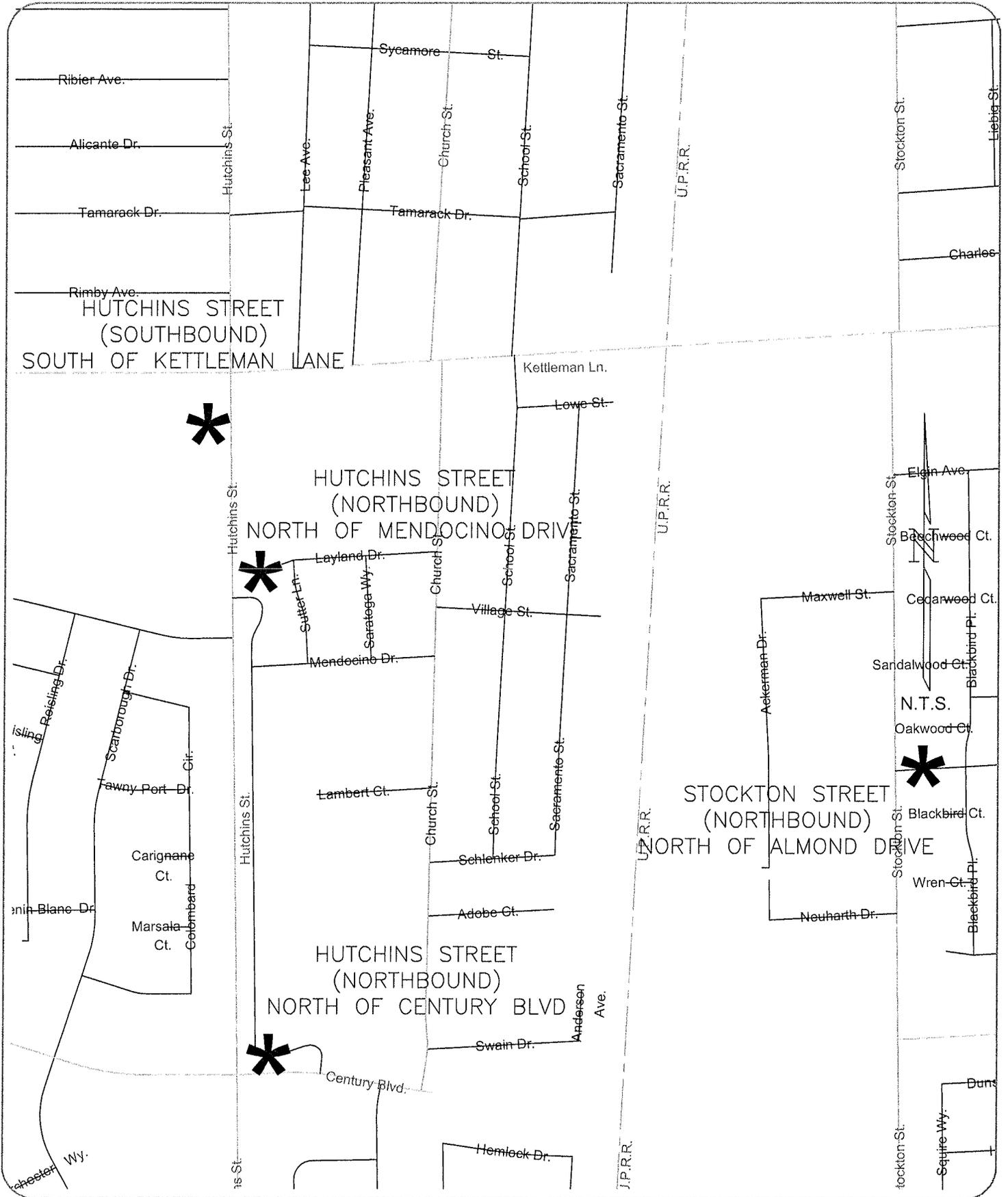




CITY OF LODI

PUBLIC WORKS DEPARTMENT

BUS SHELTER & BENCH PROJECT VICINITY MAP HUTCHINS & STOCKTON ST

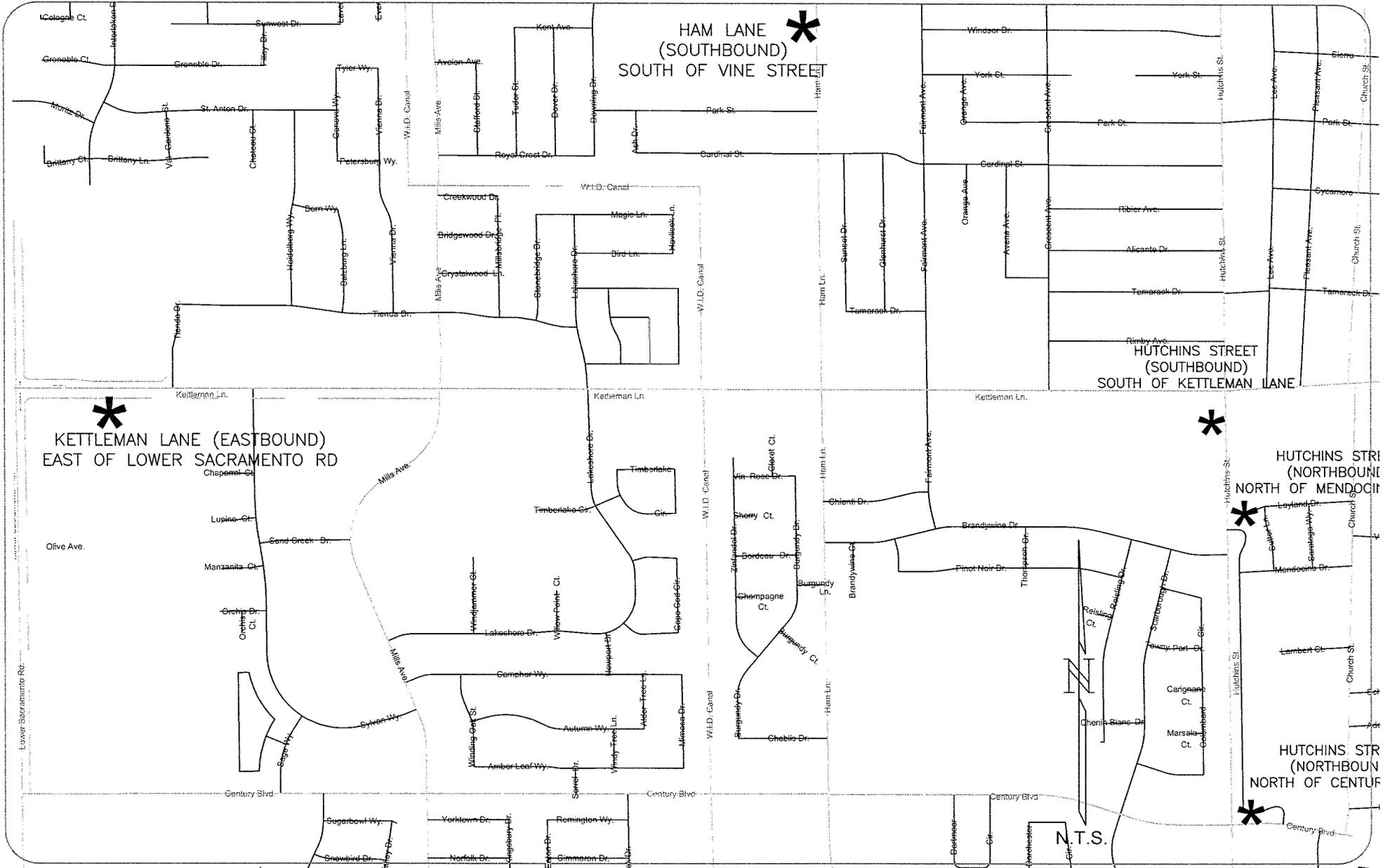




CITY OF LODI

PUBLIC WORKS DEPARTMENT

BUS SHELTER & BENCH PROJECT VICINITY MAP KETTLEMAN, HAM & SOUTH HUTCHINS



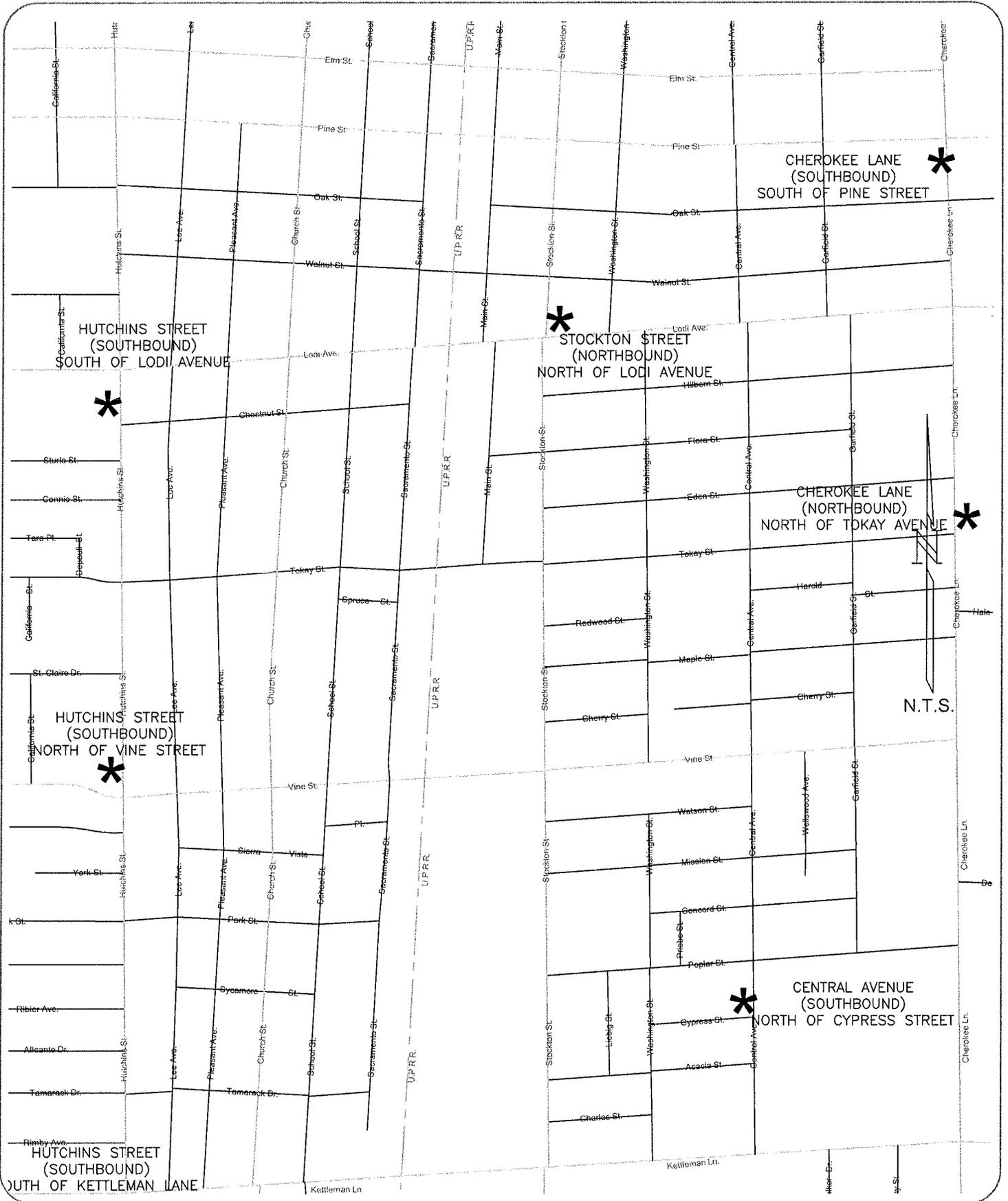
N.T.S.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

BUS SHELTER & BENCH PROJECT VICINITY MAP CHEROKEE & STOCKTON STS



N.T.S.

LODI GRAPELINE BUS STOP IMPROVEMENTS

Location		Bus Shelter (6 total)	5-ft Bench (7 Total)	6-ft Bench (10 total)	
2420 W. Kettleman Lane	Hollywood Video	X	X	X	
Central/Cypress	NW Corner	X	X		
620 S. Cherokee Lane	Rancho San Miguel	X	X		
53 S. Cherokee Lane	SW Corner	X	X		
Ham Lane SB	S/Vine St	X	X		
Hutchins SB	N/Vine St	X	X		
215 E. Lodi Ave	Smart and Final		X		
Lodi/Lower Sac	SW Corner			X	
Hutchins/Century	SE Corner			X	
Hutchins St. NB	N/Mendocino			X	
Hutchins St. SB	N/Chestnut			X	
Stockton St. NB	N/Almond			X	
Hutchins St. SB	S/Kettleman			X	
Lockeford St. WB	W/Crescent			X	
Lower Sac SB	S/Tejon			X	
Hutchins St. SB	Kohl's			X	
Elm St. WB	W/Ham				Additional Concrete Work
Elm St. EB	W/Ham				Additional Concrete Work
Lockeford St. EB	W/Ham				Additional Concrete Work



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Documents and Authorize Advertisement for Request for Proposals for Municipal Service Center PBX Replacement Project

MEETING DATE: February 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve documents and authorize advertisement for Request for Proposals for the Municipal Service Center PBX Replacement Project.

BACKGROUND INFORMATION: The Municipal Service Center (MSC) PBX phone system has been in service more than 20 years and has reached capacity and the end of its useful life. No additional phone lines are available. Replacement parts are no longer manufactured, making repairs very costly and time consuming. The failure of the MSC PBX would have a serious impact to the MSC facilities, including the Electric Utility Department operations center.

Staff is recommending replacing the PBX with a new Voice Over Internet Protocol (VOIP) system to provide expanded phone system capabilities and to provide pathways for technology-based communications throughout the MSC complex. Facilities served by the existing MSC PBX include: Public Works, Transit Vehicle Maintenance Facility, Warehouse, Animal Services and the Electric Utility Department. The Public Works Department has worked with the Information Systems Division to create a Request for Proposals (RFP) for the VOIP system.

Council is being asked to approve the RFP and authorize advertising for proposals for the project.

Under normal circumstances, a capital request of this type would be considered with the adoption of the annual budget. Information Services Division reports that the failure of the PBX phone system is imminent and the risk of failure is too great to wait six months. Lodi Electric Utility Operations Center is dependent upon the phone system, and the failure of the PBX phone service would take the Operations Center off-line.

The RFP is on file in the Public Works Department. The planned proposal due date is March 16, 2010. The work is anticipated to be completed by August 2010.

FISCAL IMPACT: The approximate cost of the project is \$150,000. Funding will be requested at the time of contract award.

FUNDING AVAILABLE: Funding will be from Electric Utility, Water Utility, Waste Water Utility and Transit funds.

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager

FWS/GW/pmf

Attachment

cc: Steve Mann, Information Systems Division Manager
Gary Wiman, Construction Project Manager

APPROVED: _____
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Extend Agreement for General Liability Claims Adjusting and Administrative Services with D.B. Claims Services Group, Inc.

MEETING DATE: February 3, 2010

PREPARED BY: Risk Manager

RECOMMENDED ACTION: Adopt resolution authorizing the City Manager to extend agreement for general liability claims adjusting and administrative services with D. B. Claims Services Group, Inc.

BACKGROUND INFORMATION: The City has contracted with D.B. Claims Services Group (and its predecessor, Insurance Consulting Services, Inc.) for general liability claims adjusting and administrative services since 1993. The existing agreement with D.B. Claims, entered into on February 23, 2004 (Exhibit A) expired on February 22, 2007. While staff explored various options for claims administration, D.B. Claims continued to provide services on a month-to-month basis under the terms and conditions of the 2004 agreement. The fee structure for claims services remains unchanged.

Organizational changes in the City's Internal Services Department in 2006, including the loss of a position supporting Risk Management, led to changes in the City's procedures for the administration of general liability claims and, ultimately, resulted in cost savings to the City. Currently the City Clerk, Deputy City Attorney, and Risk Manager jointly administer the City's claims program, utilizing D.B. Claims primarily for adjusting services and the maintenance of the City's loss-run reports. Annual costs for this service have decreased from \$71,543 in FY03/04 to \$15,148 in FY08/09 under the new structure.

Because of the significant cost reduction for outside claims services, staff recommends continuing its current administration of the claims program and requests Council authorize the City Manager to enter into an agreement with D.B. Claims to extend the terms and conditions of the 2004 agreement, including the existing fee structure, for three years through February 2, 2013.

FISCAL IMPACT: Claims administration services – approximately \$16,000 annually, based on the amount of services provided.

FUNDING AVAILABLE: Funds are available in the General Liability 300202.7323 account to cover expenditures to D.B. Claims Services Group.

Jordan Ayers, Deputy City Manager

Janet Hamilton
Risk Manager

APPROVED: _____
Blair King, City Manager

CONTRACT EXTENSION AGREEMENT

It is hereby agreed between the CITY OF LODI (hereinafter referred to as the CITY) and DB CLAIMS SERVICES GROUP, INC. (hereinafter referred to as the CLAIMS ADMINISTRATOR) that the “SELF-INSURED CLAIMS MANAGEMENT AND GENERAL RISK MANAGEMENT CONSULTING CONTRACT” between the CITY and the CLAIMS ADMINISTRATOR is hereby renewed and extended with no changes in terms, except as follows:

IV. TERM

The term of this agreement shall be three (3) years beginning February 3, 2010 and terminating at midnight, February 2, 2013. This contract may be terminated by either party for any reason upon sixty (60) days’ written notice. The contract may be renewed subject to renegotiation of terms and conditions.

Date: _____

By: _____
Blair King
City Manager

Date: _____

By: _____
D. Stephen Schwabauer
City Attorney

Date: _____

By: _____
Randi Johl
City Clerk

Date: _____

By: _____
Daniel A. Blanquie
President
DB Claims Services Group, Inc.

**SELF-INSURED CLAIMS MANAGEMENT
AND GENERAL RISK MANAGEMENT
CONSULTING CONTRACT**

THIS CONTRACT is made and entered into this ____ day of _____, 2003, by and between the CITY OF LODI, hereinafter referred to as the CITY, and DB CLAIMS SERVICES GROUP, INC., hereinafter referred to as the CLAIMS ADMINISTRATOR.

DB CLAIMS SERVICES GROUP, INC. is licensed in California to provide independent adjusting services. Its State License number is 2D89819. It is a California Corporation with home office located at 1304 Southpoint Blvd., Suite 250, Petaluma, California 94954; telephone number: 707/778-1118; Daniel A. Blanquie is president.

IT IS HEREBY AGREED by and between the parties signing this Contract, as follows:

I. GENERAL

The CITY desires to have unified claims management and general risk management consulting services. DB CLAIMS SERVICES GROUP, INC. is a Claims Management and Consulting firm experienced in providing the requested services and is ready and capable to perform such services for the CITY.

II. SERVICES

The CLAIMS ADMINISTRATOR will assist the CITY in the management of the CITY's liability claims program. The CITY will transmit promptly to the CLAIMS ADMINISTRATOR all verified claims which it receives and will notify the CLAIMS ADMINISTRATOR through Incident Reports of circumstances which it believes may give rise to future claims. The CLAIMS ADMINISTRATOR will perform no investigation of Incident Reports without the express request of the CITY. It will initiate prompt investigations and attempt to secure the cooperation and confidence of claimants and their attorneys. It will provide reports to the CITY with respect to issues of fact, damages, and liability. It will provide recommendations with respect to courses of action regarding settlement and/or defense. Utilizing settlement authority as provided by the CITY, it will negotiate with claimants and their attorneys with the goal of securing a mutually-acceptable resolution to any claim. It will attempt to resolve cases without litigation. If assignment of a case to defense counsel is necessary, it will make the assignment on behalf of the CITY utilizing counsel specified and approved in advance by the CITY. It will receive and review all expense billings related to pending cases and, before approving such billings for payment, will secure any necessary supportive documentation. Absent direction from the CITY to the contrary, it will attempt to secure open or limited extensions of time on cases which it believes are likely to be resolved more quickly, efficiently, and economically in that manner. Releases of All Claims will be obtained from all claimants receiving settlements from the CITY through the CLAIMS ADMINISTRATOR. The CLAIMS ADMINISTRATOR will provide timely and appropriate reporting to the excess insurers of the CITY in a manner consistent with the

reporting guidelines provided to it by the carriers. It will make itself available to the City Council for discussion of pending cases. Consistent with the expressed wishes of the CITY, it will make itself available for scheduled claim reviews with the CITY. It will provide to the CITY a monthly computerized Loss Run of pending and closed cases sorted in a format to be approved by the CITY. The CLAIMS ADMINISTRATOR will perform loss control analysis and consulting services for the CITY and will assist the CITY with risk management services in a manner and to an extent agreed upon. It will encourage cooperative activity amongst the various other firms providing administration or consulting services to the CITY.

III. DENIAL, COMPROMISE OR SETTLEMENT OF CLAIMS

Settlement authority will be obtained by the CLAIMS ADMINISTRATOR from the CITY or, in the event of an exposure piercing the CITY's self-insured retention, jointly from the CITY and its Excess Insurer. Absent specific instructions to the contrary from the CITY, the CLAIMS ADMINISTRATOR is authorized to incur on behalf of the CITY defense costs including, but not limited to attorney fees, court costs, charges for court reporters, experts, technical analyses and reviews, medical examinations, and related items as are necessary or appropriate in the judgment of the CLAIMS ADMINISTRATOR or defense counsel for the proper defense of any case.

IV. PAYMENT FOR SERVICES

The annual Computer Services fee for the first year of this Contract is \$3,000.00. That fee covers the cost of computer hardware, space on the system, and production of Loss Run Register, Graphic Summary, and Numeric Summary reports. The Fee is due in full at the inception of each year of the Contract, though, for the convenience of the CITY, payments of \$250.00 or one-twelfth of the annual fee, whichever is greater, may be made monthly toward any remaining balance.

There will be no charge for the time and attention necessary to review and respond by phone to Incident Reports not requiring investigation, adjustment, or contact with claimants, witnesses, or counsel.

All activities related to the handling of specific claims will be billed on a Time & Expense basis, as follows, for the first year:

Professional Services

Claims Management: * \$ 52.00 per hour
Risk Management and Loss Control Consulting: **\$ 75.00 per hour

*Based exclusively on time of investigative, supervisory, and management personnel. No additional charge, except as provided below, for routine secretarial, insurance, or office overhead or telephone.

**Although \$90.00 per hour is presently the current fee, this amount shall be reduced to \$75.00 per hour as long as claims administration is performed by DB CLAIMS SERVICES GROUP INC.

Allocated Costs - billed as incurred, according to the following schedule:

Computer fee for file set up	\$25.00 /each
Travel (billed from Fairfield).	\$.40 /mile
Photocopies	\$.30 /page
Color photography (35 mm.)	\$ 2.00 /print
Recording cassettes for statements	\$ 2.50 /tape
Statement transcription	\$ 5.00 /page
Video recording of evidence	DBCSG's prevailing market rate
Long distance telephone (outside 707 or 209 area codes) Incurred cost
FAX charges	First page: \$ 2.50
.	Each additional page: \$ 1.75
Report acquisition Incurred cost
Trustee account check issuance (checks provided by client)	\$12.50 /each
Audit registers.	\$12.50 /each
Specially requested computer services and reports	
- provided in-house by DBCSG personnel	DBCSG's prevailing market rate
- provided by non-DBCSG personnel	DBCSG's prevailing market rate
Necessarily incurred expenses Incurred cost
Index Bureau check	\$20.00 /each
Posting costs Incurred cost

Subject to agreement by both parties, increases are authorized for the second and third years of this contract in an amount not to exceed 5% per year, plus a pro-rata share of any increase in liability insurance cost exceeding 25% of the previous year's premium. The CLAIMS ADMINISTRATOR shall submit Statements on a monthly basis showing an itemized break down by claim or by consulting activity. Billings are payable upon presentation, with any unpaid item being subject to a late charge of 1-1/2% per month imposed on the next billing cycle.

V. TERM

The term of this Contract shall be for the period of May 1, 2003 and terminating at midnight, February 22, 2004. This contract may be terminated by either party for any reason upon sixty (60) days' written notice. The Contract may be renewed subject to renegotiation of terms and conditions by the parties hereto.

VI. INDEPENDENT CONTRACTOR

It is expressly agreed that the CLAIMS ADMINISTRATOR shall have the status of an Independent Contractor and shall not be deemed to be an officer, employee, or agent of the CITY.

VII. OWNERSHIP OF FILES

It is agreed that the claim files maintained in the CLAIMS ADMINISTRATOR's offices are the property of the CITY and may be reviewed upon reasonable notice. Upon

termination of this Contract, possession of the files will be transferred to the CITY which will pay the reasonable costs of any activity associated with the transfer including, but not limited to, the cost of photocopying in whole or in part any and all claims files are required for the CLAIMS ADMINISTRATOR to be in compliance with any law pertaining to the maintenance of records by a licensed adjusting firm. The CLAIMS ADMINISTRATOR is authorized to destroy any claim file without notice to the CITY after seven years following the date of file closure.

VIII. MUTUAL HOLD HARMLESS AND INDEMNIFICATION

Each party hereto agrees to indemnify, hold harmless and defend the other, its officers, agents, and employees from and against any and all claims, demands, liability, costs and expenses of whatever nature, including court costs and counsel fees arising out of injury, death, or loss to any person or persons, or loss of, or physical damage to, any property resulting in any manner from the sole negligence or willful acts of the responsible party, its agents, employees, licensees, or guests in the making or arising out of the performance of this agreement.

In the event it is determined by settlement or litigation that there is a joint liability and/or responsibility of the parties for the settlement or judgment, the parties hereto agree that the responsibility for payment of such settlement or judgment shall be borne by the parties in proportion to the share of fault as determined by the court or jury in case of a judgment, and by agreement, or arbitration in the event that agreement cannot be reached, in the case of a settlement. The parties further agree hereunder that in those cases described under this paragraph, each party shall bear its own costs and attorney fees.

IX. INSURANCE

The CLAIMS ADMINISTRATOR agrees to procure and maintain during the life of this contract and to provide evidence to the CITY that it carries General Liability, Non-Owned Automobile Liability, and Errors & Omissions insurance in an amount not less than \$1,000,000, plus statutory Workers Compensation coverages.

X. LIMITATION OF LIABILITY

It is agreed that the CLAIMS ADMINISTRATOR will provide services utilizing good faith efforts based upon its experience in claims management and consulting. The CLAIMS ADMINISTRATOR provides no warranty, express nor implied, that its services will result in any specific outcome for any case nor any reduction in the frequency, severity, or cost of any liability claims(s) nor any incidents giving rise to claims, no matter how caused.

XI. ARBITRATION

The CITY and the CLAIMS ADMINISTRATOR agree to submit any claims arising under this Contract to binding arbitration pursuant to the current provisions of the California Code of Civil Procedure and any successor statutes.

In the event of any claim between the parties hereto arising out of the terms and conditions of this agreement, the prevailing party, whether by way of arbitration or by judicial litigation, shall be entitled to reasonable attorney's fees and costs as determined either by the arbitrator or by a court of competent jurisdiction.

XII. RESPONSIBILITY FOR CLAIMS ADMINISTRATION FEES

It is agreed that the CITY is liable for payment for all services rendered in accord with this Contract. Should the self-insured retention, the deductible, or the annual aggregate applicable to a particular claim or policy year be exceeded, the CLAIMS ADMINISTRATOR's billings remain the responsibility of the CITY, and the CLAIMS ADMINISTRATOR is expressly authorized to continue all claims management activities which it deems to be appropriate until it receives from the CITY express written instructions to terminate any involvement in the claim or grouping of claims.

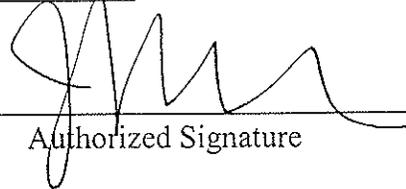
XIII. TERMINATION OF SERVICES

The responsibility of the CLAIMS ADMINISTRATOR to provide any services terminates on the date that this Contract is terminated, whether or not that date is the scheduled date provided herein or is earlier or later. Should this Contract be terminated for any reason and should the parties agree that the CLAIMS ADMINISTRATOR will continue to handle any aspect of any claims or grouping of claims, charges for services so rendered will be billed at the rates then in effect as established by the CLAIMS ADMINISTRATOR.

5-7-03
Date

By:

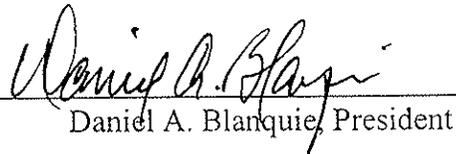
CITY OF LODI


Authorized Signature

4-14-03
Date

By:

DB CLAIMS SERVICES GROUP, INC.


Daniel A. Blanqui, President

RESOLUTION NO. 2010-_____

ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXTEND AGREEMENT FOR GENERAL LIABILITY CLAIMS
ADJUSTING AND ADMINISTRATIVE SERVICES WITH D.B.
CLAIMS SERVICES GROUP, INC.

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approve and affirm the contract extension agreement between the City of Lodi and D. B. Claims Services Group, Inc. for claims adjusting and administrative services; and

BE IT FURTHER RESOLVED that the terms of the agreement will be on a month-to-month basis.

Dated: February 3, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 3, 2010, 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**

AGENDA TITLE: Adopt Resolution Approving the Applications for Statewide Park Program Grant Funds

MEETING DATE: February 3, 2010

PREPARED BY: Community Center Director/Interim Director Parks and Recreation

RECOMMENDED ACTION: Adopt resolution approving the applications for statewide park program grant funds.

BACKGROUND INFORMATION: The Parks and Recreation and Community Center departments are currently processing grant applications for four projects that qualify for the first round of funding from the Statewide Park Development and Community Revitalization Program of 2008 (Proposition 84).

Statewide, \$184 million may be available for projects in 2010, depending on the timing of state bond sales. This competitive grant is being awarded for the creation of new parks and new parks and recreation opportunities for communities across California. The City is seeking an estimated \$19 million from the grant for four projects. Matching funds are not required. The maximum grant award for any one project is \$5 million. These projects are to benefit the health of families, youth, senior citizens, and other population groups by meeting their recreational, cultural, social, educational, and environment needs. The departments have identified the following eligible projects:

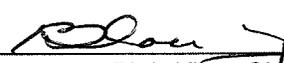
- Renovation of the Hutchins Street Square Automotive Shop for use as a multi-purpose recreational and rental space (approximately \$4 million);
- Expansion of the Blakely pool facility to include family-oriented water play structures, wading pool, and general facility upgrades (approximately \$5 million);
- Completion of disability access and facility replacement projects for the Lodi Grape Bowl (estimated \$5 million).
- Pixley Park development (estimated \$5 million).

All of the projects meet the initial qualifications for application:

- The community within the proximity of the project site (1/2 mile) has a ratio of less than 3 acres of usable park space per 1,000 residents;
- or,
- The median household income of census tracts in proximity to the project was lower than \$47,331 based on the "California State Parks Community Fact Finder" report.

Community meetings regarding each project will be scheduled near or within the site for each project as a required component of the grant process.

APPROVED:


Blair King, City Manager

Parks and Recreation staff will prepare applications, which are due March 1, 2010 to the State of California Office of Grants and Local Services (OGALS).

The Recreation Commission reviewed the projects and approved the grant application process.

FUNDING AVAILABLE: \$184 million statewide, depending on timing and success of state bond sales.

FISCAL IMPACT: A successful grant application would fund projects the City cannot otherwise afford.


James M. Rodems
Community Center Director/
Interim Parks and Recreation Director

JMR/tt

cc: City Attorney

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
THE APPLICATION FOR STATEWIDE PARK PROGRAM
GRANT FUNDS, AND AUTHORIZING THE CITY MANAGER TO
EXECUTE DOCUMENTS ON BEHALF OF THE CITY OF LODI

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WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Program, setting up necessary procedures governing the Application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

WHEREAS, the applicant will enter into a contract with the State of California to complete the grant scope project;

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the filing of an application for the Statewide Park Program Grant Funds; and

1. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that the applicant has or will have sufficient funds to operate and maintain the project(s), and
3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Authorizes the City Manager to execute all applications, agreements, and amendments on behalf of the City of Lodi; and
5. Delegates authority to James M. Rodems, to conduct all negotiations, submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope.

Dated: February 3, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 3, 2010, 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

AGENDA TITLE: Concur With Staff Requests Seeking Federal Assistance to Fund City Projects

MEETING DATE: February 3, 2010

PREPARED BY: City Manager

RECOMMENDED ACTION: Concur with staff requests seeking federal assistance to fund City projects.

BACKGROUND INFORMATION: Each year, staff from U.S. Rep. Jerry McNerney's office asks the City of Lodi to submit a list of projects for consideration in the federal budget. There is no guarantee that any federal funding will materialize.

Even so, it is prudent to provide our Congressman with a list of funding needs. In those cases where the Congressman does not make a direct funding request, his staff is often aware of bills and grant programs that might provide future funding opportunities. The deadline for filing requests for federal Fiscal Year 2011 is February 12, 2010. Staff will submit funding requests for:

- The riverbank repair at Pigs Lake;
- The Mokelumne Water Treatment Plant;
- Harney Lane interchange and grade separation;
- Water meter installation;
- Green business incubator/jobs creator;
- Completion of public safety digital radio equipment upgrades;
- Grape Bowl renovations;
- Wastewater collector piping reconstruction;
- East Lodi asphalt rubber overlays;
- Cherokee Lane curb and sidewalk rehabilitation;
- Equipment upgrade at Library Computer Learning Center.

Staff will send in the funding request forms for these projects, or a modified list at the City Council's direction.

FISCAL IMPACT: Potentially significant revenue, depending on success of the requests.

FUNDING AVAILABLE: Not applicable.

Blair King
City Manager

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set A Public Hearing For February 17, 2010 To Consider The Certification Of The Final Environmental Impact Report And The Adoption Of The General Plan

MEETING DATE: February 3, 2010

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Set a Public Hearing for February 17, 2010 to consider the certification of the Final Environmental Impact Report and the adoption of the General Plan.

BACKGROUND INFORMATION: The City Council received a presentation on the Draft Environmental Impact Report (DEIR) and General Plan at the January 6, 2010 meeting. The City Council received one public comment at the meeting from Mr. Bruce Fry regarding land use designations for property south of Harney Lane. Subsequent to the meeting, the public comment period closed for comments related to the DEIR. We received 44 letters from a combination of citizens and public agencies. We are finalizing the response to comments and will have the Final EIR prepared at least 10 days prior to the Public Hearing.

In May 2006, the City entered into an agreement with the consulting firm of Dyett & Bhatia to prepare the update to the General Plan and an Environmental Impact Report. The firm and their sub-consultants have been working diligently on this program since that time. Completed work includes the following activities:

Public Participation

- Workshops and Meetings with interested public;
- Workshops specifically with the Planning Commission and City Council;
- Stakeholder interviews and neighborhood meetings;
- Presentations to service clubs and community organizations;
- Newsletters;
- A mail-in survey sent to all residential addresses in the City;
- Comments via e-mail, and;
- The project Website.

Products

- Working Paper #1: Land Use, Transportation, Environment and Infrastructure;
- Working Paper #2: Urban Design and Livability;
- Working Paper #3: Growth and Economic Development Strategy;
- Working Paper #4: Greenbelt Conservation Strategies;
- Sketch Plan Report indentifying alternative land use scenarios;
- Preferred Land Use Plan;
- Draft Environmental Impact Report, and;

Approved: _____
Blair King, City Manager

- Draft General Plan.

The Draft Environmental Impact Report (DEIR) was released for public review and comment on November 25, 2009. Pursuant to the California Environmental Quality Act, the Draft shall be available for comment for no less than 45 days. This meeting will enable interested parties to provide comment that will be included in the final document. The Planning Commission has had the opportunity to take comment as well as provide comment at its December 9, 2009 meeting. The Final Environmental Impact Report will be provided to the City Council at the time of its deliberation on the General Plan.

As with all EIRs, this document assesses the potential impacts the proposed General Plan may have on specific environmental topics. This has been done on a program level rather than the detail required with specific development projects. This DEIR also addresses alternatives to the Draft General Plan including a No Project scenario. As a result of the environmental review, there are several changes that are being proposed to the Draft General Plan policies. We believe these changes are necessary as mitigation in order to help reduce or clarify certain impacts created by the plan's implementation.

The Draft General Plan was distributed to the Planning Commission in two segments. The first at the August 26, 2009 meeting included the Introduction, Land Use, Community Design & Livability, Parks, Recreation & Open Space, Conservation and Safety chapters. At the Commission's September 9, 2009 meeting, the remaining chapters of the Draft General Plan were distributed including Growth Management & Infrastructure, Transportation, Noise and the Implementation Appendix. The one chapter that has not been completed and will be on a separate review program is the Housing Element. The entire Plan as described has been made available on the Website with notification being made through the Lodi News Sentinel and by mailing and emailing to the list of interested parties.

The Planning Commission had public hearings on September 23, October 14, October 28 and December 9, 2009. During these hearings few public comments were received. Staff has also presented the Draft General Plan to several of the City's boards and commissions. To date the only written comment received was from the Parks and Recreation Commission, which is requesting an additional policy be included in the Parks, Recreation and Open Space element dealing with on going park maintenance funding.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

Konradt Bartlam
Community Development Director

KB/kjc

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: Conduct a Public Hearing to Consider the Approval of the Action Plan Amendment for the Reallocation of Available Community Development Block Grant and Community Development Block Grant – Recovery Program Funding

MEETING DATE: February 3, 2010

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Conduct a Public Hearing to consider the approval of an Action Plan amendment for the reallocation of available Community Development Block Grant (CDBG) and Community Development Block Grant – Recovery (CDBG-R) Program funding.

BACKGROUND INFORMATION: The City of Lodi separated from the Urban County and now receives federal CDBG Program funds directly from the U.S. Department of Housing and Urban Development (HUD). In addition to one 2009 Entitlement CDBG Project, which requires the amendment of our 2009 Action Plan, there are balances of both CDBG and CDBG-R Program funds through previous Urban County allocations that need to be spent. As those projects and activities funded through the Urban County are completed, the balance of unused and available funding will need to be reallocated to projects that can use the funds by June 30, 2010. At this time, the following funding balances have been identified as available for reallocation to eligible projects/services.

CDBG Program

08-03 (UC)	Elm Street Demolition Project	\$24,000.00
09-03	Blakely Park Swing Area Resurfacing	\$18,000.00
09-05	Graffiti Abatement	\$17,000.00

CDBG-R

LI-CDBG-R-06	Lodi Community Center Parking Lot	\$140,000.00
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Staff is recommending reallocations to the following existing City and CBO projects/services that can use the funds by June 30, 2010.

City Projects/Services

NEW Handicap Ramp/Parking Retrofit Amount: \$140,000.00

This new project, will provide for the installation of handicap ramps at street intersections at key points throughout the Target Area and surrounding public facilities, including the reconfiguration of handicapped parking spaces and adjacent ramps on one block of West Elm Street adjacent to the downtown theater complex. We are recommending that this project be funded through the reallocation of CDBG-R funding.

APPROVED: _____
Blair King, City Manager

09-06 Spay/Neuter Program Amount: \$17,000

The City Council originally allocated \$15,000 to this Public Service through the 2009 CDBG Entitlement. Those funds were expended within the first three months of the program. At the same time, the City Council allocated \$67,000 to the Graffiti Abatement program as another Public Service. We have projected that the Graffiti Abatement Program will only use \$50,000 of that allocation by the end of the year. The Public Works Department has agreed to allow the reallocation of available funds from its program to supplement the Spay/Neuter Program for the remainder of this year. Therefore, we recommend that \$17,000 be reallocated from within our 2009 Entitlement CDBG funding.

CBO Projects

08-09 / 09-07 LOEL Kitchen Renovation Project Amount: \$42,000

This project is funded through both our Urban County CDBG Program and our Entitlement CDBG Program. The LOEL Foundation is requesting additional funding from the City for this project to cover the full scope of work required to operate the Meals on Wheels Program. The LOEL Foundation is also seeking additional funding from San Joaquin County as the operation of that program will benefit County residents who reside outside of Lodi.

It is recommended that \$24,000 of our available Urban County CDBG funding and \$18,000 of our available Entitlement CDBG funding be reallocated to this project.

The attached resolution provides a breakdown of the source and distribution of CDBG funding based upon the aforementioned recommendations. In accordance with Council policy which sets aside 40 percent of an allocation to community-based organizations, up to \$44,644 of the CDBG-R funds would be available. However, due to the complexities of the CDBG-R funding, how and where it can be used, it is better to use those funds for City infrastructure projects and use available CDBG funds for the CBO project instead.

FISCAL IMPACT: A total of \$157,000 allocated to city projects/services for use within the next six to nine months.

FUNDING AVAILABLE: Urban County CDBG & CDBG-R Program Funding
2009 Entitlement CDBG Funding

Jordan Ayers
Deputy City Manager/Internal Services Director

Konradt Bartlam
Community Development Director

RESOLUTION NO. 2010- _____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE AMENDMENT OF THE 2009 ACTION PLAN FOR REALLOCATION OF AVAILABLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING AND APPROVING THE REALLOCATION OF AVAILABLE URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (UC-CDBG) AND COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY (CDBG-R) PROGRAM FUNDING

=====

WHEREAS, a total of \$35,000 in Entitlement CDBG funding, \$24,000 in UC-CDBG funding and \$140,000 in CDBG-R funding are available for reallocation from the following projects:

LOD 08-03	Elm Street Demolition Project	\$ 24,000.00
LI-CDBG-R-06	Lodi Community Center Project	\$140,000.00
09-03	Blakely Park Swing Area Project	\$ 18,000.00
09-05	Graffiti Abatement	\$ 17,000.00

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the amendment to the 2009 Action Plan and authorize reallocation of Entitlement CDBG, Urban County CDBG and CDBG-R funding as indicated below;

<u>Source</u>	<u>Amount</u>	<u>Distribution</u>
LOD 08-03 Elm Street Demo	\$ 24,000	LOD 08-09 LOEL Kitchen Renovation
LI-CDBG-R-06 Lodi Comm. Center	\$140,000	LI-CDBG-R Handicap Ramp/Parking Retrofit
09-03 Blakely Park Swing Area	\$ 18,000	09-07 LOEL Kitchen Renovation Project
09-05 Graffiti Abatement	\$ 17,000	09-06 Spay/Neuter Program

Dated: February 3, 2010

=====

I hereby certify that Resolution 2010-_____ was passed and adopted by the Lodi City Council in a regular meeting held on February 3, 2010, by the following vote:

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

RANDI JOHL
City Clerk

2010-_____

LEGAL ADVERTISEMENT

ADVERTISING INSTRUCTIONS

SUBJECT: 2009-10 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN
AMENDMENT

PUBLISH (DATES): December 23, 2009

TEAR SHEETS WANTED: 1 EXTRA (ONLY) DELIVER TO: Community Development
Dept.

AFFIDAVIT & BILL TO: Community Development - CDBG
City of Lodi
221 W. Pine Street
Lodi, CA 95241

DATE: December 17, 2009 ORDERED BY: Joseph Wood

TITLE: Neighborhood Services Manager



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER APPROVAL OF THE ACTION PLAN AMENDMENT FOR THE REALLOCATION OF AVAILABLE COMMUNITY DEVELOPMENT BLOCK GRANT AND COMMUNITY DEVELOPMENT BLOCK GRANT – RECOVERY PROGRAM FUNDING

On Friday, January 8, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider approval of the Action Plan amendment for the reallocation of available Community Development Block Grant and Community Development Block Grant – Recovery Program funding (attached and marked as Exhibit A) was posted at the following locations:

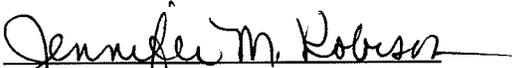
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 8, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER APPROVAL OF THE ACTION PLAN AMENDMENT FOR THE REALLOCATION OF AVAILABLE COMMUNITY DEVELOPMENT BLOCK GRANT AND COMMUNITY DEVELOPMENT BLOCK GRANT – RECOVERY PROGRAM FUNDING

On Friday, January 8, 2010, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider approval of the Action Plan amendment for the reallocation of available Community Development Block Grant and Community Development Block Grant – recovery Program funding, attached hereto marked Exhibit A. The mailing list for said matter is attached hereto marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 8, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK, CITY OF LODI**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Dated: December 23, 2009

EXHIBIT A

NOTICE IS HEREBY GIVEN that on **Wednesday, February 3, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

2009-10 Community Development Block Grant Action Plan Amendment

The City of Lodi plans to amend its 2009-10 Action Plan. As a recipient of Community Development Block Grant (CDBG) funding, the City has developed an Action Plan that describes the activities proposed to be funded in 2009-10. The Action Plan generally describes how the City will utilize program funds for eligible activities during the fiscal year. The Action Plan can be amended as needed to reallocate funds to housing and community development activities.

The City proposes to reallocate funds from projects with a projected funding balance to the Spay/Neuter Program and to the LOEL Senior Center. The Spay/Neuter Program provides low-cost spay/neuter services to low-income Lodi residents and to feral cats. The LOEL Senior Center will complete improvements to its kitchen in order to begin preparing hot meals for homebound seniors and seniors attending the center.

The release of this notice is part of the City's activities to fulfill federal citizen participation requirements. The Action Plan amendment must be available to the public and the City must provide reasonable access to documents.

The Action Plan amendment will be available for public review at the Lodi City Hall, 221 West Pine Street. The Consolidated Plan documents will also be available for public review on the City's website at http://www.lodi.gov/community_development/Neighborhoods/CDBG.html. Copies of the documents will be made available upon request.

The public review and comment period begins January 3, 2010 and will end February 3, 2010. The City Council will consider adoption of the Consolidated Plan documents and provide an opportunity for public comment at their February 3, 2010 meeting.

Questions or comments regarding the Action Plan amendment can be directed to Joseph Wood, Neighborhood Services Manager, at (209) 333-6711 or jwood@lodi.gov.

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 333-6702. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

EXHIBIT B

Jennifer Robison

From: Joseph Wood
Sent: Wednesday, January 06, 2010 12:08 PM
To: Jennifer Robison
Subject: Mailing List for Public Hearing

LOEL Center
105 S. Washington Street
Lodi, CA 95240

People Assisting Lodi Shelter (PALS)

2414 W. Kettleman Lane
Suite 210-2207
Lodi, CA 95242

*Joseph Wood, Manager
Neighborhood Services Division
City of Lodi Community Development Department*

*(209) 333-6711 Office
(209) 333-6842 Fax*



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Public Hearing to Consider Adopting an Uncodified Interim Urgency Ordinance Extending Interim Ordinance No. 1823, Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries

MEETING DATE: February 3, 2010

PREPARED BY: Deputy City Attorney

RECOMMENDED ACTION: Adopt an uncodified interim urgency ordinance extending Interim Ordinance No. 1823, Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries.

BACKGROUND INFORMATION: On May 20, 2009, the Council adopted Interim Ordinance No. 1823 extending the moratorium on the establishment or operation of medical marijuana dispensaries within the City. The ordinance was adopted after staff received several inquiries from the public regarding the steps needed to open medical marijuana dispensaries in the City. The City's Municipal Code does not address the issue. Given undecided questions over the conflict between California and Federal marijuana laws, such dispensaries may or may not be a prohibited use within the City of Lodi.

Without further action, the existing moratorium is set to expire on April 14, 2010.

Currently there are several cases pending before the courts in California concerning the regulation of medicinal marijuana dispensaries. Of particular interest is the matter of the *Qualified Patients Assoc. v. City of Anaheim*. Staff anticipates that the Court of Appeal, 4th Appellate District, will rule on the *Anaheim* case within the next few months and believes the decision may affect the ability of cities to regulate the establishment of medical marijuana dispensaries within their jurisdictions. For that reason, staff recommends extending the existing temporary moratorium for a period of one year, through April 13, 2011. The continuation of the moratorium will allow staff to take the court decisions into consideration in analyzing how best to regulate dispensaries within the City.

Government Code Section 65858 provides that the Council may, after notice to the public pursuant to Government Code Section 65090 and a public hearing, extend Interim Ordinance No. 1823 for a period of one year. The extension requires a minimum four-fifths vote for adoption.

Continuing the moratorium does not preclude medical marijuana patients or their primary caregivers from associating in order to collectively or cooperatively cultivate marijuana for medical purposes as provided under existing California law (see Health & Safety Code Section 11362.775).

As proposed, the recommended extension of Interim Ordinance No. 1823 would extend the current moratorium on the issuance of use permits, variances, building permits, business licenses, or any other entitlement for the establishment or operation of medical marijuana dispensaries within the City to April

APPROVED:

Blair King, City Manager

13, 2011. As previously noted, without the proposed extension, Interim Ordinance 1823 will be of no further force and effect after April 14, 2010.

FISCAL IMPACT: None.

FUNDING: N/A.

Janice D. Magdich
Deputy City Attorney

cc: Rad Bartlam, Community Development Director
David Main, Police Chief

Attachment: Proposed Uncodified Interim Urgency Ordinance Extending Ordinance No. 1823

ORDINANCE NO. _____

AN UNCODIFIED INTERIM URGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF LODI EXTENDING ORDINANCE
NO. 1823 IMPOSING A TEMPORARY MORATORIUM ON THE
ESTABLISHMENT OR OPERATION OF MEDICAL MARIJUANA
DISPENSARIES IN THE CITY OF LODI

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WHEREAS, in 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.5, *et seq.* and entitled the Compassionate Use Act of 1996 (“the Act”); and

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to obtain and use it under limited, specified circumstances; and

WHEREAS, on January 1, 2004, Senate Bill 420 became effective to clarify the scope of the Act and to allow cities and counties to adopt and enforce rules and regulations consistent with SB 420 and the Act; and

WHEREAS, under the U.S. Controlled Substances Act, marijuana is classified as a Schedule 1 drug, meaning it has no accepted medical use; and

WHEREAS, the City of Lodi (the “City”) has received inquiries from members of the public as to the permitting process and zoning regulations for operating medical marijuana dispensaries within the City; and

WHEREAS, medical marijuana dispensaries raise issues of first impression for the City, which currently does not address or regulate in any manner the existence or location of medical marijuana dispensaries in its Municipal Code; and

WHEREAS, based on recent trends, the City believes that it may receive a growing number of inquiries for such businesses, including an application in the immediate future; and

WHEREAS, other California cities that have permitted the establishment of medical marijuana dispensaries have witnessed an increase in crime, such as burglaries, robberies, and the sale of illegal drugs in the areas immediately surrounding such dispensaries; and

WHEREAS, the City must study and analyze concerns about the potential negative impacts on the public health, safety, and welfare arising from medical marijuana dispensaries, including, but not limited to, criminal incidents, loitering, disturbing the peace, and property damage; and

WHEREAS, the City must study the scope of the City’s police power and draft the necessary municipal code provisions; and

WHEREAS, if medical marijuana dispensaries were allowed to be established in the City without appropriate regulation, such uses might be established in areas that

would conflict with the General Plan currently under consideration by the Planning Commission and the City Council, be inconsistent with surrounding uses, or be detrimental to the public health, safety, and welfare; and if such uses were allowed to proceed as allowed under the current zoning, such uses could conflict with, and defeat the purpose of, the proposal to study and adopt new regulations regarding medical marijuana dispensaries; and

WHEREAS, the issuing of permits, business licenses, or other applicable entitlements providing for the establishment and/or operation of medical marijuana dispensaries, prior to the completion of the City's study of the potential impact of such facilities, poses a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements is thus necessary; and

WHEREAS, this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated General Plan adoption and zoning ordinance review; and

WHEREAS, California Government Code §65858 authorizes cities to adopt moratoriums on land use entitlements in order to study any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal; and

WHEREAS, for the protection of the public's health, safety, and general welfare, the City Council on April 15, 2009, adopted Ordinance No. 1822 entitled an Uncodified Urgency Interim Ordinance of the City Council of the City of Lodi making findings and imposing a forty-five (45) day moratorium on the establishment or operation of medical marijuana dispensaries in the City of Lodi; and

WHEREAS, for the continued protection of the public's health, safety and general welfare, the City Council on May 20, 2009, adopted Ordinance No. 1823 entitled an Uncodified Interim Urgency Ordinance of the City of Lodi Extending Ordinance No. 1822 Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries in the City of Lodi, making findings and imposing an additional moratorium of ten (10) months and fifteen (15) days on the establishment or operation of medical marijuana dispensaries in the City of Lodi; and

WHEREAS, the City Council desires to extend Ordinance No. 1823 for an additional one-year period, as permitted by Government Code Section 65858, to maintain the current status quo and to provide time for the City to study applicable law, a permit or licensing procedure, the appropriate zoning districts for such uses, and adopt regulatory standards and conditions to be imposed on such operations.

NOW, THEREFORE, BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The City Council finds that in accordance with the terms and provisions of Section 65858 of the Government Code, and following notice given in the time and manner required by law, it held a public hearing on the extension of Ordinance No. 1823 on February 3, 2010. After hearing all applicable evidence, the City Council finds that the conditions and findings cited in Ordinance 1823 continue to exist and that further study by City staff is necessary in order to study applicable law, a permit or licensing procedure, the appropriate zoning districts for such uses, and to adopt regulatory standards and conditions to be imposed on such operations.

Section 2. Imposition of Moratorium.

A. In accordance with Government Code Section 65858, from and after the date of the expiration of Ordinance No. 1823, no use permit, variance, building permit, business license, or other applicable entitlement for use shall be approved or issued for the establishment or operation of a medical marijuana dispensary for an additional one-year period.

B. For purposes of this Ordinance, “medical marijuana dispensary” shall mean any facility or location where a primary caregiver intends to or does make available, sell, transmit, give, or otherwise provide medical marijuana to two or more of the following: a qualified patient, a person with an identification card, or a primary caregiver. For purposes of this ordinance, the terms “primary caregiver,” “qualified patient,” and “identification card” shall have the same meaning as that set forth in Health and Safety Code Section 11362.7, *et seq.*

C. For purposes of this Ordinance, a medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law and as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.7, *et seq.*: (1) a clinic, licensed pursuant to Chapter 1, Division 2 of the Health and Safety Code (commencing with §1200); (2) a health care facility, licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code (commencing with §1250); (3) a residential care facility for persons with chronic life-threatening illness, licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code (commencing with §1568.01); (4) a residential care facility for the elderly, licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code (commencing with §1569); or (5) a hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code (commencing with §1725), the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card.

D. This Ordinance is an urgency ordinance adopted pursuant to the authority granted to the City of Lodi by Government Code Section 65858 and is for the immediate preservation of the public health, safety, and welfare. The City Council of the City of Lodi hereby finds and declares that there is a need to enact an urgency ordinance establishing a moratorium on medical marijuana dispensaries, based upon the following findings:

- (1) California cities that have permitted the establishment of medical marijuana dispensaries have found that such dispensaries have resulted in negative and harmful secondary effects, such as an increase in crime, including robberies, burglaries, and sales of illegal drugs in the areas immediately surrounding medical marijuana dispensaries. This potential for increased risk of crime and violence presents a clear and immediate danger to the public health, safety and welfare of the residents of the City of Lodi; and
- (2) The City has recently received inquiries from members of the public as to the permitting process and zoning regulations for operating medical marijuana dispensaries within the City; and
- (3) The City does not currently have standards in its Municipal Code relating to the location, operation, and concentration of medical marijuana dispensaries within the City; and
- (4) If medical marijuana dispensaries were allowed to be established without appropriate review of location and operational criteria and standards, such uses might be established in areas that would conflict with the General Plan under consideration by the Planning Commission and the City Council, be inconsistent with surrounding uses, or could have potential adverse secondary effects on neighborhoods in the City and be detrimental to the public health, safety, and welfare; and
- (5) The failure to extend the existing moratorium may result in significant irreversible change in the character of the community and the neighborhood surrounding any marijuana dispensary that would be allowed to open under the City's Municipal Code; and
- (6) Permitting a marijuana dispensary to open while the City is studying and considering a new General Plan as well as zoning regulations to regulate and/or prohibit this use would defeat the purpose of studying these impacts in the first place; and
- (7) As a result of the negative and harmful secondary effects associated with medical marijuana dispensaries and the current and immediate threat such secondary effects pose to the public health, safety, and welfare, it is necessary to extend the existing moratorium on the establishment and operation of medical marijuana dispensaries in the City for an additional one-year period from and after the date of the expiration of Ordinance No. 1823, to allow for the completion of the City's study of the potential impacts of medical marijuana dispensaries and possible amendments to the City's Municipal Code.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this

Ordinance or any part thereof. The City Council of the City of Lodi hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

Section 4. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 7. Effective Date. This urgency Ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect immediately upon its passage and approval by at least four-fifths vote of the City Council. This urgency Ordinance extends the expiration of Ordinance No. 1823 (April 14, 2010) for an additional one-year period, through April 14, 2011, unless repealed by further action of the City Council as provided by Government Code Section 65858.

Approved this 3rd day of February, 2010

PHIL KATZAKIAN
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held February 3, 2010, and was thereafter passed, adopted, and ordered to print by the following vote:

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

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved to Form:

JANICE D. MAGDICH
Deputy City Attorney



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER EXTENDING INTERIM ORDINANCE NO. 1823, AN UNCODIFIED INTERIM URGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OR OPERATION OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF LODI

PUBLISH DATE: SATURDAY, JANUARY 23, 2010

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, JANUARY 21, 2010

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
Phoned to confirm receipt of all pages at _____ (time) CF _____ MB _____ JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER EXTENDING INTERIM ORDINANCE NO. 1823, AN UNCODIFIED INTERIM URGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OR OPERATION OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF LODI

On Friday, January 22, 2010, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider extending interim Ordinance No. 1823, an uncodified interim urgency ordinance imposing a temporary moratorium on the establishment or operation of medical marijuana dispensaries in the City of Lodi (attached hereto, marked Exhibit "A") was posted at the following four locations:

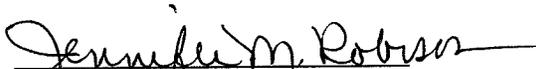
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: February 3, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, February 3, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Extend interim Ordinance No. 1823, an uncodified interim urgency ordinance imposing a temporary moratorium on the establishment or operation of medical marijuana dispensaries in the City of Lodi.**

Information regarding this item may be obtained in the City Attorney's Office, 221 West Pine Street, Lodi, (209) 333-6701. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: **January 20, 2010**

Approved as to form:

D. Stephen Schwabauer
City Attorney



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for One Vacancy on the Lodi Budget/Finance Committee

MEETING DATE: February 3, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Direct the City Clerk to post for one vacancy on the Lodi Budget/Finance Committee.

BACKGROUND INFORMATION: The City Clerk's Office received a letter of resignation (filed) from newly appointed Lodi Budget/Finance Committee member Louis Ponick. Government Code Section 54970 et seq., requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application; therefore, it is recommended that the City Council direct the City Clerk to post for the vacancy shown below.

Lodi Budget/Finance Committee

Louis Ponick Term to expire June 30, 2013

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

APPROVED: _____
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Appropriating \$39,000 for Replacement of Damaged Section of Play Structure at Century Park (to be Offset with Insurance Proceeds of Approximately \$14,000)

MEETING DATE: February 3, 2010

PREPARED BY: James M. Rodems – Interim Director/Parks and Recreation

RECOMMENDED ACTION: Adopt resolution appropriating \$39,000 for replacement of damaged section of play structure at Century Park (to be offset with insurance proceeds of approximately \$14,000).

BACKGROUND INFORMATION: On September 12, 2009, a major portion of the Century Park play structure was damaged by an arsonist (Exhibit A). Park staff installed temporary fencing surrounding the play structure until repairs could be made. The play structure is currently out of service.

If funds are appropriated, the damaged portion of the play structure will be replaced with new, like-kind equipment. As did the original structure, the new component will meet current ADA accessibility requirements. Project estimates for the removal, equipment purchase, and installation by a certified playground vendor total \$39,000 (Exhibit B). The city's property insurance policy will cover damages over a \$25,000 deductible. Funds are currently not available in the Parks Division budget to cover this deductible. However, funds are budgeted in the General Liability account to cover such losses.

Century Park services the portion of the city south of Kettleman Lane and east of Hutchins Street. Multi-family residential units comprise the housing stock in much of this neighborhood. With the exception of a small swing set, the damaged play structure is the only such amenity for neighborhood children and it has been out of service since the fire. If proposed repairs are not funded, staff recommends removing the fire-damaged portion and leaving only the uncompromised portion.

The Recreation Commission voted unanimously 5–0 to replace the damaged equipment as proposed by staff on November 3, 2009.

The Lodi Police Department has enlisted Crime Stoppers and is offering a \$1,000 reward for information leading to the apprehension of the arsonist responsible for the damage.

FISCAL IMPACT: Expenditure of approximately \$39,000 with offsetting insurance proceeds of approximately \$14,000, resulting in a net outlay of \$25,000. Failure to repair the structure would result in a reduction of service to the neighborhood children.

APPROVED: _____
Blair King, City Manager

FUNDING AVAILABLE: \$39,000 – General Liability account 300202

Jordan Ayers, Deputy City Manager

James M. Rodems
Interim Parks and Recreation Director

JMR/JLH:jlh

Attachments

cc: City Attorney

**Century Park Playground Structure
Arson Damage
September 12, 2009**





Enriching Childhood Through Play.

California Sports & Recreation
1030-B Railroad Avenue
Novato, CA 94945
Phone Number: 415-899-9090
Toll Free: 800-471-7037
Fax Number: 415-899-9050

EXHIBIT B

QUOTE
#49784

01/21/2010

City of Lodi - Century Park - Replacement Components for Fire-Damaged Structure

City of Lodi
Attn: Steve Dutra
125 North Stockton Street
Lodi, CA 95240
Phone: 209-333-6800 Ext. 2454
Fax: 209-333-6153
sdutra@lodi.gov

Ship To Zip: 95240

Quantity	Part #	Description	Unit Price	Amount
1	80000	Game Time - 49" Sq Punched Steel Deck	\$800.00	\$800.00
4	80001	Game Time - 49" Tri Punched Steel Deck	\$446.00	\$1,784.00
5	80017	Game Time - 10' Upright Assembly (alum)	\$276.00	\$1,380.00
5	80018	Game Time - 11' Upright Assembly (alum)	\$301.00	\$1,505.00
1	80321	Game Time - 4'-0"-4'-6" Tree Climber	\$802.00	\$802.00
1	80352	Game Time - 5'-0" Cork Screw Climber	\$1,162.00	\$1,162.00
1	80367	Game Time - 4'-6"/5' Wavy Tree Climber	\$859.00	\$859.00
1	80631	Game Time - 3/4' Rung Access	\$799.00	\$799.00
1	80776	Game Time - Rung Enclosure	\$521.00	\$521.00
1	80818	Game Time - Funnel Enclosure	\$440.00	\$440.00
1	81109	Game Time - Funnel Bridge-98"	\$2,747.00	\$2,747.00
1	81112	Game Time - Mini-Arch Bridge	\$2,054.00	\$2,054.00
1	81265	Game Time - Flip Slide	\$1,691.00	\$1,691.00
4	804710	Game Time - 3/8" 16 Unc Thread Insert	\$0.87	\$3.48
1	818312	Game Time - 3/8"-16 Placing Tool	\$39.00	\$39.00
1	178749	Game Time - Owner's Kit	\$44.00	\$44.00

Price is for materials only.
Installation not included.

SubTotal:	\$16,630.48
Tax:	\$1,455.17
Freight:	\$1,616.02
Total Amount:	\$19,701.67

Quoted components replace the damaged parts of existing structure from original GameTime order number 1089433.

Please make your Purchase Order payable to GameTime c/o California Sports & Recreation

THIS QUOTATION IS SUBJECT TO POLICES IN THE CURRENT GAMETIME PARK AND PLAYGROUND CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER. Orders cannot be processed without color options.

Pricing: f.o.b. factory, firm for 30 days from date of quotation.

Payment terms: payment in full, net 30 days subject to approval by GameTime Credit Manager. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

Taxes: State and local taxes, if applicable, will be added at time of invoicing unless a tax exempt certificate is provided at the time of order entry.

Shipment: order shall ship within 30-45 days after GameTime's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of deposit, if required.



City of Lodi - Century Park - Replacement Components for Fire-Damaged Structure

QUOTE #49784

01/21/2010

Shipment: order shall ship within 30-45 days after GameTime's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of deposit, if required.

Freight charges: Prepaid & added

Receipt of Goods: Customer shall receive, unload and inspect goods upon arrival, noting any discrepancies on the Delivery Receipt prior to written acceptance of the shipment.

Exclusions: unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions; bonding of any type; permits and licenses; additional assurances and extended warranties (other than manufacturer's standard offerings); builders risk insurance and additionally insured; waivers of subrogation; provisions for prevailing wages or Davis Beacon Act; making site accessible to installation equipment (such as but not limited to bobcat, front-end loader, etc.); site security; excavation; off site waste disposal of spoils (spreading spoils within play area included); underground utility location.

To Order: Please complete the acceptance portion of this quotation and provide color selections, purchase order copy and other key information requested. Acceptance of this proposal indicates your agreement to the terms and conditions herein.

Order Information:

Bill To: _____
Company: _____
Attn: _____
Address: _____
City, State, Zip: _____
Contact: _____
Tel: _____
Fax: _____

Ship To: _____
Company: _____
Attn: _____
Address: _____
City, State, Zip: _____
Contact: _____
Tel: _____
Fax: _____

Enter desired color palette name: _____

Or

Enter desired color:

- Uprights ()
Decks ()
Accents ()
Roofs/Tubes ()
Slides/Panels ()

California Sports & Recreation By: _____

Salesperson's signature

Acceptance of quotation:

Accepted By (printed): _____
Signature: _____
Title: _____
Facsimilie: _____

P.O. No: _____
Date: _____
Phone: _____
Purchase Amount: \$19,701.67





Enriching Childhood Through Play.

California Sports & Recreation
1030-B Railroad Avenue
Novato, CA 94945
Phone Number: 415-899-9090
Toll Free: 800-471-7037
Fax Number: 415-899-9050

QUOTE
#49770

01/21/2010

City of Lodi - Century Park Removal, Installation & Surfacing for Fire-Damaged Portion

City of Lodi
Attn: Steve Dutra
125 North Stockton Street
Lodi, CA 95240
Phone: 209-333-6800 Ext. 2454
Fax: 209-333-6153
sdutra@lodi.gov

Ship To Zip: 95240

Quantity	Part #	Description	Unit Price	Amount
1	EWF	GI-Impax - 29 Cubic Yards of Engineered Wood Fiber - 575 square feet at 12-inch depth.	\$586.00	\$586.00
1	REMOVAL	Marrs Playground Installation Co. - Remove Half of Existing Engineered Wood Fiber - Approximately 29 cubic yards.	\$2,353.00	\$2,353.00
1	INSTALL	Marrs Playground Installation Co. - Installation of 575 SF of New Engineered Wood Fiber	\$1,176.00	\$1,176.00
1	REMOVAL	Marrs Playground Installation Co. - Remove Fire-Damaged Portion of Existing Structure	\$6,000.00	\$6,000.00
1	INSTALL	Marrs Playground Installation Co. - Installation of Replacement Equipment	\$6,362.00	\$6,362.00

Price is for removal of existing equipment and half of the existing wood fiber surfacing, installation of new GameTime play equipment, delivery and installation of new engineered wood fiber, and prevailing wage.
Dump site to be provided by city.

SubTotal:	\$16,477.00
Tax:	\$51.28
Freight:	\$770.00
Total Amount:	\$17,298.28

Please make your Purchase Order payable to GameTime c/o California Sports & Recreation

THIS QUOTATION IS SUBJECT TO POLICES IN THE CURRENT GAMETIME PARK AND PLAYGROUND CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER.

Pricing: f.o.b. factory, firm for 30 days from date of quotation.

Payment terms: payment in full, net 30 days subject to approval by GameTime Credit Manager. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

Taxes: State and local taxes, if applicable, will be added at time of invoicing unless a tax exempt certificate is provided at the time of order entry.

EWF Shipment: order shall ship within 15-30 days after GameTime's receipt and acceptance of your purchase order, unless otherwise requested by the customer or if schedule is determined by the installation of equipment. Engineered Wood Fiber will be delivered via a tractor-trailer truck. It is the responsibility of the customer make sure there is enough room to manuever the truck to the job site. Please indicate early on if that is going to be a problem.

Freight charges: Prepaid & added

Receipt of Goods: Customer shall receive, unload and inspect goods upon arrival, noting any discrepancies on the Delivery Receipt prior to written acceptance of the shipment.



City of Lodi - Century Park Removal, Installation & Surfacing for Fire-Damaged Portion

QUOTE #49770

01/21/2010

Installation: shall be by a Certified GameTime Installer. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs.

Scope of Installation:

- Marking and digging of holes necessary for installation of the quoted equipment
- Assembly of quoted equipment
- Concrete for footings, where required, for the quoted equipment.

Exclusions: unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; borders and drainage provisions; bonding of any type; permits and licenses; additional assurances and extended warranties (other than manufacturer's standard offerings); builders risk insurance and additionally insured; waivers of subrogation; making site accessible to installation equipment (such as but not limited to bobcat, front-end loader, etc.); site security; fencing; excavation; off site waste disposal of spoils (spreading spoils within play area included); underground utility location.

To Order: Please complete the acceptance portion of this quotation and provide color selections, purchase order copy and other key information requested. Acceptance of this proposal indicates your agreement to the terms and conditions herein.

Order Information:

Bill To: _____
 Company: _____
 Attn: _____
 Address: _____
 City, State, Zip: _____
 Contact: _____
 Tel: _____
 Fax: _____

Ship To: _____
 Company: _____
 Attn: _____
 Address: _____
 City, State, Zip: _____
 Contact: _____
 Tel: _____
 Fax: _____

California Sports & Recreation By: _____

Acceptance of quotation:

Accepted By (printed): _____
 Signature: _____
 Title: _____
 Facsimile: _____

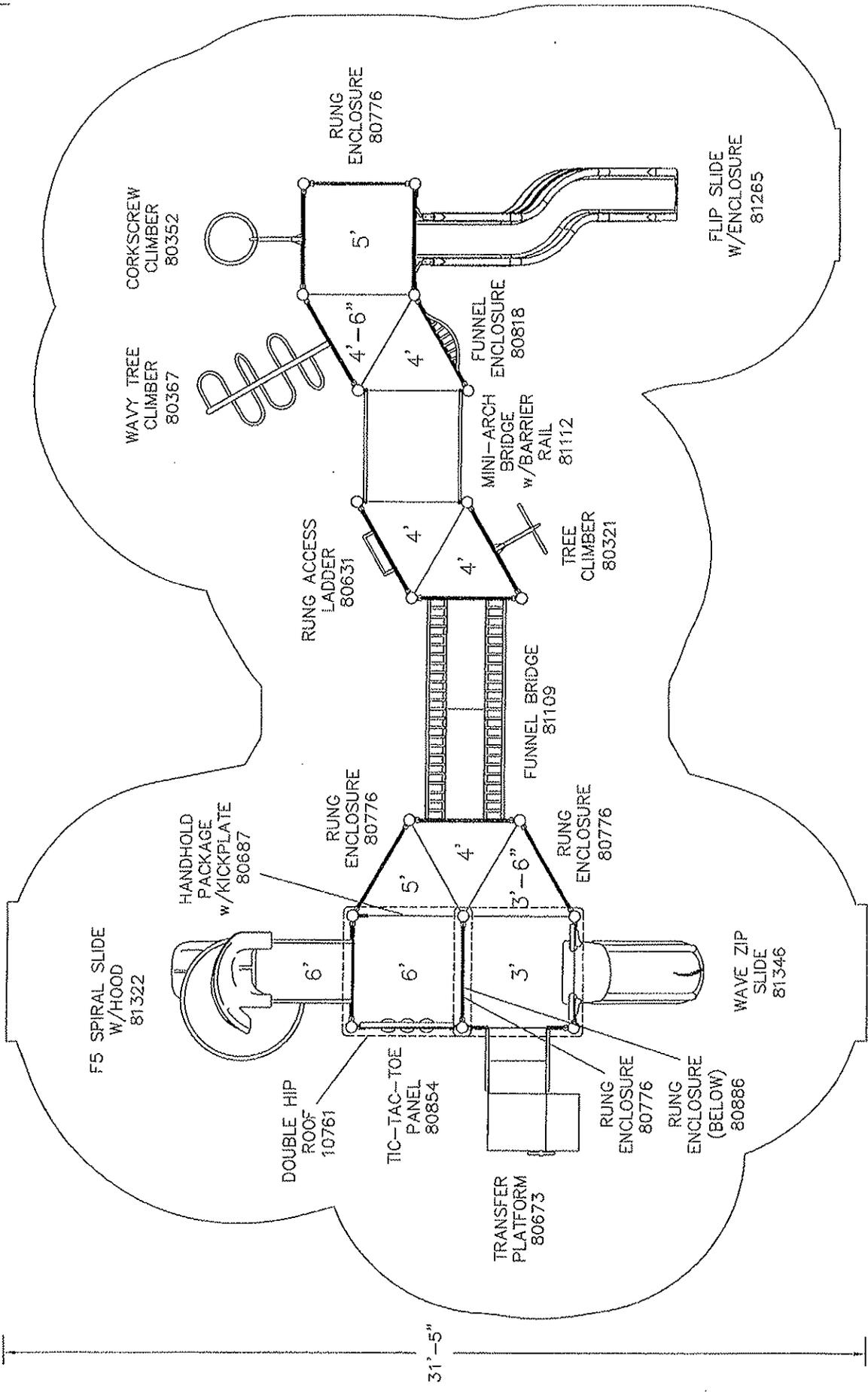
P.O. No: _____
 Date: _____
 Phone: _____

Purchase Amount: \$17,298.28



48' - 4"

31' - 5"



Gametime
 Enriching Childhood Through Play
 150 PlayCore Drive SE
 Fort Payne, AL 35967
 www.gametime.com

CENTURY PARK REPLACEMENT STRUCTURE
 LODI, CA
 Representative
DORIS HARPAIN

This play equipment is recommended for children ages 5-12

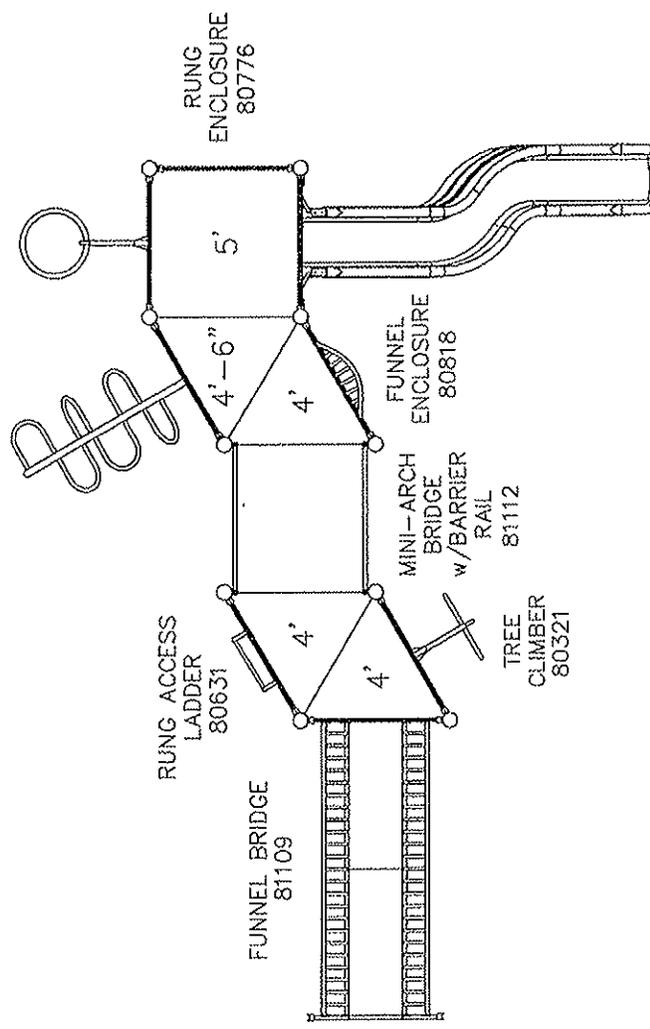
Minimum Area Required:
 Scale:
 This drawing can be scaled only when in an 8 1/2" x 11" format

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. Consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA Z 614.

Drawn By:
 EAS
 Date:
 1/19/10
 Drawing Name:

WAVY TREE CLIMBER
80367

CORKSCREW CLIMBER
80352



FLIP SLIDE
w/ENCLOSURE
81265

RUNG ACCESS
LADDER
80631

FUNNEL BRIDGE
81109

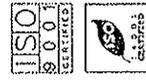
RUNG
ENCLOSURE
80776

FUNNEL
ENCLOSURE
80818

MINI-ARCH
BRIDGE
w/BARRIER
RAIL
81112

TREE
CLIMBER
80321

CENTURY PARK
FIRE-DAMAGED COMPONENTS
LODI, CA
Representative
DH



GAME TIME
Enriching Childhood Through Play
150 PlayCore Drive SE
Fort Payne, AL 35967
www.gametime.com

IMPORTANT! Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614

Minimum Area Required:
Scale: 1" = 5'-0"
This drawing can be scaled only when in an 8 1/2" x 11" format

This play equipment is recommended for children ages

Drawn By:
EAS
Date:
09-25-09
Drawing Name:
Century fire damage

**JEFF CASE
CONSTRUCTION COMPANY**

5301 E.JAHANT RD GALT, CA 95632

LIC: 693578

PHONE: 367-4184

PROPOSAL / CONTRACT

DATE: 1-26-2010

PARKS AND RECREATION
125 N. STOCKTON STREET
LODI, CA

ATT: STEVE DUTRA

JOB LOCATION: CENTURY PARK

HANDICAP RAMP FOR KIDS PLAYGROUND

REMOVAL OF EXISTING CONCRETE SIDEWALK, SAWCUTTING,
DEMO, DRILLING, GRADING AND COMPACTION.

INSTALL NEW 12' X 5' CONCRETE HANDICAP RAMP WITH
CURBING

SAWCUTTING = \$100.00 REMOVAL = \$500.00 COMPACTION =
\$200.00 INSTALLING HANDICAP RAMP AND CURBING= \$1,085.00

TOTAL SUM: \$1,885.00

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROPRIATING \$39,000 FOR REPLACEMENT OF DAMAGED SECTION OF PLAY STRUCTURE AT CENTURY PARK

=====

WHEREAS, on September 12, 2009, a major portion of the Century Park play structure was damaged by an arsonist; and

WHEREAS, Park staff installed temporary fencing surrounding the play structure until repairs could be made; and

WHEREAS, the play structure is currently out of service; and

WHEREAS, staff recommends replacing the damaged portion of the structure; and

WHEREAS, the cost to replace the structure is estimated to be \$39,000, funded by the city in the amount of \$25,000 and through insurance proceeds of approximately \$14,000; and

WHEREAS, the Recreation Commission voted unanimously 5-0 to replace the equipment as proposed by staff at the Recreation Commission meeting of November 3, 2009; and

WHEREAS, the Lodi Police Department has enlisted Crime Stoppers and is offering a \$1,000 reward for information leading to the apprehension of the arsonist responsible for damage to the structure.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby adopt a resolution appropriating \$39,000 for replacement of play structure at Century Park.

Dated: February 3, 2010

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I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 3, 2010, 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 the City Manager to Enter into a Third Amendment to the World of Wonders Science Museum Lease

MEETING DATE: February 3, 2010

PREPARED BY: City Manager

RECOMMENDED ACTION: Adopt resolution authorizing the City Manager to enter into a Third Amendment to the World of Wonders (WOW) Science Museum lease.

BACKGROUND INFORMATION: The City of Lodi received the attached letter from the Board of Directors of the WOW Science Museum requesting that the Council consider amending the current lease agreement and their

Specifically, the WOW Board requests the Council:

- A) Extend the commencement of rent obligations by one additional year – (The current agreement calls for rent in the amount of \$1,030.00 per month to begin in February 2010); and,
- B) Freeze the indexing of rent increases for one additional year. The rent is to increase annually by the Consumer Price Index or 2.5 percent, whatever is larger.

The WOW Museum entered into an agreement with the City Council on August 2, 2006 to develop the “shell” space attached to the downtown parking garage as an interactive science museum focused on children. Prior to this agreement, the City had unsuccessfully marketed the space for retail use.

The WOW has engaged in a very successful campaign to raise funds and has invested \$550,000 in improvements, plus in-kind contributions. They have a collection of exhibits via the Exploratorium and opened on March 6, 2009. However, the museum is requesting more time to raise operating capital. The economy has been a problem for fund-raising.

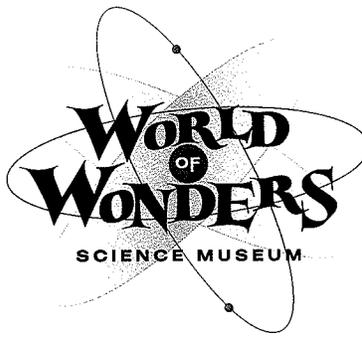
FISCAL IMPACT: All rent proceeds benefit the Transit Fund pursuant to the City’s funding agreement with the Federal Transit Administration. The Transit Fund would forgo approximately \$12,360 in annual rent. On the other hand, the City has received over \$550,000 in improvements to its asset. It appears as though the WOW will be a downtown attraction that will add to the economic vitality of Sacramento Street and help to draw visitors to downtown Lodi. In addition, it is expected the WOW retail store will produce future sales tax revenue.

FUNDING AVAILABLE: Not Applicable

Blair King
City Manager

Attachments

APPROVED: _____
Blair King, City Manager



RECEIVED
JAN 26 2010
CITY MANAGER'S OFFICE

January 26, 2010

Blair King
Lodi City Manager
PO Box 3006
Lodi, CA 95241

Dear Mr. King,

The Board of Directors and Officers of the World of Wonders (WOW) Science Museum are requesting that the lease agreement between the City of Lodi, a municipal corporation, and the World of Wonders Science Museum, a California Nonprofit Corporation, be deferred for another year, commencing 2011.

The WOW opened its doors on March 6, 2009. Over 3,000 school children have attended field study trips at the museum. We have drawn students from as far away as Tracy, the foothills, up to Elk Grove and beyond. Almost 1,400 children have attended the science-themed birthday parties. In addition, more than 10,000 paid guests have visited during our public hours of operation. The WOW has been a destination for many out of town tourists and has become a wonderful asset to the City of Lodi.

The majority of privately owned museums across the country are financially supported by their local school districts, cities and counties. The Davis Explorit is a prime example of a city funded museum. With the down turn of the economy in 2008, donations to the World of Wonders Science Museum dropped off drastically. The financial support has not yet stabilized, but the WOW Board is very encouraged that in 2010 the economy will turn a bit and more grants and community based donations will help to keep the doors open.

With one full time employee, one part time employee and many dedicated volunteers we believe that the WOW museum will be a part of the City of Lodi for many generations to come. We are asking that you consider deferring the lease for another year so we may continue to compliment the science education of our children throughout the whole Central Valley and Foothills.

Sincerely,

Sally Snyder
President of the World of Wonders Science Museum

"The mission of the World of Wonders Science Museum is to offer hands-on science-based exhibits and programs to stimulate discovery for all ages."

President
Sally Snyder

Vice President
Dan Ingram

Treasurer
Mark Chandler

Secretary
Christina Wilson

Board of Directors:
Dr. Kathryn Beckman
Jay Bell
Randall Blank
Corey Daniel
Barbara den Hartog
Jerry Fry
Wally Sandelin
Walt Wolterstorff
Kathy Wooton

Tax Identification
Number: 20-3075595
501(c)(3)
Non-Profit Corporation

address: 2 North Sacramento Street, Lodi, CA 95240

website: www.WOWScienceMuseum.org phone: 209.368.0WOW [0969]

THIRD AMENDMENT TO LEASE AGREEMENT

WORLD OF WONDERS SCIENCE MUSEUM

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THIS THIRD AMENDMENT TO LEASE AGREEMENT, entered into this ____ day of _____, 2010, by and between the CITY OF LODI, a municipal corporation ("City"), and the World of Wonders Science Museum, a California Nonprofit Corporation (Tax ID No. 20-3075595) ("The WOW" or "Lessee") shall be as follows:

WHEREAS, the parties entered into a Lease Agreement dated February 1, 2007 to allow the construction of Tenant Improvements for and the operation of a Science Museum and Museum Store by The WOW in the Lodi Parking Structure space owned by the City and Council approved a FIRST AMENDMENT dated on December 19, 2007; and a second Amendment dated February 4, 2009; and

WHEREAS, the Lease Agreement as amended requires that the payment of rent commence by February 1, 2010;

WHEREAS, The WOW has completed construction of the north half of the Tenant Improvements, and opened for business.

WHEREAS, in recognition of WOW's efforts and expected successful fundraising campaign, the Parties wish to extend WOW's deadline for the rent commencement date.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

1. Effect of Amendment.

Except as expressly modified herein all terms of the Lease Agreement shall remain in full force and effect.

2. Rent: Paragraph six of the Lease Agreement shall be amended to read:

No rent shall be required to be paid until February 1, 2011. Starting February 1, 2011 the WOW shall pay rent in the amount of \$1,030.00 monthly (which is the equivalent of \$1.29 per square foot rent per month for the estimated 800 square foot Museum Store.) to City.

The WOW's monthly rental payment shall increase in each year of this Lease based upon the annual percentage change of The Consumers Price Index for All Urban Consumers (All Items), San Francisco-Oakland-San Jose Average, as published by The United States Department of Labor Statistics, for the month prior to the date the payment is due. Notwithstanding the foregoing, for any given year, The WOW's monthly rental payment shall increase by no less than 2.5%, and no more than 5.0%, per year.

3. FTA Approval: This lease amendment is subject to approval by the Federal Transit Administration.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first hereinabove mentioned.

CITY OF LODI,
a municipal corporation

WORLD OF WONDERS SCIENCE MUSEUM,
a California Nonprofit Corporation

BLAIR KING, City Manager

By _____
SALLY SNYDE, President

ATTEST:

RANDI JOHL, J.D., City Clerk

APPROVED AS TO FORM:

D. STEPHEN SCHWABAUER
City Attorney 

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO ENTER INTO THIRD AMENDMENT
TO WORLD OF WONDERS SCIENCE MUSEUM LEASE

=====

WHEREAS, the World of Wonders (WOW) Museum entered into an agreement with the City Council on August 2, 2006, to develop the "shell" space located attached to the downtown parking garage as an interactive science museum focused on children; and

WHEREAS, the WOW has engaged in a very successful campaign to raise funds and has invested \$550,000 in improvements, plus in-kind contributions. They have a collection of exhibits via the Exploratorium and are open; and

WHEREAS, the museum is requesting more time to raise operating capital due to the existing economy, which has effected fund raising efforts; and

WHEREAS, the Board of Directors of the WOW Science Museum has requested that the City Council consider amending the current lease agreement as outlined below:

- A) Extend the commencement of rent obligations by one year –\$1,030.00 per month to begin in February 2010;
- B) Freeze the indexing of rent increases for one year – (The rent is to increase annually by the Consumer Price Index or 2.5% whatever is larger);

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to enter into a Third Amendment to the WOW Museum Lease as outlined above; and

BE IT FURTHER RESOLVED that this lease amendment is subject to approval by the Federal Transit Administration.

Dated: February 3, 2010

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I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 3, 2010, by the following vote:

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

RANDI JOHL
City Clerk

2010-_____



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Consider Approving the First "Mokelumne River Challenge" on June 12, 2010

MEETING DATE: February 3, 2010

PREPARED BY: James M. Rodems – Interim Director/Parks and Recreation

RECOMMENDED ACTION: Consider approving the first "Mokelumne River Challenge" on June 12, 2010.

BACKGROUND INFORMATION: The City of Lodi Parks and Recreation Department has been approached by Alan MacIsaac of the Mokelumne Rive Adventure Company to assist in the production of the "Mokelumne River Challenge." The Mokelumne River Challenge is a one-day triathlon event to be held at Lodi Lake Park and the Mokelumne River.

The Challenge will consist of a 0.6-mile swim from Lodi Lake Beach. This will be followed by a 3-mile run starting at the Boat House, winding through the Wilderness Area, and ending at the north side boat launch. The final leg will be kayaking up the Mokelumne River, to the Highway 99 overpass, and back to the finish line at Parsons Point (7-mile roundtrip). The event is scheduled to start early on Saturday, June 12 and end in the afternoon.

Impact of the event on the Lodi Lake facility is estimated to be no greater than that of a dual cross country meet with an attendance estimate of 75 to 125 participants.

This Mokelumne River Challenge was approved by the Parks and Recreation Commission and the department will assist as best possible to help plan and promote the event as it fits into the mission of both the use of Lodi Lake and the purpose of the department.

FISCAL IMPACT: None. Event is programmed to be fully sponsored with cost recovery only.

FUNDING AVAILABLE: N/A


James M. Rodems
Interim Parks and Recreation Director

JMRVH
cc: City Attorney

APPROVED: 
Blair King, City Manager