



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: March 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 – None
- D. Consent Calendar (Reading; Comments by the Public; Council Action)
 - D-1 Receive Register of Claims in the Amount of \$2,381,567.84 (FIN)
 - D-2 Approve Minutes (CLK)
 - a) February 16, 2010 (Shirtsleeve Session)
 - b) February 23, 2010 (Shirtsleeve Session)
 - D-3 Approve Plans and Specifications and Authorize Advertisement for Bids for 2010 Storm Drain Improvements Project (PW)
 - D-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Municipal Service Center Compressed Natural Gas Fueling Station Improvements Project Funded with Transit Grant and Transportation Development Act Funds (PW)
 - D-5 Approve Plans and Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility Funded with 2007 Bond Proceeds (PW)
 - D-6 Approve Plans and Specifications and Authorize Advertisement for Bids for All-Weather Surface Installation Project at the Grape Bowl, 221 Lawrence Avenue (PW)
 - D-7 Approve Specifications and Authorize Advertisement for Bids for Maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11 (PW)

- D-8 Approve Specifications and Authorize Advertisement for Bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2010/11 (PW)
- Res. D-9 Adopt Resolution Authorizing Additional Task Order with Treadwell & Rollo Regarding PCE/TCE Cleanup (\$167,000) and Appropriating Funds (\$180,000) (PW)
- Res. D-10 Adopt Resolution Authorizing Transportation Manager to Execute Agreement with Google Transit for Free Pilot Program Online Transit Trip Planning Tool (PW)
- D-11 Set Public Hearing for March 17, 2010, to Approve the Draft 2010/11 Action Plan and the Reallocation of Available Funding for the Community Development Block Grant Program (CD)
- D-12 Set Public Hearing for March 17, 2010, to Consider Resolution Approving Contractual Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection (PW)

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

- H-1 Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department (PW)

I. Communications

- I-1 Claims Filed Against the City of Lodi – None
- I-2 Appointments
 - a) Appointment to Greater Lodi Area Youth Commission (Adult Advisor): *Nicole Grauman* (CLK)
 - b) Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission and Lodi Arts Commission (CLK)
- I-3 Miscellaneous – None

J. Regular Calendar

- J-1 Consider Accepting Gift of Sculpture, "Rite of Spring," from Artist Scott Wampler (COM)
- J-2 Receive Report Regarding Status of Mobile Food Vendor Enforcement Efforts (CM)
- Ord. (Introduce) J-3 Introduce Ordinance Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Repealing and Reenacting Chapter 15.60, "Flood Damage Prevention," and Further Amending Lodi Municipal Code Title 17 – Zoning – by Repealing Chapter 17.51 in its Entirety Relating to FP, Floodplain District (PW)

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



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims through February 11, 2010 in the Total Amount of \$2,381,567.84

MEETING DATE: March 3, 2010

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$2,381,567.84.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$2,381,567.84 through 02/11/10. Also attached is Payroll in the amount of \$1,140,874.72.

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

Page - 1
Date - 02/16/10

As of Thursday	Fund	Name	Amount
02/11/10	00100	General Fund	1,224,392.22
	00123	Info Systems Replacement Fund	15,565.86
	00160	Electric Utility Fund	47,574.27
	00161	Utility Outlay Reserve Fund	13,796.75
	00164	Public Benefits Fund	18,211.03
	00166	Solar Surcharge Fund	25,740.00
	00170	Waste Water Utility Fund	100,286.18
	00171	Waste Wtr Util-Capital Outlay	7.23
	00172	Waste Water Capital Reserve	38,916.16
	00180	Water Utility Fund	15,152.36
	00181	Water Utility-Capital Outlay	102,102.38
	00182	IMF Water Facilities	50.00
	00210	Library Fund	9,552.36
	00211	Library Capital Account	4,508.40
	00234	Local Law Enforce Block Grant	1,453.66
	00235	LPD-Public Safety Prog AB 1913	61.35
	00260	Internal Service/Equip Maint	36,649.75
	00270	Employee Benefits	462,672.69
	00310	Worker's Comp Insurance	41,913.12
	00321	Gas Tax	21,333.37
	00325	Measure K Funds	3,682.30
	00326	IMF Storm Facilities	45,560.99
	00331	Federal - Streets	127.15
	00340	Comm Dev Special Rev Fund	2,990.76
	00345	Community Center	22,188.72
	00346	Recreation Fund	4,157.11
	00459	H U D	11,500.42
	00501	Lcr Assessment 95-1	10,692.32
	01211	Capital Outlay/General Fund	3,969.00
	01217	IMF Parks & Rec Facilities	12,462.67
	01218	IMF General Facilities-Adm	2,430.00
	01241	LTF-Pedestrian/Bike	3,715.85
	01250	Dial-a-Ride/Transportation	40,633.49
	01410	Expendable Trust	33,313.66
Sum			2,377,363.58
	00184	Water PCE-TCE-Settlements	1,561.44
	00190	Central Plume	2,642.82
Sum			4,204.26
Total Sum			2,381,567.84

Council Report for Payroll

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	02/07/10	00100	General Fund	700,908.41
		00160	Electric Utility Fund	151,142.45
		00164	Public Benefits Fund	4,976.05
		00170	Waste Water Utility Fund	93,927.80
		00180	Water Utility Fund	283.92
		00210	Library Fund	29,265.56
		00235	LPD-Public Safety Prog AB 1913	1,495.15
		00260	Internal Service/Equip Maint	21,758.69
		00321	Gas Tax	41,371.03
		00340	Comm Dev Special Rev Fund	20,738.40
		00345	Community Center	23,992.50
		00346	Recreation Fund	44,689.98
		01250	Dial-a-Ride/Transportation	6,324.78
Pay Period Total:				
Sum				1,140,874.72



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Approve Minutes
a) February 16, 2010 (Shirtsleeve Session)
b) February 23, 2010 (Shirtsleeve Session)

MEETING DATE: March 3, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) February 16, 2010 (Shirtsleeve Session)
b) February 23, 2010 (Shirtsleeve Session)

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

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, FEBRUARY 16, 2010**

The February 16, 2010, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, FEBRUARY 23, 2010**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 23, 2010, commencing at 7:04 a.m.

Present: Council Member Johnson, Mayor Pro Tempore Hitchcock, and Mayor Katzakian
Absent: Council Member Hansen, and Council Member Mounce
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Receive Presentation Regarding the Revised Lodi Skate Park Ordinance (PR)

City Manager King briefly introduced the subject matter of the Lodi skate park ordinance.

Interim Parks and Recreation Director Jim Rodems provided a presentation regarding the Lodi skate park ordinance. Specific topics of discussion included the history of the park, usage at the park, proposed ordinance changes, usage of both BMX bikes and skateboards, decline in vandalism, modifications of the relevant municipal code sections, improvements made to the park, and overall increase in use since the park reopened.

In response to Council Member Johnson, Mr. Rodems stated parents are informed about consent and liability and enforcement efforts have been more effective.

In response to Council Member Johnson, Mr. Rodems stated Parks and Recreation has not received any significant complaints since the park was reopened.

In response to Council Member Johnson, Risk Manager Janet Hamilton confirmed there have been no claims filed in relation to the skate park. Mr. King stated the joint powers authority recommended that the secondary insurance was not necessary.

In response to Mayor Katzakian, Mr. Rodems stated the new surface material at the skate park is holding up nicely.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:27 a.m.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for 2010 Storm Drain Improvements Project

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve the plans and specifications and authorize advertisement for bids for 2010 Storm Drain Improvements Project.

BACKGROUND INFORMATION: This project consists of installing 2,570 linear feet of storm drain piping, four storm drain manholes, and other incidental and related work, in Charleston Way, Normandy Lane, Hutchins Street, and Elm Street (Exhibit A).

The areas served by the proposed storm drain improvements have experienced frequent flooding problems during rain storms due to undersized storm drain pipes (Elm Street) and the lack of storm drain pipes (Charleston Way, Normandy Lane, and Hutchins Street). The proposed project will improve storm drainage conveyance capacity in these areas and will reduce the frequency of flooding in the area.

The storm drain improvements are expected to be completed in summer 2010. Following completion of the Elm Street storm drain improvements, Elm Street from Hutchins Street to Church Street is scheduled to receive an asphalt overlay as soon as funding is available.

The plans and specifications are on file in the Public Works Department. The planned bid opening date is March 31, 2010.

FISCAL IMPACT: The project will reduce the maintenance and emergency response costs due to drainage and flooding problems in the affected areas.

FUNDING AVAILABLE: Funding for this project is provided by the Wastewater Capital Fund (171). Appropriation of the funds will be requested at contract award.

Project Estimate: \$320,000

F. Wally Sandelin
Public Works Director

Prepared by Lyman Chang, Senior Civil Engineer
FWS/LC/pmf
Attachment
cc: Purchasing Division
Deputy Public Works Director Swimley
Senior Civil Engineer Chang

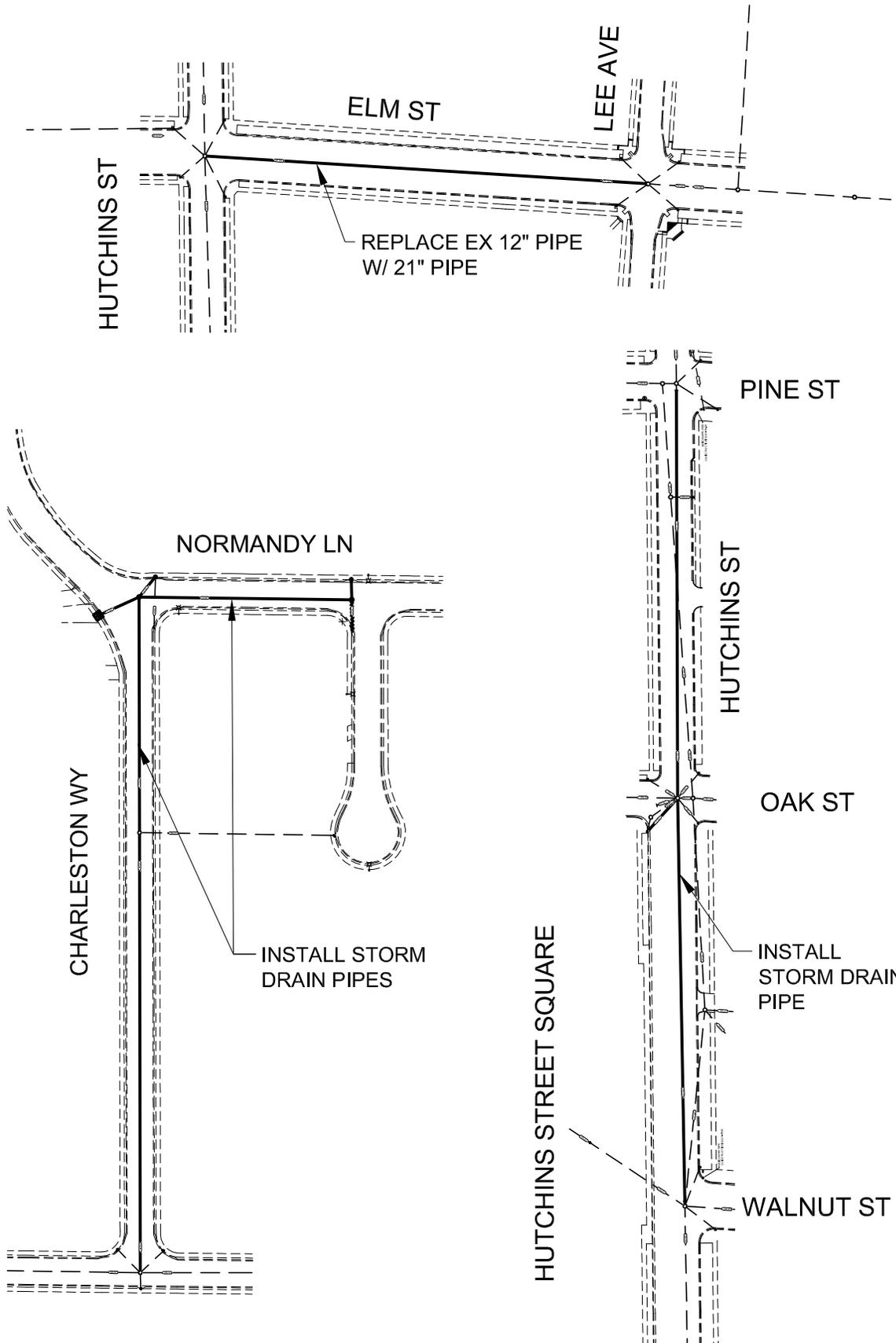
APPROVED: _____
Blair King, City Manager



CITY OF LODI

PUBLIC WORKS DEPARTMENT

2010 Storm Drain Improvements Exhibit A





CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for Municipal Service Center Compressed Natural Gas (CNG) Fueling Station Improvements Project Funded with Transit Grant and Transportation Development Act Funds

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve plans and specifications and authorize advertisement for bids for Municipal Service Center Compressed Natural Gas (CNG) Fueling Station Improvements Project funded with Transit Grant and Transportation Development Act funds.

BACKGROUND INFORMATION: This project consists of rebuilding one of the two existing compressors and replacing one control panel at the Municipal Service Center (MSC) Compressed Natural Gas (CNG) Fueling Station.

The existing MSC CNG Fueling Station was constructed in two phases, the first in 2002/03 and the second in 2006/07. The initial construction included a 125-horsepower electric motor and reciprocating compressor, which now has 7,009 hours of accumulated run time. The original programmable logic control panel, also installed in 2002, has failed and is not repairable. The current compressor is leaking oil badly, and the service contractor has told us that it needs to be rebuilt. A new replacement control panel is needed, which will eliminate compressor down-time and call-outs as it will automatically allow switching to our second compressor under a lead-lag operation, as opposed to the manual switching operation we employ now.

The estimated cost to replace the control panel is \$22,000 and to rebuild the compressor is \$25,000; an additional \$3,000 is budgeted for contingencies. Funding for the project is provided by Federal Transit Administration Grant (80%) and Transportation Development Act (20%) funds.

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 April 7, 2010. The approximate project completion date will be at the end of July 2010.

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

FUNDING AVAILABLE: Federal Transit Administration Grant CA-90-Y736 (FFY 2009)/ Transportation Development Act Funds (125079): \$50,000

F. Wally Sandelin
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager
FWS/DJC/pmf
cc: Transportation Manager
Fleet Services Supervisor

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility Funded with 2007 Bond Proceeds

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve plans and specifications and authorize advertisement for bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility funded with 2007 bond proceeds.

BACKGROUND INFORMATION: The City has made substantial progress on the State-mandated improvements at the White Slough Water Pollution Control Facility (WSWPCF). One of the final improvements to be made, as recommended in the 2001 White Slough Master Plan, is the addition of bio-solids dewatering facilities.

As a result of the 2007 Waste Discharge Permit requirements, solids handling at WSWPCF has changed and nitrate levels have significantly reduced in the land-applied effluent and bio-solids. However, WSWPCF has for many years produced more bio-solids (2,500 tons per year) than can be applied to the agricultural fields (1,800 to 2,000 tons per year). Bio-solids storage capacity is limited and the proposed bio-solids dewatering facilities will allow for removal of 500 to 1,000 tons annually that will be hauled to a regional landfill. Additional operational goals include:

- Providing additional bio-solids storage capacity; and
- Providing the capability to remove one bio-solids storage lagoon from service and perform maintenance while the plant remains in operation.

Constructing a bio-solids dewatering and storage facility will assist the City of Lodi in meeting future discharge permit requirements and provide additional bio-solids handling capacities. The structure will consist of dewatering equipment and chemical feed equipment. The dewatering equipment will consist of two skid-mounted rotary fan presses. Appurtenant facilities will include piping, pumps, and covered storage bays for the dewatered sludge.

The WSWPCF Master Plan developed prior to the 2003 Phase I Improvements project anticipated that bio-solids may become an issue during future permit applications and discussed the dewatering facility. Council is being asked to approve the plans and specifications and authorize advertisement for bids for the project. A prequalification process is included to determine eligible bidders and ensure contractors have the necessary experience to perform the work.

APPROVED: _____
Blair King, City Manager

Approve Plans and Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility Funded with 2007 Bond Proceeds

March 3, 2010

Page 2

The plans and specifications are on file in the Public Works Department. The planned bid opening date is May 4, 2010.

FISCAL IMPACT: This project will be funded by the Wastewater Fund using the remaining 2007 Certificates of Participation (approximately \$5,100,000). The anticipated annual operations and maintenance costs are expected to be approximately \$200,000, including the costs for off-site transportation and disposal of approximately 900 dry tons of bio-solids each year.

FUNDING AVAILABLE: The project estimate is \$5,100,000, including construction administration services, construction contract, testing and inspection and other project-associated expenses. Appropriation will be requested at the time of contract award.

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager

FWS/GW/pmf

cc: Charles Swimley, Deputy Public Works Director
Del Kerlin, Wastewater Treatment Superintendent



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for All-Weather Surface Installation Project at the Grape Bowl, 221 Lawrence Avenue

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve the plans and specifications and authorize advertisement for bids for the All-Weather Surface Installation Project at the Grape Bowl, 221 Lawrence Avenue.

BACKGROUND INFORMATION: On October 7, 2009, the City Council awarded a contract to Beals Alliance for engineering and design services to convert the existing grass athletic field at the Grape Bowl to an all-weather surface.

The project will consist of an all-weather playing field, an 18-inch concrete curb, and a sidewalk path of travel to the handicapped parking area, all as presented in Exhibit A.

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

Plans and specifications are on file in the Public Works Department. Should a contract be awarded for this project, construction will begin immediately following graduation in June, with the contractor needing approximately eight weeks to complete the work.

FISCAL IMPACT: Installing an all-weather turf at the Grape Bowl with its existing amenities is less expensive than constructing a synthetic field at another location and adding the same amenities that exist at the Grape Bowl. Several conventional grass fields would need to be constructed to equal the same recreational capacity as one all-weather turf. General Fund annual maintenance costs would be approximately \$30,000 less than a comparable grass field.

FUNDING AVAILABLE: Parks Impact Fees (1217005) \$1,050,000

James Rodems
Interim Parks and Recreation Director

F. Wally Sandelin
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer
Attachment

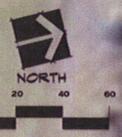
cc: Purchasing Agent
Parks Superintendent
Parks Project Coordinator
Wes Fujitani, Senior Civil Engineer

APPROVED: _____
Blair King, City Manager

Option 1



EXISTING BLEACHERS



GRAPE BOWL
LODI, CA





**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids for Maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve specifications and authorize advertisement for bids for maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2010/11.

BACKGROUND INFORMATION: This project provides for the contract landscape maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1. This contract will cover Zones 1, 2, 5, and 6. Zones 3, 4, 7, 9, 10, and 12 do not have landscape to maintain. The current contract is just under \$22,000.

The new contract estimate is anticipated to be less than \$25,000 for 12 months. The maintenance work covered under this contract is limited to the landscape and irrigation improvements along the reverse frontage areas of the subdivisions in these zones. The assessment costs for the maintenance zones were based on weekly maintenance.

The specifications are on file in the Public Works Department. The planned bid opening date is March 18, 2010.

FISCAL IMPACT: The money for this maintenance contract is provided by the various assessment revenue accounts of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 and does not come out of the General Fund.

FUNDING AVAILABLE: Funding comes from Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 various assessment revenue accounts.

Project Estimate: \$25,000

F. Wally Sandelin
Public Works Director

Prepared by Curtis Juran, Streets and Drainage Superintendent
FWS/CJ/dsg
cc: Curtis Juran, Streets and Drainage Superintendent

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2010/11

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve the specifications and authorize advertisement for bids for the Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2010/11 project.

BACKGROUND INFORMATION: The project includes providing preventive maintenance and repair services for the 48 City-maintained traffic signal and lighting systems. The specifications require the contractor to provide signal maintenance inspections at 120-day intervals and annually test the traffic signals and spare monitors.

The City has contracted ongoing preventive maintenance inspections since 2003, and it has worked well. Currently, City electricians repair the traffic signal systems. The preventive maintenance inspections are intended to ensure the traffic signal systems are reliable and to reduce both equipment failures and the City's exposure to liability claims. The specifications are on file in the Public Works Department. The project specifications include a bid item for unscheduled repair work in case major repairs are required and staff is unavailable. The planned bid opening date is March 18, 2010.

The current maintenance contract will end in June 2010.

FISCAL IMPACT: The preventative maintenance of the City's traffic signal systems will reduce the City's exposure to liability claims.

FUNDING AVAILABLE: Funds will be appropriated in the 2010/11 Financial Plan and Budget in the Streets Operating Account (3215031).
Project Estimate: \$22,000

F. Wally Sandelin
Public Works Director

Prepared by Curtis Juran, Streets and Drainage Superintendent
FWS/CJ/dsg
cc: City Attorney
Streets and Drainage Superintendent
Purchasing

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing Additional Task Order with Treadwell & Rollo Regarding PCE/TCE Cleanup (\$167,000) and Appropriating Funds (\$180,000)

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing an additional task order with Treadwell & Rollo regarding PCE/TCE cleanup in the amount of \$167,000 and appropriating funds in the amount of \$180,000.

BACKGROUND INFORMATION: Staff and our consultants are moving forward on the implementation of Phase I of the PCE/TCE cleanup program. Design of the Phase I permanent facilities is complete and bids were opened on February 23 for the construction of the facilities. At the same time, operation of the temporary soil vapor extraction and treatment (SVET) system will need to continue for approximately one additional year.

Proposed Task Order No. 20, attached as Exhibit A, provides for the continued operation and maintenance by Treadwell & Rollo of the SVET system for a period not to exceed one year. The current task order for maintenance and operation of these facilities expires on March 31, 2010. It is expected the temporary SVET system will be abandoned within the 12-month period covered by Task Order No. 20 and, therefore, it will expire once the Phase I facilities are constructed and operational. The estimated cost is \$167,000 but will be less assuming the Phase I facilities will be operational prior to March 31, 2011. The requested appropriation includes additional funds to cover contingencies.

FISCAL IMPACT: Operation and maintenance costs will increase and are funded by PCE/TCE Cleanup funds.

FUNDING AVAILABLE: Requested Appropriation: Central Plume Fund (190) – \$180,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

FWS/pmf
Attachment

APPROVED: _____
Blair King, City Manager

MEMORANDUM

TO: F. Wally Sandelin
Director of Public Works

FROM: Christopher Glenn, P.E., LEED GA

DATE: 19 January 2010

PROJECT: Proposal for Guild SVE System Operation & Maintenance from April 2010 to March 2011
17 South Church Street, Lodi, California
Proposed Lodi Task 20

SUBJECT: Scope, Schedule, and Cost Estimate for Lodi Task 20 No. of Pages: 3

This memorandum presents the proposed scope, schedule, and costs for Operation and Maintenance (O&M) of the Guild Soil Vapor Extraction (SVE) system in Lodi, California for an additional 12 months. If approved, this will be identified as Lodi Task 20 - Guild SVE O&M.

BACKGROUND

Treadwell & Rollo (T&R) operates the Guild SVE system on behalf of the City of Lodi to remediate tetrachloroethylene (PCE) contamination in soil and soil vapor in the Central Plume Source Area in Lodi, California. The SVE system is located in the parking lot of Guild Cleaners, located at 17 South Church Street, Lodi, California (the Site). The SVE system is operated under a permit by the San Joaquin Valley Air Pollution Control District (SJVAPCD), issued on 31 May 2006, and revised on 3 November 2008. The permit requires monthly monitoring and vapor sample collection. The permit also requires treatment of extracted vapors using three granular activated carbon (GAC) vessels. The SJVAPCD requires tabulation of monthly PCE influent and effluent concentrations, monthly PCE control efficiency, monthly influent and effluent flow rates, and cumulative run time. T&R's current budget for Guild SVE System O&M covers operations through March 2010. This proposal will cover an additional 12 months of O&M through March 2011.

We understand that the City of Lodi is currently soliciting bids for the construction of the Source Area SVE System, which will ultimately replace the Guild SVE system. If this new system is completed and the Guild SVE system operations are discontinued prior to March 2011, T&R would not use the full budget requested in this proposal.

SCOPE OF WORK

The scope of work for the Guild SVE O&M includes several tasks that are listed below:

- **Routine Site Visits** - A T&R field technician will visit the Site one day per month to monitor flow rates, pressures, vacuums, temperature; and to check the operating conditions of the system and note repairs to be performed, if required. The field technician will also collect four vapor samples and perform minor repairs and/or site maintenance, as needed.

- **GAC Changeout and Waste Disposal** - GAC vessels are changed when the effluent from the second of three vessels contains PCE concentration above the SJVAPCD permit level. The third carbon vessel serves as a backup. Based upon the SVE system carbon usage in 2009, we have assumed three carbon changeouts will be required from April 2010 to March 2011. If more than three GAC changeouts are required during the year, additional budget may need to be authorized. Preparation of the GAC waste manifest and profile is included in this task. The manifest is required prior to the transport of spent GAC and is signed by Charlie Swimley of the City of Lodi. GAC sample collection, analysis, and profile documentation are performed periodically for the renewal of the GAC profile. Also, the scope includes yearly disposal of water collected from the knock out drum. T&R assumes that disposal fees for this task will not exceed \$2,000 per year.
- **Laboratory Analysis** - This includes collecting four vapor samples in Tedlar bags and sending them to Air Toxics Laboratory (Folsom, California) for TO-15 analysis. The turn-around time for this analysis is 10 days, and the samples will be picked up by a lab courier.
- **Non - Routine Site Visits For Repairs** - This includes non-routine, unexpected repairs to the Guild SVE system required for continued proper operation. T&R will only repair the minimum required for proper operation because the remaining expected operational lifetime of the Guild SVE system is one year or less. T&R assumes not more than six non-routine visits for the 12 month period and no more than \$15,000 in repair work. Additional visits or repairs will require an increase to the budget.
- **Air District Compliance, Reporting and Inspections** - This includes the evaluation of monitoring data with the SJVAPCD permit for compliance. If there is an event of non-compliance, T&R will act immediately to remedy the problem. T&R will provide periodic reports as requested by SJVAPCD. T&R will facilitate SJVAPCD inspection of the SVE system, which is assumed to occur not more than once in the 12-month period.
- **Reporting and Calculations** - T&R will maintain a log of PCE mass removal from the Guild SVE system and report periodically to the City of Lodi. T&R will also manage logs of monitoring data, field notes, laboratory results, and control efficiency as required by the SJVAPCD. On a quarterly basis, T&R will provide a summary of SVE operations to Stantec, for inclusion in their quarterly groundwater monitoring reports.
- **Project Management and Communication** - This includes maintaining effective communication with the City of Lodi, and responding to questions and requests for information, as needed.

SCHEDULE

This proposal covers SVE O&M from April 2010 through March 2011.

DELIVERABLES

T&R will provide a summary of SVE operations to Stantec at the end of each quarter, for inclusion in their quarterly groundwater monitoring report. Information included will be a brief text section describing the

SVE operations during the quarter, operations and field logs, and a calculation of estimated PCE mass removal by the system for the quarter.

T&R will also provide information upon request from Lodi, SJVAPCD, or other agencies. These include:

- 1) PCE Removal Efficiency (required by SJVAPCD)
- 2) Operation logs of flow rates (required by SJVAPCD)
- 3) Cumulative PCE mass removal (periodically requested by City of Lodi)
- 4) SJVAPCD permit renewal.

COST ESTIMATE

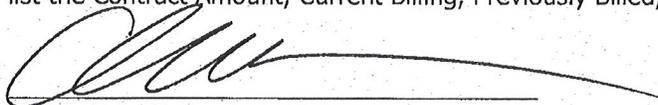
Our estimated fee for this scope of work will not exceed \$167,000. This corresponds to approximately \$13,920 per month. Due to the non-linear nature of O&M expenditures, costs may exceed \$13,920 in any given month. The assumptions behind this cost are included in the scope of work section above.

LIST OF SUBCONTRACTORS

Air Toxics Laboratory, Folsom, CA – Vapor Analysis Laboratory
Siemens Water Technology, San Leandro, CA - GAC Supplier
ERRG, Concord, CA - SVE Repair Contractor
AES, San Francisco, CA - Waste Disposal (Water)

INVOICES

As we have done in 2009, we will submit our invoices monthly to the City of Lodi, and each invoice will list the Contract Amount, Current Billing, Previously Billed, Paid-to-Date and Balance Due.



Christopher Glenn, P.E., LEED GA
Senior Project Engineer

Approved per Resolution No. 2010-_____

APPROVED AS TO FORM:

Blair King, City Manager

D. Stephen Schwabauer, City Attorney



ATTEST:

Randi Johl, City Clerk

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING ADDITIONAL TASK ORDER NO. 20
WITH TREADWELL & ROLLO REGARDING PCE/TCE
CLEANUP AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, staff and City consultants are moving forward on the implementation of Phase I of the PCE/TCE cleanup program, and design of the Phase I permanent facilities is complete. At the same time, operation of the temporary soil vapor extraction and treatment (SVET) system will need to continue for approximately one year; and

WHEREAS, proposed Task Order No. 20 provides for the continued operation and maintenance by Treadwell and Rollo of the SVET system for a period not to exceed one year. It is expected the temporary SVET system will be abandoned within that time. Task Order No. 20 will expire once the Phase I facilities are constructed and the existing facilities abandoned; and

WHEREAS, the estimated cost for Task Order No. 20 is \$167,000.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize Task Order No. 20 in the amount of \$167,000 with Treadwell & Rollo, of San Francisco, California, regarding PCE/TCE cleanup; and

BE IT FURTHER RESOLVED that funds in the amount of \$180,000 be appropriated from the Central Plume Fund for this task order.

Dated: March 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 March 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: Adopt Resolution Authorizing Transportation Manager to Execute Agreement with Google Transit for Free Pilot Program Online Transit Trip Planning Tool

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the Transportation Manager to execute an agreement with Google Transit for a free pilot program online transit trip planning tool.

BACKGROUND INFORMATION: The City of Lodi's Transit Division has been given an opportunity to participate in a new free pilot program, Google Transit, an online transit trip planning tool. Through Google Transit, passengers can schedule trips involving multiple transit service providers. The service includes agencies across the country and around the world.

The California Center for Innovative Transportation (CCIT), a program coordinated through the University of California, Berkeley and funded in part by Caltrans, is facilitating a pilot program for a limited number of small transit agencies in the region. CCIT will coordinate initial participation in Google Transit, which entails conversion of schedule, route and fare data to the open-source Google Transit Feed Specification (GTFS). CCIT staff will train City staff to update and maintain bus stop locations, travel timing and fare information as necessary on the GTFS.

Maintenance of the data may be cumbersome to agencies, depending on frequency and types of modifications. CCIT estimates a potential time commitment of 40 hours per year. If the City determines that the maintenance commitment is too great, CCIT has proposed third-party vendor assistance for the agency (potentially \$900 per year).

Google Transit is a free service, but requires a signed Google Transit Agreement to ensure that the City of Lodi will maintain accurate information on the Google Transit Feed Specification.

FISCAL IMPACT: Initial participation in Google Transit will be provided at no cost to the City, and the City may elect to maintain its own data with transit staff. The City may later elect to use a third-party vendor to assist, at an approximate cost of \$900 per year.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Julia Tyack, Transportation Planner
FWS/JT/pmf
Attachment

cc: Paula Fernandez, Transportation Manager
Aaron Hoyt, San Joaquin Council of Governments
Manju Kumar, California Center for Innovative Transportation

APPROVED: _____
Blair King, City Manager

Google Transit Agreement

This Google Transit Agreement is entered into by and between Google Inc., a Delaware corporation, and its affiliates ("Google"), and the entity agreeing to these terms ("Licensor"). This agreement will be effective as of the date you click the "Accept and Sign Up" button below (the "Effective Date"). If you are accepting on behalf of your employer or another entity, you represent and warrant that (i) you have full legal authority to bind your employer or such entity to these terms and conditions, (ii) that you have read and understand this agreement, and (iii) that you agree, on behalf of the party that you represent, to this agreement. If you don't have the legal authority to bind, please do not click the "Accept and Sign Up" button below.

1 DEFINITIONS.

1.1 "Licensed Content" means the content provided by Licensor to Google pursuant to the delivery mechanism described in Section 3.1 (Delivery).

1.2 "Licensor Marks" means Licensor's various service marks, trademarks, company names, trade names, and logos.

1.3 "Distribution Partner" means a third party under an agreement with Google to use Google products or services internally or provide or display Google products or services to end users.

2 LICENSED CONTENT.

2.1 License. Licensor grants to Google a nonexclusive, worldwide, and royalty-free license to: (a) copy, distribute, create derivative works based on, perform, display, and otherwise use the Licensed Content in connection with Google products or services, which license will be perpetual with respect to Licensed Content used in Google products or services displayed in television broadcasts, print media, CDs, DVDs, or other fixed media; and (b) sublicense the license in subsection (a) to end users and Distribution Partners in connection with Google products or services. Google agrees that it will not distribute the Licensed Content to Distribution Partners or end users outside of the Google products or services. Google may use consultants and other contractors in connection with the performance of obligations and exercise of rights under this agreement, provided that such consultants and contractors will be subject to the same obligations as Google.

2.2 Marks License. Licensor hereby grants to Google a worldwide, non-exclusive, non-transferable, royalty-free right and license to use the Licensor

Marks in connection with the Licensed Content in Google products or services. This license may not be sublicensed except to its Distribution Partners in connection with their use of Google products or services.

2.3 Reservation of Rights. Except for the license rights granted in this agreement, each party retains all rights it would have independent of this agreement, including rights under the U.S. Copyright Act or analogous laws in other jurisdictions. Google and its licensors retain all rights in any content used or created in connection with the Licensed Content and Licensor Marks.

Nothing in this agreement will restrict Google from using content Google obtains from a source other than Licensor under this agreement.

3 DELIVERY; UPDATES.

3.1 Delivery. Within 14 days after the Effective Date, Licensor will provide the Licensed Content to Google in accordance with the format and specifications set forth in Google's transit feed specifications as updated by Google from time to time, the current version of which is located at http://code.google.com/transit/spec/transit_feed_specification.htm, or in a format as otherwise mutually agreed upon in writing by the parties. If the Licensed Content includes URLs, those URLs will link directly to a Licensor webpage relevant to the Licensed Content without spawning any pop-up advertisements or new windows that are not relevant to the Licensed Content.

3.2 Updates. During the Term, Licensor will provide updates to the Licensed Content on a regular basis in the manner described in Section 3.1 (Delivery).

The updated Licensed Content will be updated as frequently and will be as high in quality and broad in scope as corresponding content that Licensor provides to any other party (including without limitation Licensor's end users). In the event that Licensor is an aggregator of licensed content provided by other entities, Licensor will ensure that the updated Licensed Content will be updated as frequently and will be as high in quality and broad in scope as corresponding content that the originating entities provide to any other party.

4 WARRANTIES AND INDEMNITIES. Each party represents and warrants that it has full power and authority to enter into this agreement. Licensor represents and warrants that it has all necessary rights to grant the licenses set forth in Section 2. In the event that Licensor is an aggregator of licensed content provided by other entities, Licensor also represents and warrants that it has the full power and authority or has entered into agreements to ensure that the originating entities of the Licensed Content comply with the applicable provisions of this agreement, including, without

limitation, the confidentiality obligations set forth in Section 6. Google will indemnify and defend Licensor and its directors, officers, employees, and agents from third party claims arising from or related to a breach of Google's representations and warranties. Licensor will, to the extent permitted by applicable law, indemnify and defend Google and its directors, officers, employees, agents, and Distribution Partners from third party claims arising from or related to (a) a breach of Licensor's representations and warranties or (b) Google's or any Distribution Party's authorized use of the Licensed Content or any other materials provided by Licensor to Google under this agreement.

5 DISCLAIMERS, LIMITATION OF LIABILITY. EXCEPT FOR THE EXPRESS WARRANTIES MADE BY THE PARTIES IN SECTION 4, THE PARTIES DISCLAIM ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NONINFRINGEMENT. EXCEPT (I) INDEMNITIES UNDER SECTION 4, AND (II) BREACHES OF CONFIDENTIALITY UNDER SECTION 6, (A) NEITHER PARTY WILL BE LIABLE FOR LOST REVENUES OR INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY OR PUNITIVE DAMAGES, AND (B) NEITHER PARTY'S AGGREGATE LIABILITY FOR ANY CLAIM ARISING OUT OF OR RELATED TO THIS AGREEMENT WILL EXCEED \$1,000.

6 CONFIDENTIALITY; PR.

6.1 Definition. "Confidential Information" is information disclosed by one party to the other party under this agreement that is marked as confidential or would normally under the circumstances be considered confidential information of the disclosing party. Confidential Information does not include information that the recipient already knew, that becomes public through no fault of the recipient, that was independently developed by the recipient, or that was rightfully given to the recipient by another party.

6.2 Confidentiality Obligations. The recipient will not disclose the Confidential Information, except to affiliates, employees, and agents who need to know it and who have agreed in writing to keep it confidential. The recipient, its affiliates, employees, and agents may use Confidential Information only to exercise rights and fulfill obligations under this agreement, while using reasonable care to protect it. The recipient may also disclose Confidential Information when required by law after giving reasonable notice to discloser.

6.3 Publicity. Neither party may make any public statement regarding the relationship contemplated by this agreement without the other's prior written approval.

6.4 Public Records. Notwithstanding the provisions of Section 6.2, Google understands that, unless exempt under applicable law, this agreement and any documents that it submits under this agreement may be subject to public inspection or copying under the applicable public records act laws to Licensor ("PRA"). For avoidance of doubt, Licensor, solely in compliance with the PRA, may disclose that information to which Licensor has a reasonable good faith belief that no applicable exemption under the PRA applies. If any requests for disclosure are made pursuant to the PRA or comparable applicable laws requiring disclosure of information by public entities, Licensor shall (i) notify Google within 3 days of receiving such request and (ii) provide Google with reasonable information, and assistance to file for or request any applicable exemptions, extensions, responses or petitions and the like to protect Google's trade secrets, Confidential Information or the confidentiality of all or part of this agreement and documents submitted under this agreement.

7 TERM AND TERMINATION.

7.1 Term. Unless terminated earlier in accordance with this agreement, this agreement will: (a) begin on the Effective Date; (b) continue for 24 months; and (c) automatically renew for additional one year terms unless either party notifies the other party of its intent to not renew at least 90 days prior to the end of the then-current term. The "Term" means the initial term and all renewal terms.

7.2 Termination. Either party may terminate this agreement if the other party materially breaches any material provision of this agreement and fails to cure the breach within 30 days after receiving written notice of the breach from the non-breaching party. Google may terminate this agreement immediately upon written notice to Licensor if Licensor breaches its representations and warranties in Section 4 of this agreement (Warranties and Indemnities). Google may terminate this agreement upon seven days' prior written notice to Licensor if Google determines that the Licensed Content fails to meet Google's quality standards or technical specifications.

7.3 Effects of Termination. When the agreement terminates:

(a) Licensor will cease providing Google with Licensed Content and, if applicable, provide an empty feed to Google using the delivery mechanism described in Section 3.1 (Delivery) to replace the Licensed Content.

(b) Google will use commercially reasonable efforts to cease display of the Licensed Content and the Licensor Marks to end users within 120 days after termination (and, if applicable, provision of the empty feed), but any sublicenses that Google grants during the Term will continue for the remaining term of the applicable sublicense.

7.4 Survival. Sections 2.1, 2.3 and 4 through 8 will survive any termination or expiration of this agreement.

8 MISCELLANEOUS.

8.1 Notices. All notices must be in writing and addressed to the attention of the other party's Legal Department and primary point of contact. Notice will be deemed given (a) when verified by written receipt if sent by personal courier, overnight courier, or mail; or (b) when verified by automated receipt or electronic logs if sent by facsimile or email.

8.2 Assignment. Neither party may assign or transfer any part of this agreement without the written consent of the other party, except to an affiliate but only if (a) the assignee agrees in writing to be bound by the terms of this agreement and (b) the assigning party remains liable for obligations under the agreement. Any other attempt to transfer or assign is void.

8.3 Change of Control. Upon a change of control (for example, through a stock purchase or sale, merger, or other form of corporate transaction), (a) the party experiencing the change of control will provide written notice to the other party within 30 days after the change of control, and (b) the other party may immediately terminate this agreement any time between the change of control and 30 days after it receives the written notice in subsection (a).

8.4 Force Majeure. Neither party will be liable for inadequate performance to the extent caused by a condition (for example, natural disaster, act of war or terrorism, riot, labor condition, governmental action, and Internet disturbance) that was beyond the party's reasonable control.

8.5 No Waiver. Failure to enforce any provision will not constitute a waiver.

8.6 Severability. If any provision is found unenforceable, it and any related provisions will be interpreted to best accomplish the unenforceable provision's essential purpose.

8.7 No Agency. The parties are independent contractors, and this agreement does not create an agency, partnership or joint venture.

8.8 No Third-Party Beneficiaries. There are no third-party beneficiaries to this agreement.

8.9 Equitable Relief. Nothing in this agreement will limit either party's ability to seek equitable relief.

8.10 Governing Law. This agreement is governed by California law, excluding California's choice of law rules. FOR ANY DISPUTE RELATING TO THIS AGREEMENT, THE PARTIES CONSENT TO PERSONAL JURISDICTION IN, AND THE EXCLUSIVE VENUE OF, THE COURTS IN SANTA CLARA COUNTY, CALIFORNIA.

8.11 Amendments. Any amendment must be in writing and expressly state that it is amending this agreement.

8.12 Counterparts. The parties may execute this agreement in counterparts, including facsimile, PDF, and other electronic copies, which taken together will constitute one instrument.

8.13 Entire Agreement. This agreement is the parties' entire agreement relating to its subject and supersedes any prior or contemporaneous agreements on that subject.

(Last Revised September 10, 2009)

Approved as to form

~~_____~~
City Attorney



RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE TRANSPORTATION MANAGER TO
EXECUTE AGREEMENT WITH GOOGLE TRANSIT

=====

WHEREAS, the City of Lodi's Transit Division has been given an opportunity to participate in Google Transit, an online transit trip planning tool that coordinates transit data from agencies across the country and around the world to disburse transit information to customers; and

WHEREAS, the California Center for Innovative Transportation (CCIT), a program coordinated through the University of California, Berkeley and funded in part by Caltrans, is facilitating a pilot program for a limited number of small transit agencies in the region. CCIT will coordinate initial participation in Google Transit, which entails conversion of schedule, route and fare data to the open-source Google Transit Feed Specification (GTFS) and will train City staff to update and maintain bus stop locations, travel timing and fare information as necessary on the GTFS; and

WHEREAS, CCIT estimates a potential time commitment of 40 hours per year for maintenance of the data, and if the City determines that the maintenance commitment is too great, CCIT has proposed third-party vendor assistance for the agency (potentially \$900 per year); and

WHEREAS, Google Transit is a free service, but requires a signed Google Transit Agreement to ensure that the City of Lodi will maintain accurate information on the Google Transit Feed Specification.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the Transportation Manager to execute an agreement with Google Transit for participation in an online transit trip planning tool.

Dated: March 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 March 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: Set a Public Hearing for March 17, 2010, to approve the Draft 2010/11 Action Plan and the reallocation of available funding for the Community Development Block Grant Program.

MEETING DATE: March 3, 2010

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Set a public hearing for March 17, 2010, to approve the Draft 2010/11 Action Plan and the reallocation of available funding for the Community Development Block Grant Program.

BACKGROUND INFORMATION: A public hearing is required as part of the federal requirements of the Community Development Block Grant (CDBG) program.

In May 2009, the Council approved the 2009-14 CDBG Consolidated Plan, a five-year plan for identifying and addressing community needs. The Consolidated Plan contains an assessment that defines housing and community development needs for low-income persons and families, as well as a variety of special needs populations, including homeless, elderly, and disabled persons. The needs assessment is based on Census data, other available data sources, and input from community residents and service providers. The second component of the Consolidated Plan is a strategic plan, which lays out the City's method for expending CDBG funds over the five-year period and sets goals and priorities for each type of eligible activity.

The Action Plan is the Consolidated Plan's annual implementing document and provides a detailed description of each activity proposed for the fiscal year, as well as the City's CDBG budget and goals for the fiscal year.

Funding Allocation

The City is anticipating a funding allocation equal to that of last year, \$751,211. Final allocations are typically released by HUD in February or March. Allocations are not currently anticipated to differ significantly from what was received last year.

In addition to the 2010/11 CDBG allocation, the City will be looking to reallocate any unused funds from services approved in the 2009/10 Plan, as service funding cannot be carried over and must be reallocated to eligible projects. The City also expects to have a reallocation of Urban County CDBG funds available.

APPROVED: _____
Blair King, City Manager

Next Steps

Upon completion of the initial public hearing, the Draft Action Plan will be available for public review and comment and will be brought back for final approval on May 5, 2010. The adopted Action Plan document must be submitted to HUD no later than May 15, 2010 in order to receive funding beginning July 1, 2010. City staff is actively working on the draft Action Plan document. The application process for CDBG funding ran from January 13 – February 10. A summary of the applications received during that time period will be provided during a Shirtsleeve Session scheduled for March 9, 2010.

FISCAL IMPACT: The Action Plan document is being completed as a pre-award activity that will be reimbursed through the City’s CDBG administrative allocation from HUD.

FUNDING AVAILABLE: N/A

Konradt Bartlam
Community Development Director



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for March 17, 2010, to Consider Resolution Approving Contractual Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set a public hearing for March 17, 2010, to consider a resolution approving contractual Consumer Price Index based annual adjustment to rates for solid waste collection.

BACKGROUND INFORMATION: The franchise agreement with Central Valley Waste Services states in Section 7b that rates for solid waste collection are to be adjusted annually on April 1 of each anniversary of the agreement. Section 7c of the franchise agreement states that rates shall be adjusted in a percentage amount equal to 80 percent of the annual change in the Consumer Price Index for all Urban Consumers for San Francisco-Oakland-San Jose, California Area, All Items (1982-84=100). The percent increase in rates based on the CPI change is 0.585 percent. Section 7f of the franchise agreement also states that the contractor may request additional increases due to extraordinary increases in landfill costs. Central Valley Waste Services is asking for an additional increase in rates for increased disposal costs that have risen by 0.493 percent. The total rate increase requested by Central Valley Waste Services is 1.078 percent.

The proposed rates are attached. For most residential customers, the rate increase will be less than 25 cents. The effective date of the proposed rates is April 1, 2010.

FISCAL IMPACT: Franchise fees paid to the City will increase by approximately \$12,000.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst
FWS/RAY/pmf
Attachments
cc: Central Valley Waste Services
Steve Mann, Information Systems Division Manager

APPROVED: _____
Blair King, City Manager

CITY OF LODI
MULTI-CART CURBSIDE REFUSE RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	Current Rate Per Month	New Rate Per Month
<u>1. 35 GALLON REFUSE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 22.59	\$ 22.83
2 Refuse Carts	\$ 56.41	\$ 57.02
3 Refuse Carts	\$ 90.27	\$ 91.25
4 Refuse Carts	\$ 124.15	\$ 125.49
<u>2. 64 GALLON REFUSE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 33.96	\$ 34.33
2 Refuse Carts	\$ 84.87	\$ 85.79
3 Refuse Carts	\$ 135.78	\$ 137.24
<u>3. 96 GALLON WASTE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 74.05	\$ 74.85
2 Refuse Carts	\$ 148.11	\$ 149.71
3 Refuse Carts	\$ 222.16	\$ 224.56
<u>4. DUPLEX AND MULTI-FAMILY, AND MOBILE HOMES</u>		
Monthly rate is reduced one (1) dollar from above base rates	\$ (1.00)	\$ (1.00)
<u>5. LOW VOLUME USER 1X PER WEEK****</u>		
One (1) - 20 Gallon Low Volume Refuse Cart	\$ 15.36	\$ 15.53
<u>6. ADDITIONAL 64 GALLON RECYCLING CARTS</u>		
Second and Third Recycling Cart	No Add'l Charge	No Add'l Charge
Fourth and Each Additional Cart	\$ 12.17	\$ 12.30
<u>7. ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>		
Second and Third Yard and Garden Cart	No Add'l Charge	No Add'l Charge
Fourth and Each Additional Yard and Garden Cart	\$ 12.17	\$ 12.30
<u>8. BACK YARD SERVICE****</u>		
Monthly service charge	\$ 12.50	\$ 12.63
Qualified Disabled	No Add'l Charge	No Add'l Charge

Notes:

****Applies to Single Family Dwellings Only

**CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011**

WEEKLY SERVICE - ONE (1) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 119.29	\$ 221.94	\$ 508.54	\$ 917.77	\$ 1,449.65	\$ 2,104.15
2	\$ 189.54	\$ 345.81	\$ 722.78	\$ 1,246.95	\$ 1,918.28	\$ 2,736.74
3	\$ 259.77	\$ 469.64	\$ 937.02	\$ 1,576.13	\$ 2,386.86	\$ 3,369.30
4	\$ 329.99	\$ 593.47	\$ 1,151.26	\$ 1,905.25	\$ 2,855.47	\$ 4,001.92
5	\$ 400.25	\$ 717.31	\$ 1,365.49	\$ 2,234.45	\$ 3,324.10	\$ 4,634.48
6	\$ 470.48	\$ 841.15	\$ 1,579.72	\$ 2,563.62	\$ 3,792.69	\$ 5,267.06
7	\$ 540.72	\$ 965.03	\$ 1,793.98	\$ 2,892.77	\$ 4,261.31	\$ 5,899.66
8	\$ 610.94	\$ 1,088.84	\$ 2,008.24	\$ 3,221.89	\$ 4,729.90	\$ 6,532.26
9	\$ 681.18	\$ 1,212.71	\$ 2,222.46	\$ 3,551.08	\$ 5,198.55	\$ 7,164.84
10	\$ 751.45	\$ 1,336.55	\$ 2,436.69	\$ 3,880.25	\$ 5,667.14	\$ 7,797.39

WEEKLY SERVICE - TWO (2) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 173.83	\$ 327.63	\$ 677.97	\$ 1,159.30	\$ 1,771.66	\$ 2,515.03
2	\$ 295.19	\$ 550.47	\$ 1,041.50	\$ 1,689.80	\$ 2,495.27	\$ 3,458.00
3	\$ 416.59	\$ 773.28	\$ 1,405.11	\$ 2,220.30	\$ 3,218.90	\$ 4,400.96
4	\$ 537.94	\$ 996.14	\$ 1,768.65	\$ 2,750.78	\$ 3,942.55	\$ 5,343.92
5	\$ 659.38	\$ 1,218.90	\$ 2,132.20	\$ 3,281.28	\$ 4,666.16	\$ 6,286.88
6	\$ 780.76	\$ 1,441.76	\$ 2,495.70	\$ 3,811.77	\$ 5,389.80	\$ 7,229.84
7	\$ 902.17	\$ 1,664.58	\$ 2,859.32	\$ 4,342.26	\$ 6,113.41	\$ 8,172.78
8	\$ 1,023.53	\$ 1,887.42	\$ 3,222.88	\$ 4,872.74	\$ 6,837.04	\$ 9,115.75
9	\$ 1,144.95	\$ 2,110.24	\$ 3,586.42	\$ 5,403.23	\$ 7,559.84	\$ 10,058.71
10	\$ 1,266.34	\$ 2,333.04	\$ 3,949.98	\$ 5,933.71	\$ 8,285.52	\$ 11,001.66

WEEKLY SERVICE - THREE (3) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 221.29	\$ 419.30	\$ 813.78	\$ 1,339.28	\$ 1,995.79	\$ 2,783.33
2	\$ 390.17	\$ 733.76	\$ 1,313.16	\$ 2,049.74	\$ 2,943.56	\$ 3,994.60
3	\$ 559.06	\$ 1,048.25	\$ 1,812.53	\$ 2,760.24	\$ 3,891.32	\$ 5,205.86
4	\$ 727.90	\$ 1,362.70	\$ 2,311.88	\$ 3,470.69	\$ 4,839.11	\$ 6,417.14
5	\$ 896.79	\$ 1,677.19	\$ 2,811.27	\$ 4,181.19	\$ 5,786.93	\$ 7,628.41
6	\$ 1,065.70	\$ 1,991.63	\$ 3,310.63	\$ 4,891.64	\$ 6,734.66	\$ 8,839.67
7	\$ 1,234.55	\$ 2,305.73	\$ 3,810.01	\$ 5,602.10	\$ 7,682.40	\$ 10,050.96
8	\$ 1,403.42	\$ 2,620.57	\$ 4,309.38	\$ 6,312.58	\$ 8,630.21	\$ 11,262.23
9	\$ 1,572.30	\$ 2,935.08	\$ 4,808.77	\$ 7,023.04	\$ 9,577.96	\$ 12,473.50
10	\$ 1,741.18	\$ 3,249.54	\$ 5,308.12	\$ 7,733.52	\$ 10,525.71	\$ 13,684.74

CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

WEEKLY SERVICE - FOUR (4) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 268.80	\$ 510.94	\$ 949.62	\$ 1,519.30	\$ 2,219.97	\$ 3,051.65
2	\$ 485.15	\$ 917.07	\$ 1,584.79	\$ 2,409.73	\$ 3,391.88	\$ 4,531.25
3	\$ 701.51	\$ 1,323.23	\$ 2,220.00	\$ 3,300.23	\$ 4,563.80	\$ 6,010.85
4	\$ 917.89	\$ 1,729.36	\$ 2,855.20	\$ 4,190.69	\$ 5,735.76	\$ 7,490.40
5	\$ 1,134.24	\$ 2,135.48	\$ 3,490.39	\$ 5,081.13	\$ 6,907.69	\$ 8,970.03
6	\$ 1,350.64	\$ 2,541.62	\$ 4,125.60	\$ 5,971.60	\$ 8,079.58	\$ 10,449.60
7	\$ 1,567.03	\$ 2,947.78	\$ 4,760.81	\$ 6,862.06	\$ 9,251.49	\$ 11,929.19
8	\$ 1,783.42	\$ 3,353.90	\$ 5,395.99	\$ 7,752.50	\$ 10,423.44	\$ 13,408.78
9	\$ 1,999.76	\$ 3,760.04	\$ 6,031.19	\$ 8,642.98	\$ 11,595.39	\$ 14,888.38
10	\$ 2,216.18	\$ 4,166.17	\$ 6,666.36	\$ 9,533.42	\$ 12,767.30	\$ 16,367.97

WEEKLY SERVICE - FIVE (5) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 316.28	\$ 602.62	\$ 1,085.44	\$ 1,699.26	\$ 2,444.13	\$ 3,319.95
2	\$ 580.15	\$ 1,100.38	\$ 1,856.48	\$ 2,769.74	\$ 3,840.19	\$ 5,067.85
3	\$ 843.99	\$ 1,598.19	\$ 2,627.50	\$ 3,840.17	\$ 5,236.29	\$ 6,815.81
4	\$ 1,107.87	\$ 2,095.99	\$ 3,398.52	\$ 4,910.63	\$ 6,632.36	\$ 8,563.73
5	\$ 1,371.78	\$ 2,593.80	\$ 4,169.51	\$ 5,981.09	\$ 8,028.43	\$ 10,311.64
6	\$ 1,635.61	\$ 3,091.58	\$ 4,940.56	\$ 7,051.52	\$ 9,424.54	\$ 12,059.53
7	\$ 1,899.52	\$ 3,589.36	\$ 5,711.58	\$ 8,122.00	\$ 10,820.62	\$ 13,807.42
8	\$ 2,163.37	\$ 4,087.15	\$ 6,482.61	\$ 9,192.45	\$ 12,216.68	\$ 15,555.36
9	\$ 2,427.27	\$ 4,584.98	\$ 7,253.61	\$ 10,262.90	\$ 13,612.78	\$ 17,303.27
10	\$ 2,691.13	\$ 5,082.78	\$ 8,024.64	\$ 11,333.34	\$ 15,008.82	\$ 19,051.18

WEEKLY SERVICE - SIX (6) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 363.74	\$ 694.25	\$ 1,221.28	\$ 1,879.26	\$ 2,668.27	\$ 3,588.31
2	\$ 675.11	\$ 1,283.70	\$ 2,128.10	\$ 3,129.69	\$ 4,288.51	\$ 5,604.50
3	\$ 986.47	\$ 1,873.13	\$ 3,034.96	\$ 4,380.12	\$ 5,908.70	\$ 7,620.76
4	\$ 1,297.83	\$ 2,462.58	\$ 3,941.75	\$ 5,630.55	\$ 7,528.95	\$ 9,636.94
5	\$ 1,609.19	\$ 3,052.00	\$ 4,848.60	\$ 6,880.97	\$ 9,149.16	\$ 11,653.17
6	\$ 1,920.53	\$ 3,641.50	\$ 5,755.45	\$ 8,131.42	\$ 10,769.39	\$ 13,669.40
7	\$ 2,231.89	\$ 4,230.95	\$ 6,662.26	\$ 9,381.84	\$ 12,389.63	\$ 15,685.62
8	\$ 2,543.23	\$ 4,820.39	\$ 7,569.12	\$ 10,632.28	\$ 14,009.82	\$ 17,701.82
9	\$ 2,854.59	\$ 5,409.81	\$ 8,475.97	\$ 11,882.72	\$ 15,630.07	\$ 19,718.05
10	\$ 3,165.99	\$ 5,999.25	\$ 9,382.78	\$ 13,133.13	\$ 17,250.29	\$ 21,734.30

CITY OF LODI
10 TO 50 CUBIC YARD CONTAINERS
RATE STRUCTURE

EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

<u>PERMANENT HIGH FREQUENCY ROLL-OFF RATES</u>	<u>CURRENT RATES</u>	<u>NEW RATES</u>
1. Drop-off and Pick-up Charge Per Box	\$ 156.57	\$ 158.26
2. Weighed Tons Disposed/Box X Processing Charge	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
 TOTAL BILL (1+2+3)	<input style="width: 100px; height: 20px;" type="text"/>	

<u>ONE-TIME TEMPORARY USER ROLL-OFF RATES</u>	<u>CURRENT RATES</u>	<u>NEW RATES</u>
1. Drop/off/Pick-up Charge Per Box	\$ 198.70	\$ 200.84
2. Tons Disposed/Box X Processing Charge (Average of five (5) tons charged per Box)	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
 TOTAL BILL (1+2+3)	<input style="width: 100px; height: 20px;" type="text"/>	

CITY OF LODI
10 TO 50 CUBIC YARD ROLL OFF* CONTAINERS
COMPACTOR RATE STRUCTURE
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	CURRENT RATES	NEW RATES
TEMPORARY OR PERMANENT COMMERCIAL COMPACTOR RATES		
1. Drop/off/Pick-up Charge Per Box	\$ 266.25	\$ 269.12
2. Tons Disposed/Box X Processing Charge	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
 TOTAL BILL (1+2+3)	 	

* This charge will be applied to loads that are serviced by "Roll Off" vehicles.

* This charge will be applied per load to self contained compaction containers or containers that attach to a charging unit for the purpose of compaction in sizes on or

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: Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Conduct a public hearing to consider the Report for Sidewalk Repairs and to confirm the report as submitted by the Public Works Department.

BACKGROUND INFORMATION: At the public hearing, Council will consider the Report for Sidewalk Repairs and hear protests from the public. Following the public hearing, the Council will be asked to confirm the cost of repairs report, assess the cost of repairs to the affected properties, and order the preparation of a Notice of Lien to be filed with the tax collector. Last year, the City paid claims totaling \$30,500 for trip and falls.

As a part of the City’s sidewalk maintenance program, the City notified one property owner on October 2, 2007 and three property owners on April 17, 2008 that their sidewalks needed to be repaired. Three property owners did not perform and one property owner asked for assistance.

The Curb, Gutter and Sidewalk Maintenance Policy, approved by Council, provides several alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City’s SHARE program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to execute payment agreements and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

Property owners were provided up to three notices over a two-month period. If they did not make the repairs, the City’s contractor repaired the sidewalk. Streets and Highway Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests which may be raised by affected property owners.

The following is a list of the four properties that received sidewalk repair notifications:

Street Address	Cost Estimate	Work Accomplished
1606 South School Street	\$4,024	Property owner hired City. Work completed January 2008. Property owner paid City portion of cost (\$1,010)
2013 Aspen Grove Drive	\$5,070	Failed to perform. City completed repair; billed property owner.
224 North Orange Street	\$3,591	Failed to perform. City completed repair; billed property owner.
831 Ehrhardt Drive	\$4,214	Failed to perform. City completed repair; billed property owner.

APPROVED: _____
Blair King, City Manager

Based on previous cases, the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the Tax Collector. To date, there have been four properties that have had a Notice of Lien turned over to the Tax Collector, one of which was released January 16, 2009 after payment was received. It is staff's recommendation that this current practice be continued and Notices of Lien for the four properties be turned over to the Tax Collector.

FISCAL IMPACT: Placing liens on the properties will ensure that the Street Fund will be reimbursed approximately \$16,899 plus interest for the cost of repairing the sidewalks. Repaired sidewalks avoid liability claims for trip and falls.

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst

FWS/RAY/pmf

cc: Assistant Streets and Drainage Manager



**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 REPORT FOR SIDEWALK
REPAIRS AND CONFIRM THE REPORT AS SUBMITTED BY THE
PUBLIC WORKS DEPARTMENT**

PUBLISH DATE: SATURDAY, FEBRUARY 20, 2010

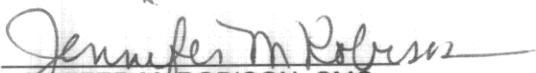
LEGAL AD

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, FEBRUARY 18, 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 _____ JMR (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

On Friday, February 19, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Report for Sidewalk Repairs and confirm the Report as submitted by the Public Works Department (attached and marked as Exhibit A) was posted at the following locations:

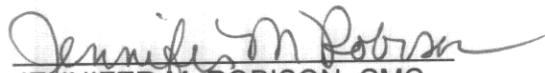
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

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

Executed on February 19, 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 REPORT FOR SIDEWALK REPAIRS AND CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

On Friday, February 19, 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 Notice of Public Hearing to consider Report for Sidewalk Repairs and confirm the Report as submitted by the Public Works Department, 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 February 19, 2010, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


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: March 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, March 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:

- a) **Report for Sidewalk Repairs and confirm the Report as submitted by the Public Works Department.**

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. 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: February 17, 2010

Approved as to form:

D. Stephen Schwabauer
City Attorney

Mailing List for
Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as
Submitted by the Public Works Department

EXHIBIT B

Situs Address	Name	Mailing Address
1606 S. School Street	Parmjit Singh	1606 S School St Lodi CA 95240
2013 Aspen Grove Drive	Howard Heinle	2013 Aspen Grove Dr Lodi CA 95240
224 N. Orange Avenue	Diannia Martin	PO Box 2268 Lodi CA 95241-2268
831 Ehrhardt Drive	Paul Castro	831 Ehrhardt Dr Lodi CA 95240-4632



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Appointment to the Greater Lodi Area Youth Commission (Adult Advisor)
MEETING DATE: March 3, 2010
PREPARED BY: City Clerk

RECOMMENDED ACTION: Concur with the Mayor's recommended appointment to the Greater Lodi Area Youth Commission (Adult Advisor).

BACKGROUND INFORMATION: On October 7, 2009, the City Council directed the City Clerk to post for one Adult Advisor vacancy on the Greater Lodi Area Youth Commission. The Mayor reviewed the single application and recommends that the City Council concur with the following appointment.

Greater Lodi Area Youth Commission

(Adult Advisor)

Nicole Grauman Term to expire May 31, 2011

NOTE: One applicant (one new application); posting 10/7/09; application deadline 11/9/09

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission and Lodi Arts Commission

MEETING DATE: March 3, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Direct the City Clerk to post for expiring terms and vacancies on the Greater Lodi Area Youth Commission and Lodi Arts Commission.

BACKGROUND INFORMATION: The City Clerk's Office received notification of resignations from Greater Lodi Area Youth Commissioner Priyank Patel and Lodi Arts Commissioner Jennifer Walth. In addition, several terms are due to expire on the Greater Lodi Area Youth Commission. 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 expiring terms and vacancies shown below.

Greater Lodi Area Youth Commission

(Adult Advisor)
David Molvik Term to expire May 31, 2010

(Student Appointees)
Evan Beau Benko Term to expire May 31, 2010
Shelby Gotelli Term to expire May 31, 2010
Joshua Gums Term to expire May 31, 2010
Mykenzie Mattheis Term to expire May 31, 2010
Emily McConahey Term to expire May 31, 2010
Priyank Patel Term to expire May 31, 2011

Lodi Arts Commission

Jennifer Walth Term to expire July 1, 2012

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider Accepting Gift of the Sculpture "Rite of Spring" from Artist Scott Wampler
MEETING DATE: March 3, 2010
PREPARED BY: James Rodems

RECOMMENDED ACTION: Consider Accepting the Gift of the Sculpture, "Rite of Spring" from Artist Scott Wampler.

BACKGROUND INFORMATION: In November 2006, the Art in Public Places Board ("AiPP") was approached by artist, Scott Wampler. His proposal was for the Board to purchase his sculpture, "Rite of Spring", for \$70,000. No action was taken. In September 2009, the AiPP Board was again contacted regarding the sculpture. The artist would now like to donate the piece to the City of Lodi. The Rite of Spring is a 20-foot tall, highly polished, stainless steel sculpture depicting two cranes. This sculpture is a smaller version of one Mr. Wampler had placed in the Beijing International Sculpture Park in 2002. The sculpture is currently housed at the Frostad Atelier in McClellan, California.

The AiPP Board approved acceptance of the sculpture contingent upon the acceptance of the Recreation Commission and the City Council. On December 10, 2009, the Recreation Commission approved a proposal to place the piece in a City park. Minutes of the relevant discussion are attached. Two potential sites being discussed for placement are DeBenedetti and Roget parks. A final decision will be made by the Recreation Commission as the parks are further developed.

FISCAL IMPACT: The estimated costs are \$2,450.00 for transportation, \$10,860.00 for installation, and \$14,000.00 for concrete pad installation. This entire amount is proposed to be paid from AiPP Funds.

FUNDING AVAILABLE: Art in Public Places Account No. 01214.

Jordan Ayers, Deputy City Manager


James M. Rodems
Community Center Director

Attachments

APPROVED: _____
Blair King, City Manager

PARKS AND RECREATION COMMISSION
MINUTE EXERPT FROM 12/10/09 MEETING

ACTION ITEMS
AGENDA ITEM A –

Approval of Potential Sites for Placement of Donated Art Sculpture

Mr. Rodems introduced this item. Mr. Rodems turned over the discussion to Commissioner Wardrobe-Fox.

Commissioner Wardrobe-Fox asked for input from other Commissioners as to where they'd like to see the sculpture placed. She doesn't have a particular bias as to where the sculpture is placed but she would like some feedback from the other Commissioners.

Commissioner Wall would like to speak with others to obtain ideas of where to place the sculpture. Commissioner Wall asked if the motion could be broken into two parts with the idea of accepting the gift and after getting input determine a place to place it. Commissioner Wardrobe-Fox clarified that it's not the artist whose asking for a place to put the sculpture but the Council would like a complete packet brought to them including the location for placement and costs. Mr. Rodems stated it's his understanding this is a time sensitive issue. Mr. Rodems suggested placement at one of the two parks under construction, DeBenedetti Park or Roget Park. Mr. Rodems stated that Dave Kirsten who sits on the Arts in Public Places (AIPP) Committee has offered to house the sculpture, at no or minimal cost to the City, until such time as it can be installed. Council has given directive to the AIPP that no art piece can be accepted unless they know where they're going to be placed and have all costs.

Mr. Dutra made a recommendation to appoint a Parks and Recreation staff person along with a Commissioner to visit the sites and come up with a list of possible locations for placement.

Commissioner Sasaki suggested placing the sculpture at DeBenedetti Park because it could be seen easier by the public.

Commissioner Wall asked if a place is determined to place the sculpture and it can be accepted, is it possible to change our minds if a better location is determined. Mr. Rodems feels that if an alternative site were located prior to the installation that would better fit the piece; reconsideration isn't out of the question. Commissioner Wall feels the sculpture is a beautiful thing and the Commission needs time to evaluate where it should be placed.

Commissioner Akin feels as a Commission they have two choices. Option one is to accept it with a couple of options for placement (i.e. DeBenedetti and Roget). Option two would be to possibly at the special meeting have information from research as suggested by Commissioner Wall and Mr. Dutra and then move forward.

Motion by Commissioner Akin to accept the art piece for either DeBenedetti Park or Roget Park with the caveat that the placement could change if a more suitable location is determined. Second by Commissioner Wardrobe-Fox.

DISCUSSION:

None

Ayes: Commissioners Sasaki, Wall, Wardrobe-Fox, Akin

Noes: None

Motion carried 4 – 0

301 Stillwater Ct.
Lincoln, Ca 95648

September 15, 2009

Ms. Deanie Bridewell
Art Commission Liason
125 S. Hutchins St.
Lodi, CA 95240

Dear Ms. Bridewell:

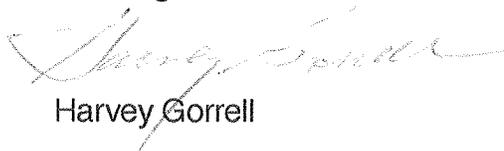
Our son, Scott Wampler, would like to donate (not lend) his sculpture *Rite of Spring* to an organization and venue appropriate for this piece of art. *Rite of Spring* is a 20 ft. tall highly polished stainless steel sculpture depicting two cranes in a courtship dance. He designed it while living in China several years ago and submitted a model to judges who were deciding what sculptures were to be displayed in a new Beijing International Sculpture Park. Their brochure states, "2400 proposals from 800 sculptors from 62 countries were received. 111 sculptures were chosen and exhibited " in this outstanding Park. Our son's sculpture is the theme sculpture of this premier Park. The approximate size of the Park is about 100 acres. It opened in September 2002.

The judges advised our son to work with a designated foundry in Beijing that specializes in the field. When he took the model to the foundry they asked him how tall it should be made. Having assumed he was expected to determine the height he stated it should stand 6 meters (20 ft.). About 3 or 4 weeks before the Park's opening day, the mayor of Beijing visited the foundry to review the progress of *Rite of Spring*. Although it was 90% to 95% complete, the mayor stated it would never work. He told the foundry personnel the sculpture had to be 12 meters (40 ft.) in height. It would be displayed in the center of a three tiered fountain. The foundry worked 24/7 and completed the task including erecting the sculpture properly in the fountain by Opening Day. It was a remarkable feat.

At a later date our son negotiated with the foundry to complete his original *Rite of Spring* at the foundry and ship it to the United States. It is currently stored in the Frostad Foundry in McClellan (suburb of Sacramento).

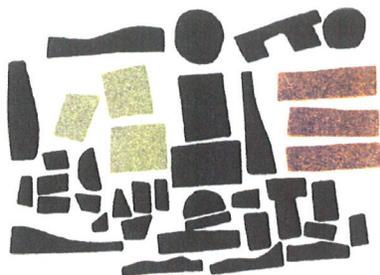
Scott is hopeful a location can be found where it will be seen and enjoyed by the public - perhaps Golden Gate Park or perhaps another well-known park. I can make arrangements for viewing *Rite of Spring* at the foundry where it is stored. I can be reached at 916-408-0441. E-mail hjgor@sbcglobal.net.

Best regards,



Harvey Gorrell

Enclosures: Photos



Frostad Atelier, Inc.
bronze casting

Bid Proposal
Title: "Rite of Spring"

Standard footings for install – (material & labor) (Includes prep for template)	\$3,400.00
Dismantle for transport	\$1,600.00
Flatbed truck and loading	\$ 850.00
Installation	\$5,760.00
Crane	\$1,200.00
Forklift	<u>\$ 500.00</u>
TOTAL	\$13,310.00

Prior to placement, we would need a cement pad poured using template from foundry. Pad should be poured by a licensed cement contractor.

We would need 2 weeks' notice to schedule the install.

Ronnie Frostad
Ronnie Frostad
Owner



Scott Wampler checking final placement of his sculpture *Rite of Spring*
Beijing International Sculpture Park 2002



301 Stillwater Ct.
Lincoln, CA 95648
hjgor@sbcglobal.net

Nov. 9, 2006

Ms Deanie Bridewell
Arts Commission Liason
125 S. Hutchins St.
Lodi, CA 95240

Dear Ms Bridewell:

This will confirm our phone conversation this afternoon.

Enclosed is an "information" packet we sent to you some time ago. I'm also enclosing a brochure my wife and I picked up at the entrance of the Beijing International Sculpture Park a couple weeks ago. It states Scott Wampler's sculpture Rite of Spring is the theme sculpture of the park. Unfortunately they forgot to give him credit in the brochure but credit is given on a stone marker in front of the sculpture. I'm also including several other pictures we took. No need to return any of the enclosures except please return the brochure. It's the only one we have.

We offer for sale the original Rite of Spring sculpture to you for \$70,000 cash or \$16,000 for each of five years, total \$80,000. I'm sure you know Ronnie Frostad or someone in your organization does and am confident she would estimate if she were to fabricate this sculpture from start it would cost at least twice this amount.

It's truly a beautiful piece of art and would be an ideal addition to the city's "crane" theme.

Sincerely,

A handwritten signature in cursive script that reads "Harvey Gorrell". The signature is written in black ink and is positioned above the printed name.

Harvey Gorrell



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Receive Report Regarding Status of Mobile Food Vendor Enforcement Efforts

MEETING DATE: March 3, 2010

PREPARED BY: Randi Johl, City Clerk

RECOMMENDED ACTION: Receive report regarding status of mobile food vendor enforcement efforts and hold in abeyance further legislative action concerning mobile food vendor enforcement and/or compliance.

BACKGROUND INFORMATION: On November 28, 2009, during the course of Council deliberation of the amendment to the mobile food vendor ordinance, the issue of enforcement was raised. The City Council questioned the status of enforcement and whether the Municipal Code provided sufficient deterrents to achieve the level of enforcement the community desired. The Council asked that enforcement of the mobile food vendor ordinance be made a priority and that the Police Department consider whether additional enforcement tools and/or policies were needed.

For the past several months, the Police Department considered and implemented procedures to review and inspect mobile food vendors and offers the attached report. The Police Department developed a new inspection checklist and utilized that list to ensure compliance by all permitted food vendors by way of unannounced inspections. The Police Department will continue to make quarterly inspections of all permitted mobile food vendors, but it is not relying solely upon the quarterly inspections to ensure compliance. Enforcement of Lodi Municipal Code 9.18 concerning mobile food vendors remains a high priority. In 2009, nineteen administrative citations were issued to mobile food vendors.

The Police Department feels that the current language of the Municipal Code provides the necessary means to ensure compliance and that additional policy initiatives are not needed at this time.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Blair King, City Manager

APPROVED: _____
Blair King, City Manager

Memo

To: David Main, Chief of Police
From: Jeanie Biskup, Support Services Manager
Date: 2/22/2010
Re: Staff Report – Mobile Vendors

History: The mobile vendor permitting process was handled through the Community Development Department, which provided periodic updates to Community Improvement for enforcement purposes. This caused a delay in addressing complaints and confusion on where vendors were in the permitting process since the paperwork was not readily available to Community Improvement staff. It was determined that having the permitting process and enforcement fall under Community Improvement would assist in providing a more uniform process of handling mobile vendor issues.

Community Improvement was officially scheduled to assume responsibility for the mobile vendor permit program on January 1, 2010. On 12/2/2009 the City Council enacted a change in the L.M.C. Chapter 9.18 Vending on the Streets, sidewalks and private property which placed a cap on the number of vendor permits issued to 22 motorized food preparation units and 3 produce/seafood trucks.

Implementation of Revised Permit Process: Staff began preparing for the transition in October, 2009 by reviewing the permitting process. Vendor application packets were redesigned and the information is provided in English and Spanish. In mid December the annual permit packet was hand delivered to all vendors, both those with and without current permits. Vendors were given until 1/15/2010 to complete and submit their permit application. To date 20 mobile vendor permits have been issued and 1 permit has been issued for a produce/seafood truck. Staff will deliver a vendor permit application packet to all permitted mobile vendors in December of each year.

Inspections: All permitted mobile food vendors and produce trucks will receive a quarterly inspection by a Community Improvement Officer. A Quarterly Inspection Checklist has been developed to facilitate the inspection process.

Staff will be checking the following:

- The location of the vehicle matches the permitted location
- Permit is on display and available
- All staff vending have a peddler permit
- Vehicle is registered and insured
- Availability of restroom facilities
- Condition of the area, structures or awnings, adequate trash receptacles, etc.

On January 27, 2010 all permitted vendors were contacted in person and their sites inspected. Vendors were provided with a copy of the Quarterly Inspection Checklist and a letter outlining what staff will be looking at. These will be drop-in inspections, with no announcement of dates/times.

Enforcement: Staff is taking a pro-active approach in dealing with Mobile Vendor issues. Our goal is to educate the vendors on the requirements to operate their business in Lodi and to build a strong working relationship with them. Community Improvement Officers will maintain ongoing contact with Mobile Food Vendors in their Districts, not relying solely on the quarterly inspections. Any permitted vendor in violation of the ordinance will be issued a citation to correct the violation.

Staff will also be approaching all vendors they see while on regular patrols including ice cream carts and flower vendors. Any vendor operating without a permit will be issued a citation and provided with the information on how to apply for a permit.

In 2009 staff issued 19 Administrative Citations to mobile food vendors. So far in 2010 two have been issued. One of the citations was issued on 1/27/10 when staff discovered a mobile vendor at Lodi and Central operating without a permit and having staff working without a peddlers permit.

Conclusion: The current Lodi Municipal Code 9.18 covering vending on the streets provides staff with the means to properly screen applicants, issue permits, and monitor mobile vendors. The newly revised permitting process through Community Improvement will ensure that all requirements for mobile vending are met prior to the permit being issued. Staff will visit mobile vendor locations regularly, as well as conduct complete on-site quarterly inspections reviewing all ordinance requirements. Citations will be issued to mobile vendors not in compliance with the Lodi Municipal Code.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 15 – Buildings and Construction, by Repealing and Reenacting Chapter 15.60 – Flood Damage Prevention; and Further Amending Lodi Municipal Code Title 17 – Zoning, by Repealing Chapter 17.51 in its Entirety Relating to FP Floodplain District

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Introduce an ordinance amending Lodi Municipal Code Title 15 – Buildings and Construction, by repealing and reenacting Chapter 15.60 – Flood Damage Prevention; and further amending Lodi Municipal Code Title 17 – Zoning, by repealing Chapter 17.51 in its entirety relating to FP Floodplain District.

BACKGROUND INFORMATION: The National Flood Insurance Program (NFIP) has developed a model floodplain management ordinance and requires communities to use it to establish minimum floodplain management standards in their municipal codes.

The introduction of this ordinance (see attached) is necessary to amend the Municipal Code so that future developments will be required to conform to the NFIP requirements. The amended ordinance combines two existing sections of the Lodi Municipal Code but does not make substantial changes to the content or intent.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer
Attachment
FWS/WKF/pmf

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 15 – BUILDINGS AND CONSTRUCTION, BY REPEALING AND REENACTING CHAPTER 15.60 – FLOOD DAMAGE PREVENTION; AND AMENDING LODI MUNICIPAL CODE TITLE 17 - ZONING, BY REPEALING CHAPTER 17.51 IN ITS ENTIRETY RELATING TO FP FLOODPLAIN DISTRICT



BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Title 15 – “Buildings and Construction” of the Lodi Municipal Code is hereby amended by repealing and reenacting Chapter 15.60 in its entirety relating to Flood Damage Prevention, and shall read as follows:

Chapter 15.60

FLOOD DAMAGE PREVENTION

ARTICLE I: GENERAL PROVISIONS

SECTIONS:

- 15.60.010 Statutory Authorization
- 15.60.020 Findings of Fact
- 15.60.030 Statement of Purpose
- 15.60.040 Methods of Reducing Flood Losses
- 15.60.050 Definitions
- 15.60.060 Lands to Which This Ordinance Applies
- 15.60.070 Basis for Establishing the Areas of Special Flood Hazard
- 15.60.080 Compliance
- 15.60.090 Abrogation and Greater Restrictions
- 15.60.100 Interpretation
- 15.60.110 Warning and Disclaimer of Liability

ARTICLE II: ADMINISTRATION

- 15.60.120 Designation of the Floodplain Administrator
- 15.60.130 Duties and Responsibilities of the Floodplain Administrator
- 15.60.140 Development Permit
- 15.60.150 Permitted Uses – Generally
- 15.60.160 Permitted Uses – Use Permit and State Approvals
- 15.60.170 Prohibited Uses.

ARTICLE III: PROVISIONS FOR FLOOD HAZARD REDUCTION

- 15.60.180 Standards of Construction
- 15.60.190 Standards for Utilities

- 15.60.200 Standards for Subdivisions and Other Proposed Development
- 15.60.210 Standards for Manufactured Homes
- 15.60.220 Standards for Recreational Vehicles
- 15.60.230 Floodways

ARTICLE IV: VARIANCE PROCEDURE

- 15.60.240 Nature of Variances
- 15.60.250 Conditions for Variances
- 15.60.260 Appeals

ARTICLE I: GENERAL PROVISIONS

SECTION 15.60.10 - STATUTORY AUTHORIZATION.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Lodi does hereby adopt the following floodplain management regulations; and

SECTION 15.60.20 - FINDINGS OF FACT.

A. The flood hazard areas of the City of Lodi are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

B. These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

SECTION 15.60.030 - STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately-owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 15.60.040 - METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas;

SECTION 15.60.050 - DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- A. "A zone" - see "Special flood hazard area".
- B. "Accessory structure" means a structure that is either:
 1. Solely for the parking of no more than 2 cars; or
 2. A small, low cost shed for limited storage, less than 120 square feet.

- C. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- D. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- E. "Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- F. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.
- G. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- H. "Area of special flood hazard" - See "Special flood hazard area."
- I. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").
- J. "Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- K. "Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.
- L. "Building" - see "Structure".
- M. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- N. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- O. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 1, 1978.

P. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Q. "Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

R. "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

S. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

T. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

U. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

V. "Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

W. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

X. "Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

Y. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

Z. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

AA. "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

BB. "Fraud and victimization" as related to Section 15.60.240 and Section 15.60.250 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Lodi will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

CC. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

DD. "Governing body" is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

EE. "Hardship" as related to Section 15.60.240 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The City of Lodi requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

FF. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

GG. "Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

HH. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

II. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

JJ. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in Section 15.60.180 C-3;
 - b. The anchoring standards in Section 15.60.180 A;
 - c. The construction materials and methods standards in Section 15.60.180 B;
 - d. The standards for utilities in Section 15.60.190.

KK. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

LL. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MM. "Market value" is defined in the City of Lodi substantial damage/improvement procedures. See Section 15.60.130 B-1.

NN. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

OO. "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after April 16, 2010, and includes any subsequent improvements to such structures.

PP. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 1, 1978.

QQ. "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

RR. "One-hundred-year flood" or "100-year flood" - see "Base flood."

SS. "Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

TT. "Public safety and nuisance" as related to Section 15.60.240 and Section 15.60.250 of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

UU. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

VV. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without

cumulatively increasing the water surface elevation more than one foot.

WW. "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damage, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

XX. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

YY. "Sheet flow area" - see "Area of shallow flooding."

ZZ. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

AAA. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

BBB. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

CCC. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

DDD. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living

conditions; or

Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

EEE. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

FFF. "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

GGG. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

HHH. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

SECTION 15.60.060 - LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of City of Lodi.

SECTION 15.60.070 - BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for San Joaquin County, California, and Incorporated Areas" dated October 16, 2009, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated October 16, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City of Lodi by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at the City of Lodi Public Works Department, 221 West Pine Street, Lodi, California, 95240.

SECTION 15.60.080 - COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City of Lodi from taking such lawful action as is necessary to prevent or remedy any violation.

SECTION 15.60.090 - ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 15.60.100 - INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in a manner most protective of property and human health and safety; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 15.60.110 - WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City of Lodi, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE II: ADMINISTRATION

SECTION 15.60.120 - DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Public Works Director is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

SECTION 15.60.130 - DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- A. Permit Review.

Review all development permits to determine:

- 1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Lodi;
5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
2. Assure procedures are coordinated with other departments/divisions and implemented by City staff.

C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 15.60.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article III Provisions for Flood Hazard Reduction.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - b. Submit evidence of such notification to the Federal Emergency Management Agency;

- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations:
- a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
 - c. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

- 1. Certification required by Section 15.60.180 C-1 and Section 15.60.210 (lowest floor elevations);
- 2. Certification required by Section 15.60.180 C-2 (elevation or floodproofing of nonresidential structures);
- 3. Certification required by Section 15.60.180 C-3 (wet floodproofing standard);
- 4. Certification of elevation required by Section 15.60.200 A-3 (subdivisions and other proposed development standards);
- 5. Certification required by Section 15.60.230 B (floodway encroachments); and
- 6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.60.260.

G. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 15.60.080.

H. Biennial Report. Complete and submit Biennial Report to FEMA.

I. Planning.

Assure community's General Plan is consistent with floodplain management objectives herein.

SECTION 15.60.140 - DEVELOPMENT PERMIT.

No structure or land shall, after the effective date of the ordinance codified in this chapter, be located, extended, converted or altered within FP (floodplain) zoned lands without full compliance with the terms of this chapter, and without having first received a development or construction permit in accordance with the provisions of this title and, for developments requiring use permits, with the provisions of Lodi Municipal Code Sections 17.72.040 through 17.72.110. Development permit applications shall be reviewed by the Community Development Director and the requirements of this chapter enforced in accordance with Lodi Municipal Code Sections 17.87.060 through 17.87.090.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.60.070. Application for a development permit shall be made on forms furnished by the City of Lodi. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;

5. Base flood elevation information as specified in Section 15.60.070 or Section 15.60.130 C;
 6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.60.180 C-2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
- B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.60.180 C-2.
 - C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.60.180 C-3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
 - D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - E. All appropriate certifications listed in Section 15.60.130 E of this ordinance.

SECTION 15.60.150 - PERMITTED USES - GENERALLY.

The following uses are permitted without a use permit where modification or removal of native vegetation, including trees, is not required:

- A. Agriculture;
- B. Open space agricultural uses not requiring a closed building such as cropland, orchards, and livestock feeding and grazing;
- C. The storage of farm machinery which is readily removable from the area within the time available after a flood warning;
- D. Recreational; firmly anchored recreational floating docks;
- E. Modification of native vegetation: Where modification or removal of native vegetation is required, such modification or removal may be permitted after obtaining a development permit consisting of written approval from the Community Development Director; provided, that such proposed modifications in the floodplain have been found to be consistent with the open space conservation element of the general plan.

SECTION 15.60.160 - PERMITTED USES – USE PERMIT AND STATE APPROVALS.

The following uses may be permitted after approval of a conditional use permit by the City and after approval by the State Department of Fish and Game and the Reclamation

Board of the state; provided, that as determined by said Reclamation Board, a combination of such uses within the floodplain does not materially increase the flood height of the intermediate regional floodplain; and provided further, that as determined by the State Department of Fish and Game, full mitigation measures will be used to protect and enhance the trees, native plant materials and wildlife in the floodplain, in accordance with good fish and game practices and in accordance with the general standards listed under Article III "Provisions for Flood Hazard Reduction" of this Ordinance:

- A. Residential dwellings on existing undeveloped lots in subdivisions approved before January 1, 1977;
- B. Outdoor recreational facilities:
 - Campgrounds
 - Boating facilities
 - Parks
 - Golf courses or driving ranges
 - Athletic fields
 - Shooting ranges
- C. Fences, fills, walls, excavations or other appurtenances which do not constitute an obstruction or debris-catching obstacle to the passage of floodwaters and which are consistent with the open space-conservation element policies;
- D. Private drives, bridges and public utility wires and pipelines for transmission and distribution;
- E. Improvements in stream channel alignment, cross-section and capacity, including modification of riverbank and flood protection levees;
- F. Structures that are designed to have a minimum effect upon the flow of water and are firmly anchored to prevent the structure from flotation (excepting floating docks); provided, that no structures for human habitation is permitted;
- G. Other similar uses of a type not appreciably damaged by floodwaters.

SECTION 15.60.170 - PROHIBITED USES.

In the areas of special flood hazard for residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

ARTICLE III: PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 15.60.180 - STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated to eighteen inches or more above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
- c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to eighteen inches or more above the base flood elevation; as determined under

Section 15.60.130 C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction.

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 15.60.180 C-1 or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 15.60.180 C-1, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of Section 15.60.180 C-2.a & b are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood openings.

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a) For non-engineered openings:
 1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade;
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that

they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
 - b) Be certified by a registered civil engineer or architect.
4. Manufactured homes. See Section 15.60.210.
5. Garages and low cost accessory structures.
 - a) Attached garages.
 1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 15.60.180 C-3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 15.60.180 B.
 2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
 - b) Detached garages and accessory structures.
 1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 15.60.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - i) Use of the accessory structure must be limited to parking or limited storage;
 - ii) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - iv) Any mechanical and utility equipment in the accessory structure must be elevated or

floodproofed to eighteen inches or more above the BFE;

- v) The accessory structure must comply with floodplain encroachment provisions in Section 15.60.230; and
- vi) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 15.60.180 C-3.

- 2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 15.60.180.

SECTION 15.60.190 - STANDARDS FOR UTILITIES.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - 1. Infiltration of flood waters into the systems;
 - 2. Discharge from the systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

SECTION 15.60.200 - STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - 1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - 3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - a. Lowest floor elevation.
 - b. Pad elevation.

- c. Lowest adjacent grade.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

SECTION 15.60.210 - STANDARDS FOR MANUFACTURED HOMES.

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
 - 1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to eighteen inches or more above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 15.60.210 A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - 1. Lowest floor of the manufactured home is at eighteen inches or more above the base flood elevation; or
 - 2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

SECTION 15.60.220 - STANDARDS FOR RECREATIONAL VEHICLES.

- A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
 - 1. Be on the site for fewer than 180 consecutive days; or
 - 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - 3. Meet the permit requirements of Section 15.60.140 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 15.60.210 A.

SECTION 15.60.230 - FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Lodi.
- B. Within an adopted regulatory floodway, the City of Lodi shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. If Sections 15.60.230 A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article III of this Ordinance.

ARTICLE IV: VARIANCE PROCEDURE

SECTION 15.60.240 - NATURE OF VARIANCES.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal

in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

The need to protect citizens from flooding is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Variances may not be granted that would permit fraud and victimization of the public or that would present a threat to public safety or create a nuisance.

SECTION 15.60.250 - CONDITIONS FOR VARIANCES.

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 15.60.120 – 15.60.170, and Sections 15.60.180 – 15.60.230 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 15.60.050 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City of Lodi need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City of Lodi believes will both provide relief and preserve the integrity of the local ordinance.
- E. Any applicant to whom a variance is granted shall be given written notice

over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the San Joaquin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

SECTION 15.60.260 - APPEALS.

The City Council of the City of Lodi shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made the Floodplain Administrator in the enforcement or administration of this ordinance.

SECTION 2. Title 17 – “Zoning” of the Lodi Municipal Code is hereby amended by repealing Chapter 17.51 in its entirety relating to FP Floodplain District.

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

SECTION 6. Effective Date. This 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 take effect thirty (30) days from and after its passage and approval.

Approved this ____ day of _____, 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 introduced at a regular meeting of the City Council of the City of Lodi held March 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2010, 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:

D. STEPHEN SCHWABAUER
City Attorney