



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: April 1, 2009

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

***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. Invocation – Reverend Alan Kimber, First United Methodist Church**
- C. Pledge of Allegiance**
- D. Presentations**
 - D-1 Awards – None
 - D-2 Proclamations
 - a) National Library Week / National Library Workers' Day (LIB)
 - b) Keep Lodi Beautiful Month (CD)
 - D-3 Presentations – None
- E. Consent Calendar (Reading; Comments by the Public; Council Action)**
 - E-1 Receive Register of Claims in the Amount of \$5,325,031.79 (FIN)
 - E-2 Approve Minutes (CLK)
 - a) March 10, 2009 (Shirtsleeve Session)
 - b) March 11, 2009 (Special Meeting)
 - c) March 17, 2009 (Shirtsleeve Session)
 - d) March 18, 2009 (Special Meeting)
 - e) March 18, 2009 (Regular Meeting)
 - E-3 Accept Improvements under Contract for Residential Water Meter Installation Project (Phase 3) (PW)

F. 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.

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

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

I. Public Hearings

- Res. I-1 Public Hearing to Consider Resolution Approving Draft 2009-14 Consolidated Plan and 2009-10 Action Plan and Reallocation of Available Funds from Previous Program Years for the Community Development Block Grant Program (CD)
- Ord. I-2 Public Hearing to Consider Introducing Ordinance Amending Chapter 13.20, "Electrical Service," (Introduce) by Adding a New Section 13.20.315 Titled, "Schedule EDR – Economic Development Rates" (EUD)

J. Communications

- J-1 Claims Filed Against the City of Lodi – None
- J-2 Appointments
- a) Appointments to the Lodi Improvement Committee: Fran Forkas, Eileen St. Yves, Robert Takeuchi (CLK)
- J-3 Miscellaneous – None

K. Regular Calendar

- K-1 Provide Direction Regarding July 4th Fireworks Show and Authorize the City Manager to Enter into a Contract with Pryo Spectaculars as Deemed Appropriate (PR)
- K-2 Authorize the City Manager to Enter into Negotiations with Eden Housing, Inc., in Regard to Affordable Senior Housing Development Located at 2246 Tienda Drive (CD)
- Ord. K-3 Consider Introducing Ordinance Repealing and Reenacting Lodi Municipal Code Title 5 – (Introduce) Permits and Regulations – Chapter 5.12, "Cardrooms," Increasing the Number of Legal Cardroom Games, Expanding Cardroom Hours, and Increasing the Number of Tables (CA)
- K-4 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$120,140.69) (CA)

L. Ordinances – None

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: National Library Week and National Library Workers' Day
MEETING DATE: April 1, 2009
PREPARED BY: Nancy Martinez

RECOMMENDED ACTION: Mayor Hansen present a proclamation proclaiming the Week of April 12 - April 18, 2009 as "National Library Week" and a proclamation proclaiming Tuesday, April 14, 2009 as "National Library Workers' Day."

BACKGROUND INFORMATION: Mayor Hansen has been requested to present a proclamation proclaiming the week of April 12 - April 18, 2009 as "National Library Week" and Tuesday, April 14, 2009 as "National Library Workers' Day." Nancy Martinez, Library Services Director, will be present to accept the proclamation.

FISCAL IMPACT: Not applicable

FUNDING AVAILABLE: Not applicable

Nancy C. Martinez
Library Services Director

NM/sb

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Proclaim April "Keep Lodi Beautiful Month"
MEETING DATE: April 1, 2009
PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the Mayor present a proclamation declaring the month of April 2009 as "Keep Lodi Beautiful Month" in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation declaring the month of April 2009 as "Keep Lodi Beautiful Month" in the City of Lodi. Neighborhood Services Manager Joseph Wood and Waste Management Community Relations Representative Jennelle Bechtold, who have been coordinating this as one of the several activities for the annual Great American Clean Up campaign, will be present at the meeting to accept the proclamation.

Lodi is one of over 10,000 communities nationwide that participate in the Great American Clean Up campaign, which is coordinated nationally by Keep America Beautiful Inc. and at the state level by Keep California Beautiful Inc. Those organizations provide a loose outline for activities for each affiliate to follow and a multitude of support materials and equipment to further facilitate each city's effort. It is the individual affiliate's responsibility to plan one or more events throughout the community to focus on recycling, conservation, clean up and beautification efforts and other community improvement activities. A schedule of Lodi's Great American Clean Up activities is attached.

FISCAL IMPACT: None

Konradt Bartlam
Community Development Director

Attachments

APPROVED: _____
Blair King, City Manager

SCHEDULE OF KEEP LODI BEAUTIFUL EVENTS

Lodi City Wide Garage Sale – March 28 – April 29

The City Wide Garage Sale is an event for the community to advertise their garage sale for free in the Lodi News Sentinel. The City Wide Garage Sale will run Saturday and Sunday if the citizen chooses.

Free E/U-waste Event – April 4 (9am – 1pm)

The WM Lodi Transfer Station will be hosting an Electronic and Universal Waste collection event. This event will allow the Lodi community to drop off Electronic waste and U-waste for free. Here is a list of acceptable materials: Radios/Stereos, VCRs, Microwaves, Cell Phones, Telephones, Answering Machines, Batteries (not including car batteries), Televisions, Computer Monitors, Laptops, Computer Processing Units, Printers, Fluorescent Lamps, and Mercury Thermometers.

Dollar Diversion Day – April 11 (10am – 3pm)

Dollar Diversion Day is an updated, revamped version of Dollar Dump Day. Citizens of Lodi will be able to bring their “diversion” to the WM Transfer Station for just one dollar; the change is that WM is going to have drop off areas for recyclable goods. WM is planning on having a drop off for wood, metal, concrete, cardboard, and green waste. These changes will divert recyclable material from being dumped in the landfill.

Curbside Clean Up – April 13-17

Our curbside clean up will allow the Citizens of Lodi to place up to six 36-gallon bags or trash carts in front of their house for collection. WM will collect the trash on their regular service day.

Clean Your Files Week – April 20-24

WM will be collecting office paper at their Buy Back Center to be recycled. Bins for paper collection will be provided to the City of Lodi offices.



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated March 5 and March 12, 2009 in the Total Amount of \$5,325,031.79

MEETING DATE: April 1, 2009

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$5,325,031.79.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$5,325,031.79 dated 03/05/09 and 03/12/09. Also attached is Payroll in the amount of \$1,286,599.38.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable
Council Report

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As of Thursday	Fund	Name	Amount
03/05/09	00100	General Fund	875,726.02
	00120	Vehicle Replacement Fund	9,670.71
	00122	Equipment Replacement Fund	30.39
	00130	Redevelopment Agency	200.72
	00160	Electric Utility Fund	31,924.80
	00161	Utility Outlay Reserve Fund	18.13
	00164	Public Benefits Fund	2,234.11
	00170	Waste Water Utility Fund	17,528.34
	00172	Waste Water Capital Reserve	434,732.23
	00173	IMF Wastewater Facilities	8,754.12
	00180	Water Utility Fund	20,459.07
	00182	IMF Water Facilities	50,785.12
	00210	Library Fund	5,917.96
	00211	Library Capital Account	117,861.83
	00260	Internal Service/Equip Maint	9,974.27
	00270	Employee Benefits	437,965.00
	00310	Worker's Comp Insurance	27,220.79
	00325	Measure K Funds	41,926.58
	00326	IMF Storm Facilities	230,590.03
	00329	TDA - Streets	19,305.90
	00331	Federal - Streets	5,467.57
	00332	IMF(Regional) Streets	167,732.73
	00337	Traffic Congestion Relf-AB2928	106,783.45
	00340	Comm Dev Special Rev Fund	5,386.67
	00345	Community Center	5,384.29
	00346	Parks & Recreation	3,882.61
	00501	Lcr Assessment 95-1	15,040.00
	00504	L&L Dist Z3-Millsbridge II	2,880.60
	01211	Capital Outlay/General Fund	31,032.07
	01212	Parks & Rec Capital	684.21
	01218	IMF General Facilities-Adm	63,288.61
	01250	Dial-a-Ride/Transportation	188,339.87
	01410	Expendable Trust	4,271.72
Sum			2,943,000.52
	00190	Central Plume	34,272.41
	00193	Northern Plume	3,000.00
Sum			37,272.41
Total for Week			2,980,272.93

Accounts Payable
Council Report

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As of Thursday	Fund	Name	Amount
03/12/09	00100	General Fund	470,000.16
	00123	Info Systems Replacement Fund	14,627.05
	00160	Electric Utility Fund	8,235.80
	00164	Public Benefits Fund	1,201.37
	00170	Waste Water Utility Fund	45,307.39
	00171	Waste Wtr Util-Capital Outlay	26,924.75
	00173	IMF Wastewater Facilities	2,133.34
	00180	Water Utility Fund	31,923.68
	00181	Water Utility-Capital Outlay	112,675.20
	00182	IMF Water Facilities	2,133.35
	00210	Library Fund	3,234.23
	00211	Library Capital Account	161.63
	00260	Internal Service/Equip Maint	15,884.47
	00270	Employee Benefits	7,417.16
	00321	Gas Tax	14,168.86
	00325	Measure K Funds	7,907.00
	00332	IMF(Regional) Streets	2,847.67
	00340	Comm Dev Special Rev Fund	639.98
	00345	Community Center	10,532.36
	00346	Parks & Recreation	2,193.99
	00502	L&L Dist Z1-Almond Estates	429.00
	00503	L&L Dist Z2-Century Meadows I	273.00
	00506	L&L Dist Z5-Legacy I,II,Kirst	706.33
	00507	L&L Dist Z6-The Villas	593.67
	00509	L&L Dist Z8-Vintage Oaks	229.67
	01211	Capital Outlay/General Fund	3,799.66
	01212	Parks & Rec Capital	237.05
	01241	LTF-Pedestrian/Bike	604.48
	01250	Dial-a-Ride/Transportation	7,832.68
	01252	Transit-Prop. 1B	3,011.57
	01410	Expendable Trust	1,035.58

Sum			798,902.13
	00184	Water PCE-TCE-Settlements	1,545,336.78
	00190	Central Plume	519.95

Sum			1,545,856.73

Total for Week			
Sum			2,344,758.86

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	03/08/09	00100	General Fund	797,350.59
		00160	Electric Utility Fund	175,997.27
		00164	Public Benefits Fund	5,437.09
		00170	Waste Water Utility Fund	92,846.63
		00180	Water Utility Fund	267.12
		00210	Library Fund	31,400.30
		00235	LPD-Public Safety Prog AB 1913	2,284.00
		00260	Internal Service/Equip Maint	22,028.73
		00321	Gas Tax	54,316.47
		00340	Comm Dev Special Rev Fund	27,524.47
		00345	Community Center	28,928.63
		00346	Parks & Recreation	41,485.00
		01250	Dial-a-Ride/Transportation	6,733.08
Pay Period Total:				
Sum				1,286,599.38



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approve Minutes
a) March 10, 2009 (Shirtsleeve Session)
b) March 11, 2009 (Special Meeting)
c) March 17, 2009 (Shirtsleeve Session)
d) March 18, 2009 (Special Meeting)
e) March 18, 2009 (Regular Meeting)

MEETING DATE: April 1, 2009

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) March 10, 2009 (Shirtsleeve Session)
b) March 11, 2009 (Special Meeting)
c) March 17, 2009 (Shirtsleeve Session)
d) March 18, 2009 (Special Meeting)
e) March 18, 2009 (Regular Meeting)

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 10, 2009**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 10, 2009, commencing at 7:02 a.m.

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

Absent: Council Member Mounce

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

B. Topic(s)

B-1 Presentation on Joint City of Stockton/City of Lodi Recycled Water Master Plan (PW)

City Manager King briefly introduced the subject matter of the joint feasibility study and implementation plan.

Public Works Director Wally Sandelin introduced Dave Richardson and Nichole Baker, consultant from RMC, to provide a PowerPoint presentation regarding the status of joint recycled water feasibility study and implementation plan. Mr. Sandelin provided a brief overview of the status of the project in light of litigation with the city of Stockton, the settlement agreement, and grant funding received for the study.

Dave Richardson, principal in charge and project manager, provided a PowerPoint presentation regarding the joint city of Stockton/City of Lodi recycled water master plan. Specific topics of discussion included project overview, study overview, project alternative overview, next steps, joint project history, joint project primary goals, location of major potential users, primary targeted recycled water uses, targeted users, demand estimate, committed recycled water flows, seasonal storage alternative for facilities location and cost estimate, blended supply alternative concept, blended facilities location and cost estimate, project alternative comparisons, and overall schedule.

In response to Mayor Hansen, Mr. Sandelin stated the reason the project took some time to get started between 2005 and 2007 was because it took time for the two cities to agree on language for the request for proposals and agreement, as well as the project being lower on the priority list than other projects pending at the time.

In response to Mayor Hansen, Mr. Sandelin stated the yellow lines on the map indicate the sphere of influence boundary lines.

In response to Council Member Johnson, Mr. Richardson stated the urban areas would include public areas such as parks, golf courses, cemeteries, and other areas with extensive lawns.

In response to Council Member Johnson, Ms. Baker stated the two smaller areas highlighted in yellow amidst the tan were taken out for grant funding purposes because those two areas are not yet approved.

In response to Mayor Hansen, Interim Community Development Director Rad Bartlam stated his recollection was that pursuant to the agreement there was a 300-foot buffer required from the

White Slough facility to the northern edge of the Stockton sphere of influence boundary. Mr. King stated the buffer only applies to residential and not commercial.

In response to Mayor Hansen, Mr. King stated it was his understanding that the buffer was applicable to only residential and not commercial.

In response to Mayor Hansen, Mr. Richardson stated as an example if the city of Stockton paid an additional \$100 fee for the cost of water it would increase the cost per acre foot per year by \$100. Mr. Richardson stated the cost estimate is based on a broad range because of the limited level of detail and information that is available right now.

In response to Mayor Hansen, Mr. Sandelin stated the additional water is not the City's water, as it is new water that could be coming from a combination of Woodbridge Irrigation District (WID), Delta, and groundwater sources; although, the WID would be most likely as the supplemental water.

In response to Council Member Johnson, Mr. Sandelin confirmed that the city of Stockton has an agreement with WID to purchase water up to 6,000 acre foot per year.

Discussion ensued between Mayor Hansen and Mr. Richardson regarding the cost of a new water facilities project, the probability of building a project as a result versus purchasing water, State contributing funding for the study because it is trying to promote supplemental water supply development, and the notion that the State would want to invest in capital costs because it is essentially the only new water since the rest of it has been around for some time.

In response to Council Member Hitchcock, Mr. Sandelin stated that, regardless of this project happening or not, growth will continue to happen in Stockton. Mr. Bartlam stated the City's basis for preserving White Slough is geared toward the longer range feeling that the Water Control Board will continue to restrict Delta discharge and to understand what the City will be doing when it can no longer do what it has been doing.

In response to Mayor Hansen, Mr. Richardson stated that the water going to Stockton is for irrigation purposes, and not drinking, because potable water requires a much higher level of treatment.

In response to Myrna Wetzel, Mr. Richardson stated the funding provided by the State falls under the current regulations and, while there are no additional rules to follow, the City must still comply with the California Environmental Quality Act and environmental review.

In response to Mayor Hansen, Mr. Richardson stated the blended supply cost estimate is much less for the alternative because it is a different smaller size pipeline providing service from two separate areas.

In response to Mayor Pro Tempore Katakian, Mr. Richardson stated there are no additional storage costs, other than the two \$2 million storage ponds, as tanks are not being used because they are more costly.

In response to Mayor Hansen, Mr. Richardson stated evaporation is a factor with storage ponds because on average one-seventh of the supply is lost through evaporation. Mr. Richardson stated the extra water from seasonal storage will take care of the evaporation at the White Slough facility.

In response to Myrna Wetzel, Mr. Richardson stated once the water is treated at White Slough and becomes recycled water it is odor free.

In response to Mayor Hansen, Mr. Sandelin stated the City's premise will be to start at no cost to the City; although, the City does stand to benefit in the long run with respect to Delta discharge limitations. Mr. Sandelin stated most people in the recycled water business would like to benefit somehow.

In response to Mayor Hansen, Mr. Sandelin stated he believes that the city of Stockton realizes the Delta project does not solve its water supply issues for the next 20 to 40 years and recycled water will be a part of that solution.

In response to Mayor Hansen, Mr. Sandelin stated the cost for the possibility of piping back to the City of Lodi would be approximately \$2,000 per acre foot.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated for the near term the City's closest supply will come from WID and there will be an ultimate goal of putting water into the purple piping system.

In response to Council Member Johnson, Mr. Sandelin stated he does not know what the cost would be for taking the water to another alternative and the City would need to change the way it does business to take the water out to the market.

In response to Council Member Johnson, Mr. Sandelin stated there could be substantial water used by an agriculture source by way of a vineyard or the like and it could be used through a drip system.

In response to Mayor Hansen, Mr. Richardson stated he has experience in distributing water in Sonoma County and generally the agricultural users will only pay \$10 to \$20 per acre foot per year and therefore proximity is the only thing in favor of distributing the water to the farmers.

In response to Mayor Hansen, Mr. Richardson stated the costs for design phases are generally 10% of capital costs. He stated design and permitting costs were shown and included in the capital costs that could be paid by the State, customer, and/or developer.

In response to Council Member Hitchcock, Mr. Sandelin stated there is an assumption that if the City of Lodi provides the water the city of Stockton can pay the capital costs along with the State funding that may be available.

In response to Myrna Wetzel, Mr. Sandelin stated the drought will not have much affect on the project because the water is coming from the ground.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:09 a.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 11, 2009**

A. Roll call

The Special City Council meeting of March 11, 2009, held at Hutchins Street Square, 125 South Hutchins Street, Lodi, was called to order by Mayor Hansen at 6:39 p.m.

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

Absent: None

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

B. Public Hearings

B-1 Public Hearing to Consider the Appeals of Browman Development Company and Wal-Mart Stores, Inc. Regarding the Decision of the Planning Commission to Not Certify the Final Revised Environmental Impact Report Regarding the Lodi Shopping Center Project Located at 2640 West Kettleman Lane (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider the appeals of Browman Development Company and Wal-Mart Stores, Inc. regarding the decision of the Planning Commission to not certify the Final Revised Environmental Impact Report regarding the Lodi Shopping Center Project located at 2640 West Kettleman Lane.

Mayor Hansen provided a brief overview of the process for the public hearing.

As a quasi-judicial hearing, the following disclosures were made:

Mayor Hansen disclosed that he had a telephone call with Daryl Browman and Jessica Berg. Mr. Hansen also disclosed he met with Chris Podesto and was provided a packet of documents made a part of the record.

Council Member Mounce stated she did not have any quasi-judicial contacts since the last meeting of December 10, 2008.

Mayor Pro Tempore Katzakian disclosed he had a telephone call with Daryl Browman.

Council Member Hitchcock disclosed that she had a telephone call with Brett Jolley.

Council Member Johnson disclosed that he had a telephone call with Daryl Browman and Jessica Berg. Mr. Johnson also disclosed that he met with Chris Podesto.

Interim Community Development Director Rad Bartlam provided a PowerPoint presentation regarding the appeal of the Lodi Shopping Center. He specifically discussed the final revised Environmental Impact Report (EIR), background, zoning and vicinity map, aerial view, summary of environmental and other impacts including energy and agricultural, additional project objectives, alternative project location, and landscape plan.

In response to Council Member Hitchcock, Mr. Bartlam stated the latest documents submitted to the City Council after the agenda packet was prepared as blue sheets includes a package from

Sheppard, Mullin, Richter and Hampton, letter from Erin Rios of Wal-Mart, correspondence from BAE, and a package of documents from Attorney Donald Mooney, as well as citizen correspondence.

In response to Council Member Hitchcock, Mr. Bartlam stated from practical experience and in his opinion the City Council can consider the differing opinions and choose which experts to believe or not and/or give greater weight to.

Daryl Browman, developer of the proposed project, provided comments with respect to the involvement of other businesses in the project other than Wal-Mart, the history of the proposed project, the reputation of his development company in the community, overall portfolio of retail and vacancy rates, similar projects in other communities, creating economic synergy in retail spaces, solidifying intersection of Lower Sacramento Road and Kettleman Lane as a retail location, creation of jobs, sales tax growth, adequateness of the EIR, and recommendation to certify the EIR.

In response to Council Member Hitchcock, City Attorney Schwabauer stated that, in regard to prior comments and documents submitted at the December 10, 2008, meeting, they will be a part of the record for California Environmental Quality Act (CEQA) purposes.

Brett Jolley, attorney from Herum and Crabtree representing Lodi First, provided comments with respect to urban decay and the analysis of the EIR withstanding scrutiny, code enforcement to address blight in the community, funding available to address blight, assertion that there is no blight, financial challenges for the City and nation at large, water supply assessment, more than 1,000 employees triggering water supply assessment requirement, and declaration for disqualification of Judge Humphreys.

In response to Council Member Johnson, Mr. Jolley stated he is not suggesting that Mr. Browman does not have the capital to pull the project off. Mr. Jolley stated his point is that the project will affect other shopping centers in town that have less success and the EIR and urban decay affects the entire community.

In response to Council Member Hitchcock, Mr. Jolley stated the alternative projects must meet the two prong test of meeting the objectives of the project and reducing significant impacts and he did not believe the three alternatives listed met those requirements. Mr. Jolley stated there is case law overturning an EIR because the alternatives were not properly addressed.

In response to Council Member Hitchcock, Mr. Jolley stated the Laurel Heights case illustrates the concept that what is required in an EIR must in fact be included in that EIR and not submitted as separate documentation for consideration beyond the four corners of the document. Mr. Jolley stated the global climate change concerns should have been addressed in the EIR itself and gone through the EIR process.

In response to Council Member Hitchcock, Mr. Schwabauer stated that, while he agrees that the issue needed to be addressed, CEQA is clear that there needs to be a finish line and an issue that arose after the fact does not specifically need to be addressed in the EIR. Special Counsel Jon Hobbs stated the law does not require consideration of every single alternative, only a reasonable range of alternatives is needed to meet CEQA requirements. Mr. Hobbs stated the alternatives do need to meet most if not all of the project objectives and reduce impacts.

In response to Council Member Hitchcock, Mr. King stated the intent for listing Flag City as an alternative was likely the ability to locate a reasonable location of sufficient size for the proposed project. Mr. Schwabauer stated there may not have been another location within the City to accommodate the proposed project size.

In response to Council Member Hitchcock, Mr. Schwabauer stated that, in order to impose conditions on an applicant, the City Council must first find a basis for imposing those conditions through certain findings. Mr. Schwabauer stated it is important to distinguish urban decay from blight, which is a technical term used in redevelopment law. Mr. Schwabauer stated the City Council is free to determine whether the Planning Commission was correct or erred in its denial of the certification.

In response to Mayor Hansen, Mr. Jolley stated that his firm is Herum and Crabtree, the firm represents similar groups opposed to Wal-Mart in other jurisdictions, the firm is dealing with a similar EIR issue in approximately eight other cities, most of those cities are Super Centers versus a regular Wal-Mart, Dr. King has been hired as an expert by the firm, the firm's position is to present an advocacy point on behalf of their clients, he is unaware of the success rate at stopping Wal-Marts, the goal is often to get additional information and not necessarily stop the projects, his definition of win is where a trial court grants the judgment for a writ of mandate, and regardless of the outcome for the evening the City will need to go back to Court for the writ.

In response to Council Member Johnson, Mr. Jolley stated the City is required to go back to the Court for the writ of mandate.

In response to Council Member Mounce, Mr. Bartlam stated urban decay does not have a specific definition in CEQA, although you will know it when you see it, and it is up to some level of individual interpretation. Mr. Bartlam stated generally speaking urban decay is more than just a vacant store; although, a vacant store coupled with graffiti, vandalism, broken windows, an unkempt parking lot, and a general state of deterioration may constitute urban decay.

In response to Council Member Mounce, Mr. Jolley stated urban decay comes from case law and is related to blight. He stated Lodi found blight in the City as a part of redevelopment in 2002.

In response to Mayor Hansen, Mr. Schwabauer confirmed that blight as defined in redevelopment and urban decay cannot be used interchangeably.

Donald Mooney, representing Citizens for Open Government, provided comments with respect to the reservation of certain claims through an agreement, concerns under the Brown Act pertaining to the notice not referencing findings and statement of considerations, new information that may need to be addressed with environmental concerns, economy based financial conditions requiring additional analysis, and water quality and waste discharge concerns to be addressed in the EIR.

In response to Council Member Hitchcock, Mr. Schwabauer stated that, although it is a different world and local and national climate has changed, CEQA and litigation set a finish line, the res judicata doctrine prevents everything from being raised that was not already raised, project approval is not before the City Council for consideration tonight, community benefits can be looked at during the project approval process, and the focus of the meeting tonight is only whether the EIR meets the requirements to be certified.

In response to Mayor Hansen, Mr. Schwabauer stated he disagrees with Mr. Mooney's assertion that the notice is insufficient as the Brown Act requires a general description of what is at issue and what is being done. Mr. Schwabauer stated the Planning Commission considered the information that is before the Council now on appeal and, while he cannot guarantee the other side will not sue, he can say that he is providing a conservative opinion on this issue.

Alexis Palosi, representing Browman Development, provided general comments with respect to the BAE response to Dr. King, the state of the current economy, the long-term market for retail projects versus day-to-day conditions, the water supply assessment being inapplicable because

the number of employees is less than 1,000, global warming addressed in good faith although not needed under res judicata, and certifying one resolution without findings and statement of considerations to keep the process moving.

Mr. Jolley provided comments regarding urban decay and an insufficient findings analysis, the \$680,000 payment for downtown based on an economic nexus, the need for a water supply assessment, and the San Joaquin Raptor case.

Mr. Mooney provided comments regarding limiting the action to certification for Brown Act purposes, not limiting the Planning Commission for project approval to allow other alternatives, and to be free of CEQA and Brown Act violations.

Mr. Schwabauer stated that, although he disagrees with the argument regarding a Brown Act violation because the resolutions are the same as what was before the Planning Commission, he is comfortable with proceeding with the certification only if the parties decide to do so and the issue will be going back to the Planning Commission regardless.

Mayor Hansen opened the public hearing for public comment.

Public Comments

Mark Silveira of Universal Sweeping spoke in favor of the proposed project based on his experience with Browman Development and the company's high standards for development and maintenance of properties.

Bill Freitas spoke in opposition to the proposed project based on his concerns regarding economic challenges and the potential negative affect on the community.

Patricia Sanchez spoke in opposition to the proposed project based on her concerns regarding the negative affect on the grocery businesses in the community and economic challenges.

Brad Clark spoke in opposition to the proposed project based on his concerns regarding negative conditions at the Stockton Wal-Mart, urban decay, and overturning the Planning Commission decision.

Chris Podesto spoke in opposition to the proposed project based on his concerns regarding the negative affects of the project to the east side of the community, additional studies needed, and the longer vision for the community.

Wendel Kiser, Planning Commissioner, spoke in regard to the questions that the Planning Commission had regarding the consideration of urban decay in the EIR, carbon footprints, and AB 32. Mr. Kiser asked the City Council to thoroughly consider those questions as well.

Cheryl Nitschke spoke in favor of the proposed project based on her belief that the project will benefit the community, revenue possibilities, one-stop shopping for citizens, and employee salaries and benefits.

Dennis Sattler spoke in opposition to the proposed project based on his concerns regarding EIR insufficiencies, the economic climate, a weakened retail market, and the negative impact on the wine industry.

Quintin Williams spoke in opposition to the proposed project based on his concerns regarding the negative impact to the east side of the City, economic challenges, and the need to spend time on the wine industry.

Jason Elliott spoke in favor of the proposed project based on the good reputation of maintenance of properties owned by Browman Development and the creation of jobs.

Daniel McNeer spoke in favor of the proposed project based on project endorsement by several current tenants of Browman Development, sufficiency of the EIR, strengthening of the surrounding corridor, additional revenues, and job creation. Mr. McNeer also submitted letters by tenants in support of the proposed project for the record.

Andrea Violett spoke in favor of the proposed project based on Wal-Mart being asked to contribute more than other businesses, Food-4-Less as an example, people still shopping in spite of the economy, and free enterprise. In response to Council Member Hitchcock, Ms. Violett stated she is only a customer and not a Wal-Mart employee as she is employed by Caltrans.

Dave Kirsten, Planning Commissioner, spoke in regard to the adequacy of the EIR, cumulative affects of urban decay, the insufficient findings of the same, the decision of the Planning Commission, and the need for additional information. In response to Mayor Hansen, Mr. Kirsten stated his recommendation would be to return the matter to the Planning Commission for further consideration without overturning the Planning Commission decision so that the Planning Commission can further consider the EIR.

Robin Rushing spoke in opposition to the proposed project based on his concerns regarding the negative impact on smaller businesses and the economic climate.

Elliot Stein of Richard Ellis spoke in favor of the proposed project based on the tax analysis provided by his firm, which outlines the tax specifics for the proposed project. A brief discussion ensued between City Council regarding the procedure for public comment and presentation by proponents and opponents. In response to Council Member Mounce, Mr. Stein stated the \$1.4 million make-up is outlined in the memorandum for the Lodi Shopping Center, which includes the Wal-Mart and the 11 retail pads. Discussion ensued between Council Member Mounce and Mr. Stein regarding the make-up of the numbers, the tax increment numbers, and the change in the numbers. In response to Council Member Hitchcock, Mr. Stein stated the diverted sales includes increases in supply and less demand and sales from other businesses in the existing trade area coming to the new shopping center. Council Member Hitchcock asked that a copy of the previous City report stating there would be no switch in tax dollars be provided to Mr. Stein.

Dennis Norten spoke in favor of the proposed project based on possible benefits to employees of the shopping center and the community.

Stan Finberg spoke in opposition to the proposed project based on his concerns regarding the negative affect on other businesses in the community, the economic downturn, and urban decay and EIR considerations. In response to Council Member Johnson, Mr. Finberg stated his shopping center is near the K-Mart center on Cherokee Lane.

Terrie Hedden spoke in opposition to the proposed project based on her concerns regarding urban decay, empty commercial areas in Lodi, the number of vacancies, and need for additional information.

Ruth Miller spoke in favor of the proposed project based on possible benefits to the community and job creation.

Kyle Hampton spoke in favor of the proposed project based on free enterprise, consumer choice, and job creation. In response to Council Member Hitchcock, Mr. Hampton stated he is speaking

in his capacity as a resident of Lodi and is not affiliated with anyone.

Douglas Flemming, representative of the grocery employees union, spoke in opposition to the proposed project based on his concern regarding the negative affects on grocery stores and other businesses, as well as the weakened economic conditions.

Marlene Borchers, Lodi Wal-Mart Store Manager, spoke in favor of the proposed project based on possible benefits to employees, job creation, and overall involvement and benefits to the community.

Lisa Vigil spoke in opposition to the proposed project based on the negative affect on the local produce suppliers and purchases.

Andrea Leisy spoke based on her home interest on Howard Street in Lodi and provided an overview of the documents and analysis provided by both the proponents and opponents of the proposed project.

Aaron Rios, Wal-Mart public affairs representative, spoke in regard to the ongoing history and current status of the proposed project. Mr. Rios also spoke regarding project and process discrimination. In response to Council Member Hitchcock, Mr. Rios stated Wal-Mart did not have prior knowledge of the process for the previous public hearing. In response to Council Member Mounce, Mr. Rios stated thousands of supporters have voiced their opinions through the customer support network and through the public process.

Al Hernandez, an employee of Blue Shield, spoke in favor of the proposed project based on possible job and revenue creation and the ability to patronize a variety of stores. Mr. Hernandez also stated he was one of the supporters of the proposed project who was harassed by the opposition at the previous public hearing.

Tracy Elliott spoke in opposition to the proposed project based on her concerns regarding the weakened economic conditions.

Linda Nelson, an associate of Wal-Mart, spoke in favor of the proposed project based on the perception of Measure R to not restrict big box retail. Ms. Nelson also stated she went early to the previous public hearing based on the attendance at the Planning Commission meeting and did not receive advanced notification of the process.

Catherine Brown spoke in opposition to the proposed project based on her concerns regarding poor customer service, view restrictions from the corner on Lower Sacramento Road and Kettleman Lane, and the negative overall affects on the community.

Dale Felubs spoke in opposition to the proposed project based on his concerns regarding the negative tactics used by Wal-Mart and the negative affect on the community.

After receiving no further comment, Mayor Hansen closed the public hearing.

In response to Mayor Hansen, Mr. Schwabauer stated the City Council can send the matter back to the Planning Commission with direction if it felt like the EIR could not be certified, or in the alternative the City Council can go ahead and certify the EIR if it feels like it has received adequate information to do so.

Mayor Hansen provided general comments on the sufficiency of the EIR based on the additional information received, the ongoing history of the proposed project, and the litigation process which will not end with the decision this evening.

Council Member Mounce provided general comments on the inadequacy of the EIR, numbers changing for tax revenue, economic concerns, urban decay, traffic on Interstate 5, and possible locations on the east side of town for the proposed project. In response to Council Member Mounce, Mr. Bartlam stated the square footage of the 11 pads is approximately 113,000.

Mayor Pro Tempore Katzakian provided general comments about the sufficiency of the EIR, the thorough review of documentation over the last seven years, and the completion of the four corners at Kettleman Lane and Lower Sacramento Road.

Council Member Johnson provided general comments about the sufficiency of the EIR, the ongoing changes and predictions in the economy, project timeline, businesses that are successful in the existing climate because of good owner and tenant relations, and the consideration of only those items that are relevant to the EIR.

Council Member Hitchcock provided general comments about the inadequacy of the EIR, the importance of the Planning Commission decision, the negative affect on the community and cumulative impacts, the conflicting information provided by the experts, and citizen opinion opposing the proposed project.

City Attorney Schwabauer clarified that the City Council if it so desires may adopt the resolution approving the EIR as revised with everything from paragraph five on the third page to paragraph six on the last page stricken and the conclusion revised accordingly to eliminate the findings and statements of consideration.

Council Member Johnson made a motion, second by Mayor Hansen, to adopt Resolution No. 2009-27 certifying the Final Revised Environmental Impact Report (EIR-03-01) relating to the Lodi Shopping Center Project as recommended by the City Attorney.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Hitchcock, and Council Member Mounce

Absent: None

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:31 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 17, 2009**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 17, 2009, commencing at 7:01 a.m.

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

Absent: None

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

B. Topic(s)

B-1 Second Quarter Fiscal Year 2008-09 Water, Wastewater, and Electric Utility Department Financial Reports (PW/EUD)

City Manager King and Deputy City Manager Jordan Ayers provided a brief introduction to the quarterly update for Public Works and Electric Utility.

Charlie Swimley, Water Services Manager, provided a PowerPoint presentation regarding the Public Works Department Water/Wastewater fiscal year 2009 quarterly update. Specific topics of discussion included wastewater operating results, wastewater fund cash flow summary operations, wastewater funds cash balances, water operating results, water fund cash flow summary operations, water funds cash balances, and water/wastewater utility accomplishments including valve program.

In response to Mayor Hansen, Mr. Swimley stated the \$44,000 amount that was budgeted will be transferred and shown as a zero by the end of the year.

In response to Mayor Hansen, Mr. Swimley stated the ongoing operating deficit is \$917,286.

In response to Council Member Hitchcock, Mr. Swimley stated staff has gotten control of some of the deficit and will be bringing forth a plan to address the same on March 31.

In response to Mayor Hansen, Public Works Director Wally Sandelin stated that, with respect to PCE/TCE costs and clean-up, the current status is that bids are out for a monitoring program, the first phase for design and construction for extraction wells is in place, equipment should be in the ground this year, and intermediate remedial actions are going forth as well. Mr. Schwabauer stated staff is looking into stimulus funding opportunities also.

In response to Council Member Hitchcock, Mr. Sandelin stated the annual collection for PCE/TCE was approximately \$2.5 million. Mr. Sandelin stated the expenses may be less than the original report and rate model indicated, an adjustment may be applicable, and the information will be coming forward for Council consideration on March 31.

In response to Mayor Hansen, Mr. Swimley stated staff is in the process of preparing a required sewer management plan, which is required as the City can be audited at any time. Mr. Swimley stated the order is relatively new and staff wants to ensure that it is in compliance with all regulations in the event that an audit occurs.

In response to Mayor Hansen, Mr. Swimley stated there is no State funding available for this mandate and the City is required to file a report with the State every time there is a spill. Mr. Swimley stated the State in turn keeps a database of all these reports, which is accessible to various agencies.

In response to Council Member Hitchcock, Mr. Swimley stated underreporting by agencies may be a concern and one reason for the State to create and maintain this database for spills.

In response to Council Member Mounce, Mr. King stated the State does not give any provisions for cities that cannot pay for the enhanced infrastructure as a standard is a standard.

In response to Council Member Johnson, Mr. Swimley stated there was a meeting last Thursday, staff does not believe that the State Board will move from its current position on the order, and the best the City can hope for is some revised language. Mr. Swimley stated a footnote referencing disposal and recycle practices would be preferred.

In response to Council Member Johnson, Mr. Swimley stated the decision should be made today. Mr. Schwabauer clarified that the State Board will likely uphold the order of its staff, send the order back to the Regional Board with its findings, and in turn tie the Regional Board's hands to finish the permitting process with the findings of the order in place. Mr. Schwabauer stated a writ of mandate may be an option and provided a brief overview of the legal process for the same.

In response to Mayor Hansen, Mr. Swimley stated the order may cost more money because the City may need to line the ponds per Title 27, change land application practices, and there may be an impact on the cannery.

In response to Council Member Hitchcock, Mr. Swimley stated lining the ponds would cost about \$1 million and will be mentioned in the March 31 presentation.

In response to Mayor Hansen, Mr. Swimley stated there are approximately 4,500 valves in the City.

George Morrow, Electric Utility Director, provided a PowerPoint presentation regarding the fiscal year 2009 quarterly update. Specific topics of discussion included mid-year summary, budget versus quarter actual, financial results, electric expenses by series, power supply, quarter sales, billing statistics, energy cost adjustment by customer class, Northern California Power Agency (NCPA) general operating reserve, Lodi Energy Center, unrestricted reserves, electric reserve policy, days cash, Fitch ratings, and open position.

In response to Council Member Hitchcock, Mr. Morrow stated the 92.1% is a combination of revenue and expense numbers. Mr. Morrow stated it is likely normal because other quarters may be in the negative and therefore the numbers will even out throughout the year.

In response to Council Member Hitchcock, Mr. Morrow stated the total operating expenses should even out by the year as well and generate some revenue if the numbers are low now. Mr. King stated he does have some concern about maintenance and sustaining operating numbers as compared with where other electric utilities are in these numbers for the quarter.

In response to Council Member Johnson, Mr. Morrow stated there is a good correlation between power use and billing because if the utility purchases power for March it will generally pay for the costs in March after it goes through NCPA or related process. Mr. Morrow stated the billing for the customers will not come until shortly thereafter because of the meter reading cycles.

In response to Council Member Mounce, Mr. Morrow stated the reserve policy was set in 2007

with a goal of 2010 and the discussion regarding reserves should be on line with that time period, although it may occur earlier.

In response to Council Member Hitchcock, Mr. Morrow stated the goal since the policy has been set is to focus on the target number rather than the basis for that number as outlined by the consultant. Mr. Morrow stated his understanding was that once that number is reached, or before that time, there may be a discussion about what to do next.

In response to Council Member Hitchcock, Mr. King stated some of the concerns at the time the policy was adopted included financial ratings and standing, getting everyone on the same page as to what the goal was, the necessity of rate adjustments in the near future, equipment replacement, and operating costs.

In response to Council Member Johnson, Mr. King stated ratings equal credit score for power purchases. Mr. Morrow stated the largest factor for the Electric Utility to have a good rating is for credit purposes and he is not aware of any insured based ratings since the demise of the bond market. Council Member Johnson requested some information on how much it would cost to purchase power at the various letter ratings (i.e., A+, A, A-, BBB+, etc.). Mr. Morrow stated he does not have the information readily available but will forward it.

In response to Council Member Hitchcock, Mr. Morrow stated rating agencies will say that days cash is important; although, there are factors such as management of the utilities and power supply portfolio. Mr. Morrow stated the Lodi focus has been days cash because that was previously the weakest factor.

In response to Mayor Hansen, Mr. Morrow stated the next open position power purchase is tomorrow for the high load and winter period.

C. Comments by Public on Non-Agenda Items

Lori Laney, a resident of the City, spoke in regard to her utility bill increasing significantly when an older meter was removed and a new meter was installed. Ms. Laney had concerns regarding an invoice she received for \$1,200 covering an eight-month period during which her old meter may not have been working.

In response to Mayor Hansen, Ms. Laney stated the new meter was installed in February. Mr. King stated he had a similar situation occur to him personally and suggested it may be a good time for the City Council to look at variance information at large.

In response to Council Member Katzakian, Mr. Morrow stated the estimate is based on historical usage and after the new meter is installed they can look forward. Mr. Morrow stated there are a handful of older faulty meters still remaining; although, most have been phased out and provided an overview of how the meters were malfunctioning. Mr. Morrow stated they will look at the specifics of this situation and work with the customer accordingly.

Council Members Johnson and Mounce and Mayor Hansen expressed concerns about going back and creating an estimate based on past usage and looking forward.

In response to Council Member Hitchcock, Mr. Morrow stated the \$1,200 figure covers approximately eight months.

In response to Council Member Hitchcock, Mr. Morrow stated no one has 10 to 20 faulty meters and staff does do its best to catch the faults as soon as possible, although the system is not fail safe.

Mayor Hansen suggested staff research and bring forth information regarding the meter and variance policy.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:34 a.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 18, 2009**

A. Roll call

The Special City Council meeting of March 18, 2009, was called to order by Mayor Hansen at 5:32 p.m.

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

Absent: None

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

B. Regular Calendar

B-1 Council Workshop - Preliminary Task and Expenditure Priorities for Fiscal Year 2009-2010 (CM)

City Manager King and Deputy City Manager Jordan Ayers conducted a Council workshop regarding the preliminary task and expenditure priorities for fiscal year 2009-10. Materials used for the session were provided to participants and made part of the record.

Topics covered included, but are not limited to, economic development, sustainable and livable communities, law enforcement, fire and emergency preparedness, general government, capital, infrastructure and special projects, amount of general fund expenditures for various services, and reserve amounts. Additionally, the following was discussed: sworn police personnel for 1,000, police cost per capita, sworn fire personnel per 1,000, Fire Department costs per resident, economic development cost per capita, building maintenance staff per 100,000 square feet, streets employees per mile, parks expenditures per resident, parks maintenance cost per acre, parks staff per acre of parks, general fund contribution to leisure activities per capita, department percentages of the general fund, and reserve policies and actuals for other jurisdictions.

In response to Council Member Mounce, Mr. King stated fire services for Galt and Tracy are not compared because both cities are served by special fire districts.

In response to Council Member Hitchcock, Mr. King stated Manteca, Tracy, and Galt are higher on the scales because they also include economic development staff and redevelopment.

In response to Mayor Pro Tempore Katzakian, Mr. King stated the building maintenance staff numbers for the City of Lodi as shown on the chart do not include contract employees.

In response to Council Member Hitchcock, Mr. King stated comparing the cities is really difficult because in some cities street trees may be maintained by the parks division or by contract instead of the streets division as is the case with the City of Lodi.

In response to Council Member Hitchcock, Mr. King stated in some cities police and fire can constitute up to 70%. He stated this is a preliminary exercise to get some understanding where the Council may stand on some issues as we begin preparing the budget. Mr. King stated universal standards are difficult because the services are provided in a variety of ways.

In response to Council Member Johnson, Mr. King stated he could give some budget instructions to departments and when the budget is being reduced we need to have some basic

understanding and direction. Mr. King stated this preliminary exercise starts some of the process toward that.

In response to Mayor Pro Tempore Katzakian, Mr. King stated for the sake of discussion the pie is being reduced by approximately \$1.25 to \$1.5 million, working on the premise that general fund revenues will continue to decline.

In response to Mayor Hansen, Mr. King stated for example if the City Council decides to have \$4.2 million instead of \$3.8 million in reserves, then we would need to cut another \$400,000 from next year's budget for a total of \$1.9 million instead of \$1.5 million.

In response to Mayor Pro Tempore Katzakian, Mr. King stated CalPers will become an issue in 2010-11 because that is the time CalPers will begin to make up for its portfolio losses.

In response to Mayor Pro Tempore Katzakian, Mr. King stated the fiscal year would begin with a \$3.8 million designated unreserved amount.

Council Member Mounce requested information regarding which staff is taking vehicles home, the need for those vehicles, and the cost savings for not doing so. Mr. King stated the Police Department has the largest fleet and the most vehicles taken home for response purposes.

In response to Council Member Hitchcock, Mr. King stated the City Council will ultimately decide what if any final cuts are made in relation to the budget.

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 6:50 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 18, 2009**

- 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
- C-4 Return to Open Session / Disclosure of Action - N/A
- A. Call to Order / Roll call

The Regular City Council meeting of March 18, 2009, was called to order by Mayor Hansen at 7:02 p.m.

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

Absent: None

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

- B. Invocation - Associate Pastor Dwight Friesen, Vinewood Community Church
- C. Pledge of Allegiance
- D. Presentations
- D-1 Awards
- a) Presentation of Firefighter of the Year Plaque to Fire Captain Michael Lair (FD)

Fire Chief Mike Pretz presented the Firefighter of the Year plaque to Fire Captain Michael Lair.

- D-2 Proclamations
- a) Arbor Day (PW)

Mayor Hansen presented a proclamation to George Bradley, Streets and Drainage Manager, along with several volunteers, proclaiming Saturday, April 4, 2009, as "Arbor Day" in the City of Lodi.

- b) National Boys and Girls Club Week

Mayor Hansen presented a proclamation to Richard Jones with the Lodi Boys and Girls Club proclaiming the week of March 22 – 28, 2009, as "National Boys and Girls Club Week" in the City of Lodi.

- D-3 Presentations - None
- E. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Johnson made a motion, second by Council Member Mounce, to approve the

following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

E-1 Receive Register of Claims in the Amount of \$6,571,339.86 (FIN)

Claims were approved in the amount of \$6,571,339.86.

E-2 Approve Minutes (CLK)

The minutes of March 3, 2009 (Shirtsleeve Session) and March 4, 2009 (Regular Meeting) were approved as written.

E-3 Accept the Quarterly Investment Report as Required by Senate Bill 564 (CM)

Accepted the quarterly investment report as required by Senate Bill 564.

E-4 Adopt Resolution Approving Contract Addendum with Dyett and Bhatia, Urban and Regional Planners, to Prepare the Housing Element of the General Plan in the amount of \$69,750 (CD)

In response to Council Member Mounce, Interim Community Development Director Rad Bartlam stated the previous consultant was Cotton and Bridges, which was acquired by a larger firm a couple of years ago. Mr. Bartlam stated as he recalls the 2002-03 price was more and he will research and forward that information to the City Council.

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2009-29 approving the contract addendum with Dyett and Bhatia, Urban and Regional Planners, to prepare the housing element of the General Plan in the amount of \$69,750.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

E-5 Receive Report Regarding Final Costs for the November 4, 2008, General Municipal Election (CLK)

Received report regarding final costs for the November 4, 2008, General Municipal Election.

E-6 Adopt Resolution Certifying the Election Results of the March 3, 2009, Special Municipal Election Pertaining to Measure W and Notify County Officials and Taxing Agencies (CLK)

Adopted Resolution No. 2009-28 certifying the election results of the March 3, 2009, Special Municipal Election pertaining to Measure W and notify County officials and taxing agencies.

- E-7 Set Public Hearing for April 1, 2009, to Introduce Ordinance Amending Chapter 13.20, "Electrical Service," by Adding a New Section 13.20.315, Titled "Schedule EDR (Economic Development Rates)" (EUD).

Set public hearing for April 1, 2009, to introduce ordinance amending Chapter 13.20, "Electrical Service," by adding a new Section 13.20.315 titled, "Schedule EDR (Economic Development Rates)."

- E-8 Set Public Hearing for April 1, 2009, to Approve the Draft 2009-14 Consolidated Plan and Public Participation Plan and the Draft 2009-10 Action Plan for the Community Development Block Grant Program (CD).

Set public hearing for April 1, 2009, to approve the Draft 2009-14 Consolidated Plan and Public Participation Plan and the Draft 2009-10 Action Plan for the Community Development Block Grant Program.

- F. 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.

Robin Rushing spoke in regard to his concerns about the Wal-Mart public hearing last week and allowing the attorney for Browman Development to speak under public comments and not following the decision of the Planning Commission.

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

Council Member Mounce reported on her attendance at the League of California Cities quarterly meeting in Chowchilla where the League President, Judy Mitchell, discussed community involvement. She also invited the City Council to attend and participate in the June League meeting, which will be held in Lodi.

Council Member Johnson suggested holding an east side summit to discuss opportunities for funding for a variety of improvements needed on the east side of the city.

Council Member Hitchcock suggested, as a follow-up to the Council workshop on budgeting priorities, putting forward priorities for spending to the citizens by way of utility billing, Internet, or some similar fashion.

Mayor Hansen reported on his attendance at the San Joaquin Council of Governments Executive and Law and Regulatory Committee meetings. Topics of discussion included the blue print, SB 375, budget reduction of \$14.5 million, the American Recovery and Reinvestment Act, money for energy efficiency and conservation as part of the economic stimulus package, and a Northern California Power Agency team assigned to monitor funding opportunities.

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

City Manager King reported that Friday, March 27, 2009, will be the first furlough day and most City services and facilities will be closed on that day. Mr. King also reported that the Finance

Department will be moving to the City-owned space in mid-April and dedications for the new Finance facility, Municipal Service Center transit shop, and boathouse will be occurring in the near future.

City Attorney Schwabauer reported that Mayor Pro Tempore Katzakian's spouse does not have a right of referral in the sale of property located at 217 East Lockeford Street and is not receiving a referral fee.

In response to Council Member Hitchcock, Mr. Schwabauer stated that, with respect to the hearing of the State Quality Control Board, the Regional Board's Executive Officer spoke at the hearing outlining her concerns of wiping out reclamation policies and usage throughout the State as a result of the pending decision by the State Board. Mr. Schwabauer stated as a result of that testimony the State Board delayed the decision indefinitely to research in depth the application of its decision to reclamation throughout the State and the related precedent it would set.

I. Public Hearings

I-1 Public Hearing to Consider Resolution Adopting Federal Fiscal Year 2009 Program of Transit Projects (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider resolution adopting Federal Fiscal Year 2009 Program of Transit Projects.

City Manager King briefly introduced the subject matter of the program for transit projects.

Public Works Director Wally Sandelin provided a brief overview of the various transit projects as set forth in the staff report, the cost of \$2.5 million, and the expectation that the City is eligible for funding and will receive the money from the federal government.

In response to Mayor Hansen, Mr. Sandelin stated that, while there is a concern for the flow of funding for transit projects, he does not anticipate that much of a drop in comparison to other areas.

In response to Council Member Hitchcock, Mr. Sandelin stated he confirmed there is a difference between the availability of state and federal funds and as the economic times worsen, there is generally a higher demand on transit.

In response to Council Member Mounce, Mr. Sandelin stated the solar panel project will greatly reduce the power needs for the Municipal Service Center and the shop thereby reducing the costs for power.

In response to Council Member Hitchcock, Mr. King confirmed that the current action is for the federal funds process and the state funds for transit support are being reduced. Mr. King stated he is not aware of any process available to shift the funds to other needs and the City should be able to maintain the current transit system.

In response to Mayor Hansen, Mr. Sandelin stated he is confident that the City will receive the suggested funding and when the guidelines are available, the City will decide whether or not to apply for additional competitive based funding, which may be used for solar.

Council Member Hitchcock made a motion, second by Council Member Mounce, to adopt Resolution No. 2009-30 adopting the Federal Fiscal Year 2009 Program of Transit Projects.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Communications

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

J-2 Appointments

a) Post for Expiring Terms on the Greater Lodi Area Youth Commission (CLK)

Council Member Mounce made a motion, second by Council Member Hitchcock, to direct the City Clerk to post for the following expiring terms:

Greater Lodi Area Youth Commission

Adult Advisers:

Elizabeth Mazzeo, Term to expire May 31, 2009

Jeffrey Palmquist, Term to expire May 31, 2009

Summer Pennino, Term to expire May 31, 2009

Student Appointees:

Hannah Merrill, Term to expire May 31, 2009

Kasey Ota, Term to expire May 31, 2009

Lisa VanderHeiden, Term to expire May 31, 2009

Gordon Wong, Term to expire May 31, 2009

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-3 Miscellaneous - None

K. Regular Calendar

K-1 Adopt Resolutions Authorizing the City Manager to Execute Professional Services Agreement with HDR, Inc., of Folsom, for Preparation of Preliminary Design and Environmental Impact Report for the Surface Water Treatment Facility (\$857,924) and Execute Second Amendment to 2003 Agreement for Purchase of Water from Woodbridge Irrigation District by the City of Lodi Permitting City to Sell a Portion of Its Banked Water and Appropriating Funds (\$987,000) (PW)

City Manager King briefly introduced the subject matter of the agreement with HDR and second amendment to an agreement with the Woodbridge Irrigation District (WID).

Public Works Director Wally Sandelin provided a presentation regarding the proposed agreement with HDR for preparation of design and an Environmental Impact Report (EIR) for the water

treatment facility and the second amendment to the agreement for the purchase of water from WID. Specific topics of discussion included a review of the two proposed actions, the actions not being related to how the plant will be funded, the need to pursue the project to become eligible for funding options, eligibility for the pre-application process, preliminary design work and California Environmental Quality Act (CEQA) review for second tier of application process, appropriation from the water fund, permission to sell the water for three consecutive years to support implementation of the plant, the availability of water, and terms of the agreement including going to the Board each year to confirm the commitment to sell each year.

In response to Council Member Mounce, Mr. Sandelin stated he expects some changes to the agreement from the attorneys; although, it will come back to the City Council if anything substantive is changed.

In response to Council Member Mounce, Mr. Sandelin stated some of the conceptual cost estimate and design phase information will be provided as a part of the March 31, 2009, Shirtsleeve presentation.

In response to Council Member Johnson, Mr. Sandelin confirmed that the \$200 figure per acre foot is a minimum for the sale of water and it could go higher.

In response to Council Member Hitchcock, Mr. Sandelin stated staff will not go out into the marketplace for the sale of the water without having permission from both the City Council and the WID Board.

In response to Council Member Hitchcock, Mr. Sandelin stated as a condition to allow the sale of the water by the WID Board, the proceeds of the sale must be put toward the water plant. Mr. Sandelin stated the current agreement does not have the ability to sell the water and delays in the process may compromise the City's position to obtain stimulus dollars and the EIR process. Mr. Sandelin stated the City may not be in a position to negotiate the revenue from the sale of the water going elsewhere other than the proposed plant.

In response to Council Member Johnson, Mr. Sandelin stated the City is contractually obligated to purchase the water from WID and since it owns the water WID would need to authorize the transfer of the water to any place other than the City if we were to sell it.

In response to Council Member Hitchcock, Mr. King stated Proposition 218 analysis may be applicable if we were to consider putting the funding toward anything else but water. Mr. King stated the proposed action is putting the City into position to have some options with respect to the stimulus money earmarked for water.

In response to Council Member Hitchcock, Mr. Schwabauer stated he doubts that there is an answer to the question of whether or not the City could use the profit from the sale of the water for anything else but the water fund because an argument could be made both ways under Proposition 218.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated that the City is going to have to do a preliminary design regardless if it is going to build the proposed plant.

Discussion ensued between Council Member Johnson, Council Member Hitchcock, and Mayor Hansen regarding the previous direction provided by Council to staff for ground water recharge versus the construction of a water treatment plant, the timing of the various decisions associated with originally purchasing the WID water, and cost comparisons for doing recharge versus constructing a new plant with and without a land purchase option.

In response to Council Member Mounce, Mr. Sandelin stated the water utility is healthy and the wastewater utility is not.

In response to Council Member Hitchcock, Mr. King stated that, according to a previous staff report, the cost for the recharge was between \$11 million and \$35 million and the cost for the direct use plant was \$29 million to \$36 million. Mr. King stated the Council has provided direction with respect to location and land was considered for the recharge option because land was needed to effectuate the recharge.

Council Member Johnson suggested Mello-Roos for new development may be an option to help pay for the water plant.

In response to Council Member Mounce, Mr. Sandelin stated the previously approved \$400,000 to HDR included the site alternatives and selection, preliminary costs for construction and operation on site, technical evaluations, environmental considerations, and well conversion. Mr. Sandelin stated that work was accepted in September 2008.

In response to Council Member Hitchcock, Mr. Sandelin confirmed that the contract to purchase the water from WID occurred in March 2003, prior to the discussion of the groundwater plant.

In response to Council Member Johnson, Mr. Sandelin stated he is not aware of any successful recharge programs in the County; although, North San Joaquin Water Conservation District has a demonstration but no water.

Ann Cerney spoke in regard to her concerns about CEQA review for the sale of water, pre-commitment of a position for CEQA purposes, and the need for the City Council to approve the ultimate sale of the water. Mr. King and Mr. Schwabauer confirmed that the action tonight is not for the sale of the water, but rather permission for the Public Works Director to market the water by contacting various agencies and gauging interest for a possible market, which may or may not exist, and the cost remains unknown. Mr. Schwabauer stated the City has a right to the water; although, when it is delivered changes upon availability. Mr. Schwabauer and Mr. Sandelin confirmed that the City has banked 6,000 acre foot per year for the last six years and there would be a CEQA action with the sale of any water.

Sundown Arnold spoke regarding his concerns about the WID having rights to the water and the 40-year term of the contract with WID.

In response to Council Member Hitchcock, Interim Community Development Director Rad Bartlam stated he is not sure of the exact time frame for a CEQA review in connection with the sale of water; although, it may be anywhere from a couple of days to a year. Mr. Schwabauer provided an overview of what environmental impacts may be considered as an example. He also confirmed that short-term water cannot be used for a CEQA analysis for water supply assessment purposes, there is an option to extend the agreement for another 40 years, and a possible sale of the water would only be for a two- to three-year period, which is short term.

Council Member Mounce stated she will not support the proposed recommendation because of the possibility of rate increases and there is no plan as to how the plant will be paid for.

Council Member Hitchcock stated she will not support the recommended action because it is premature and she would like to wait until the March 31, 2009, presentation.

In response to Mayor Hansen, Mr. Sandelin stated former Public Works Director Richard Prima learned in 2003 that before water could be injected into wells for recharge purposes, it would need to be treated to drinking water standards.

Mayor Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2009-31 authorizing the City Manager to execute professional services agreement with HDR, Inc., of Folsom, for preparation of preliminary design and Environmental Impact Report for the Surface Water Treatment Facility in the amount of \$857,924 and to adopt Resolution No. 2009-32 executing second amendment to 2003 agreement for purchase of water from Woodbridge Irrigation District by the City of Lodi permitting City to sell a portion of its banked water and appropriating funds in the amount of \$987,000.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Hitchcock, and Council Member Mounce

Absent: None

K-2 Discuss and Consider Several Items Related to Electric Utility Matters: (1) Adopt Resolution to Sell Surplus California Independent System Operator (CAISO) "Congestion Revenue Rights" for Lodi Electric Utility's Benefit, and (2) Receive Report Regarding Status of Market Redesign and Technology Upgrade (EUD)

City Manager King provided a brief introduction to the Market Redesign and Technology Upgrade.

Electric Utility Director George Morrow provided a presentation regarding the Market Redesign and Technology Upgrade (MRTU). Specific topics of discussion included the California Independent System Operator (CAISO), CAISO operations, MRTU, locational marginal price, regional transmission organizations, MRTU risks, market problems, congestion revenue rights, and recommended resolution for approval.

In response to Mayor Hansen, Mr. Morrow stated there is some speculation going on in the market and it is coming from banks, oil companies, and other new stakeholders that have a financial emphasis.

In response to Council Member Hitchcock, Mr. Morrow stated the proposed resolution clarifies for the Northern California Power Agency (NCPA) that it is in fact the City's managing agent for acquiring Congestion Revenue Rights (CRRs). Mr. Morrow stated NCPA is in the process of gaining similar clarification from all its members to ensure it has the right to sell surplus CRRs on behalf of its members.

In response to Council Member Mounce, Mr. Morrow stated the Lodi Energy Center is not involved with CRRs. Mr. Morrow stated the utility bought credits for emission reductions for the Lodi Energy Center, which are not the same as CRRs.

In response to Council Member Mounce, Mr. Morrow stated the reason there is a concern about MRTU is because of the risk factors set forth in the presentation including software and hardware performance, lack of competition in the market, creation of a centralized market, and overall performance of CRRs.

In response to Council Member Mounce, Mr. Morrow stated CRRs are source and non-source. He stated with the source, if the CRRs were negative, the negative value could be taken out. Mr. Morrow stated with non-source there is a surplus value based on modeling that is not needed and those are the ones for sale through surplus.

In response to Council Member Mounce, Mr. Morrow stated Roseville is stepping out because it

is fortunate in that it has a lot of direct connections with the Sacramento Municipal Utility District and the physical geographical location is close, as opposed to Lodi which has no choice given its power line connections.

In response to Mayor Pro Tempore Katzakian, Mr. Morrow stated there is no exact value for the surplus CRRs and it will be largely based on what the other side believes it to be.

In response to Council Member Hitchcock, Mr. Morrow stated this is considered to be included in the cost of power, it goes into effect in one week, there is a comfort level that Lodi is prepared and ready to go based on a conservative strategy, and because CAISO has been watching the bills so closely, a large bill is not anticipated.

In response to Council Member Johnson, Mr. Morrow stated that, while no one can predict what the future will be, he is confident that Lodi will be satisfactory if not better.

In response to Ann Cerney, Mr. Morrow stated the proposed sale is for a very small portion of the hedge that is non-sourced and is not needed.

In response to Robin Rushing, Mr. Morrow stated the impact is unknown at this time, but Lodi should be all right, and other utilities are in the same situation.

Mayor Hansen made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2009-33 to sell surplus California Independent System Operator (CAISO) "Congestion Revenue Rights" for Lodi Electric Utility's Benefit.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Johnson

Absent: None

K-3 Adopt Resolution Approving Modification to Memorandum of Understanding for AFSCME Council 57 Local 146-AFL-CIO Maintenance and Operators Unit (CM)

City Manager King provided a brief presentation regarding the proposed resolution, which provides a term allowing for six furlough days from March to June 2009, in lieu of eliminating the deferred compensation match contribution.

In response to Council Member Mounce, Mr. King stated that, while he is not sure of the exact numbers, there is a greater savings in the proposed agreement with the current terms.

Council Member Mounce made a motion, second by Council Member Hitchcock, to adopt Resolution No. 2009-34 approving modification to Memorandum of Understanding for AFSCME Council 57 Local 146-AFL-CIO Maintenance and Operators Unit.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

L. Ordinances - None

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:21 p.m.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for the Residential Water Meter Installation Project (Phase 3)

MEETING DATE: April 1, 2009

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept the improvements under the Residential Water Meter Installation Project (Phase 3) contract.

BACKGROUND INFORMATION: The project was awarded at the September 3, 2008 Council meeting to Presidio Systems, Inc., of Livermore, in the amount of \$76,981.10.

This project included the installation of approximately 1,914 domestic water meters with remote read capabilities and 396 electronic radio transponders (ERTs) and other incidental and related work, all as shown on the plans and specifications for the project. These were meters that have been previously paid for by property owners and developers.

The final contract price was \$74,999.26. The difference between the contract amount and the final contract price was due to minor differences between the engineer's estimate of work and the actual measured quantities.

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

FISCAL IMPACT: The water rates for the affected residents will remain on a flat rate until such time that the City adopts a residential water rate schedule. There will be a slight increase in long-term maintenance and replacement costs, which will be addressed in the future metered water rate.

FUNDING AVAILABLE: Water Capital Fund (181462)

F. Wally Sandelin
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer
FWS/WF/pmf
cc: Water Services Manager

APPROVED: _____
Blair King, City Manager

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 Resolution Approving Draft 2009-14 Consolidated Plan & 2009-10 Action Plan and Reallocation of available funds from previous program years for the Community Development Block Grant Program.

MEETING DATE: April 1, 2009

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Conduct a public hearing to consider and approve the draft 2009-14 Consolidated Plan, Citizen Participation Plan and 2009-10 Action Plan and Reallocation of available funds from previous program years for the Community Development Block Grant Program.

BACKGROUND INFORMATION: The 2009-10 fiscal year will be the City's first year receiving Community Development Block Grant (CDBG) funds as an entitlement. This requires that the City prepare a series of documents to adequately plan for the expenditure of the funds.

The 2009-2014 Consolidated Plan describes the City's housing and community development needs over the next five years, and creates priorities for expending funds. The Citizen Participation Plan describes how the City will keep Lodi residents informed of matters relating to the CDBG funds. The 2009-2010 Action Plan describes the programs and activities proposed during the 2009-2010 program year with the anticipated CDBG funding of \$743,500.

CDBG funds can be used for a wide range of community development projects as long as they meet a national objective. The national objectives are 1) to address the needs of low- to moderate-income persons, 2) to eliminate slum or blighted conditions, and 3) to resolve an urgent need. During the program year that begins July 1, 2009, the City plans to fund public facilities improvements, infrastructure, public services, and program administration.

Funding Allocations

As stated previously, it is anticipated that the City will receive \$743,500 in CDBG funds from the federal government for the coming fiscal year. This represents a 7-percent increase in CDBG funds from what was received for the 2008/09 year.

In addition to the 2009/10 allocation from HUD, an additional \$149,707 of our Urban County CDBG funds are available for reallocation from the following completed or unused projects or services from previous years:

- Project 01-06 Lodi Boys and Girls Club \$ 31,602.05
- Project 08-01 Blakely Park North Pool Deck \$ 50,000.00
- Project 08-02 Library ADA Entry Improvements \$ 11,000.00
- Project 08-06 Salvation Army Hope Avenue Apts. \$ 3,000.00
- Project 08-07 Economic Development RLF \$ 54,104.95
- \$149,707.00

APPROVED: _____
Blair King, City Manager

These reallocated funds will need to be allocated to new projects that will be added to our 2008 Projects through the Urban County and will need to be obligated and expended within six to nine months.

Funding and Application Process

The remaining process for allocating the 2009/10 CDBG funding is as follows:

- April 1, 2009 Public hearing to review draft Consolidated Plan documents
- April 6 – May 6, 2009 Public review period
- May 6, 2009 Public hearing to adopt Final Consolidated Plan documents
- May 15, 2009 Consolidated Plan and Action Plan due to HUD

At the completion of an application period that ran from February 11, 2009 to March 11, 2009, the City received a total of 14 applications from community-based organizations (CBO's) requesting a total of \$1,046,851.

Our review of the applications centered on the rating criteria that focuses on the following areas:

- *Activity Need and Justification.* Activities were evaluated on their ability to address a significant community need and their benefit to very low-income persons.
- *Readiness to Proceed.* Programs and projects were evaluated based on their feasibility of implementation, overall and within the allotted time frame.
- *Cost Reasonableness and Effectiveness.* Budgets were reviewed to determine completeness and reasonableness of all costs related to the request for CDBG funding. Organizations applying for service funding were also evaluated on their ability to become self-sustaining.
- *Activity Management and Implementation.* Applicants were evaluated on experience, administrative capacity, and financial management.
- *Past Performance.* Applicants previously receiving CDBG funds from the City will be evaluated on their reporting and timely expenditure of funds.
- *Matching Contributions.* Consideration was given to the amount of non-CDBG/HOME funds committed to the project.

In 2007, the City Council adopted a CDBG allocation policy that predetermines a set-aside of 60 percent of the CDBG adjusted annual allocation for City projects and services, and 40 percent for CBO projects and services. The distribution of CDBG funding in accordance with that policy is indicated in the following Table.

2009/10 CDBG Allocation	\$ 743,500
20% Program Admin	\$(148,700)
Adjusted Balance	\$ 594,800
Reallocated UC Funding	\$ 149,707
Adjusted Balance Available for Distribution	\$ 744,507
60% Set-aside for City Projects & Services	\$ 356,880 + \$89,824 (Urban County) = \$446,704
40% Set-aside for CBO Projects & Services	\$ 237,920 + \$59,883 (Urban County) = \$297,803

CDBG Funding Recommendations

For planning and administrative activities, an allocation of \$148,700 (20 percent of the CDBG 2009/10 allocation) is recommended to cover the costs of managing the CDBG Program. Remaining funding recommendations are grouped into the following categories: City projects, City service programs, community-based organization (CBO) projects, and CBO service programs.

Funding recommendations for these four categories are listed below, with additional detail on applicants and recommendations in Exhibit A (Summary of 2009/10 Applications Received), Exhibit B (Internal Applications Received), and Exhibit C (City Manager's Recommendations for Funding).

CITY PROJECTS (\$389,824)

- Alley Drainage Improvements (\$232,000)
- Graffiti Abatement – Private Property (\$40,000)
- Hale Park Playground Surface Renovation (\$60,000)
- Handicapped Ramp Replacement – 100 Blk. W. Elm St. (\$29,824)
- Blakely Park – Swing Area Surface Recoating (\$28,000)

CITY SERVICE PROGRAMS (\$56,880)

- Spay/Neuter Program (\$15,000)
- Graffiti Abatement – Public Property (\$41,880)

CBO CAPITAL PROJECTS (\$268,400)

- LOEL Foundation – Kitchen Renovation (\$268,400)

CBO SERVICE PROGRAMS (\$29,403)

- San Joaquin Fair Housing – Fair Housing Services (\$19,403)
- Second Harvest Food Bank - Food Assistance Programs (\$10,000)

In addition to the current allocation of CDBG funds, through the American Recovery and Reinvestment Act of 2009 (ARRA), Congress has allocated an additional \$1 billion in CDBG funding, designated CDBG-R (Rapid), that should be allocated to a "shovel ready" project capable of being implemented within 120 days of funding award. These CDBG-R funds are a supplement to our 2008/09 CDBG allocation and therefore will be accessed through the Urban County.

While we have been told that the CDBG-R allocation will be treated a little differently than normal CDBG funds and we are awaiting actual rulemaking on this, we are expecting that the eligible project(s) for these CDBG-R funds will be taken from this list of applications for either City or CBO projects. We are estimating an amount equal to 25 percent of our 2008 allocation, or \$173,149.

Pending final rulemaking for these CDBG-R funds, we have identified the following projects as likely candidates for funding:

- SJC Human Services Agency – Lodi Community Center Facility Improvements (\$149,449)
- Salvation Army – Hope Harbor Roof Replacement (\$120,000)
- Salvation Army – Emergency Generator (\$90,000)

FISCAL IMPACT:

CDBG are federal funds. Capital improvements allow for maintenance costs to be reduced. Administration costs are paid via a 20 percent set-aside of the grant funds.

FUNDING AVAILABLE:

2009/10 Community Development Block Grant

Jordan Ayers, Deputy City Manager

Konradt Bartlam
Community Development Director

Attachments

City of Lodi 2009-10 CBO Applications Received

Project - Organization	Project Description	Activity Type	Fund Request
Senior Nutrition Services SJC Human Services Agency	Provide nutritious home-delivered meals to Lodi seniors five days per week.	Public Service	\$43,400
Community Training Community Partnership for Families	Provide funding for ESL program staff and site director. Purchase computers, Rosetta Stone software, and miscellaneous supplies. Offer bus passes to program participants.	Public Service	\$31,515
Fair Housing Services San Joaquin Fair Housing	Provide required fair housing services, including telephone hotline for tenants and landlords, investigation of complaints, and fair housing testing.	Public Service	\$24,448
Food Distribution Programs Second Harvest Food Bank	Provide support for the administration of the Food Assistance and Senior Brown Bag Programs.	Public Service	\$10,000
Mobile Farmer's Market Emergency Food Bank of Greater Stockton	Offer a mobile farmer's market once a month in Lodi, which includes distribution of free fruits and vegetables, nutrition education, and cooking demonstrations.	Public Service	\$5,600
Domestic Violence Prevention Services Women's Center of San Joaquin County	Support the services offered by the Women's Center, including domestic violence counseling, shelter, and education, as well as parenting classes at the Hope Harbor site in Lodi.	Public Service	\$5,000
Drug and Alcohol Testing Program Sunhouse	Purchase a certification that will allow Sunhouse to offer testing required for their drug and alcohol treatment programs.	Public Service	\$3,452
Kitchen Renovation LOEL Senior Center	Completely renovate the kitchen space at the LOEL Senior Center to increase its size and install a full commercial kitchen. LOEL plans to take over homebound and congregate meal service from SJC Human Services Agency.	Public Facility	\$392,987
Lodi Community Center Facility Improvements SJC Human Services Agency	Improve the Community Center site by paving a parking lot and making site and landscaping improvements to meet Lodi's code requirements. Matching funds coming from San Joaquin County.	Public Facility	\$149,449
Facility Acquisition One-Eighty Teen Center	Purchase a property adjacent to the current Teen Center site in order to provide additional space for adolescent and family services programs and free up space for after-school programs and job training programs.	Public Facility	\$140,000
Roof Replacement Salvation Army	Replace the roof at the Hope Harbor emergency shelter.	Public Facility	\$120,000
Emergency Generator Salvation Army	Purchase a generator for the Hope Harbor facility, which is designated a emergency shelter facility in the event of a disaster in the community.	Public Facility	\$90,000
Kitchen Equipment Purchase Lodi Boys and Girls Club	Purchase two new stoves and one ice machine for installation in the Boys and Girls Club facility, for use in after-school programs.	Public Facility	\$19,000
Teen Center Renovation Lodi Boys and Girls Club	Renovate the Teen Center to be more welcoming to youth, including rewiring the room, adding lighting, and purchasing TVs, couches, and music listening devices.	Public Facility	\$12,000
TOTAL FUNDING			\$1,046,851

Exhibit A

City of Lodi 2009-10 Internal Applications Received

Project - Organization	Project Description	Activity Type	Fund Request	Timeliness
Handicap Ramp Replacement Public Works	Make accessibility improvements in the 100 block of West Elm Street, to address the need for van-accessible parking and correct a pedestrian trip hazard.	Public Facility	\$30,000	Plans are complete and project can be bid quickly.
Grape Bowl ADA Improvements Parks and Recreation	Begin construction of Phase I accessibility improvements to the Grape Bowl.	Public Facility	\$150,000	Unclear. Plans for project not complete.
Hale Park Playground Surface Replacement Parks and Recreation	Remove and replace existing poured-in-place playground surface, which is resulting in safety problems.	Public Facility	\$65,000	Funding would likely be expended during the 2009-10 year.
Blakely Park Playground Surface Replacement Parks and Recreation	Clean, pressure wash, and prep the existing poured-in-place surface for application of a acrylic urethane top coat, which will lengthen the life of the surfacing.	Public Facility	\$26,000	Funding would be expended during the 2008-09 year.
Alley Drainage Improvements Public Works	Improve alley drainage by installing storm drain facilities and resurfacing a "typical" 600-foot alley located in a target area.	Public Facility	\$225,000	Funding likely would be expended during the 2009-10 year.
Spay and Neuter Program Animal Services	Continue the Spay/Neuter Program that offers free spay/neuter services to feral cats and cats and pit bulls owned by low-income households. Animals are also given a rabies shot if needed.	Public Service	\$15,000	Funding likely would be expended during the 2009-10 year.
Graffiti Abatement Public Works	Abate graffiti on public and private properties in the CDBG target areas.	Public Facility/Rehab	\$81,880	Funding would be expended during the 2009-10 year.
TOTAL FUNDING REQUESTED			\$592,880	

City Manager's Recommendations

2009/10 CDBG Allocation \$743,500
Program Administration (20%) (\$148,700)
Adjusted Balance \$594,800
Reallocated Urban County CDBG Funding \$149,707
Total Funding Available **\$744,507**

City Projects

Alley Drainage Improvements
 Graffiti Abatement - Private Property
 Hale Park Surface Renovation
 Handicap Ramp Replacement - W. Elm St
 Blakely Park - Swing Area Resurfacing

City Service Programs

Spay/Neuter Program
 Graffiti Abatement - Public Property

CBO Projects

LOEL Foundation - Kitchen Renovation

CBO Service Programs

S.J. Fair Housing - Fair Housing Services
 Second Harvest Food Bank - Food Assist.

	2009/10 CDBG Allocation		Reallocated Urban County CDBG	
	60% City Set-Aside	40% CBO Set-Aside	60% City Set-Aside	40% CBO Set-Aside
	\$356,880	\$237,920	\$89,824	\$59,883
Alley Drainage Improvements	\$232,000	\$232,000		
Graffiti Abatement - Private Property	\$40,000	\$40,000		
Hale Park Surface Renovation	\$60,000		\$60,000	
Handicap Ramp Replacement - W. Elm St	\$29,824		\$29,824	
Blakely Park - Swing Area Resurfacing	\$28,000	\$28,000		
Spay/Neuter Program	\$15,000	\$15,000		
Graffiti Abatement - Public Property	\$41,880	\$41,880		
LOEL Foundation - Kitchen Renovation	\$268,400	\$208,517		\$59,883
S.J. Fair Housing - Fair Housing Services	\$19,403	\$19,403		
Second Harvest Food Bank - Food Assist.	\$10,000	\$10,000		
	\$356,880	\$237,920	\$89,824	\$59,883

DRAFT LODI NEEDS ASSESSMENT

COMMUNITY NEEDS

This section provides a brief community profile that addresses physical, social, economic, and demographic trends. This section serves as the basis for determining the housing and community development needs in Lodi. Detailed information is provided in the City's Housing Element and other resources listed in the introduction.

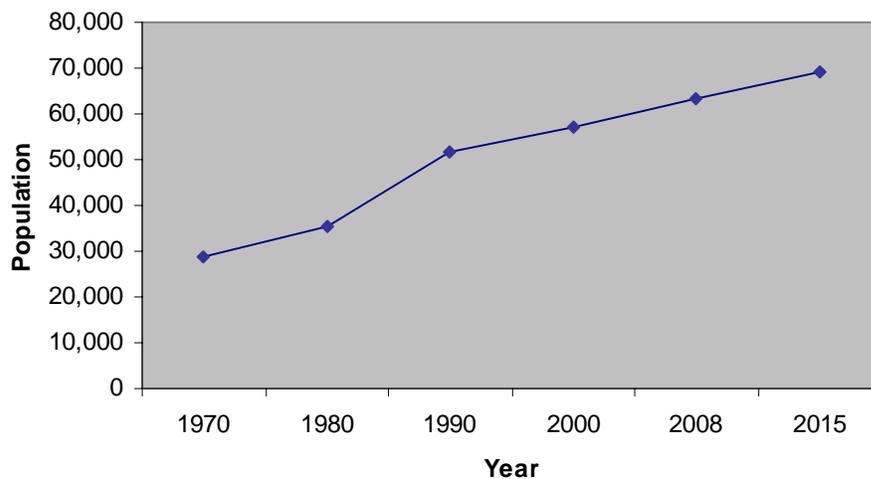
DEMOGRAPHIC PROFILE

The following information provides a profile of the population, age, and racial/ethnic composition of Lodi, as well as future changes.

Population

- In 2000, Lodi's population was 56,999 (US Census, SF1). The population in 2008 was 63,362 (Department of Finance).
- Between 2000 and 2008, the City's population increased by 11 percent.
- As shown in Figure 2.1, the City's population is expected to grow to 65,028 by 2010 and 69,055 by 2015 (San Joaquin Council of Governments).

FIGURE 2-1
POPULATION GROWTH

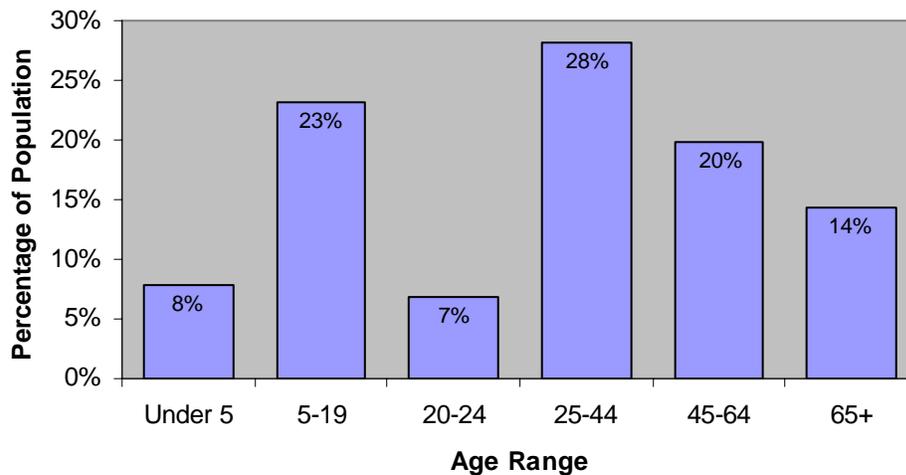


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Age

- The median age in Lodi is 34 years, slightly higher than San Joaquin County (32) or the state (33) (US Census, SF1).
- Children under age 18 comprise 28 percent of the City’s population.
- Around 14 percent of City residents are seniors (age 65 or over).
- The largest segment of the City’s population is comprised of middle-aged adults (Figure 2-2).

FIGURE 2-2
AGE DISTRIBUTION



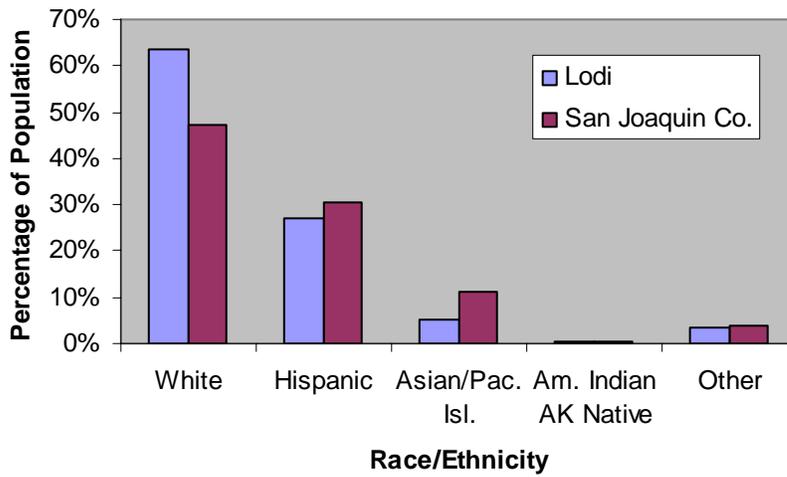
Race/Ethnicity

- The racial/ethnic composition of Lodi in 2000 (US Census, SF1):
 - White 64%
 - Hispanic 27%
 - Asian/Pacific Islander 5%
 - Native American 0.5%
 - African American 0.5%
 - Other 3%

Compared to San Joaquin County and the state, Lodi has a greater population of whites and fewer Asians/Pacific Islanders (see Figure 2-3). Overall, San Joaquin County’s racial/ethnic composition is similar to that of the state.

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FIGURE 2-3



RACE/ETHNICITY

A racial/ethnic concentration is considered to exist when a racial/ethnic group's percentage in a certain area is greater than that of the group's overall population percentage in the County. A high concentration is present when the group's population in an area is double or more the group's percentage representation in the County.

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Household Profile

The type, size, and composition of a household can affect the type of housing and services that are needed. In Lodi, most households consist of families.

- In 2000, Lodi had 20,692 households. Assuming the number of persons per households was the same in 2000 and 2008, the City had 23,381 households in 2008. (US Census, SF1; Department of Finance).
- By 2020, the number of households in Lodi will increase to approximately 27,000 (San Joaquin Council of Governments).
- Average household size was 2.71 persons in 2000 (US Census, SF1).
- 69 percent of households are families, of which:
 - 75 percent are married-couple families
 - 25 percent are single-parent families
- 25 percent of all households are single persons.
- 36 percent of all households have children under age 18.
- 26 percent of all households have a member age 65 or older.

This information suggests a need for housing and services designed to serve Lodi's senior population as well as families with children.

SPECIAL NEEDS POPULATIONS

Certain populations may have difficulty finding housing or require specialized services or assistance to maintain their quality of life. Due to their special circumstances, these population groups are more likely to have low or moderate incomes. These groups include the elderly, frail elderly, persons with disabilities, large households, female-headed households, persons with substance abuse problems, the homeless, victims of domestic violence, and persons with HIV/AIDS.

While a few providers such as Community Partnership for Families and Women's Center of San Joaquin have offices in Lodi, most are located in the Stockton. Most County agencies also operate out of Stockton. The San Joaquin County Human Services Agency has a fairly comprehensive list of services available to Lodi residents.

Elderly and Frail Elderly

- 8,141 persons were age 65 or over in 2000 (US Census, SF1).
- Seniors represent about 14 percent of the City's population.
- 72 percent of elderly persons own their homes, while 28 percent rent.
- About 45 percent of seniors have a disability, and 24 percent have more than one disability. 10 percent have a self-care disability that affects their ability to live independently (US Census, SF3).
- 9 licensed residential care facilities provide 495 beds for the elderly and frail elderly in Lodi. Additionally, two facilities with a total of 91 beds had licenses pending (California Department of Social Services).

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Persons with Disabilities

- 11,789 persons, or 23 percent of Lodi residents, have a disability (US Census, SF3). About 43 percent of disabled persons have more than one disability.
- Of those with a disability:
 - 40 percent have a physical disability.
 - 18 percent have a sensory disability.
 - 22 percent have a mental disability.
 - 12 percent have a self-care disability.
 - 40 percent have a disability that prevents them from going outside their home.
 - 48 percent have disability that affects their employment.

No data for Lodi is available on mental illness; however, about one percent of the population nationwide suffers from severe mental illness.

Large Households

- 14 percent (2,808) of all Lodi households have more than five persons (US Census, SF3). Around 550 households had seven or more persons.
- 46 percent (1,282) of large households are owners. About 54 percent (1,526) are renters.
- 74 percent (8,357) of owner-occupied housing units had three or more bedrooms, and around 1,800 units had four or more bedrooms.
- 20 percent (1,875) of the rental housing units had three or more bedrooms. Only 146 rental units had four or more bedrooms.
- There is a no shortage of adequately sized-units for owner-occupied housing, but there is a need for more rental housing with 3+ bedrooms. Although there are more large rental units available than there are large families, not all large rental units are occupied by large families. Very large renter households (7 or more persons) need more than twice as many 4+ bedroom units than currently exist.

Female-Headed Households

- 11 percent (2,213) of all Lodi households are headed by single parents with children (US Census, SF3).
- 68 percent (1,515) of those households are headed by women.
- 36 percent of female-headed families with children live in poverty, as compared to 22 percent of male-headed families and 13 percent of married-couple families.

Alcohol/Other Drug Abuse

No information on drug and alcohol abuse was available specifically for Lodi. Data resources for San Joaquin County and California were used to address this issue.

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- Alcohol is one of the most commonly abused substances nationally. A 2005 survey showed that 17 percent of adults in San Joaquin County had engaged in binge drinking within the previous month (Healthier San Joaquin County Community Assessment, 2007).
- The rate of adult admission to alcohol and drug treatment programs in San Joaquin County (15.6 per 1,000 persons) is significantly higher than the rate for California as a whole, while the rate for juveniles (0.4 per 1,000 persons) is lower in the County than the state (California Department of Drug and Alcohol Problems, 2004) .
- In 2002, around 640 adult and 6 juvenile Lodi residents were admitted to alcohol and drug treatment programs. (Estimation based on data from the California Department of Drug and Alcohol Problems, 2004, and US Census, SF1.)
- Methamphetamine use is an increasing problem. Statewide, between 2000 and 2005, admissions of methamphetamine users to treatment centers nearly doubled. Meth possession and meth lab seizures are also increasing in California (Governor's Prevention Advisory Council Methamphetamine Working Group, 2007).
- Of persons entering alcohol/other drug treatment in 2006 in California, methamphetamine was the primary drug used (36%), followed by alcohol (19%), heroin (17%), marijuana (14%), and cocaine (11%) (California Department of Drug and Alcohol Problems, 2006).
- Among youth, alcohol and marijuana appear to be the most frequently used substances. About 11 percent of San Joaquin County youth in seventh grade reported drinking in the previous month, while 34 percent of eleventh graders said they had. About 37 percent of eleventh graders reported using marijuana at least once, and 11 reported using inhalants (Healthier San Joaquin County Community Assessment, 2008).
- Although many agencies are actively working to prevent and treat alcohol and drug abuse in the County, additional services are needed to address the needs of San Joaquin County residents.

Persons with HIV/AIDS

- Since 1983, 75 cases of AIDS have been reported in Lodi. Reporting of HIV cases began in 2006, and since then 18 cases have been reported (E-mail, Public Health Services of San Joaquin County, 2009).
- Race/ethnicity was not available for all cases, due to confidentiality restrictions. Available data indicated the following:
 - White 78% of HIV cases; 61% of AIDS cases
 - Hispanic 33% of AIDS cases
- The AIDS fatality rate in Lodi has been 48 percent.
- Nationally, one-third to one-half of all of persons with HIV/AIDS are homeless or at risk of becoming homeless (National Health Care for the Homeless Council, 1999).

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Victims of Domestic Violence

Information specific to Lodi was not available as of the writing of this plan. Further information will be added prior to submission. Statistics for the County and State were used to provide general information about victims of domestic violence.

- 6 percent of California women experience domestic violence.
- Of those, 40 percent are at risk of severe violence by intimate partners.
- Women between the ages of 18 and 44 are at increased risk.
- Lower income women and African American women are at greater risk of domestic violence.
- Domestic violence victim services, including counseling and shelter, are offered in the County through the Women’s Center of San Joaquin.

INCOME PROFILE

Income is the most important factor affecting a household’s access to housing and services. For purposes of the Consolidated Plan, HUD defines income levels that are based on the area median household income (AMI), as shown in **Table 2-1**. The AMI is adjusted based on household size, but is commonly quoted for a four-person household.

TABLE 2-1
CONSOLIDATED PLAN INCOME DEFINITIONS

Income Level	% AMI	Income
Extremely Low	0-30%	Up to \$18,400
Low	30-50%	\$18,401 - 36,650
Moderate	50-80%	\$30,651 - 49,050

Source: Median household income for a household of four; HUD, 2008.

CDBG funds may be used to benefit one or more areas whose residents are predominantly low- and moderate-income households. These are referred to as CDBG “target areas.” In Lodi, CDBG target areas include all areas where more than 51 percent of households earn at or below 80 percent of the AMI.

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EDUCATION/ECONOMIC PROFILE

Education level and economic opportunities play a critical role in determining the income level of a household.

Education Profile

Of Lodi residents 25 years or older:

- 47 percent of residents have attended some college or have a college degree (US Census, SF3).
- 53 percent have a high school education or less.
- 20 percent have an eighth grade education or less.
- 5 percent have a professional/graduate degree.
- Educational attainment does not differ significantly between men and women.

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HOMELESS NEEDS

Individuals or families that are homeless have a variety of special needs including emergency shelter, counseling, job training, transitional housing, and permanent supportive housing, among others. Although detailed information on the homeless population in Lodi is not available, **Table 2-2** provides an estimate of the local homeless population and gaps in homeless services and facilities in the City. Services and facilities for the homeless are available in the County.

**TABLE 2-2
HOMELESS AND SPECIAL NEEDS
POPULATIONS (HUD 1A)
SAN JOAQUIN COUNTY**

Continuum of Care: Housing Gap Analysis Chart

		Current Inventory	Under Development	Unmet Need/ Gap
Individuals				
Beds	Emergency Shelter			
	Transitional Housing			
	Permanent Supportive Housing			
	Total			
Persons in Families With Children				
Beds	Emergency Shelter			
	Transitional Housing			
	Permanent Supportive Housing			
	Total			

Continuum of Care: Homeless Population and Subpopulations Chart

Part 1: Homeless Population	Sheltered			Unsheltered	Total
	Emergency	Transitional	Total		
Number of Families with Children (Family Households):	87	161	248	28	276
1. Number of Persons in Families with Children	126	554	680	105	785
2. Number of Single Individuals and Persons in Households without children	1698	304	2002	483	2485
(Add Lines Numbered 1 & 2 Total Persons)	1824	858	2682	588	3270
Part 2: Homeless Subpopulations	Sheltered			Unsheltered	Total

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a. Chronically Homeless	590	590	305	895
b. Seriously Mentally Ill	221			
c. Chronic Substance Abuse	570			
d. Veterans	59			
e. Persons with HIV/AIDS	38			
f. Victims of Domestic Violence	80			
g. Unaccompanied Youth (Under 18)	6			

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HOUSING MARKET PROFILE

With high housing costs throughout the region, affordable housing is a major need for target (0-80% AMI) income households. The following discussion identifies housing characteristics, trends, and needs in Lodi. Additional information is available in the City's Housing Element.

Housing Growth

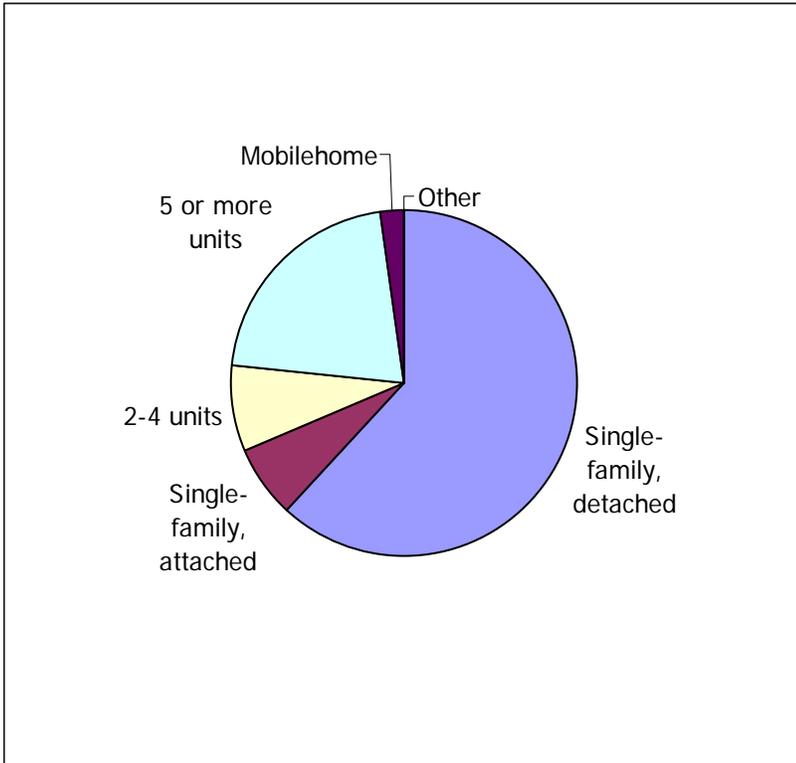
- In 2000, Lodi had 21,400 housing units.
- Projected annual housing need between 2001 and 2009 is 4,014 units. (2004 General Plan Housing Element Update, SJCOG)
 - 990 very low income
 - 664 low income
 - 738 moderate income
 - 1,622 above moderate income

Housing Tenure, Type and Vacancy Rate

- Housing Tenure (2000)
 - 54 percent of units are owner-occupied.
 - 46 percent of units are renter-occupied.
- Housing types in Lodi (2000)
 - Single-family, detached 62%
 - Single-family, attached 7%
 - 2-4 units 8%
 - 5 or more units 21%
 - Mobilehome 2%

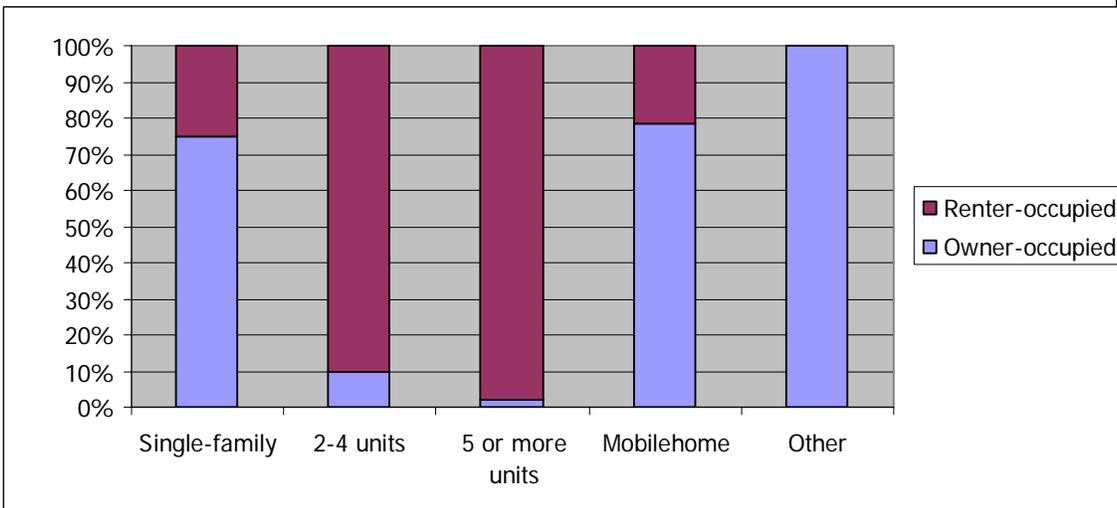
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**FIGURE 2-10A
HOUSING TYPE, LODI**



Source: 2000 US Decennial Census, Summary File 3, Table H32

**FIGURE 2-10B
HOUSING TYPE BY TENURE, LODI**



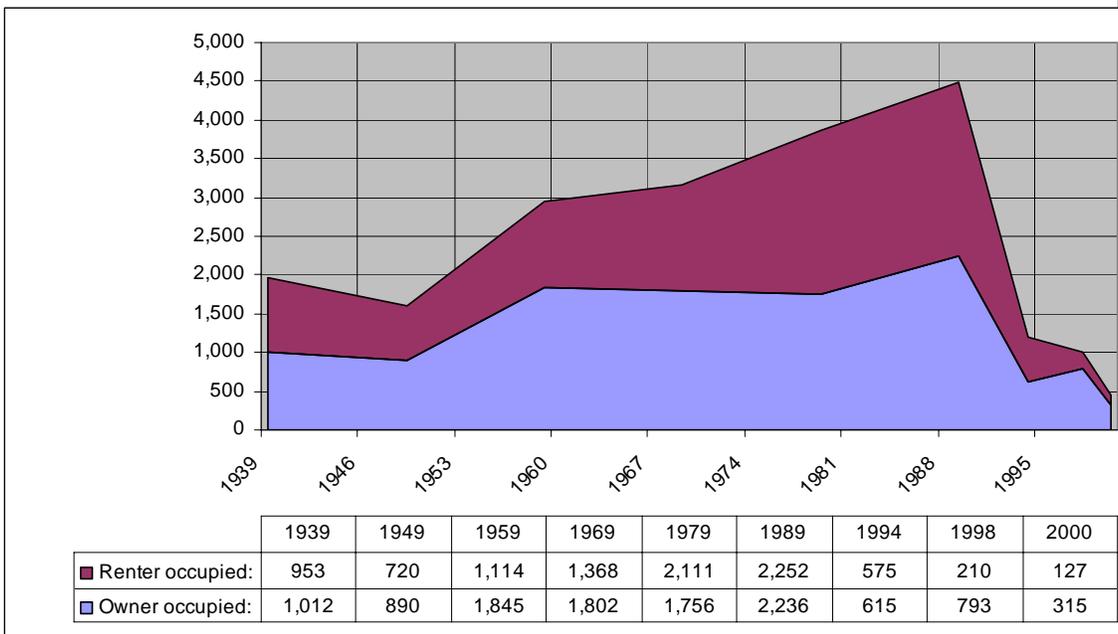
Source: 2000 US Decennial Census Summary File 3 Table H32

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Age and Condition

- 10% of all residential structures were built before 1939.
- 22% of all residential structures were built between 1940 and 1959.
- 34% of all residential structures were built between 1960 and 1979.
- 34% of all residential structures were built between 1980 and March of 2000.

FIGURE 2-11
YEAR STRUCTURE BUILT BY TENURE, LODI



Lead-Based Paint Hazards

Lead-based paint in residential units can pose severe health risks for children. California requires public health agencies to identify children at risk of lead poisoning and that all children up to six years of age be evaluated.

The majority of housing development in Lodi occurred prior to the ban on the use of lead-based paint in 1979. HUD provides a general formula to estimate the potential presence of lead-based paint (LBP) in housing units built prior to 1979, before this type of paint was banned. These estimates for Lodi are shown in **Table 2-3**.

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TABLE 2-3
LEAD HAZARD ESTIMATE, LODI

Year built	Presumed % LBP	Total structures	Presumed LBP structures
Owner-occupied			
1989 - 2005	0%	3,959	-
1960 - 1979	62%	3,558	2,206
1940 - 1959	80%	2,735	2,188
1939 or earlier	90%	1,012	911
Total owner-occupied presumed LBP (a)			5,305
Percent owner-occupied households at or below 80% AMI (b)			25.1%
Total at-risk owner-occupied households (a*b)			1,333
Renter-occupied			
1989 - 2005	0%	3,164	-
1960 - 1979	62%	3,479	2,157
1940 - 1959	80%	1,834	1,467
1939 or earlier	90%	953	858
Total renter-occupied presumed LBP (c)			4,482
Percent renter-occupied households at or below 80% AMI (d)			60.2%
Total at-risk renter-occupied households (c*d)			2,696
Total at-risk households			4,029

Sources: 2000 US Census, H36 Tenure by Year Structure Built; 2000 CHAS Housing Problems Tables from HUD.

Housing Costs and Affordability

- The median sales price for homes sold in Lodi in January of 2009 was \$165,000. This is a 38% drop from January of 2008.
- The median sales price for the County was \$152,613. A 48% decline from the prior year.

The following income groups can afford mortgages as shown below.

	Income Limit	Available for P&I	Affordable mortgage
Low income (80%)	\$ 49,050	\$ 1,020	\$ 190,007
Median income (100%)	61,300	1,326	247,056
Moderate income (120%)	73,560	1,633	304,151

Assumptions: 30% housing ratio, no other debt, total taxes and insurance @ 1.5%, 5.0% interest rate.

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Low to above moderate income households can afford to purchase a home in Lodi without subsidy. Given the current market conditions this conclusion may not hold up over time.

2008 HUD Fair Market Rents for San Joaquin County were;

- 0 bedroom	\$650
- 1 bedroom	\$741
- 2 bedroom	\$914
- 3 bedroom	\$1,255
- 4 bedroom	\$1,580

From National Low-Income Housing Coalition “Out of Reach” report for 2008:

- Maximum affordable monthly housing costs by income category in 2008 for all households are:

- Extremely low income (30% AMI)	\$460
- Very low income (50% AMI)	\$766
- Low income (80% AMI)	\$1,226
- Median income (100% AMI)	\$1,533
- In 2008 the estimated median renter household income was \$33,681.
- In order to afford a rental at the 2 bedroom FMR, a renter household must be at 109% of median renter household income.
- An affordable rent for the median income renter is \$842/month.
- 54% of renters are unable to afford the 2 bedroom FMR.

It can be concluded that many renter households will have housing affordability issues. Lower income renter households will have greater affordability challenges. These households may need assistance with housing.

Housing Problems

According to HUD, a household which pays more than 30% of its income on housing is defined as having a housing cost burden (over-payment). Over-payment is a concern for target-income households since they may be forced to live in over-crowded situations or cut other necessary expenditures, such as health care, in order to afford housing. The HUD definition of housing cost includes not only monthly rent and mortgage payments but an estimate of utilities.

The assessment of Lodi’s housing problems relies on custom tabulations of US Decennial Census data provided by HUD. These tabulations are referred to as the “CHAS” tables. The data used in this document were provided using HUD’s “State of the Cities Data System” (SOCDS) using data from the 2000 US Decennial Census. These data are presented in two main tables, one analyzing housing problems by housing units, the other by households.

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Table 2-4 “Housing Units by Affordability” shows housing units by affordability to each income category for renters and owners. It also shows within each affordability category: the number of units actually occupied by a household having that income, the number experiencing some housing problem, and the number vacant. Additional detail is provided by unit size.

Table 2-5 “Household by Type, Income and Housing Problem” shows renter and owner households who are experiencing housing problems and those over-paying for housing. It shows these for each income category and by household type.

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TABLE 2-4A
HOUSING UNITS BY AFFORDABILITY
RENTAL UNITS, LODI

	Number of bedrooms/unit			Total
	0-1	2	3+	
Units with rents affordable to extremely low income households (<= 30% AMI)				
# occupied units	189	100	74	363
% occupied by extremely low income households	47.6	25.0	47.3	41.3
% units built before 1970	82.0	50.0	60.8	68.9
% units with some problem	42.3	15.0	13.5	28.9
# vacant for-rent units	10	-	-	10
Units with rents affordable to low income households (>30% - 50% AMI)				
# occupied units	850	800	150	1,800
% occupied by extremely low income households	64.7	53.1	46.7	58.1
% units built before 1970	59.4	63.7	70.0	62.2
% units with some problem	66.5	53.8	36.7	58.3
# vacant for-rent units	50	70	15	135
Units with rents affordable to moderate income households (>50% - 80% AMI)				
# occupied units	1,790	2,925	1,130	5,845
% occupied by extremely low income households	67.6	54.7	42.9	56.4
% units built before 1970	33.8	40.0	50.0	40.0
% units with some problem	67.9	49.4	42.5	53.7
# vacant for-rent units	25	65	15	105
Units with rents affordable to above moderate income households (>80% AMI)				
# occupied units	610	295	520	1,425
# vacant for-rent units	25	-	-	25

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**TABLE 2-4B
HOUSING UNITS BY AFFORDABILITY
OWNER UNITS, LODI**

	Number of bedrooms/unit			Total
	0-1	2	3+	
Units with rents affordable to extremely low income households (<= 30% AMI)				
# occupied units				
% occupied by extremely low income households				
% units built before 1970				
% units with some problem				
# vacant for-sale units				
Units with rents affordable to low income households (>30% - 50% AMI)				
# occupied units	94	300	114	508
% occupied by extremely low income households	69.1	33.3	21.9	37.4
% units built before 1970	52.1	43.3	61.4	49
% units with some problem	26.6	11.7	0	11.8
# vacant for-sale units	15	4	4	23
Units with rents affordable to moderate income households (>50% - 80% AMI)				
# occupied units	73	740	1,960	2,773
% occupied by extremely low income households	38.4	42.6	34.7	36.9
% units built before 1970	53.4	72.3	67.1	68.1
% units with some problem	20.5	7.4	2.6	4.3
# vacant for-sale units	4	35	30	69
Units with rents affordable to above moderate income households (>80% AMI)				
# occupied units	449	1,244	6,280	7,973
# vacant for-sale units	29	20	50	99

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**TABLE 2-5A
HOUSEHOLD BY TYPE, INCOME, & HOUSING PROBLEM
RENTER HOUSEHOLDS, LODI**

Income Category	Elderly 1 & 2 Member Households	Small Related (2-4)	Large Related (5 or more)	All Other Households	Total Renter
Extremely low income households (<= 30% AMI)					
# households	-	629	349	344	1,816
% households experiencing any housing problem	-	88.9	100	76.7	87.6
% households with a cost burden >30%	-	86.6	91.4	75.6	83.3
% households with a cost burden >50%	-	75.5	57	71.2	66.8
Low income households (>30% - 50% AMI)					
# households		599	295	360	1,719
% households experiencing any housing problem		87.5	96.6	88.9	88.9
% households with a cost burden >30%		83.3	61	88.9	81.4
% households with a cost burden >50%	44.1	24.9	0	25	25.8
Moderate income households (>50% - 80% AMI)					
# households	374	843	395	515	2,127
% households experiencing any housing problem	61.2	51.4	86.1	52.4	59.8
% households with a cost burden >30%	58.6	36.5	20.3	47.6	40.1
% households with a cost burden >50%	15.8	0.5	0	6.8	4.6
Above moderate income households (> 80% AMI)					
# households	337	1,838	455	1,120	3,750
% households experiencing any housing problem	24.3	14.6	63.7	12.5	20.8
% households with a cost burden >30%	22	4	2.2	2.2	4.9
% households with a cost burden >50%	6.5	0	0	0	0.6
All households					
# households	1,670	3,909	1,494	2,339	9,412
% households experiencing any housing problem	67.7	45.6	84.6	42.5	55
% households with a cost burden >30%	64.8	36.5	39.4	36.3	41.9
% households with a cost burden >50%	34.7	16.1	13.3	15.8	18.9

Source: HUD 2000 SOCDS "CHAS" tables.

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**TABLE 2-5B
HOUSEHOLD BY TYPE, INCOME, & HOUSING PROBLEM
OWNER AND TOTAL HOUSEHOLDS, LODI**

Income Category	Elderly 1 & 2 Member Households	Small Related (2-4)	Large Related (5 or more)	All Other Households	Total Renter	Total owners and renters
Extremely low income households (<= 30% AMI)						
# households	408	100	70	109	687	2,503
% households experiencing any housing problem	74.5	100	100	86.2	82.7	86.3
% households with a cost burden >30%	74.5	90	85.7	82.6	79.2	82.2
% households with a cost burden >50%	46.3	90	85.7	73.4	61	65.2
Low income households (>30% - 50% AMI)						
# households	385	133	80	64	662	2,381
% households experiencing any housing problem	50.6	94	100	53.1	63.6	82.4
% households with a cost burden >30%	50.6	82.7	75	53.1	64.3	75.5
% households with a cost burden >50%	27.3	52.6	62.5	46.9	38.5	29.4
Moderate income households (>50% - 80% AMI)						
# households	830	315	200	130	1,475	3,602
% households experiencing any housing problem	16.9	85.7	95	53.8	45.4	53.9
% households with a cost burden >30%	16.9	85.7	62.5	53.8	41	40.4
% households with a cost burden >50%	4.8	34.9	10	26.9	13.9	8.4
Above moderate income households (> 80% AMI)						
# households	2,204	4,380	924	904	8,412	12,162
% households experiencing any housing problem	11.1	17.4	34.5	22.6	18.2	19
% households with a cost burden >30%	11.1	15.9	10.2	19.8	14.4	11.5
% households with a cost burden >50%	2	2.3	0.4	0.4	1.8	1.4
All households						
# households	3,827	4,928	1,274	1,207	11,236	20,648
% households experiencing any housing problem	23.1	25.5	51.7	33.3	28.5	40.5
% households with a cost burden >30%	23.1	23.6	26.6	30.9	24.6	32.5
% households with a cost burden >50%	9.9	7.5	10.5	12.3	9.2	13.6

Source: HUD 2000 SOCDS "CHAS" tables.

DRAFT LODI NEEDS ASSESSMENT

Rental Housing

The table below summarizes the percent of renter households at a given income level compared to the total number of units affordable to that income category from the CHAS tables (2-4A and 2-5A).

- Moderate income and above-moderate income households have an adequate supply of units affordable to them in relation to their fraction of the population.
- Low income households have slightly more units than the population.
- Extremely low income households have few affordable units available to them.

The low vacancy rate at extremely low income level is indicative of the low supply of units.

Income category	Households		housing units affordable to income category (cumulative)		
	Number	Percent	Total	% of all units	Vacancy rate
Extremely low income households (<= 30% AMI)	1,816	19.3%	363	3.8%	2.8%
Low income households (>30% - 50% AMI)	1,719	18.3%	2,163	22.9%	6.7%
Moderate income households (>50% - 80% AMI)	2,127	22.6%	8,008	84.9%	3.1%
Above moderate income households (> 80% AMI)	3,750	39.8%	9,433	100.0%	2.9%
Total	9,412		9,433		7.2%

The table below summarizes data from table 2-5A. A significant number of all renter households in Lodi experience a cost burden and nearly 1/5 have a significant cost burden. Over half of all households report some form of housing problem.

- Above moderate households are much less likely to experience a cost burden or housing problems.
- Moderate income households experience cost burden and housing problems at roughly the same rate as the general population.
- Low income households have a cost burden nearly twice that of the overall population and a high cost burden slightly above the overall rate. They also experience housing problems at a much higher rate.
- Extremely low income households have cost burdens and high cost burdens well above the overall rate. Housing problems also occur at a high rate.

Income category	Percent households		
	cost burden >30%	cost burden >50%	any housing problem
Extremely low income households (<= 30% AMI)	83.3	66.8	87.6
Low income households (>30% - 50% AMI)	81.4	25.8	88.9
Moderate income households (>50% - 80% AMI)	40.1	4.6	59.8
Above moderate income households (> 80% AMI)	4.9	0.6	20.8
All households	41.9	18.9	55.0

In summary, the City of Lodi has adequate rental housing for moderate income households and above. Rental housing in Lodi is generally affordable to moderate income households and above. Lodi generally lacks rental housing that is affordable to low and extremely low income households and rental housing is generally not affordable to these households.

DRAFT LODI NEEDS ASSESSMENT

Owner Housing

The table below summarizes the percent of owner households at a given income level compared to the total number of units affordable to that income category from the CHAS tables (2-4B and 2-5B).

- Moderate income and above-moderate income households have an adequate supply of units affordable to them in relation to their fraction of the population.
- Low income households have slightly fewer units than the population.
- Extremely low income households have no affordable units available to them.

Income category	Households		housing units affordable to income category (cumulative)		
	Number	Percent	Total	% of all units	Vacancy rate
Extremely low income households (<= 30% AMI)	687	6.1%	-	0.0%	-
Low income households (>30% - 50% AMI)	662	5.9%	508	4.5%	4.5%
Moderate income households (>50% - 80% AMI)	1,475	13.1%	3,281	29.2%	2.8%
Above moderate income households (> 80% AMI)	8,412	74.9%	11,254	100.0%	1.7%
Total	11,236		11,254		2.7%

The table below summarizes data from table 2-5B. A moderate number of owner households in Lodi experience a cost burden and few have a significant cost burden. Nearly half of all owner households report some form of housing problem.

- Above moderate households are much less likely to experience a cost burden or housing problems.
- Moderate income households experience cost burden and housing problems at a rate slightly higher than the population as a whole and high cost burdens at a rate lower than the overall rate.
- Low income households have a cost burden and high cost burden at more than twice that of the overall population and experience housing problems at over twice the overall rate.
- Extremely low income households have cost burdens and high cost burdens well above the overall rate. Housing problems also occur at a high rate.

Income category	Percent households		
	cost burden >30%	cost burden >50%	any housing problem
Extremely low income households (<= 30% AMI)	82.2	65.2	86.3
Low income households (>30% - 50% AMI)	75.5	29.4	82.4
Moderate income households (>50% - 80% AMI)	40.4	8.4	53.9
Above moderate income households (> 80% AMI)	11.5	1.4	19.0
All households	32.5	13.6	40.5

In summary, Lodi has adequate housing for moderate income households and above. Lodi lacks affordable housing for low and extremely low income households. Moderate income households have moderate affordability challenges while low and extremely low income households have extraordinary affordability challenges.

DRAFT STRATEGIC PLAN

STRATEGIC PLAN

The Strategic Plan outlines how the City will address the community's housing and community development needs over the next five years. The priority needs, goals, and objectives were proposed by City staff with input from meetings and community workshops as well as discussions with area service providers.

CONSOLIDATED PLAN PRINCIPLES

The goals and objectives in the Lodi 2009-2014 Consolidated Plan are built upon the following set of overall guiding principles. These principles provide a framework for the development of the Consolidated Plan.

Assist: Develop comprehensive strategies to support and assist those in need in the community.

Involve: Involve the community and provide opportunities for citizen participation in the Consolidated Plan process and the preparation of the documents.

Collaborate: Encourage collaboration with and between public, private, and non-profit agencies in order to ensure the efficient and effective provision of services.

Leverage: Leverage CDBG funds and local resources to maximize the effectiveness of programs and services.

PRIORITY NEEDS DETERMINATION

The priority needs were determined primarily from data presented in Section 2 (Community Needs) and through the community survey and consultation with City staff, attendees at public workshops, and local service providers. The key factors affecting the determination of the priority needs are: 1) the types of target-income households with greatest need for assistance; 2) the activities that will best address their needs; and 3) the amount of funding available to meet those needs.

The highest priority need is one that has a high level of demand and can best be addressed with the available resources. Priorities are described as follows:

- High Priority: high to critical demand, expected to be funded during the five-year period.

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- Medium Priority: moderate to high demand, likely to be funded as funds are available;
- Low Priority: low to moderate demand, not likely to be funded, City may support efforts of other agencies to obtain funding;
- No Priority: no or very low demand, not likely to be funded, City will not support efforts of other agencies to obtain funding.

The on-line survey and consultations with staff and local service providers identified the following needs with moderate to critical demand levels:

- Public facilities
 - Youth centers
 - Community facilities
- Public services
 - After-school programs
 - Youth services
 - Employment training
 - Crime prevention
 - Mental health services
 - Health services
 - Senior services
- Homelessness
 - Emergency shelters and transitional housing for families
 - Supportive services for families
 - Job training and life skills training for the homeless
 - Case management

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- Mental health care
- Housing placement
- Housing needs
 - New affordable housing construction, especially for the elderly
 - Preservation of existing ownership and rental units
 - Energy efficiency improvements

The analysis of community needs (Section 2) identified the following needs with moderate to critical demand levels:

- Public improvement
 - Storm drain and flooding improvements
 - Handicap accessibility improvements, including curb ramp installation at street corners and intersections
 - Park improvements
- Public Facilities
 - Public facilities for the provision of public services/access to public services
 - Child care facilities
 - Youth centers and recreational facilities
 - Accessibility improvements at some public facilities
- Public services
 - Fair housing services
 - Services for the elderly
 - Youth services

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- Services for the disabled
- Information and referral services
- Health and mental health services
- Substance abuse treatment
- Economic Development
 - Job training and employment coaching
 - Job creation/retention
- Homelessness
 - Emergency shelters for families
 - Services for the homeless
 - Transitional/supportive housing
- Affordable rental housing needs
 - Affordable rental housing, for seniors and for families
 - Preservation and rehabilitation of existing affordable rental housing and public housing
- Affordable home ownership
 - Downpayment assistance
 - Rehabilitation of existing housing

Availability of Resources

The Strategic Plan focuses on those activities funded through CDBG funds, which are provided to the City by HUD on an annual basis. Based on the City's preliminary annual allocation of \$743,500 for the fiscal year 2009-10, the City is expected to receive approximately \$3.72 million over the five-year Consolidated Plan period.

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In addition to these funds, the City will be applying for other funds, such as through HOME and the Neighborhood Stabilization Program (NSP), which would be used for affordable housing for target-income households. Other funds that may be used to assist target-income households and areas as well as the rest of the community are identified in the City's General Plan and Housing Element.

HOUSING STRATEGY

The City's housing strategy is based on the priority needs and goals set forth in its General Plan Housing Element. The Housing Element provides an extensive analysis of needs, constraints, and resources. It includes a five-year plan to facilitate the development of housing for target-income households. Those housing activities that are expected to be funded during the Consolidated Plan period are described in the Housing Strategy section.

Housing Goals

The primary housing goal of the Consolidated Plan is to foster the development and maintenance of housing affordable to target income households as well as those with special needs.

The goals are based on those in the City's Housing Element:

- HS-1: To provide a range of housing types and densities for all economic segments of the community while emphasizing high quality development, affordable homeownership and rental opportunities, and the efficient use of land.
- HS-2: To encourage the maintenance, improvement, and rehabilitation of the City's existing housing stock and residential neighborhoods, particularly in the Eastside area.
- HS-3: To ensure the provision of adequate public facilities and services to support existing and future residential development.
- HS-4: To promote equal opportunity to secure safe, sanitary, and affordable housing for all members of the community regardless of race, sex, or other arbitrary factors.

The City uses a variety of resources, programs, and policies to facilitate the accomplishment of these goals. Those programs which primarily use available funds are identified below as Consolidated Plan Housing Programs.

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Consolidated Plan Housing Programs

Through its General Plan Housing Element, the City has implemented a number of housing programs. These programs address sites for affordable housing, the development of affordable housing, incentives for housing, the reduction of constraints affecting housing development and the funding of affordable housing. More detailed information on these programs is available in the City's Housing Element.

Zoning Ordinance Revisions

The City shall revise Title 17 of the Lodi Municipal Code (Zoning Ordinance) to reduce barriers to, and provide incentives for, the construction and conservation of a variety of housing types.

Revise Growth Management Program

The City will revise its growth management program to exempt housing units affordable to very low or low-income households with long-term affordability restrictions.

Pursuit of State and Federal Funds in Support of Housing Construction

The City shall pursue available and appropriate state and federal funding sources to support efforts to construct housing meetings the needs of low-and moderate-income households, to assist persons with rent payments required for existing housing units, to provide supportive services, and to provide on- and off-site improvements and public facilities, in support of affordable housing projects.

Rental Assistance

The City shall continue to support the San Joaquin County Housing Authority in its administration of the Housing Choice Voucher rental assistance program (formerly called Section 8 Program). The City's support will include distribution of program information at the Community Development public counter, distribution of program information to rental property owners as part of the City's code enforcement activities, creation and maintenance of a link to the Housing Authority's website on the City's web site, and annual meetings with representatives of the Housing Authority to discuss actions the City can take to encourage greater participation in the Voucher Program by rental property owners.

Neighborhood Improvement

The City will continue to designate a staff position, Neighborhood Services Manager, within the Community Development Department to focus on the implementation of housing and neighborhood improvement programs.

Homebuyer Assistance

The City will continue to implement a first-time homebuyer down payment assistance program. The City will promote the program by providing information at the Community Development Department's public counter and by providing a link to the program on the City's web site.

Promote the City's Multifamily Housing Development Standards

The City will promote its multifamily development standards through the Community Development Department's link to the City's website, information brochures available at the Community Development Department, pre-application meetings, and a notice to the local homebuilder's, realtor's, and contractor's associations.

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Housing Rehabilitation and Code Enforcement

The City will continue to combine code enforcement and housing rehabilitation assistance, targeted to the Eastside area.

Preservation of Affordable Rental Housing

Preserve existing affordable housing by subsidizing rehabilitation and/or operation.

The following housing activities can be undertaken using available resources and are designed to enhance the effectiveness of the City's housing goals.

Homeownership Assistance Program -- Provide low-interest loans to target income households to assist with down payment and closing costs.

Preservation of Affordable Housing – preserve existing affordable housing by subsidizing rehabilitation and/or operation.

Owner-Occupied Rehabilitation Program – Provide low-interest loans to owner-occupants to rehabilitate homes.

Code Enforcement – provide targeted code enforcement.

Fair Housing Services – Provide fair housing education, respond to public inquiries regarding fair housing, investigate and resolve fair housing disputes.

HOMELESS STRATEGY

Though Lodi has a very small homeless population when compared with that of the County, the loss of a job, a raise in rent, an eviction or domestic violence can easily lead to homelessness for many low income individuals and families. Thus, the City high-priority activities are concentrated on homeless prevention.

Priority Homeless Needs

With a focus on homeless prevention, the City and local service providers have identified the provision of direct assistance (e.g., food and clothing) as well as supportive services to help those potentially at-risk of becoming homeless as the key priorities for homeless assistance and prevention over the five-year period.

Homelessness is a regional issue that is best addressed County-wide through the efforts of both the County and municipal jurisdictions. The County's Continuum of Care identifies the facilities and services available to the homeless in the San Joaquin County region, as well as un-met needs.

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Homeless Assistance Goals

The primary homeless assistance goal is to encourage a range of supportive services to meet the needs of those at risk of becoming homeless as well as the currently homeless. The City will continue to work with the County and service providers to meet this goal.

Consolidated Plan Homeless Programs

The following housing activities can be undertaken using available resources to meet the City's homeless assistance goals.

Homeless Assistance -- Work with County service agencies and local service providers (e.g. Salvation Army, Lodi House) to provide emergency shelters, transitional housing, and other support services that address the City's homeless needs.

Homeless Services -- assist with the provision of supportive services, which may include free food and clothing, counseling, emergency housing assistance, referral, or temporary shelter.

COMMUNITY DEVELOPMENT STRATEGY

The City's community development strategy relates to efforts to provide new or improve existing, facilities, infrastructure, economic opportunities, and to a limited extent public services.

Priority Community Development Needs

Key community development needs identified in public workshops in Lodi include affordable housing, public facilities and infrastructure, and a wide range of supportive services. City staff has also identified accessibility and infrastructure improvements that are important to ensuring improved access and service to CDBG target areas.

Community Development Goals

The City has established the following Community Development goals to assist target income households and areas:

- CD-1 Improve the infrastructure and physical environment of Lodi's CDBG target areas.

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- CD-2 Support economic development and employment opportunities in the City's CDBG target areas.
- CD-3 Encourage the provision of services to assist target income individuals and families, including those with special needs.
- CD-4 Assist in the provision of services for target income youth in the community.
- CD-5 Support services for the elderly, including the frail elderly, in Lodi.
- CD-6 Promote facilities that serve the City's special needs groups and target income households.

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Consolidated Plan Community Development Programs

The following housing activities can be undertaken using available resources and are designed to enhance the effectiveness of the City's Community Development goals. They are organized into four major categories:

- Economic development
- Public improvements
- Public facilities
- Public services

Economic Development

Job-Training Services -- assist with the provision of job training and workforce development services.

Infrastructure and Area Improvements

Street and Sidewalk Improvements -- provide street and sidewalk improvements in CDBG Target Areas.

Flood and Drainage Improvements -- provide flood and drainage improvements in CDBG Target Areas.

Accessibility Improvement Program -- provide accessibility improvements to public facilities as well as improvements to existing public right-of-way, such as curb ramps, to ensure that they are accessible to persons with disabilities.

Code enforcement -- address blight by targeting code enforcement to specific areas.

Community Facilities

Youth/Recreation Facilities and Equipment - Develop a teen center with recreational facilities or provide equipment or facility improvements at an existing center to serve the needs of target income youth in the community.

Childcare Center -- assist in the funding of a childcare center in close proximity to affordable housing or in an eligible CDBG Target Area.

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Senior Center -- provide additional equipment and services for the existing center

Community Services

Youth Services -- support a variety of youth services, especially recreation services for the community's target income young people. These include after-school programs, recreation and sports programs, and art and drama activities. Support may involve direct assistance or fee waivers for target income youth.

Childcare Services -- assist with childcare services for target income working families either in conjunction with existing programs offered by the Lodi CSD Parks and Recreation Department or through new childcare facilities.

Senior Services -- assist with the provision of senior services to the elderly and frail elderly. Such services may include nutrition programs, home-delivered meal programs, transportation, health services, shared housing programs and other forms of assistance.

Disabled Services -- assist social services providers with services for persons with disabilities. Needed services would be determined in conjunction with the City's Disability Advisory Committee. Services may include recreation programs, advocacy services, home meal/visitation programs, job training, transportation, and health services, among others.

Health Services -- assist in the provision of health services to residents. These services may include referrals, counseling, screening, education and outreach, health programs, or medical services. Services may be located at the senior center, future community or teen centers, or other public locations in Lodi.

PLANNING AND ADMINISTRATION

The City has established the goal of providing efficient administration and oversight of the CDBG program and undertaking planning efforts to address the needs of target income residents.

The preparation of the Consolidated Plan, Action Plans, and CAPER are vital to assuring compliance with HUD regulations and for providing funding for needed services for CDBG Target Areas and residents. Additional studies may also need to be undertaken in order to determine the future needs of residents and eligible areas as the City continues to grow.

ANTI-POVERTY STRATEGY

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Approximately 13 percent of Lodi residents live in poverty. Female-headed households with children are particularly affected by poverty.

The City's anti-poverty strategy is based on attracting a range of businesses and providing workforce development, including job training services, for low-income residents. In addition, the City provides support for facilities projects and service provision to several agencies offering supportive services to target income residents.

Planned economic development and anti-poverty programs include:

- Affordable housing
- Public services
- Homeless facility improvements

REMOVING BARRIERS TO AFFORDABLE HOUSING

The City is committed to removing or reducing barriers to affordable housing whenever possible. A variety of actions are contained in the Housing Element to address these issues. Such actions include:

- Incentives for affordable development
- Consideration of establishing an Affordable Housing Trust Fund
- Rezoning of sites for multi-family development

OBSTACLES TO MEETING UNDER-SERVED NEEDS

Despite City and County efforts, there remain a number of significant obstacles to meeting under-served needs. The following are obstacles to meeting these needs in Lodi.

- Lack of funding for social services agencies
- Lack of affordable rental housing
- Low wage service and retail sector growth
- Lack of social services and service providers in Lodi for target-income residents

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- Need for transportation to existing services and childcare
- National recession

INSTITUTIONAL STRUCTURE AND COORDINATION

Effective implementation of the Consolidated Plan involves a variety of agencies both in the community and in the County. Coordination and collaboration between agencies is important to ensuring that the needs in the community are addressed. The key agencies that are involved in the implementation of the Plan as well as additional resources that may be available are described below.

Public Sector

City of Lodi – Community Development Department

The City's Community Development Department is responsible for the administration of the City's community development programs, including some of the local programs that assist target income residents. The Department includes the City's Neighborhood Services Division, which has the primary responsibility for managing and implementation of the City's affordable housing programs, including the Consolidated Plan and related documents.

Other divisions are also involved in providing services including the Building Division and Planning Division, which is responsible for the Housing Element.

Lodi Parks and Recreation Department

The Lodi Parks and Recreation Department is the department of the City that provides parks and recreation facilities to the City of Lodi. The Parks and Recreation Division provides services for seniors, youth, and families.

San Joaquin County - Human Services Agency

San Joaquin County's Human Services Agency (HAS) operates the welfare programs for the County. HAS offers the following services to County residents:

- Welfare Assistance
- Homeless Assistance
- Employment Services

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- Financial Assistance
- Medical Assistance
- Senior Nutrition

San Joaquin County – Community Development Department

San Joaquin County serves as the lead agency for the Emergency Shelter Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) programs, which serve the needs of homeless persons and persons with AIDS for all communities in the County and the region. The agency funds a variety of services for County residents, including:

- Fair housing services
- Family assistance
- Public health services
- Senior services
- Public works and infrastructure

San Joaquin Housing Authority

The San Joaquin Housing Authority serves as the Housing Authority and one of the primary owners of affordable housing in the County. As the Housing Authority, San Joaquin Housing Authority owns some public housing in the City and administers the Housing Choice (Section 8) Voucher Program and the Family Self-Sufficiency Program. The City works in close consultation with the Housing Authority regarding public housing issues in Lodi.

Non-Profit Agencies

Several non-profit agencies that serve target income households are located in Lodi. These organizations include:

- Habitat for Humanity
- Salvation Housing
- LOEL

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- Community Partnership for Families
- Lodi House

Private Sector

The private sector is an important collaborator in the services and programs associated with the Consolidated Plan. The private sector brings additional resources and expertise that can be used to supplement existing services or fill gaps in the system.

Lenders, affordable housing developers, business and economic development organizations, and private service providers offer a variety of assistance to residents such as health care, small business assistance, home loan programs, and assisted housing, among others. Some of these organizations include LOEL and the Salvation Army, which have been active in developing affordable housing resources in the area, and the Lodi Chamber of Commerce, which provides resources to local businesses.

Coordination

The City is committed to continuing its participation and coordination with federal, state, County, and local agencies, as well as with the private and non-profit sector, to serve the needs of target income individuals and families in the community.

In particular, the City will continue to work in close coordination with the County regarding infrastructure improvements to regional facilities and the provision of services which benefit all County residents. The City will also work with San Joaquin County, SJCOG, and HCD to address its share of the regional housing needs.

GAPS IN THE DELIVERY SYSTEM

The primary gaps in the delivery system relate to the lack of services for target-income households in Lodi. Some services are located in Lodi. These include senior services at the Senior Center, youth recreation at the Lodi Boys and Girls Club, homeless shelter/housing and services at the Salvation Army and Lodi House, and many other social services and food assistance provided by local non-profit service providers.

The Lodi Consolidated Plan is designed to address these gaps by first identifying appropriate programs and services to provide in the City, then providing local services, facilities, and programs over time to assist target income residents.

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MONITORING PLAN

City of Lodi has developed a monitoring system to ensure that the activities carried out in furtherance of the Plan are done so in a timely manner in accordance with the federal monitoring requirements of 24 CFR 570.501(V) and 24 CFR 85.40 and all other applicable laws, regulations, policies, and sound management and accounting practices. The objectives of monitoring are:

- To assure that subrecipients are carrying out their program/project as described;
- To assure that subrecipients are implementing the program/project in a timely manner
- To assure that subrecipients are assessing costs to the program/project which are eligible under CDBG regulations and the contract
- To assure that subrecipients are conforming with other applicable laws, regulations, and terms of the agreement;
- To assure that the program/project is operating in a manner that minimizes the opportunity for fraud, waste, and mismanagement;
- To assure that subrecipients have the capacity to carry out the approved project/program; and
- To assure that subrecipients are carrying out their program/project as described.

The City will track and report on its progress toward meeting its housing and community development goals. On an annual basis, City staff will prepare a Housing and Grant Programs Report summarizing progress on goals and priorities identified in the Consolidated Plan and Housing Element.

The Housing and Grant Programs Report will include a status report of the CDBG programs and projects. Pertinent information will be incorporated into the Consolidated Annual Performance and Evaluation Report.

DRAFT CITIZEN PARTICIPATION PLAN

I. INTRODUCTION

The City of Lodi is required by law to have a detailed Citizen Participation Plan, which contains the City's policies and procedures for public involvement in the Consolidated Plan process and the use of Community Development Block Grant (CDBG) funds. This Citizen Participation Plan must be available to the public.

A. PURPOSE

The law requires that the Citizen Participation Plan both provide for and encourage public participation, emphasizing involvement by low- and moderate-income persons -- especially those living in low- and moderate-income neighborhoods. The U.S. Department of Housing and Urban Development (HUD) expects the City to take whatever actions are appropriate to encourage the participation of minorities, persons who do not speak English, and persons with disabilities.

B. THE ROLE OF LOWER-INCOME PERSONS

The law declares that the primary purpose of the programs covered by this Citizen Participation Plan is to improve communities by providing decent housing, a suitable living environment, and growing economic opportunities, principally for low- and moderate-income persons.

Since the amount of federal CDBG funds that the City receives each year from HUD is based upon the level of both poverty and substandard housing conditions in Lodi, it is necessary that public participation genuinely involve lower-income residents who experience these conditions. Involvement by low- and moderate-income residents is encouraged at all stages of the process, including needs and activities determination and funding allocation.

C. THE CONSOLIDATED PLAN PROCESS

The policies and procedures in this Citizen Participation Plan relate to several stages of action mentioned in law or regulation. In general, these stages or events include the following:

1. Identification of housing and community development needs.
2. Preparation of a draft use of funds for the upcoming year called the proposed Annual Action Plan. Initially and every five years thereafter, there will also be the development of a proposed new Five-Year Strategic Plan.

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3. Formal approval by elected officials of a final Annual Action Plan and/or Five-Year Strategic Plan.
4. On occasion during the year, it might be necessary to change the use of the money already budgeted in an Annual Action Plan, or to change the priorities established in the Five-Year Strategic Plan. In that case a formal Substantial Amendment will be proposed, considered, and acted upon.
5. After a program year is complete a Consolidated Annual Performance and Evaluation Report (CAPER) must be drafted for public review and comment, and then sent to HUD.

II. CITIZEN PARTICIPATION

A. CITIZEN PARTICIPATION PLAN

The Citizen Participation Plan is designed to facilitate and encourage public participation in the Consolidated Plan process. In particular, the Citizen Participation Plan seeks to encourage the involvement of low- and moderate-income persons.

The law providing the funds covered by this Citizen Participation Plan calls for improved accountability of jurisdictions to the public. In that spirit and in compliance with the terms of the law, Lodi will use the following procedures for the adoption and any subsequent changes to its Citizen Participation Plan:

- Public notice in the *Lodi News-Sentinel* newspaper and on the City's website at least 14 days in advance of a 30-day public comment period;
- During a 30-day public review and comment period, the document will be available for review at the following locations:
 - Lodi City Hall; and
 - The City's website (www.lodi.gov).

Copies of the document will be available to the public free of charge within five days of a request.

- A public hearing will be held before the City Council.
- Adoption by a majority vote of the Lodi City Council.

DRAFT CITIZEN PARTICIPATION PLAN

Any change in the public participation process as outlined in this document will require an amendment to the Citizen Participation Plan. Any amendments will require the same steps as noted above: public notice, public review, a public hearing, and City Council adoption.

B. CONSOLIDATED PLAN AND ANNUAL ACTION PLAN

The Consolidated Plan is a five-year plan that identifies the needs of low- and moderate-income persons and areas of the City and sets forth a five-year strategy to address those needs. The Action Plan identifies the specific needs to be addressed each year based on the priorities established in the Consolidated Plan's five-year strategy. The following steps outline the opportunities for public involvement in the Consolidated Plan and Annual Action Plan:

1. Preparation

In order to identify the needs of low- and moderate-income persons and areas of the City, priorities must be set in order to decide which needs should get more attention and more resources than other needs. In order to solicit community input, which is essential to determining these needs and priorities, the City will:

- Consult with local public agencies that assist low- and moderate-income persons and areas, including City staff, State and federal agencies, neighboring local governments, and regional agencies.
- Consult with private agencies, including local non-profit service providers and advocates such as the local public housing agency, health agencies, homeless service providers, non-profit housing developers, social service agencies (including those focusing on services to children, the elderly, persons with disabilities, persons with HIV/AIDS, persons with substance abuse problems, etc.).
- Publicly notice and conduct a public meeting to solicit input on needs and priorities.

In addition, the City will issue a Notice of Funding Availability (NOFA) included as part of its public notice for the community meeting for the Annual Action Plan. The notice will identify the amount of CDBG funds available local agencies with CDBG-eligible activities, if applicable. Technical assistance workshop(s) regarding the funding process will be provided to interested organizations.

- Develop an assessment of needs in Lodi as well as a strategic plan to address those needs.

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- Publicly notice a 30-day review and comment period where a complete draft of the Consolidated Plan and/or Annual Action Plan will be made available to the public.
- Conduct a public hearing before the Mayor and City Council prior to adoption of the Consolidated Plan and/or Annual Action Plan.

2. Adoption

As noted above, the City will provide several opportunities for citizen involvement in the Consolidated Plan process prior to adoption. These include:

- Published notice of a public meeting in the local newspaper, the *Lodi News-Sentinel*, and on the City's website at least 14 days in advance of the meeting.
- A public meeting on needs and priorities for the Consolidated Plan/Annual Action Plan.
- A public notice announcing the 30-day review and comment period and public hearing for the Draft Consolidated Plan and/or Draft Annual Action Plan in the *Lodi News-Sentinel*, at City Hall, and on the City's website. The notice will list the locations where the document(s) will be available for review and the notice will be posted prior to the start of the comment period.
- The Draft Consolidated Plan and/or Draft Annual Action Plan will be available at the following locations in Lodi:
 - Lodi City Hall; and
 - The City's website (www.lodi.gov).

The Draft Consolidated Plan and/or Draft Annual Action Plan will be made accessible to persons with disabilities upon request. In addition, a reasonable number of free copies will be provided to citizens or groups requesting copies the document(s).

- A public hearing before the Mayor and Lodi City Council prior to adoption of the Consolidated Plan and/or Annual Action Plan.
- In preparing the Final Consolidated Plan and Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final documents will have a section that presents all comments, and explains why any comments were not accepted.

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- At the end of the 30-day comment period, the City Council will consider adoption of the Consolidated Plan and Annual Action Plan. The documents will be adopted by a majority vote of the Lodi City Council at a publicly noticed meeting of the Council.

3. Amendments

The Consolidated Plan or Annual Action Plan will be amended anytime there is a change in one of the priorities presented on the HUD-required Priority Table; a change in the use of money to an activity not mentioned in the final Annual Action Plan; or, a change in the purpose, location, scope, or beneficiaries of an activity (described more fully later). The public will be notified whenever there is a “substantial” amendment as defined below:

- A change in the use of CDBG funding, of more than 15 percent of the total grant amount, from one activity to another (i.e., “reprogramming” of CDBG funds).
- Funding of an activity type not described in the Annual Action Plan.
- Changing the priorities contained in the Five-Year Strategic Plan of the Consolidated Plan.
- Increasing or reducing the amount allocated to an activity by more than 25 percent, except when the activity must be dropped due to circumstances beyond the City’s control (e.g., a subrecipient elects not to do an activity).
- A change in the purpose, location, scope, or beneficiaries of an activity:
 - The activity will no longer principally benefit the targeted population as identified in the Action Plan (e.g., senior citizens in certain areas, low and moderate income homeowners, residents of x neighborhood instead of y neighborhood).
 - The activity will no longer address the low and moderate income need identified in the Action Plan or the activity ceases to address the elimination of slums and blight as identified in the Action Plan.
 - The activity location of an area-benefiting activity changes so that the completed activity will principally serve beneficiaries other than those originally intended.
 - The scope of the activity has increased to the point where its completion with project funds would result in the inability to carry out another approved activity, or would necessitate reducing the scope of another activity to a point where it would not accomplish its intended purpose.

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There must be reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for Substantial Amendments:

- There will be 14 days advance notice of and availability of a proposed Substantial Amendment before there is a public hearing about it.
- A written description of the proposed Substantial Amendment will be made available to the public at no cost within five working days of a request. Also, copies will be available at the locations indicated in this Citizen Participation Plan under "Public Access to Information".
- There will be a public hearing regarding the proposed Substantial Amendment. This public hearing will not take place until the public has had 30 days to review the proposed Substantial Amendment.
- In preparing a Final Substantial Amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Substantial Amendment will have a section that presents all comments, plus explanations why any comments were not accepted.

C. CONSOLIDATED ANNUAL PERFORMANCE REPORT

Every year, the City of Lodi must submit to HUD a Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days of the close of the program year. In general, the CAPER must describe how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income people. The following steps outline the opportunities for public involvement in the CAPER:

- Public notice will be made according to the procedures described later in this Citizen Participation Plan. The public notice will identify a 15-day public review and comment period for the CAPER.
- During the 15-day public review period, the document will be available for review at the following locations:
 - Lodi City Hall; and
 - The City's website (www.lodi.gov).

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- Careful consideration will be given to all written comments submitted by the public. These comments will be addressed in the CAPER.
- The CAPER will be adopted by a majority vote of the Lodi City Council at a publicly noticed meeting.

III. PUBLIC NOTICE

A. PUBLIC NOTICE REQUIREMENTS

There shall be advanced public notice once a federally required document is available, such as the Proposed Annual Action Plan or Five-Year Consolidated Plan, any proposed Substantial Amendment to the Action Plan or Consolidated Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER).

In addition, there shall be advanced public notice of all public hearings and all public meetings such as the City Council and other City committee and commission meetings relating to the funds or planning process covered by this Citizen Participation Plan.

B. "ADEQUATE" PUBLIC NOTICE

Adequate advance notice is "timely"; it is given with enough lead-time for the public to take informed action. The amount of lead-time can vary, depending on the event. The content of notices will give residents a clear understanding of the event being announced.

C. FORMS OF PUBLIC NOTICE

Lodi City staff will ensure adequate advance notice of all public meetings and hearings. Adequate noticing will include:

- Printing notices in the *Lodi News-Sentinel* at least 14 days prior to the public meetings and hearings.
- Posting notices at City Hall.
- Posting notices on Lodi's website (www.lodi.gov).

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IV. PUBLIC HEARINGS

Public hearings are required by law in order to obtain the public's views, and to provide the public with the City's responses to public questions and proposals.

The law requires public hearings at all stages of the process, including at least one hearing about community needs, one public hearing to review proposed uses of funds, and one public hearing to assess how funds were spent during the previous program year.

Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan 14 days prior to the public hearing. Public hearings will usually be held in the evening at a time convenient to most residents, especially those who might benefit from the use of funds.

Public hearings may be held at the City Council Chambers or other public facility which is accessible by public transportation and accessible to all persons. The final approval and adoption of the Annual Action Plan, Five-Year Strategic Plan, and CAPER will be conducted at City Hall. All of these locations must be accessible to people with disabilities, and provisions will be made for people with disabilities when requests are made at least five working days prior to a hearing. Translators will also be provided for people who do not speak English when requests are made at least five working days prior to a hearing.

V. PUBLIC ACCESS TO INFORMATION

As required by law, the City of Lodi will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual, and past use of funds covered by this Citizen Participation Plan. The City will also provide reasonable public access to records about any uses of these funds during the previous five years.

Also, as required by law, the City will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds (such as City Council meetings, Planning Commission meetings, and other City committee and commission meetings, etc.)

A. CONSOLIDATED PLAN DOCUMENTS

Consolidated Plan documents include the Annual Action Plans, the Five-Year Consolidated Plan, and Consolidated Annual Performance Evaluation Report (CAPER) as well as substantial amendments to either the Annual Action Plan or the Five-Year Strategic Plan,

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Consolidated Annual Performance and Evaluation Reports, and the Citizen Participation Plan.

B. AVAILABILITY OF CONSOLIDATED PLAN DOCUMENTS

In the spirit of encouraging public participation, copies of Consolidated Plan documents will be provided to the public at no cost and within one week of a request. These materials will be available in a form accessible to persons with disabilities, when requested.

C. LOCATION OF DOCUMENTS

Consolidated Plan documents will also be available at the following locations during their respective review periods:

- City Hall -- 221 W. Pine St. -- (209) 333-6800
- The City's website, at www.lodi.gov

Copies of the final and draft versions of the documents will be available at City Hall.

VI. TECHNICAL ASSISTANCE

City staff will work with organizations and individuals representative of low- and moderate-income people who are interested in submitting a proposal to obtain funding for an activity. All potential applicants for funding are encouraged to contact City staff for technical assistance before completing a proposal form.

Specifically, the City of Lodi will provide up to 20 hours per year of technical assistance to organizations that represent low- and moderate-income persons. This technical assistance may include:

- Publishing instructions on how to fill out forms/applications;
- Conducting workshops to explain: (1) the process for submitting proposals and (2) federal and local requirements;
- Providing comments and advice on the telephone or in meetings; and
- Reviewing and commenting on draft proposals.

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The City will also provide ongoing assistance to CDBG-funded agencies as needed to help them maintain their eligibility for full funding. The City may provide additional (beyond 20 hours) technical assistance if, in the opinion of the City Manager, staff time is available.

VII. COMMENT AND COMPLAINT PROCEDURES

The City of Lodi will provide a period of at least thirty (30) days to receive comments on the draft Consolidated Plan and on any substantial amendments. The 30-day period may start on the date the document is available to the public. The City must also provide public notice regarding the availability of documents and the dates of the 30-day comment period.

For performance reports, the City will provide at least fifteen (15) days to receive public comments.

The City will consider all comments received. The City will respond to all complaints, in writing, within fifteen (15) days. All comments and responses will be attached to each document.

VIII. ACCOMMODATION OF PERSONS WITH SPECIAL NEEDS

The City complies with the Americans with Disabilities Act, and will make accommodations for persons with special needs. Public hearings may be held at the City Council Chambers or other public facility which is accessible by public transportation and accessible to all persons. The final approval and adoption of the Annual Action Plan, Five-Year Strategic Plan, and CAPER will be conducted at City Hall. All of these locations must be accessible to people with disabilities, and provisions will be made for people with disabilities when requests are made at least five working days prior to a hearing. Translators will also be provided for people who do not speak English when requests are made at least five working days prior to a hearing.

IX. ANTI-DISPLACEMENT

If, as a result of a program activity, any residential displacement and relocation must occur, the City of Lodi ensures that it will develop an Anti-Displacement and Relocation Plan in connection with that project in accordance with federal regulations. Specifically, the City will comply with the anti-displacement and relocation requirements of the Uniform Relocation

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Act and the Housing and Community Development Act of 1974, as amended, and implementing regulations at 24 CFR Part 42.

X. GLOSSARY

Annual Action Plan: This document allocates one year’s funding (entitlement and program income) to specific projects and activities for the CDBG program. It is submitted to HUD 45 days prior to the start of the City’s fiscal year and is developed in accordance with federal regulations (24 CFR Part 91).

Program Year: The "program year" chosen by the City of Lodi is July 1st through June 30th, which is the same as the City’s fiscal year.

Citizen Participation Plan: This plan is prepared to facilitate and encourage public participation and involvement in the Consolidated Plan process and the City’s CDBG program, especially by low and moderate-income persons. The plan identifies the public participation requirements as identified by federal regulations (24 CFR Part 91).

Community Development Block Grant (CDBG) Program: This is a federal grants program administered by the U.S. Department of Housing and Urban Development (HUD). The program allocates money to eligible cities and counties throughout the nation to assist low and moderate-income households and neighborhoods. The grant program may be used for such activities as housing rehabilitation, affordable housing assistance, community services, and community development activities such as the construction or rehabilitation of community facilities and economic development.

Consolidated Annual Performance Evaluation Report (CAPER): This document reports on the progress in carrying out the Consolidated Plan and Annual Action Plan. The report is prepared annually by the City in accordance with federal regulations (24 CFR Part 91). It is due to HUD no later than 90 days after the end of the City’s fiscal year.

Consolidated Plan: This document serves as the City’s application for CDBG funds and sets forth the priorities and strategies to address the needs of primarily low and moderate-income persons and areas in the City. It typically covers a five or three-year time period. It is submitted to HUD 45 days prior to the start of the City’s fiscal year and is developed in accordance with federal regulations (24 CFR Part 91).

Consolidated Plan Documents: These include the Consolidated Plan, the Annual Action Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER).

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Low and Moderate-Income Households: These are households earning less than 80 percent of the area median income. They are broken down into the following income designations

- **Extremely Low-Income:** households with incomes less than 30 percent of the area median family income, adjusted for household size.
- **Low-Income:** households with incomes between 31 and 50 percent of the area median family income, adjusted for household size.
- **Moderate-Income:** households with incomes between 51 and 80 percent of the area median family income, adjusted for household size.

Low and Moderate-Income Neighborhood: In general, this is defined a census tract(s) or block group(s) where a minimum of 51 percent of the residents have low or moderate-incomes (i.e., not exceeding 80 percent of the area median family income).

Median Family Income (MFI): HUD surveys major metropolitan areas annually to development an index of median family income by household size. Most CDBG-funded activities and programs must benefit primarily the lower and moderate-income households.

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EXECUTIVE SUMMARY

The 2009-10 Action Plan is a one-year plan to address the community development and low- and moderate-income housing needs in the City of Lodi. It is the first portion of the implementation of the five-year Consolidated Plan. Both the Consolidated Plan and the Action Plan are implemented by the Neighborhood Services Division in the Community Development Department.

The City anticipates receiving \$743,500 from the federal Community Development Block Grant (CDBG) program. The City also plans to meet its community development and housing needs by applying for other grant funding sources, including HOME and CalHome funds available through the California Department of Housing and Community Development.

City staff encouraged citizen participation throughout the joint Consolidated Plan and Action Plan process. This included consulting local organizations, holding public meetings, an online survey, and encouraging public comment during the public review period. Using research and input from the public, City staff formulated the objectives and outcomes that are briefly described below.

OBJECTIVES

The City's key objectives for the 2009-10 funding period include the following:

- Provide housing programs that increase the quality and affordability of housing stock for target-income households;
- Support community organizations in making improvements to their facilities;
- Assist community-based organizations with additional financing that allows them to provide new or expanded services to target-income residents; and
- Improve public facilities in target areas.

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OUTCOMES

The City's housing outcomes for this planning period are primarily directed at providing funding for land acquisition to an affordable housing developer. This will provide 60-80 senior housing units. Funding will come through previous allocations of CDBG and HOME funds through the Urban County.

The City will also fund improvements to the LOEL Senior Center for their kitchen renovation, as well as provide funds for infrastructure projects in the City's target areas.

The City received applications for nine public service programs, and plans to fund the following:

- Spay/Neuter Program, which offers free spay/neuter services to cats and pit bull dogs owned by low-income households, as well as to feral cats;
- Graffiti abatement on public property located in the City's target areas;
- San Joaquin Fair Housing, which provides fair housing services; and
- Second Harvest Food Bank, which provides food assistance to needy families.

In addition, the City received twelve applications for housing or community development capital projects, and plans to fund the following:

- Alley drainage improvements through the Public Works Department;
- Blakely Park swing area surface replacement;
- Graffiti abatement on private property;
- LOEL Senior Center kitchen renovation, so the Center can begin preparing senior meals on-site.

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INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) requires all government entities receiving federal Community Development Block Grant (CDBG) funds to prepare an Annual Action Plan. The Action Plan outlines funding priorities and discusses how activities will meet the community needs identified in the Consolidated Plan. The activities described in this Action Plan are proposed to be undertaken during the period between July 1, 2009 and June 30, 2010.

The major objectives of activities undertaken during the 2009-2010 funding year will be to:

- Provide housing programs that increase the number of housing units available to seniors, as well as provide minor rehabilitation assistance in the form of graffiti abatement;
- Improve public facilities in target areas;
- Increase the capacity of the LOEL Senior Center to prepare meals in-house in order to capitalize on other federal and state funding resources; and
- Assist community-based organizations with additional financing that allows them to provide services to target-income residents.

RESOURCES

Activity funding is obtained from the FY 2009-10 anticipated allocation of about \$743,500. The City does not anticipate receiving any program income during this timeframe.

The City will also continue to explore other sources of funding for housing and community development activities, including HOME and CalHome grants for downpayment assistance and housing rehabilitation. The City will continue to use program income received from CDBG grant awards through the San Joaquin Urban County, and will finish ongoing projects funded through the Urban County.

ACTIVITIES TO BE UNDERTAKEN

The activities to be undertaken during fiscal year 2009-10 are summarized in Table 1. For each activity, the one-year accomplishment and the amount of CDBG funding allocated are identified. All activities identified are expected to be completed no later than June 30, 2010.

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The City continued to utilize a rating tool in making project recommendations. Consideration was given to a variety of thresholds that projects must meet to comply with CDBG objectives, including meeting one of the national objectives and addressing one of the community priorities set out in the Consolidated Plan. The rating system also took into account activity need and justification, cost reasonableness and effectiveness, activity management and implementation, experience with similar activities, past performance, leveraged funds, and completeness of the application. Project recommendations are for those projects determined most likely to be successful and maintain compliance with CDBG regulations.

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**TABLE 1
PROPOSED CDBG ACTIVITIES AND PROJECTS:
FISCAL YEAR 2008-09**

Goal	Activity Name	Activity Description	Output	Funding
HOUSING				
	Affordable Housing Land Acquisition	Assist a non-profit developer to acquire land for an affordable senior development.	60 units of affordable housing	\$1.2 million (Urban County funds)
	Graffiti Abatement – Private Property	Remove graffiti on private property by painting over it or pressure-washing it.	350 instances addressed	\$40,000
PUBLIC FACILITIES				
	LOEL Senior Center Kitchen Renovation	Complete a commercial kitchen renovation to allow meal preparation in-house.	1 public facility imp. completed	\$208,517
	Alley Drainage Improvements	Reconstruct one alley to improve drainage.	1 public facility imp. completed	\$232,000
	Blakely Park Swing Area Surface Replacement	Replace the swing area playground surface at Blakely Park.	1 public facility imp. completed	\$28,000
PUBLIC SERVICES				
	Graffiti Abatement – Public Property	Remove graffiti on public property by painting over it or pressure-washing it.	200 instances addressed	\$41,880
	Second Harvest Food Bank	Provide food assistance to low-income families.	6,500 persons served	\$10,000
	San Joaquin Fair Housing	Provide fair housing assistance and education.	119 households provided education	\$19,403
PLANNING AND ADMINISTRATION				
PA-1	Planning and Administration	Provide general administration of the CDBG program, including all planning and reporting activities.	1 year of program administration	\$148,700

Housing Activities

Affordable Housing Land Acquisition

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The City will provide funding to a non-profit housing develop to purchase land for an affordable senior housing development.

Output: 60 units constructed

Outcome Category: Affordability for the purpose of providing decent affordable housing

Goals Addressed:

Funding: \$1.2 million (prior-year funding through the San Joaquin Urban County)

Graffiti Abatement – Private Property

The Graffiti Abatement Program will remove graffiti on private properties located in target areas. Staff will remove graffiti by pressure-washing the structure or by painting over it. The goal of the program is to maintain the housing stock and preserve neighborhood property values.

Output: 350 instances of graffiti removed

Outcome Category: Accessibility for the purpose of creating suitable living environments

Funding: \$40,000

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Public Facilities

LOEL Senior Center Kitchen Renovation

Renovate and expand the current LOEL kitchen to commercial kitchen standards, so that LOEL can take over daily senior meal preparation for north San Joaquin County. Ongoing funding for meals will be provided through state and federal sources.

Output: 1 public facility improved

Outcome Category: Accessibility for the purpose of creating suitable living environments

Funding: \$208,517

Alley Drainage Improvements

Reconstruct one alley to increase accessibility and drainage. Storm drain facilities will be added and the alley will be resurfaced.

Output: 1 public facility improvement completed

Outcome Category: Accessibility for the purpose of creating suitable living environments

Funding: \$232,000

Blakely Park Swing Area Resurfacing

Resurface the Blakely Park swing area to lengthen the life of the surfacing.

Output: 1 public facility improvement completed

Outcome Category: Accessibility for the purpose of creating suitable living environments

Funding: \$28,000

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Public Services

Graffiti Abatement – Public Property

The Graffiti Abatement Program will remove graffiti on public properties located in target areas. Staff will remove graffiti by pressure-washing the structure or by painting over it. The goal of the program is to preserve neighborhood property values.

Output: 350 instances of graffiti removed

Outcome Category: Accessibility for the purpose of creating suitable living environments

Funding: \$41,880

Second Harvest Food Bank

Provide funding to Second Harvest Food Bank to purchase foods that are not typically donated to the food bank (e.g., meat and dairy products).

Output: 6,500 persons provided assistance

Outcome Category: Accessibility for the purpose of creating suitable living environments

Funding: \$10,000

San Joaquin Fair Housing

San Joaquin Fair Housing provides fair housing services, such as housing discrimination and tenant/landlord law hotline, complaint investigation, and outreach and education through public forums.

Output: 1,431 persons assisted

Outcome Category: Accessibility for the purpose of creating suitable living environments

Funding: \$19,403

Planning and Administration Activities

Planning and Administration

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The planning and administration funding is intended to provide funding for general staff administration of CDBG programs and activities, including Integrated Disbursement and Information System (IDIS) training, program set-up, reporting, planning, and subrecipient training and monitoring.

Output: Administration of the CDBG program, staff members trained as necessary

Objective: Full compliance with all applicable CDBG and federal regulations and maintenance of a successful and innovative program.

Funding: \$148,700

Non-CDBG 2009-10 Housing Assistance Activities

Neighborhood Stabilization Program (non-CDBG funds)

In addition to the two housing programs described above, the City will assist in acquiring, rehabilitating, and renting or reselling foreclosed homes to affordable buyers. About 7 units are anticipated to be purchased.

2008-09 Objective: 5 units sold to low- and moderate-income households; 2 units made available as affordable rental housing

Outcome: Affordability for the purpose of providing decent affordable housing

Funding: \$ 578,000 NSP

Geographic Distribution

Geographic distribution is predicated, for the most part, on the nature of the activity to be funded. Figure 1 (to be added) shows the proposed projects to be funded in program year 2009-10 in relation to the City's target areas. Not all of the activities funded through the CDBG program are shown in Figure 1, since some are community-wide.

Minority Distribution

The City of Lodi strives to make all of its programs available to eligible target-income residents regardless of sex, race, religious background, or disability. As a result, many programs, including housing rehabilitation, emergency repair, fair housing, employment, youth, and senior services, will be available to residents citywide. Programs with a specific location, such as the LOEL Senior Center, are located in areas with varying levels of minority

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concentration. Table 1 details the proposed projects for the City of Lodi; of these, the majority are available on a citywide basis.

Homeless and Other Special Needs Populations

The City's strategy related to the needs of the homeless, those at risk of homelessness, and other special needs populations involves the funding of supportive services in Lodi or regional services, such as fair housing counseling or food assistance services. Currently, many homeless services are available in Lodi through the Salvation Army, and the City plans to continue to work closely with the Salvation Army and other organizations to determine how the needs of the homeless population can be met.

Toward this end, the City is funding several programs and services to assist its homeless and special needs populations. These include the following:

- Social services;
- Senior services, indirectly through the LOEL kitchen renovation; and
- Fair housing services.

In addition, the City's Housing Element includes several programs that provide for the development of affordable housing and removal of constraints to the placement of emergency shelters. The Element also removes potential constraints to housing for persons with disabilities.

Address Obstacles to Meeting Underserved Needs

While there are several constraints to meeting the needs of target-income residents (refer to the Consolidated Plan), the primary obstacle to meeting the needs of target-income residents is that the available services within the City's boundaries do not fully meet the needs of the community, largely due to lack of funding. Additionally, many services are located in the City of Stockton.

Remove Barriers to Affordable Housing

The City is undertaking a number of actions to reduce potential barriers and constraints to affordable housing, as well as promote housing for special needs populations. These include allocating prior-year CDBG and HOME funds (through the Urban County) in support of affordable housing development, density incentives, and several others. These are described in more detail in the City's 2003-2009 Housing Element.

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Develop Institutional Structure

The Community Development Department is responsible for the management, implementation, and monitoring of the Consolidated Plan documents, including the Action Plan. The Neighborhood Services Division within the department is specifically charged with these tasks. The division works in close consultation with the City's advisory committees and with the department's director.

The City has designated staff positions to administer the programs and activities funded with CDBG funds. These staff members work with the individual City departments, such as Public Works and Parks and Recreation, to develop procedures and coordination for administering programs that will be carried out by these departments.

Enhance Coordination

The City will continue to work closely with San Joaquin County, which borders the City on all sides. The City will also continue to work with many of the non-profits in the community, including the Salvation Army, LOEL, and Community Partnership for Families, to address the regional issues that affect the needs of target-income persons as well as special needs populations.

Public Housing Needs

While two public housing complexes are located in Lodi, they are administered by the San Joaquin Housing Authority, which serves as the housing authority for the County. The City of Lodi does not have its own local housing authority. Resident initiatives are handled directly by the San Joaquin Housing Authority.

Anti-Poverty Strategy

The City's anti-poverty strategy is based on providing a range of employment opportunities and supportive services aimed at enabling those in poverty to move into the workforce. During the 2009-10 program year, the City will also continue to support activities that preserve and expand the supply of housing that is affordable to target-income households.

The strategy focuses on encouraging economic development and providing supportive services such as services referral assistance and job training.

Lead-Based Paint Hazards

While most housing units were built after 1978 in Lodi, the City will work together with the County Public Health Department to monitor incidences of elevated blood levels.

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The City will also provide lead-abatement assistance for residential units through its residential rehabilitation and emergency repair programs. The programs will comply with the Residential Lead Based Paint Hazard Reduction Act of 1992 (Title X) and subsequent changes in September 1999. The procedures regarding lead-based paint in both rehabilitation programs will include:

- Notification
- Identification
- Treatment (if necessary)

Monitoring Plan

The City of Lodi has developed a monitoring system to ensure that the activities carried out in furtherance of the Plan are done so in a timely manner in accordance with the federal monitoring requirements of 24 CFR 570.501(V) and 24 CFR 85.40 and all other applicable laws, regulations, policies, and sound management and accounting practices. The objectives of the monitoring plan are described in more detail in the Consolidated Plan (p. 3-16).

Appendix B summarizes the public participation process for the adoption of the Action Plan.

The City of Lodi provided opportunities for public involvement during the development of the Action Plan and once the Action Plan was completed. The City held a Community Workshop on February 11th to provide the public with an opportunity to comment on the development of the Action Plan and identify funding priorities. Notice of the workshop was published in the Lodi News-Sentinel, posted on the City's website, and provided directly to service providers and other parties that had expressed an interest in the CDBG program. The notice for the workshop also invited the public and interested parties to provide written comments to the City. No written comments were offered to the City, however.

The community workshop on the Action Plan was held on February 11th from 3:30 to 5:00 p.m. The meeting was attended by 11 representatives from 10 organizations. No public comment was received at the community workshop.

Once the workshop was held and public input received, the City completed the Draft Action Plan. The Action Plan will be made available for a 30-day public review period.

On March 25, 2009 the City published a notice in the Lodi News-Sentinel indicating that the Action Plan would be considered for adoption on May 6, 2009, and that the public review period would run from April 6 to May 6, 2009. The notice stated where the Action Plan could be viewed, City contact information was provided, and the notice invited the public to attend the City Council meeting and comment on the Action Plan.

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The Action Plan was available for review at City Hall and on the City's website. Copies of the Action Plan were also made available free of charge at City Hall.

Council meetings addressing the Action Plan will be held on April 1 and May 6, 2009 at 7:00 pm.

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE DRAFT CONSOLIDATED PLAN, CITIZEN PARTICIPATION PLAN AND ACTION PLAN THE 2009-10 FEDERAL ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, AND FURTHER REALLOCATING AVAILABLE FUNDS FROM PREVIOUS PROGRAM YEARS

=====

WHEREAS, the Department of Housing and Urban Development has determined that the City of Lodi, California, is entitled to Community Development Block Grant (CDBG) as an entitlement community for fiscal year 2009-10 Federal allocation; and

WHEREAS, the City Council of the City of Lodi has been made aware of the amount of the CDBG funds available for the 2009-10 Federal allocation of fiscal program year being approximately \$743,500; and

WHEREAS, the City of Lodi has held, with proper notification, a public hearing at the City Council meeting of April 1, 2009, to receive comments and proposals from the public regarding the projected use of CDBG funds and provided the public with adequate information concerning the amount of funds available for community development activities, the range of eligible activities, and other important requirements; and

WHEREAS, the City of Lodi, California, has received public input regarding the proposed use of CDBG funds; and

WHEREAS, the City Council of the City of Lodi has been made aware of the need to reallocate unused CDBG funds from previous years to facilitate the expedited use of those funds; and

WHEREAS, staff therefore recommends the reallocation of \$149,707 of unused available CDBG funds from previous program years to supplement the 2009-10 funding and reduce the balance of unused funds, as shown as follows:

Sources of Reallocated CDBG Funds

Project 01-06	Lodi Boys and Girls Club	\$ 31,602.05
Project 08-01	Blakely Park North Pool Deck	\$ 50,000.00
Project 08-02	Library ADA Entry Improvements	\$ 11,000.00
Project 08-06	Salvation Army Hope Avenue	\$ 3,000.00
Project 08-07	Economic Development RLF	\$ 54,104.95
		<u>\$149,707.00</u>

WHEREAS, staff therefore recommends the allocation of 2009-10 CDBG and reallocation of previous year's CDBG funds as indicated in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the draft Consolidated Plan, Citizen Participation Plan and Action Plan and the recommended 2009-10 Federal allocations of CDBG funds to the projects recommended by staff in the amount of \$744,507, as indicated in the attached Exhibit A.

Dated: April 1, 2009

=====
I hereby certify that Resolution No. 2009-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 1, 2009, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2009-____

City Manager's Recommendations

2009/10 CDBG Allocation

Program Administration (20%)

Adjusted Balance

Reallocated Urban County CDBG Funding

Total Funding Available

\$743,500

(\$148,700)

	2009/10 CDBG Allocation		Reallocated Urban County CDBG	
	60% City Set-Aside	40% CBO Set-Aside	60% City Set-Aside	40% CBO Set-Aside
\$594,800				
\$149,707	\$356,880	\$237,920	\$89,824	\$59,883
\$744,507				
City Projects				
Alley Drainage Improvements	\$232,000	\$232,000		
Graffiti Abatement - Private Property	\$40,000	\$40,000		
Hale Park Surface Renovation	\$60,000		\$60,000	
Handicap Ramp Replacement - W. Elm St	\$29,824		\$29,824	
Blakely Park - Swing Area Resurfacing	\$28,000	\$28,000		
City Service Programs				
Spay/Neuter Program	\$15,000	\$15,000		
Graffiti Abatement - Public Property	\$41,880	\$41,880		
CBO Projects				
LOEL Foundation - Kitchen Renovation	\$268,400	\$208,517		\$59,883
CBO Service Programs				
S.J. Fair Housing - Fair Housing Services	\$19,403	\$19,403		
Second Harvest Food Bank - Food Assist.	\$10,000	\$10,000		
	\$356,880	\$237,920	\$89,824	\$59,883

**RESOLUTION
EXHIBIT A**

LEGAL ADVERTISEMENT

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING FOR APPROVAL OF THE DRAFT 2009-10
COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN,
CITIZEN PARTICIPATION PLAN, AND ACTION PLAN

PUBLISH (DATES): March 21, 2009

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

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

DATE: March 18, 2009

ORDERED BY: Joseph Wood

TITLE: Neighborhood Services Division Manager



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER APPROVING THE DRAFT 2009/14 CONSOLIDATED PLAN AND PUBLIC PARTICIPATION PLAN, AND THE DRAFT 2009/10 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

On Friday, March 20, 2009, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider approving the Draft 2009/14 Consolidated Plan and Public Participation Plan, and the Draft 2009/10 Action Plan for the Community Development Block Grant Program (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 March 20, 2009, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**



JENNIFER M. PERRIN, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER APPROVING THE DRAFT 2009/14 CONSOLIDATED PLAN AND PUBLIC PARTICIPATION PLAN, AND THE DRAFT 2009/10 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

On March 20, 2009, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider approving the Draft 2009/14 Consolidated Plan and Public Participation Plan, and the Draft 2009/10 Action Plan for the Community Development Block Grant Program, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

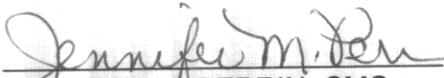
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

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

Executed on March 20, 2009, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI



JENNIFER M. PERRIN, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Dated: March 21, 2009

NOTICE IS HEREBY GIVEN that on **Wednesday, April 1, 2009**, 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:

Approval of the Draft 2009-10 Community Development Block Grant Consolidated Plan, Citizen Participation Plan, and Action Plan

The 2009-10 fiscal year will be the City's first year receiving Community Development Block Grant (CDBG) funds as an entitlement. This requires that the City prepare a series of documents to adequately plan for the expenditure of the funds. The 2009-2014 Consolidated Plan describes the City's housing and community development needs over the next five years, and creates priorities for expending funds. The Citizen Participation Plan describes how the City will keep Lodi residents informed of matters relating to the CDBG funds. The 2009-2010 Action Plan describes the programs and activities proposed during the 2009-2010 program year with the anticipated CDBG funding of \$743,500. During the program year that begins July 1, 2009, the City plans to fund public facilities improvements, infrastructure, public services, and program administration.

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

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

Copies of the documents will be made available upon request.

The public review and comment period begins April 6, 2009 and will end May 6, 2009. The City Council will consider adoption of the Consolidated Plan documents and provide an opportunity for public comment at their May 6, 2009 meeting.

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

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

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

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

Contact	Company	Address	City	State	Zip
Robina Asghar, Executive Director	Community Partnership for Families of San Joaquin County	PO Box 1569	Stockton	CA	95201
Tim Viall, Executive Director	Emergency Food Bank	7 W. Scotts Ave.	Stockton	CA	95203
Dan Williams, Envoy In Charge	The Salvation Army, Lodi Corps	P.O. Box 1388	Lodi	CA	95241
Wendy Moore, Deputy Director	San Joaquin County Human Services Agency	PO Box 201056	Stockton	CA	95201- 3066
Mike Mallory, Executive Director	Second Harvest Food Bank	704 E. Industrial Park Dr.	Manteca	CA	95337
Jo Ann Rimmer	SunHouse	P.O. Box 348	Lodi	CA	95241- 0348
LOEL Foundation, Inc. – LOEL Center & Gardens	Tracy Williams, President and CEO	105 S. Washington	Lodi	CA	95240
Lodi Boy's & Girl's Club	Attn: Shahnawaz Khan	P.O. Box 244	Lodi	CA	95241
Kate Macek, Development Director	Women's Center of San Joaquin County	621 N. San Joaquin St.	Stockton	CA	95202
One-Eighty Teen Center	Attn: Jake McGregor	17 W. Lockeford St.	Lodi	CA	95240



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Introduce Ordinance amending Chapter 13.20 “Electrical Service” by adding a new Section 13.20.315 titled Schedule EDR -- Economic Development Rates (EUD)

MEETING DATE: April 1, 2009

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Conduct a Public Hearing to introduce ordinance amending Chapter 13.20 “Electrical Service” by adding a new Section 13.20.315 titled Schedule EDR (Industrial Development Incentive Discount).

BACKGROUND INFORMATION: Over the years, many electric utilities have implemented special discounted rate tariffs to encourage economic/industrial development within their service areas.

A report prepared for the Electric Utility Department (EUD) by MBMC, Inc. in late 2006 highlighted a number of California electric utility economic/industrial incentive rates. MBMC found that most electric utilities that offered such rates, targeted high “load factor” industrial and/or manufacturing customers for either business expansion or for relocation to their service areas by offering rate discounts of various amounts and for various periods.

Given the relatively weak financial condition of the electric utility at the time, staff elected not to recommend the establishment of an economic development discount program. Given recent improvements in the electric utility’s financials and declining economic conditions for business, however, EUD believes consideration of an economic/industrial development discount rate is now appropriate to further EUD and community goals related to industrial and business development.

As such, EUD is proposing establishment of an Economic Development Rate (EDR) discount to be available to new or expanded industrial businesses for a two-year period beginning July 1, 2009. Key elements of the proposed program for industrial customers are as follows:

- Incentives are provided for 36 months to qualified customers;
- Applies to new or expanded industrial load only (i.e. no retail);
- 10-percent base discount;
- Extra 5-percent “job creations” discount (minimum 25 jobs for G2 customers and 50 jobs otherwise);
- Extra 5-percent discount for new or expanded facilities that receive a Silver or higher “Leadership in Energy and Environmental Design” (LEED) designation;
- Extra 5-percent discount for qualified entities that are located within the designated Enterprise Zone;
- No entity may receive a total discount in excess of 20 percent and discounts do not apply to billing surcharges;
- Minimum load addition of 50 to 200KW depending on rate class;

APPROVED: _____
Blair King, City Manager

- 45 percent minimum "load factor"; and
- June 30, 2011 sunset

In addition, Schedule EDR incorporates two further discounts – one for new tourism and wine industry businesses and one for new green technology businesses.

- a 10-percent discount to new businesses that are substantially and directly related to tourism and/or the wine industry. Examples of such businesses include those that are marketing Lodi and/or local wine products, hotel including bed-and-breakfast establishments, and restaurants, gift shops and boutique-type stores within or immediately adjacent to the downtown Lodi shopping district. This provision responds to comments by the Lodi Chamber of Commerce at the City Council's January 13, 2009 Shirtsleeve on this subject.
- a 10-percent discount to new businesses that are substantially and directly involved in the development, marketing, sale, manufacturing and/or installation of green technology products and services. Examples of such businesses include those directly involved in solar, wind, geothermal, biomass, and fuel cell industries. Green Technology Businesses that are otherwise eligible for an EDR Industrial Business discount may elect to apply for that discount in lieu of the Green Technology Business discount.

Once in effect, it is EUD's intent to review the effectiveness of the proposed economic development incentive program during the first 18 months of operation and report the findings to City Council. At that time, Staff may propose (i) extending the program in its original form; (ii) modifying the program to enhance its effectiveness; or (iii) allowing the program to sunset on June 30, 2011.

FISCAL IMPACT: The fiscal impact of Schedule EDR is difficult to project, but the proposed discounts are expected to have a relatively minor impact on the electric utility. On average, the electric utility expects to recover its marginal cost to provide service during the discount period.

FUNDING: None required.

Jordan Ayers
Deputy City Manager/Internal Services Director

George F. Morrow
Electric Utility Director



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

SCHEDULE EDR

ECONOMIC DEVELOPMENT INCENTIVE DISCOUNT

APPLICABILITY:

This rate is available to qualified commercial customers for the purpose of industrial business attraction or existing industrial facility expansion and (ii) new businesses directly related to tourism and/or the wine industry. Customers must file an application requesting an Economic Development Incentive Discount (EDR) prior to taking electric service for the qualified new or expanded load.

Industrial Businesses

QUALIFYING CUSTOMERS:

An industrial customer is one who operates facilities that are not involved in the sale of goods and services directly to the public as determined by the Electric Utility Department (EUD).

BASE DISCOUNT:

The Base Discount shall equal ten percent (10%) of the electric bill associated with the qualified new or expanded load. The Base Discount shall not apply to the Solar Surcharge, CEC fee, State Energy Tax or any other assessment or charge levied on electric bills after the effective date of this rate schedule unless specifically provided otherwise. (Note: The EDR is not available for G1 customers.)

JOBS CREATION DISCOUNT:

An EDR qualified customer may receive an additional five percent (5%) discount of the electric bill associated with the qualified new or expanded load if they create a minimum of 25 new jobs (G2 customers) or 50 new jobs (G3, G4, G5 and I1 customers). If the new job count associated with qualified new or expanded load falls below this level in any given month, no Jobs Creation Discount shall be applied for that month. The Jobs Creation Discount shall not apply to the Solar Surcharge, CEC fee, State Energy Tax or any other assessment or charge levied on electric bills after the effective date of this rate schedule unless specifically provided otherwise.

ENERGY EFFICIENCY DISCOUNT:

An EDR qualified customer may receive an additional five percent (5%) discount of the electric bill associated with the qualified new or expanded load if the new facilities constructed for the new or expanded load are awarded a Silver or higher "Leadership in Energy and Environmental Design" (LEED) designation. Following receipt of the applicable LEED certification, the additional discount shall become effective for the remainder of the EDR period.

CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

SCHEDULE EDR

ECONOMIC DEVELOPMENT INCENTIVE DISCOUNT

ENTERPRISE ZONE DISCOUNT:

An EDR qualified customer may receive an additional five (5%) discount of the electric bill associated with the qualified new or expanded load if the new or expanded load are located within the boundaries of the City's Enterprise Zone as set forth at the time of customer application.

MAXIMUM DISCOUNT LEVEL:

In no event may a single new or expanded load receive a total discount in excess of twenty percent (20%) of the electric bill associated with the qualified new or expanded load.

MINIMUM LOAD ADDITION:

To qualify for the Economic Development Incentive Discount, the new or expanded load must be sized at or greater than the following:

G2	50 kilowatts (KW)
G3	50 KW
G4	100 KW
G5	200 KW
I1	200 KW

Customer must provide information satisfactory to EUD regarding the planned size of the new or expanded load. The new or expanded load eligible for an EDR shall be separately metered. If a customer's discounted load level falls below the applicable minimum level in any given month, no discount shall be applied for that month.

LOAD FACTOR:

Customer shall maintain a monthly load factor of at least 45 percent for the load receiving a discount. If the load factor falls below this level in any given month, no discount shall be applied for that month.

SCHEDULE I1 AMENDMENT

On the effective date of this Schedule EDR, the provision of the I1 Rate Schedule providing for a 10% discount in electric rates for twelve months if a customer adds 200 KW or more of electric load, shall be null and void.

CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

SCHEDULE EDR

ECONOMIC DEVELOPMENT INCENTIVE DISCOUNT

Tourism and/or Wine Industry Businesses

QUALIFYING CUSTOMERS:

The EDR shall apply only to those businesses that are substantially and directly related to tourism and/or the wine industry as determined by the Electric Utility Department (EUD). Examples of such businesses include those that are marketing Lodi and/or local wine products, hotel including bed and breakfast establishments, and restaurants, gift shops and boutique-type stores within or immediately adjacent to the downtown Lodi shopping district.

BASE DISCOUNT:

The Base Discount shall equal ten percent (10%) of the electric bill associated with the qualified new or expanded load. The Base Discount shall not apply to the Solar Surcharge, CEC fee, State Energy Tax or any other assessment or charge levied on electric bills after the effective date of this rate schedule unless specifically provided otherwise.

General Provisions

LENGTH OF DISCOUNT:

As to any customer, the EDR shall apply for a period of thirty six (36) months.

TERM OF EDR SCHEDULE:

This Schedule EDR shall be in effect July 1, 2009 through June 30, 2011 for new customers. Once a customer is placed on this rate schedule, however, that customer's discount shall be in effect for thirty six (36) months unless terminated earlier as provided in this schedule. Electric customers who received building permits and/or began construction prior to April 1, 2009 for otherwise qualified EDR load shall not be eligible for an EDR discount hereunder for that new business or expanded load.

IMPLEMENTATION:

EUD shall be responsible for establishing administrative rules and processes for administering this rate schedule. Customers shall provide information on a timely basis to enable EUD to verify eligibility and to administer the terms of this rate schedule.

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE CHAPTER 13.20, "ELECTRICAL
SERVICE," BY ADDING A NEW SECTION 13.20.315 -
SCHEDULE EDR ECONOMIC DEVELOPMENT RATES

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.20 is hereby amended by adding a new Section 13.20.315 - Schedule EDR – Economic Development Rates, to read as follows:

13.20.315 SCHEDULE EDR - ECONOMIC DEVELOPMENT RATES

APPLICABILITY:

This rate is available to qualified commercial customers for the purpose of (i) new industrial business attraction or existing industrial facility expansion, (ii) new business attraction directly related to tourism and/or the wine industry and (iii) new business attraction directly related to the green technology sector. Customers must file an application requesting an Economic Development Rate (EDR) discount prior to taking electric service for the qualified new or expanded load.

INDUSTRIAL BUSINESSES

QUALIFYING CUSTOMERS:

An industrial customer is one who operates facilities that are not involved in the sale of goods and services directly to the public as determined by the Electric Utility Department (EUD).

BASE DISCOUNT:

The Base Discount shall equal ten percent (10%) of the electric bill associated with the qualified new or expanded load. The Base Discount shall not apply to the Solar Surcharge, CEC fee, State Energy Tax or any other assessment or charge levied on electric bills after the effective date of this rate schedule unless specifically provided otherwise. (Note: The EDR is not available for G1 customers.)

JOBS CREATION DISCOUNT:

An EDR qualified customer may receive an additional five percent (5%) discount of the electric bill associated with the qualified new or expanded load if they create a minimum of 25 new jobs (G2 customers) or 50 new jobs (G3, G4, G5 and I1 customers). If the new job count associated with qualified new or expanded load falls below this level in any given month, no Jobs Creation Discount shall be applied for that month. The Jobs Creation Discount shall not apply to the Solar Surcharge, CEC fee, State Energy Tax or any other assessment or charge levied on electric bills after the effective date of this rate schedule unless specifically provided otherwise.

ENERGY EFFICIENCY DISCOUNT:

An EDR qualified customer may receive an additional five percent (5%) discount of the electric bill associated with the qualified new or expanded load if the new facilities constructed for the new or expanded load are awarded a Silver or higher "Leadership in Energy and Environmental Design" (LEED) designation. Following receipt of the applicable LEED certification, the additional discount shall become effective for the remainder of the EDR period.

ENTERPRISE ZONE DISCOUNT:

An EDR qualified customer may receive an additional five (5%) discount of the electric bill associated with the qualified new or expanded load if the new or expanded load are located within the boundaries of the City’s Enterprise Zone as set forth at the time of customer application.

MAXIMUM DISCOUNT LEVEL:

In no event may a single new or expanded load receive a total discount in excess of twenty percent (20%) of the electric bill associated with the qualified new or expanded load.

MINIMUM LOAD ADDITION:

To qualify for the Economic Development Incentive Discount, the new or expanded load must be sized at or greater than the following:

G2	50 kilowatts (KW)
G3	50 KW
G4	100 KW
G5	200 KW
I1	200 KW

Customer must provide information satisfactory to EUD regarding the planned size of the new or expanded load. The new or expanded load eligible for an EDR shall be separately metered. If a customer’s discounted load level falls below the applicable minimum level in any given month, no discount shall be applied for that month.

LOAD FACTOR:

Customer shall maintain a monthly load factor of at least 45 percent for the load receiving a discount. If the load factor falls below this level in any given month, no discount shall be applied for that month.

SCHEDULE I1 AMENDMENT

On the effective date of this Schedule EDR, the provision of the I1 Rate Schedule providing for a 10% discount in electric rates for twelve months if a customer adds 200 KW or more of electric load, shall be null and void.

TOURISM AND/OR WINE INDUSTRY BUSINESSES

QUALIFYING CUSTOMERS:

The EDR shall apply only to those new businesses that are substantially and directly related to tourism and/or the wine industry as determined by EUD. Examples of such businesses include those that are marketing Lodi and/or local wine products, hotel including bed and breakfast establishments, and restaurants, gift shops and boutique-type stores within or immediately adjacent to the downtown Lodi shopping district.

BASE DISCOUNT:

The Base Discount shall equal ten percent (10%) of the electric bill associated with the qualified new or expanded load. The Base Discount shall not apply to the Solar Surcharge, CEC fee, State Energy Tax or any other assessment or charge levied on electric bills after the effective date of this rate schedule unless specifically provided otherwise.

“GREEN” TECHNOLOGY BUSINESSES

QUALIFYING CUSTOMERS:

The EDR shall apply only to those new businesses that are substantially and directly involved in the development, marketing, sale, manufacturing and/or installation of green technology products and services as determined by EUD. Examples of such businesses include those directly involved in solar, wind, geothermal, biomass, and fuel cell industries. Green Technology Businesses that are otherwise eligible for an EDR Industrial Business discount may elect to apply for that discount in lieu of this Green Technology Business discount.

BASE DISCOUNT:

The Base Discount shall equal ten percent (10%) of the electric bill associated with the qualified new or expanded load. The Base Discount shall not apply to the Solar Surcharge, CEC fee, State Energy Tax or any other assessment or charge levied on electric bills after the effective date of this rate schedule unless specifically provided otherwise.

GENERAL PROVISIONS

LENGTH OF DISCOUNT:

As to any customer, the EDR shall apply for a period of thirty-six (36) months.

TERM OF EDR SCHEDULE:

This Schedule EDR shall be in effect until June 30, 2011 for new customers. Once a customer is placed on this rate schedule, however, that customer’s discount shall be in effect for thirty-six (36) months unless terminated earlier as provided in this schedule.

IMPLEMENTATION:

EUD shall be responsible for establishing administrative rules and processes for administering this rate schedule. Customers shall provide information on a timely basis to enable EUD to verify eligibility and to administer the terms of this rate schedule.

SECTION 2. 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 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

SECTION 6. This amended Schedule referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after July 1, 2009, or the first date allowable under State law.

Approved this _____ day of April, 2009

LARRY D. HANSEN
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 April 1, 2009, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2009, 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



*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 INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 13.20, "ELECTRICAL SERVICE," BY ADDING A NEW SECTION 13.20.315 TITLED, "SCHEDULE EDR - ECONOMIC DEVELOPMENT RATES"

PUBLISH DATE: SATURDAY, MARCH 21, 2009

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, MARCH 19, 2009

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, 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 11:15am (time) on 3/19/09 (date) 2 (pages)
Phoned to confirm receipt of all pages at _____ (time) JMP MB CF (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 13.20, "ELECTRICAL SERVICE," BY ADDING A NEW SECTION 13.20.315 TITLED, "SCHEDULE EDR – ECONOMIC DEVELOPMENT RATES"

On Friday, March 20, 2009, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider introduction of an ordinance amending Chapter 13.20, "Electrical Service," by adding a new Section 13.20.315 titled, "Schedule EDR – Economic Development Rates" (attached and marked as Exhibit A) was posted at the following locations:

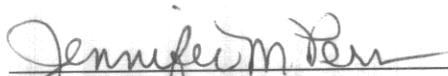
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

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

Executed on March 20, 2009, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 1, 2009

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, April 1, 2009**, 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) Introduce ordinance amending Chapter 13.20, "Electrical Service," by adding a new Section 13.20.315 titled, "Schedule EDR – Economic Development Rates"

Information regarding this item may be obtained in the Electric Utility Department, 1331 South Ham Lane, Lodi, (209) 333-6762. 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: March 18, 2009

Approved as to form:

D. Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointments to the Lodi Improvement Committee

MEETING DATE: April 1, 2009

PREPARED BY: City Clerk

RECOMMENDED ACTION: Concur with the Mayor's recommended appointments to the Lodi Improvement Committee.

BACKGROUND INFORMATION: On February 4, 2009, the City Council directed the City Clerk to post for expiring terms on the Lodi Improvement Committee. The Mayor has reviewed the applications and made his selection. It is, therefore, recommended that the City Council concur with the following appointments.

Lodi Improvement Committee

Fran Forkas	Term to expire March 1, 2012
Eileen St. Yves	Term to expire March 1, 2012
Robert Takeuchi	Term to expire March 1, 2012

NOTE: Seven applicants (three seeking reappointment; two new applications; and two on file); application deadline 3/9/09

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Provide Direction with Regard to July 4th Fireworks Show and Authorize the City Manager to Enter into a Contract with Pyro Spectaculars as it Deems Appropriate

MEETING DATE: April 1, 2009

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: Provide Direction with regard to July 4th Fireworks Show and authorize the City Manager to enter into a contract with Pyro Spectaculars as it deems appropriate.

BACKGROUND INFORMATION: For the past two years the City has reinstated the tradition of a free fireworks display at Lodi Lake. The cost for the fireworks show the past two years has been \$22,000. With the current difficult economic conditions the amount spent on fireworks is presented for discussion.

Although the City budgets \$22,000 for the fire works show, it pays one half of the cost prior to the show and the second half after the show. Consequently, there is currently \$11,000 remaining in the budget for fireworks as \$11,000 was previously paid to cover 2008 costs. If the City Council directs that \$22,000 be spent for fireworks in 2009, \$11,000 would be paid now – from the Fiscal Year 2008-09 budget, and an additional \$11,000 would be budgeted in Fiscal Year 2009-10 for July 4th 2009. An additional amount of money would need to be budgeted for July 4th 2010.

Options for the Council are varied, but in brief they range from keeping the current \$22,000 show to no show at all. Information on the size and duration of a reduced show will be presented at the Council meeting.

Regardless of the amount the Council would like to spend, Pyro Spectaculars, Inc, is the recommended vendor. In addition to Pyro Spectaculars, bids were sought from Zambelli Fireworks and Pyrotecnico. Pyro Spectaculars was the only responsive bid. They provided the shows in 2007 and 2008 and carried the required insurance.

FISCAL IMPACT: \$11,000 remains budgeted and unspent for FY 2008-09, additional funding depends upon Council direction.

James M. Rodems
Interim Parks and Recreation Director

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Authorize the City Manager to Enter Into Negotiations with Eden Housing, Inc. in regards to Affordable Senior Housing Development located at 2246 Tienda Drive

MEETING DATE: April 1, 2009

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Authorize the City Manager to Enter Into Negotiations with Eden Housing, Inc. in regards to Affordable Senior Housing Development located at 2246 Tienda Drive.

BACKGROUND INFORMATION: In 2006, the City Council allocated \$330,000 of our Community Development Block Grant (CDBG) funding toward the acquisition of land for an affordable housing project.

Shortly thereafter, we supplemented that 2006 CDBG allocation with a combination of both CDBG and HOME fund program income that had been generated through our existing Housing Assistance Programs that serve low-income homebuyers and homeowners. This provided a total of \$1.2 million for acquisition of land for an affordable housing project.

The City-owned property adjacent to the Roget Park site has been identified as the best-suited location to use those funds. While there is no need to negotiate for the purchase of land, CDBG funds must be allocated to a non-profit developer who will acquire the land from the City at a price determined through a recent fair-market appraisal (\$650,000). Through the execution of a Development, Disposition and Loan Agreement (DDLA) the chosen developer will take possession of the land and commit to producing an affordable senior housing project within a determined timeframe. If the developer fails to develop a project within the time noted in the DDLA, ownership of the land will then revert to the City.

A Request For Qualifications (RFQ) was distributed to a select group of experienced affordable housing developers in Northern California. Two proposals were received, from Eden Housing in Hayward and Domus Development in San Francisco.

A committee consisting of three Planning Commissioners, and one representative each from both the Senior Citizen Commission and the Budget and Finance Committee, met and reviewed the two submittals. A summary comparison of the two developers experience and qualifications that was provided to the review committee is attached for your reference.

APPROVED: _____
Blair King, City Manager

At the completion of its review, the committee recommended that Eden Housing be selected for further consideration. Staff is therefore bringing this matter before the City Council to seek authorization for the City Manager to enter into negotiations with Eden Housing, Inc. for an agreement to develop an affordable senior housing project at the property identified as 2246 Tienda Drive.

From that point, Eden Housing will pursue its due diligence in reviewing the site in advance of a Disposition, Development and Loan Agreement and the subsequent reallocation of CDBG funds for the acquisition of the property.

FISCAL IMPACT: None at this time.

FUNDING AVAILABLE: N/A

Konradt Bartlam
Community Development Director



CITY OF LODI
COUNCIL COMMUNICATION

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AGENDA TITLE: Consider Introducing Ordinance Repealing and Reenacting Lodi Municipal Code Title 5, Permits and Regulations, Chapter 5.12 Cardrooms, Increasing the Number of Legal Cardroom Games, Expanding Cardroom Hours and Increasing the Number of Tables.

MEETING DATE: April 1, 2009 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Consider introducing Ordinance Repealing and Reenacting Lodi Municipal Code Title 5, Permits and Regulations, Chapter 5.12 Cardrooms, Increasing the Number of Legal Cardroom Games, Expanding Cardroom Hours and Increasing the Number of Tables.

BACKGROUND INFORMATION: As Council will recall in January of 2009, Council directed the City Attorney's office to draft an ordinance to expand the number of games, players per table, number of tables in Lodi, and hours of operation for Council consideration and Department of Justice approval. The amendments to the cardroom ordinance have been reviewed and approved by the California Attorney General's Office (see attached Department of Justice letter) to:

- Increase the number of legal cardroom games to add all games approved by the California Attorney General's Bureau of Gambling Control to the list of eligible games;
- Increasing the number of tables from 8 to 11;
- Expanding cardroom operable hours from 16 hours a day (10 a.m. - 2 a.m.) to 20 hours a day (8 a.m. – 4 a.m).

The Police Department and Community Development Department have both indicated that they have no history of complaints or enforcement issues as the cardroom is currently operated.

FISCAL IMPACT: Unknown revenue to the General Fund.

Stephen Schwabauer, City Attorney

APPROVED:

Blair King, City Manager



BUREAU OF GAMBLING CONTROL
P. O. Box 168024
Sacramento, CA 95816-8024
Public: (916) 263-0366
Fax: (916) 263-3403

March 4, 2009

Mr. D. Stephen Schwabauer
City Attorney
City of Lodi
221 West Pine St.
P.O. Box 3006
Lodi, California 95241-1910

Re: City of Lodi's Gambling Ordinance

Dear Mr. Schwabauer:

On January 28, 2009, the Bureau of Gambling Control (Bureau) received the City of Lodi's proposed amendments to Municipal Code Title 5, Chapter 5.12, in accordance with Business and Professions (B&P) Code section 19961.1. The Bureau's review revealed that the proposed amendments are in compliance with the Gambling Control Act (Act). The increase in the hours of operation are in compliance with B&P Code section 19860(a)(1), and the increase in the number of tables from 8 to 11 in each gambling establishment is in compliance with B&P Code section 19860(a)(5).

Upon approval and adoption of the proposed amendments, please provide the Bureau with a signed certified copy of the amendments. If you have any questions, please contact Analyst Brenda Weygandt of my staff at (916) 263-5413. Thank you for your cooperation in this matter.

Sincerely,


for NORM PIERCE
Assistant Bureau Chief
Bureau of Gambling Control

For EDMUND G. BROWN JR.
Attorney General

cc: Wine Country Casino and Restaurant

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE TITLE 5 – PERMITS AND
REGULATIONS – BY REPEALING AND REENACTING CHAPTER
5.12, “CARDROOMS,” IN ITS ENTIRETY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 5 – Permits and Regulations – is hereby amended by repealing and reenacting Chapter 5.12, “Cardrooms,” in its entirety and shall read as follows:

Chapter 5.12
Cardrooms

Sections:

- 5.12.010 Definitions.
- 5.12.015 No Vested Right.
- 5.12.020 Compliance with State Law.
- 5.12.030 License—Required.
- 5.12.040 License—Application.
- 5.12.050 License—Denial Grounds.
- 5.12.060 License—Appeal from Denial.
- 5.12.070 Work Permit—Required.
- 5.12.080 Work Permit—Denial Grounds.
- 5.12.090 Work Permit—Appeal from Denial.
- 5.12.100 Work Permit—Fee—Term—Identification Measures.
- 5.12.110 Work Permit—Renewal.
- 5.12.120 Work Permit—Failure to Renew.
- 5.12.130 Suspension or Revocation—Procedure.
- 5.12.140 Rules and Regulations.
- 5.12.150 State—Prohibited Games.
- 5.12.160 Business License Required.
- 5.12.170 Gross Revenue Permit Fees.

5.12.010 Definitions.

For the purpose of this chapter:

- A. “Cardroom” means any space, room, or enclosure, furnished or equipped with a table used or intended to be used as a cardtable for the playing of cards and similar games, and the use of which is available to the public, or any portion of the public.
- B. “Cardroom employee” means any natural person employed in the operation of a gambling enterprise, including, without limitation, dealers, floor personnel, security employees, countroom personnel, age personnel, collection personnel, surveillance personnel, data-processing personnel, appropriate maintenance personnel, waiters and waitresses, and secretaries, or any other natural person whose employment duties require or authorize access to restricted gambling establishment areas.
- C. “Gross Revenue” means and includes seat rental fees, membership fees, table revenues, rental fees and charges, and any and all other gaming revenues derived from activities conducted on or within the card room premises.
- D. “Financial Interest” means any direct or indirect financial interest in the management, operation, ownership, profits or revenue (gross or net) of a card room. A direct financial

interest means a monetary investment in a card room. An indirect financial interest means owning one percent (1%) or more of any entity, i.e., any business, corporation, joint venture partnership or trust that in turn has a direct financial interest in a card room.

5.12.015. No Vested Right.

This article does not create any vested or other property right of any kind in any permittee, pointholder, key management employee, or other person. The city reserves the right to, at any time, amend, modify, or repeal the provisions of this article and to otherwise regulate or prohibit any privilege exercised hereunder. This reservation includes but is not limited to the right of the city to amend, from time to time, a permit issued pursuant to the terms of this article by resolution of the City Council.

5.12.020 Compliance with state law.

Any person or persons wishing to apply for any license or permit authorized in this chapter must comply with not only this chapter, but with Sections 330 through 337 of the California Penal Code. In each case where a license is issued, it shall be nontransferable.

It is the stated purpose of this article to regulate card rooms in the City of Lodi concurrently with the State of California, and to impose local controls and regulations upon card rooms as codified in the "Gambling Control Act" as codified in Division 8, Chapter 5 of the California Business and Professions Code (commencing with Section 19800). All such references to the Gambling Control Act are to Division 8, Chapter 5 of the California Business and Professions Code, as may be amended.

5.12.030 License--Required.

It is unlawful for any person to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained, or conducted, any card room in the city without first having secured a license to do so, or without complying with each regulation contained in this chapter pertaining to such cardroom.

5.12.040 License--Application.

A. Any applicant for a cardroom license shall submit his application to the chief of police, which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. The term "persons financially interested" includes all persons who share in the profits of the business, on the basis of gross or net revenue. The past criminal record, if any of the applicant and of all persons financially interested in the business shall be shown on such application. The application shall also be accompanied by fingerprints of the applicant and of persons financially interested in the business.

B. The applicant shall pay a fee to the finance department of the city to defray the cost of investigation in an amount as may be fixed and established from time to time by resolution of the city council.

5.12.050 License--Denial grounds.

The chief of police shall deny any applicant for a cardroom license, a license to operate such room if:

A. The applicant has previously been convicted of a felony including a conviction by a federal court or a court in another state for a crime that would be a felony if committed in California; or

B. The applicant has previously been convicted of a misdemeanor involving dishonesty, gambling, or moral turpitude within the 10-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code.

C. The applicant fails to clearly establish eligibility and qualification under this Chapter and under Business and Professions Code Section 19800 et seq.

D. The applicant fails to provide information, documentation, and assurances required by this Chapter, or failure to reveal any fact material to qualification, or supplying false information.

E. Association of the applicant with criminal profiteering activity or organized crime as defined by Section 186.2 of the Penal Code.

5.12.060 License--Appeal from denial.

The action of the chief of police in denying such a license shall be subject to an appeal to the city council. Notice of such appeal shall be filed with the city clerk within ten days after the denial of the license. Upon failure to file such notice within the ten-day period, the action of the chief of police in denying such license shall be final and conclusive.

5.12.070 Work permit--Required.

A. Each cardroom employee must obtain and possess a valid work permit issued by the chief of police. Applications for such work permits shall be submitted under oath and contain the past criminal record, if any, of the applicant and such information as may be necessary to determine whether the applicant is a proper person to be employed in a cardroom. Fingerprints of the applicant shall accompany the application. A work permit shall be issued only to persons 21 years of age or older.

B. Any application for a work permit shall be subject to objection by the state division. If the division objects to the issuance of a work permit, it shall be denied. Such a denial may be reviewed in accordance with the Gambling Control Act (Business and Professions Code Section 19801 et seq.).

5.12.080 Work permit--Denial grounds.

The chief of police shall deny any applicant for a cardroom license, a license to operate such room if:

A. The applicant has previously been convicted of a felony including a conviction by a federal court or a court in another state for a crime that would be a felony if committed in California; or

B. The applicant has previously been convicted of a misdemeanor involving dishonesty, gambling, or moral turpitude within the ten-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code.

C. The applicant fails to clearly establish eligibility and qualification under this Chapter and under Business and Professions Code Section 19800 et seq.

D. The applicant fails to provide information, documentation, and assurances required by this Chapter, or failure to reveal any fact material to qualification, or supplying false information.

E. Association of the applicant with criminal profiteering activity or organized crime as defined by Section 186.2 of the Penal Code.

5.12.090 Work permit--Appeal from denial.

The action of the chief of police in denying such work permit shall be subject to an appeal to the city manager. Notice of such appeal shall be filed with the city clerk within ten days after the denial of the work permit. Upon failure to file such notice within the ten-day period, the action of the chief of police in denying such work permit shall be final and conclusive.

5.12.100 Work permit--Fee--Term--Identification measures.

A. Each application for a work permit shall be accompanied by an application fee, to be paid to the finance department, in an amount as may be fixed and established from time to time by resolution of the city council. The fee shall not be returned in the event that such work permit is refused, revoked, or suspended as provided in this chapter.

B. The work permit shall be valid even though the holder of the permit may change his place of employment within the city. Upon approval of a work permit, the work permit shall be valid, unless suspended or revoked, for a period of one year from date of issuance.

C. In order that the chief of police may investigate the applicant's qualifications and fitness to receive a cardroom employee work permit, every applicant shall be photographed and fingerprinted.

5.12.110 Work permit--Renewal.

Any person who holds a valid cardroom employee work permit may obtain a new permit for the succeeding year by applying for the new permit during the month preceding the expiration date of the current permit. Cost for the new permit, which shall include the cost of a new identification card, shall be paid to the finance department, and shall be an amount as fixed and established from time to time by resolution of the city council.

5.12.120 Work permit--Failure to renew.

If the holder of a cardroom employee work permit fails to renew the permit, his permit shall cease to be valid and he must make application for a new permit, if desired, as provided in this chapter.

5.12.130 Suspension or revocation--Procedure.

A. The chief of police has the right for cause to revoke or suspend any cardroom license or card room work permit issued under this chapter and to take possession of such permits.

B. Any of the grounds upon which the chief of police is required to refuse to issue an initial cardroom license or cardroom work permit also constitutes grounds for such revocation or suspension. In addition, the failure of a holder of a cardroom license or cardroom work permit to comply with the provisions set forth in this chapter also constitutes grounds for revocation or suspension of such license or work permit.

C. Suspension or revocation of a cardroom work permit shall be made only after a hearing granted to the holder of such permit before the chief of police, after five days notice to the permit holder, setting forth the grounds of the complaint against him and stating the time and place where such hearing will be held. The action of the chief of police in this respect is subject to an appeal to the city manager. Notice of such appeal shall be filed with the city

clerk within ten days after the revocation or suspension. Upon failure to file such notice within the ten-day period, the action of the chief of police in revoking or suspending the license or work permit shall be final and conclusive.

5.12.140 Rules and regulations.

It is unlawful to operate a cardroom in violation of any of the following regulations and rules:

- A. Not more than one cardroom shall be located at any one address.
- B. Only those games approved by and as defined by the California Department of Justice, Division of Gaming Control, shall be played in any cardroom.
- C. Not more than eleven tables shall be permitted in any cardroom. No more than eleven tables shall be permitted to operate within the city.
- D. Not more than ten players shall be permitted at any one cardtable.
- E. Cardrooms shall be located on the ground floor, and so arranged that cardtables and the players at the tables shall be plainly visible from the front door opening when the door is opened. No wall, partition, screen or similar structure between the front door opening on the street and any cardtable located in the cardroom shall be permitted if it interferes with the visibility.

No gambling establishment may be located in any zone which has not been specifically approved for such a business. Additionally, none may be located near any of the unsuitable areas, as specified in Business and Professions Code Section 19852 (a) (3).

- F. No person under the age of 21 shall be permitted at any cardtable, nor shall any person under the age of 21 be permitted to participate in any game played thereat.
- G. Cardrooms may be operated seven days a week and shall not open until the hour of eight a.m. Cardrooms shall close no later than four a.m. A cardroom shall adopt a schedule of hours of operation before it shall be allowed to operate. Such schedule of hours shall be clearly posted at the cardroom in order to provide adequate notice of its hours of operation.
- H. All cardrooms shall be open to police inspection during all hours of operation.
- I. Only table stakes shall be permitted.
- J. The cashing of bank checks for players shall not be permitted in any cardroom.
- K. Each cardtable shall have assigned to it a person whose duty shall be to supervise the game to see to it that it is played strictly in accordance with the terms of this chapter, and with the provisions of the Penal Code of the state. This person may have more than one table under his supervision. He shall not, however, participate in the game.
- L. There shall be posted in every cardroom in letters plainly visible from all parts thereof, signs stating that only games approved by and as defined by the California Department of Justice, Division of Gaming Control, shall be played in the cardroom. These signs shall also contain such other information relating to the regulations contained in this chapter as the chief of police may require.
- M. No person who is in a state of intoxication shall be permitted in any cardroom.
- N. The sale, purchase, transfer, assignment, or pledge of any property, or of any document evidencing title to the same, is prohibited in any cardroom.

O. The operator or his employees shall not extend credit to a player, nor shall he accept IOU's or other notes, loan money to any person on any ring, watch, or other article of personal property for the purpose of securing tokens, chips, or other representatives of money as an ante.

P. No shills shall engage in card games. This prohibition shall not apply to house players, provided they wear a badge in a conspicuous place, which badge identifies them as employees of the licensee.

Q. Patron Security and Safety. Each cardroom license shall be responsible and liable for its patrons' safety and security in and around the cardroom establishment. Before it shall be allowed to operate, each cardroom shall adopt a plan, to be approved by the city, to provide for the safety and security of its patrons.

5.12.150 State-prohibited games.

The city council declares that it is not the intention of this chapter to permit the licensing of any cardroom for the playing of any game prohibited by the laws of the state, including but not limited to those games enumerated in Section 330 of the Penal Code of the state, which section includes banking and percentage games.

5.12.160 Business license required.

Operators of cardrooms shall be required to obtain a business license pursuant to Chapter 5.04 of this code.

5.12.170 Gross revenue permit fees.

(a) In addition to the permit fees previously prescribed each permittee permitted pursuant to the provisions of this article shall pay to the city a monthly fee equal to 9 % of the gross revenue of the permittee received from the cardroom operation. Such payment shall be made to the city not later than 15 days after the end of each month during which such gross revenues on which it was computed were received by the permittee.

(b) Each permittee shall file with the Finance Department before the 15th day following the end of each month a statement, under oath, showing the true and correct amount of gross revenue derived from the card game business permitted by the permit issued to the permittee for the preceding month. Such statement shall be accompanied by the payment of the correct amount of permit fee due and owing in accordance with the provisions of Subsection (a) of this section, and such sums correctly reflecting the monthly fees payable for the preceding month shall be accepted by the city, subject, however, to the right of the city to audit the matters reported in the statement to determine the accuracy of the figures contained therein and whether or not the correct amount payable to the city has been paid.

A signed declaration shall be attached to the statement or included therein, which shall be in substantially the same form:

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

Section 2. 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 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. 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 be in force and take effect 30 days from and after its passage and approval.

Approved this ____ day of _____, 2009.

LARRY D. HANSEN
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 April 1, 2009, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2009, 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 of the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$120,140.69).

MEETING DATE: April 1, 2009 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$120,140.69).

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn and miscellaneous invoices for services incurred relative to the Environmental Abatement Program litigation that are currently outstanding and need to be considered for payment. Except for smaller clean-up items this will be the last significant PCE related invoice.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct.
8002	113778	Feb. 2009	People v. M&P	541.96
8008	113736	Feb. 2009	City of Lodi v. Envision	108,610.58
			Total	\$109,152.54

MISCELLANEOUS

Invoice No.	Date	Description	Water Account
135211	Feb-09	Hemming Morse	\$9,007.75
PL117039	Nov-08	Esquire	577.45
PL127595	Jan-09	Esquire	819.30
PL127637	Jan-09	Esquire	583.65
			\$10,988.15

FISCAL IMPACT: All expenses will be paid out of the Water Fund.

FUNDING AVAILABLE: 184010.7323 - \$120,140.69

D. Stephen Schwabauer, City Attorney

APPROVED: _____
Blair King, City Manager