



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: April 6, 2016

Time: Closed Session 6:45 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

**Jennifer M. Ferraiolo**  
City Clerk

Telephone: (209) 333-6702

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

**C-1 Call to Order / Roll Call**

**C-2 Announcement of Closed Session**

- a) Actual Litigation: Government Code §54956.9; One Application; Scott Bratton v. City of Lodi; WCAB Case No. ADJ9997650 - 2/2/2015 (CM)

**C-3 Adjourn to Closed Session**

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

**C-4 Return to Open Session / Disclosure of Action**

**A. Call to Order / Roll Call**

**B. Presentations**

- B-1 Quarterly Update from the Greater Lodi Area Youth Commission (PRCS)
- B-2 Sexual Assault Awareness Month Proclamation (CLK)
- B-3 Earth Day Proclamation (PW)
- B-4 National Public Safety Telecommunicators Week Proclamation (PD)
- B-5 National Animal Control Officer Appreciation Week Proclamation (PD)
- B-6 National Volunteers Week Proclamation (PD)

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

- C-1 Receive Register of Claims in the Amount of \$5,111,993.67 (FIN)
- C-2 Approve Minutes (CLK)
  - a) March 15, March 22, and March 29, 2016 (Shirtsleeve Sessions)
  - b) March 29, 2016 (Special Meeting)
- C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Kofu Park ADA Improvements (PW)
- C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Alley Improvement Project – Phase 5 (PW)
- C-5 Approve Specifications and Authorize Advertisement for Bids to Procure One Oil Handling Trailer (EU)
- C-6 Approve Specifications and Authorize Advertisement for Bids to Procure Distribution Transformers and Conductors for the Time Period April 6, 2016 through June 30, 2017 (EU)
- Res. C-7 Adopt Resolution Awarding Bid for Purchase of One 60/12kV Power Transformer from Virginia Transformer Corporation, of Roanoke, Virginia (\$476,814) (EU)
- Res. C-8 Adopt Resolution Awarding Contract for Lodi Electric Utility Storage Yard Block Wall to Diede Construction, Inc., of Woodbridge (\$163,253) (PW)
- C-9 Accept Improvements Under Contract for Ham Lane Signal Modification Improvements 2015 – Vine, Tokay, and Lockeford Streets (PW)

- Res. C-10 Adopt Resolution Supporting the Northern San Joaquin Power Connect to Ensure Future Electric Reliability for the City of Lodi and Northern San Joaquin County (EU)
- C-11 Receive Report Regarding Communication Pertaining to Assembly Bill 2614 (Bonta) – Medical Cannabis: Out-of-State Convictions (CLK)
- C-12 Receive Report Regarding Communication Pertaining to Assembly Bill 2339 (Irwin) – Net Energy Metering (CLK)
- C-13 Authorize City Clerk to Deny Request for Leave to Present Late Claim, Filed on Behalf of Diane Wilbur, Pursuant to Government Code Section 911.6(a) (CA)
- C-14 Set Public Hearing for April 20, 2016 to Consider Adopting Resolution Approving the 2015-2023 Draft Housing Element (CD)
- C-15 Set Public Hearing for April 20, 2016 to Consider Vigilant/LEARN Software Lodi Police Department Usage Policy (PD)

**D. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

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

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

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

**G. Public Hearings – None**

**H. Communications**

- H-1 Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission, Library Board of Trustees, Lodi Arts Commission, and Planning Commission (CLK)

**I. Regular Calendar – None**

**J. Ordinances – None**

**K. Adjournment**

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

---

Jennifer M. Ferraiolo  
City Clerk

*All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.*

*Meetings of the Lodi City Council are telecast on SJTV, Channel 26. The City of Lodi provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the City's website at [www.lodi.gov](http://www.lodi.gov) by clicking the meeting webcasts link.*



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Quarterly Update from the Greater Lodi Area Youth Commission

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Parks, Recreation, and Cultural Services Director

---

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

**BACKGROUND INFORMATION:** The LYC desires to stay more connected to the City Council and the community by having current commissioners provide a quarterly report on the activities of the Commission.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Jeff Hood  
Parks, Recreation, and Cultural Services Director

Prepared by: JCW

---

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



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Sexual Assault Awareness Month Proclamation

**MEETING DATE:** April 6, 2016

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** Mayor Chandler will present a proclamation proclaiming the month of April 2016 as “Sexual Assault Awareness Month” in the City of Lodi.

**BACKGROUND INFORMATION:** The Mayor has been requested to present a proclamation proclaiming the month of April 2016 as “Sexual Assault Awareness Month” in the City of Lodi. Melissa Amos, Youth Shelter Manager for the Women’s Center Youth & Family Services, will be at the meeting to accept the proclamation.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Jennifer M. Ferraiolo  
City Clerk

JMF/PMF

---

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



TM

## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation of Proclamation Proclaiming April 22, 2016 as “Earth Day” in Lodi and an Invitation to Earth Day Clean-up on April 9, 2016, in conjunction with “Love Lodi”

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Interim Public Works Director

**RECOMMENDED ACTION:** Presentation of proclamation proclaiming April 22, 2016 as “Earth Day” in Lodi and an invitation to Earth Day clean-up on April 9, 2016, in conjunction with “Love Lodi”.

**BACKGROUND INFORMATION:** The first National “Earth Day” was proclaimed in 1970 in order to promote environmental awareness and foster the need to protect the environment and conserve resources and led to the creation of the United States Environmental Protection Agency. Now in its 46<sup>th</sup> year, “Earth Day” has expanded from the United States to over 190 countries.

As the years are counted down to the 50<sup>th</sup> Anniversary of “Earth Day” in 2020, each year will have a theme emphasizing one of five goals. The theme for this year is “Trees for the Earth.” Not only are trees important for their beauty and the shade they provide, but they also have many environmental benefits, including absorbing carbon dioxide and producing oxygen, retaining and absorbing storm water runoff, and reducing wind speed.

This year marks the fourth consecutive year the Earth Day clean-up event will be held within the City of Lodi. Together, in conjunction with “Love Lodi” and Arbor Day, a coastal clean-up event at Lodi Lake will be held on April 9, 2016 in celebration of Earth Day. The Public Works department would like to invite Lodi citizens to join in this effort.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Charles E. Swimley, Jr.  
Interim Public Works Director

Prepared by Kathryn Garcia, Compliance Engineer  
CES/kmg/trb  
Attachment

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



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Presentation of Proclamation Proclaiming the Week of April 10-16, 2016 as "National Public Safety Telecommunicators Week"

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Chief of Police

---

**RECOMMENDED ACTION:** Presentation of proclamation proclaiming the week of April 10-16, 2016, as "National Public Safety Telecommunicators Week."

**BACKGROUND INFORMATION:** National Public Safety Telecommunicators Week is a national event to recognize the men and women who dispatch our police forces, ambulances, and firefighters. Although they are not as visible as the men and women who arrive at the scene of emergencies, they are equally important to the safety and level of service provided to our community.

Every day, in all of our communities, dedicated public safety telecommunicators answer calls for assistance. They dispatch our calls for help to police and fire departments, facilitating the execution of emergency rescue vehicles and law-enforcement operations in our city.

We depend upon public safety telecommunicators to notify emergency personnel promptly, clearly, and calmly. We depend on them to keep our loved ones calm and assured in an emergency. We depend on them for guidance and support in our most frantic and panicked moments.

The Lodi Police Department has thirteen dispatcher/jailers, four lead dispatchers, and one dispatch supervisor working 12-hour shifts. Lodi is one of the very few departments in the state where dispatchers not only staff the Communications Center for business and 911 calls, they also serve as jailers; booking, processing, and providing care for prisoners while they await arraignment in court or transfer to other agencies. Several of the dispatchers are also cross-trained to work special assignments such as court liaison, field evidence technicians, and members of the Hostage Negotiations Team.

A representative of the Police Department Communications Center will be present to accept the proclamation.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Tod Patterson  
Chief of Police

Prepared by Paula O'Keefe, Management Analyst

---

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



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Presentation of Proclamation Proclaiming the Week of April 10-16, 2016, as “National Animal Control Officer Appreciation Week”

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Chief of Police

---

**RECOMMENDED ACTION:** Presentation of proclamation proclaiming the week of April 10-16, 2016, as “National Animal Control Officer Appreciation Week.”

**BACKGROUND INFORMATION:** National Animal Control Officer Appreciation Week is a national event to recognize the men and women who handle all calls related to wild and domestic animals in distress.

Every day, in all of our communities, dedicated Animal Services Officers (ASOs) answer calls for assistance. They apprehend roaming and/or dangerous dogs, rescue animals in danger, investigate situations of alleged animal abuse and neglect, transport injured animals to veterinary hospitals for care, regularly educate pet owners about responsible pet care, and mediate disputes between neighbors regarding their pets.

In the past year, ASOs responded to 2,785 field/service calls, rescued 1,721 stray animals and 300 animals who were victims of cruelty, neglect, or abandonment.

We depend upon ASOs to fulfill the Animal Services Unit’s commitment to providing the highest and most efficient level of customer service. They are dedicated to the health, safety, and protection of the citizens and animals of Lodi.

The Lodi Police Department has one part-time Assistant Animal Services Officer, one Assistant Animal Services Officer, and one Animal Services Supervisor who work 9-hour shifts.

A representative of the Police Department Animal Services Unit will be present to accept the proclamation.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Tod Patterson  
Chief of Police

Prepared by Paula O’Keefe, Management Analyst

---

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



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Presentation of Proclamation Proclaiming the Week of April 10-16, 2016, as “National Volunteers Week”

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Chief of Police

**RECOMMENDED ACTION:** Presentation of proclamation proclaiming the week of April 10-16, 2016, as “National Volunteers Week.”

**BACKGROUND INFORMATION:** National Volunteers Week is a national event to recognize and celebrate the profound impact men and women who volunteer have on their community. In 2015, more than 2,500 Lodians donated their valuable time to assist various City departments, giving nearly 130,000 hours of service at an estimated fiscal benefit of approximately \$3 million.

At the Public Library, volunteers assist as Adult Literacy tutors, homework help tutors, Math POWER Hour tutors, Lucas Computer Learning Center coaches and instructors, general library needs, Friends of the Lodi Public Library, and Lodi Public Library Foundation. In 2015, 249 volunteers donated 30,567 hours to the library, with an estimated fiscal benefit of approximately \$676,753.

The Public Works Department works with many volunteer groups who donate time to accomplish specific projects. In 2015, there were nearly 500 volunteers who provided an estimated 5,800 hours of service with a fiscal benefit of over \$128,500. Volunteers work on the following projects: Coastal Cleanup, Galt Adult Learning Center bi-monthly cleanups at Lodi Lake, Heritage School Earth Keeper’s Club, Master Gardner’s Downtown Lodi flower pot project, Starbucks Earth Day Cleanup at Lodi Lake, and the Storm Drain Detectives.

The Parks, Recreation, & Cultural Services Department has more than 1,600 volunteers who provide an estimated 54,000 hours of service annually, with a fiscal benefit of over \$1.4 million. Volunteers assist with the following: Boosters of Boys/Girls Sports (BOBS), coaches, umpires/referees and other youth sports volunteers, Hutchins Street Square ushers, Lodi Lake Nature Area Docents, neighborhood park volunteers, Tree Lodi, and serve on various commissions.

The Animal Shelter PALS (People Assisting Lodi Shelter) was founded in 2004 to save the lives of abandoned dogs and cats. They assist animal shelter staff with office work, handle animal adoptions, staff their WAGS thrift store on Main and Pine Streets, fundraise, and promote animal care and spay/neuter through education. With a total of 85 volunteers, PALS donated 10,154 hours to the Police Department, with an estimated fiscal benefit of approximately \$224,810.

The Police Cadet Program offers local youths between the ages of 16 and 24 the opportunity to volunteer and gain valuable experience during their high school and college years. In 2015, seventeen cadets volunteered over 2200 hours and participated in several special events throughout the year, including serving as decoys for the ABC Grant operations, assisting with the Parade of Lights and AMGEN. Many

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

of these young people end up with a full-time career in law enforcement. Cadets assist the department at special events, DUI checkpoints, and perform clerical duties in the Records Division.

The Police Chaplaincy Program was formed in February of 1994. There are currently four clergy providing daily support for Lodi Police Department personnel and their families, and emergency response when needed. Chaplains provide emotional support, and they assist Officers in the field with death notifications and at a critical and/or crisis incident. In 2015, chaplains donated over 100 hours to the Police Department with an estimated fiscal benefit of approximately \$2,214.

The Partners Foundation has been in operation for 23 years, providing endless hours of service to the Lodi Police Department. In 2015, Partners donated over 23,000 hours with an estimated fiscal benefit of \$520,201. There are currently 77 Partners serving the Police Department.

There are also 21 community volunteers who serve behind the scenes on the Crime Stoppers and Lodi Police Foundation Board and the Chaplain Board of Directors. All give generously of their time and talents, and often their personal funds, toward the betterment of the Lodi Police Department and ultimately in service to the community.

A representative of the Police, Library, Public Works, and Parks, Recreation, & Cultural Services Departments will be present to accept the proclamation.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Tod Patterson  
Chief of Police



TM

# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Register of Claims through March 17, 2016 in the total amount of \$5,111,993.67

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Financial Services Manager

---

**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$5,111,993.67

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$5,111,993.67 through 3/17/16. Also attached is Payroll in the amount of \$3,840,351.18

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** As per attached report.

\_\_\_\_\_  
Ruby R. Paiste  
Financial Services Manager

RRP/mlm

Attachments

---

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

# Council Report

## City of Lodi, CA - v10.5 Live

### 2/26/2016 through 3/17/2016

Fund			Amount
100 - General Fund			2,846,277.45
120 - Library Fund			20,674.85
140 - Expendable Trust			192,663.09
200 - Parks Rec & Cultural Services			92,295.96
205 - Boating & Waterways Grant			5,151.00
270 - Comm Dev Special Rev Fund			218.24
301 - Gas Tax-2105 2106 2107			12,040.75
302 - Gas Tax -2103			94,876.22
303 - Measure K Funds			1,299.78
307 - Federal - Streets			7,773.23
314 - IMF-Regional Transportation			4,447.50
350 - H U D			14,374.51
402 - Info Systems Replacement Fund			1,560.33
403 - Vehicle Replacement Fund - PD			32,037.17
431 - Capital Outlay/General Fund			53,813.58
432 - Parks & Rec Capital			29,444.60
500 - Electric Utility Fund			251,647.72
501 - Utility Outlay Reserve Fund			44,194.13
504 - Public Benefits Fund			486.52
508 - Environmental Compliance			320.45
530 - Waste Water Utility Fund			102,357.77
531 - Waste Wtr Util-Capital Outlay			623,469.49
560 - Water Utility Fund			91,760.30
561 - Water Utility-Capital Outlay			408,270.14
565 - PCE/TCE Rate Abatement Fund			4,024.86
590 - Central Plume			14,731.26
593 - Northern Plume			44,810.00
600 - Dial-a-Ride/Transportation			13,221.87
601 - Transit Capital			3,605.49
650 - Internal Service/Equip Maint			63,145.58
655 - Employee Benefits			22,965.52
660 - General Liabilities			13,700.00
665 - Worker's Comp Insurance			334.31
<b>Total</b>			<b>5,111,993.67</b>

# Council Report: Payroll City of Lodi, CA - v10.5 Live Pay Period 2/28/2016

<b>Fund</b>	<b>Description</b>	<b>Amount</b>
100	General Fund	1,439,098.72
120	Library Fund	42,828.46
200	Parks Rec & Cultural Services	212,384.12
214	LPD-OTS Grants	11,180.34
219	LPD-ABC Grant	2,402.96
270	Comm Dev Special Rev Fund	55,907.52
301	Gas Tax-2105 2106 2107	59,090.78
500	Electric Utility Fund	361,443.80
530	Waste Water Utility Fund	275,092.48
560	Water Utility Fund	43,220.34
600	Dial-a-Ride/Transportation	17,464.68
650	Internal Service/Equip Maint	36,531.44
<b>Report Total</b>		<b>2,556,645.64</b>

Council Report: Payroll  
City of Lodi, CA - v10.5 Live  
Pay Period 3/13/2016

<b>Fund</b>	<b>Description</b>	<b>Amount</b>
100	General Fund	731,619.60
120	Library Fund	22,426.99
200	Parks Rec & Cultural Services	122,073.95
214	LPD-OTS Grants	4,933.82
219	LPD-ABC Grant	1,546.19
270	Comm Dev Special Rev Fund	32,112.66
301	Gas Tax-2105 2106 2107	30,714.74
500	Electric Utility Fund	165,337.72
530	Waste Water Utility Fund	123,543.02
560	Water Utility Fund	19,943.11
600	Dial-a-Ride/Transportation	8,732.33
650	Internal Service/Equip Maint	18,265.70
655	Employee Benefits	2,455.71
<b>Report Total</b>		<b>1,283,705.54</b>



TM

# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Minutes  
a) March 15, 2016 (Shirtsleeve Session)  
b) March 22, 2016 (Shirtsleeve Session)  
c) March 29, 2016 (Shirtsleeve Session)  
d) March 29, 2016 (Special Meeting)

**MEETING DATE:** April 6, 2016

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) March 15, 2016 (Shirtsleeve Session)  
b) March 22, 2016 (Shirtsleeve Session)  
c) March 29, 2016 (Shirtsleeve Session)  
d) March 29, 2016 (Special Meeting)

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

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Jennifer M. Ferraiolo  
City Clerk

Attachments

---

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

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 15, 2016**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 15, 2016, commencing at 7:00 a.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Kuehne, and Mayor Chandler

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

B. Topic(s)

B-1 Receive Information and Request Feedback Regarding Downtown Maintenance, Capital Expenditures, and Downtown Events (PW)

Interim Public Works Director Charlie Swimley provided a PowerPoint presentation regarding downtown maintenance. Specific topics of discussion included an overview, background, maintenance, City-funded improvements, capital improvements, recommendations and feedback, and other considerations.

In response to Council Member Mounce, Mr. Swimley stated he would provide Council with a breakdown of the downtown revenue sources and how much comes from the general fund, transit, grants, and public benefit funds. He stated that, generally, transit funds are project specific, while general fund projects are for maintenance issues.

In response to Council Member Johnson, Mr. Swimley stated that the downtown area is largely Area 2 (as depicted in the PowerPoint) where the maintenance dollars are primarily dedicated; however, the funding could be expanded to a larger area.

In response to Council Member Mounce, Mr. Swimley stated that the wayfinding sign program will cost roughly \$10,000. Council Member Mounce stated she believed the program was a waste of money as the majority of the public has smart phones or GPS systems in their cars to locate and navigate to locales.

With regard to a recent survey of downtown business owners, City Manager Schwabauer stated he was discouraged to discover that the majority of responders was opposed to a downtown property owner district, which would invest funds toward improving and maintaining the area. The responses were few and negative with only three to four who stated they would support such a formation.

Council Member Mounce suggested making it mandatory that business owners clean and maintain the front of their properties versus the City taking that responsibility.

In response to Mayor Pro Tempore Kuehne, Mr. Swimley stated that staff is considering expanding the area of sidewalk cleaning to include portions of Pine and Oak Streets and to schedule cleanings every other year, which would make it more efficient for property owners to handle the day-to-day maintenance in front of their properties. Mayor Pro Tempore Kuehne stated that he believed annual sidewalk cleaning would be more beneficial; however, he explained that pressure washing may not be ideal on an annual basis. He further stated that the areas fronting bars and winetasting locations, where liquids are more likely to be spilled, need more frequent cleaning. Mayor Pro Tempore Kuehne expressed support for the wayfinding signs,

stating he was pleased with the design and size of the signs and he hoped other agencies, such as the Building Industry Association (BIA) and Visit Lodi!, would partner with the City in this program.

In response to Council Member Nakanishi, Mr. Schwabauer clarified that the downtown business owners are in favor of having the streets cleaned and maintained, but they want the City to fund that activity.

Council Member Johnson stated that initial discussions about pressure washing sidewalks was that staff was reluctant to allow civilians to perform the task because of the potential risk of damage to the pavers. He questioned if staff revisited the idea of allowing property owners to pressure wash sidewalks and suggested the concept of businesses checking out City equipment to clean the sidewalk fronting their properties. Mr. Swimley stated there was greater concern about the pavers when the infrastructure was new because the layer of sand between the pavers could become unsteady with minimal amounts of pressure. He stated, however, that this is less of a concern now that the area has matured, adding this is a concept worth pursuing.

Mayor Pro Tempore Kuehne cautioned there are laws requiring that wastewater from pressure washers be captured so as not to run into the stormwater system and that too much pressure from washers could disturb the sand, especially on the red bricks, if not handled properly. He suggested that business owners be allowed to pressure wash the yellow sidewalk and the curbs in front of their properties, but to leave the red brick to professional pressure washers. Mr. Kuehne added that pressure washers are relatively inexpensive and would be efficient for basic maintenance in front of stores.

Mayor Chandler stated he believed the function should be centralized instead of using different pieces of equipment on a variety of surface types.

In response to Council Member Nakanishi, Mr. Schwabauer stated that, when the City pressure washed the sidewalks, the contractor hired for the task used a recycling machine to capture the wastewater. Council Member Nakanishi stated this process should be handled properly and believed all downtown parties should share the cost with the City.

Council Member Mounce spoke in support of a business improvement district, stating that a similar district has done phenomenal things in San Diego and she has visualized what Lodi's alleys can become and the types of improvements that would better the downtown area with such a district. She expressed disappointment at the opposition from downtown property owners and their belief that the City should fund everything, pointing out that the City cannot adequately fund the Police Department to ensure a crime-free downtown.

In response to Council Member Mounce, Mr. Schwabauer stated that \$80,000 of the recommended downtown projects are funded by the general fund and that other capital needs will have to be sacrificed in order to pay for them. During the next year, \$200,000 in capital projects are programmed, most of which is toward the replacement of the Hutchins Street Square roof. The rest is not currently programmed, but there are other capital needs that Council can consider, as well as emergency projects that could arise. This will ultimately be a priority decision for Council on what to fund. Council Member Mounce stated she recognizes the need for the recommended projects, but she believed the Parks, Recreation, and Cultural Services projects, which address health and safety concerns, are a higher priority. She hoped staff will conduct a Shirtsleeve Session to review Citywide projects, not solely a snapshot of the desired projects.

Council Member Johnson pointed out that the proposed improvements go toward protecting the \$19 million investment in downtown. He further questioned the recommendation to replace the lights on Elm Street as he believed they have no great affect on the ambience of downtown. Council Member Johnson suggested that the refurbishment of the Lodi Arch, which he believed to be a priority project, is an ideal project for Leadership Lodi or another organization to adopt as a community project.

Mayor Pro Tempore Kuehne agreed with Council Member Johnson that the Lodi Arch is an iconic

structure and should be funded, whether by the City or a community project. He further expressed support for the proposed projects that are not funded by the general fund, such as the bicycle racks, kiosk refurbishment, and the School Street arch lights, and stated he believed the Elm Street lights would provide a greater sense of security near the parking garage and would help to combat crime and beautify Lodi. In addition, that location was designed as a public space, and he believed the lighting may encourage more groups to utilize the area for the intended purpose.

Council Member Nakanishi expressed support for the projects that are not funded by the general fund and stated he would like the lights on Elm Street to be replaced and the Lodi Arch be refurbished if there is adequate funding. In addition, he believed the City should perform sidewalk cleaning as it is the City's obligation to ensure the wastewater is handled properly.

In response to Council Member Mounce, Mr. Swimley confirmed that an individual damaged the sink in the parking garage restroom, adding that it is difficult to prevent vandalism because the City does not have the means to post a guard in front of the washroom.

Council Member Johnson suggested the City consider a mandatory program that would require business owners to assist the City with alley lighting, which would aid in preventing vandalism, and he asked the City Attorney to review the legalities.

Mayor Pro Tempore Kuehne stated he was in favor of parking meters because it is a potential revenue stream for the City and further suggested the City consider a fee for utilizing the parking garage restroom, which would help with maintenance costs and potentially reduce vandalism.

Mr. Swimley provided a PowerPoint presentation regarding downtown special events. Specific topics of discussion included an overview, special event permit, application process, approval process, fees, and challenges/fixes.

In response to Council Member Johnson, Senior Engineering Technician Denise Wiman stated that staff recently implemented a process of requiring applicants for special events to obtain signatures of business owners within the potential street closure area with a 77 percent approval. Since that time, the responses from area businesses about street closures has improved. Ms. Wiman further stated that she encourages event planners to utilize the Elm Street area near the parking garage instead of closing streets as this space was designed for public use for events.

Council Member Mounce expressed appreciation to staff for reaching out to downtown business owners about street closures as these events can take away an entire day of sales from businesses and discourage tourists from visiting the area. Ms. Wiman stated that staff takes that into consideration and used the example of the Winegrape Commission, which requested closing downtown streets on a Friday night and Saturday, but staff responded that the long closure was too difficult on businesses and, therefore, did not approve the request for Saturday.

In response to Mayor Chandler, Mr. Schwabauer stated that the 77 percent approval figure was his attempt at reaching a supermajority number and that existing events were grandfathered in with regard to this process. He stated the perception is that a greater number of special events are occurring downtown and he wants to ensure downtown owners support an event as being beneficial to their business before allowing new events to take place. For the most part, the feedback from downtown owners about the 77 percent approval process has been positive.

In response to Council Member Nakanishi, Ms. Wiman stated that special events must include a first aid plan, explaining that certain events, such as the Street Faire, may require an on-site paramedic because of the large crowd, while other events may be asked to submit a plan for emergencies.

John Della Monica, representing the Downtown Business Alliance (DBA), submitted information to Council demonstrating the year-long discussions regarding the DBA, including its role, goals, and group structure, and the desire to form as a 501(c)6 organization. Long-term goals may

include health and employee benefits and become broader reaching than solely street closures. Mr. Della Monica hoped the concept of a property owner improvement district does not vanish and believed the circulation of information regarding the concept was lacking. The hope is to represent the tenant base of the businesses to reflect back to the ownership to encourage their participation, which would further benefit the tenants' growth by keeping them in the buildings. Mr. Della Monica agreed with earlier comments that street closures, particularly on a prime Saturday during the summer, can affect a business negatively by as much \$200,000 in revenue a day. The recent recognition of Lodi among the wine industry has had a positive affect on downtown, and Mr. Della Monica stated this winter cycle was improved over any in the last five years.

In response to Council Member Nakanishi, Mr. Della Monica stated that the DBA board members represent both business owners and tenants.

In response to Mayor Chandler, Mr. Della Monica agreed that the sidewalks fronting bars and wine tasting rooms are a greater maintenance issue and that he routinely power washes his property and portions of the properties abutting his. He does not believe the City should clean in front of properties, but the amount of foot traffic does require a greater amount of maintenance. Mr. Della Monica stated he could not speak for the DBA until it is fully organized, but he believed the group was not being established to raise capital. The proposed \$100 charge a year would serve as a community tool. He further stated that most business owners do not object to special events; rather, it is the timing of events while businesses are open instead of before or after hours of operation.

Clifford Weaver commented on an incident that occurred at the Transit Station, at which the Police Department was called several times to respond. He stated that he relies heavily on public transportation due to his disabilities and complained that riders are subjected to panhandlers at the Station who are vocal and assertive, as well as homeless individuals with dogs camping at bus stops and armed individuals on buses. Mr. Weaver stated that he recognizes the Police Department is understaffed, but he believed it is the City's responsibility is to ensure the public's safety, adding that a bicycle officer is desperately needed downtown.

Mayor Chandler responded that the City is also frustrated with the increase in homelessness and crime, adding that the Homeless Solutions Committee is trying to address the matter and the City is doing its best to hire more officers.

In response to Council Member Mounce, Mr. Schwabauer clarified that the Homeless Solutions Committee is not a Council-appointed committee, but some Council Members and staff sit on the self-created entity.

John Beckman with the BIA reiterated the BIA's previous offer to partner with the City on the wayfinding signage program and suggested he and staff meet to determine how to make it happen.

Nancy Beckman with Visit Lodi! stated that a significant investment was made toward downtown Lodi and it is important to keep up with maintenance. She believed the Lodi Arch should be refurbished now because deferring it will result in additional maintenance and that a priority is improving lighting and security in the downtown parking garage. Ms. Beckman agreed that pressure washing and street cleaning must be done and that businesses should be responsible for their store fronts, adding that a centralized solution is important. She thanked staff for figuring out a better solution for the wayfinding signage program and stated she found the signs to be attractive and eye-catching. She stated she has further recommendations on sign locations and expressed appreciation for the inclusion of cycling information as interest in this activity by residents and visitors is steadily increasing.

Myrna Wetzel cautioned that it may be illegal to charge patrons to utilize restrooms.

Mr. Schwabauer explained that the Lodi Police Department is inundated with calls on a daily basis and officers have reported a significant increase in calls, adding there are 150 more arrests

than this time last year. At the time the incident Mr. Weaver spoke about occurred, there were ten calls awaiting Police response. To further complicate the matter, the Police Officer did not witness the situation and the complainant refused to issue a citizen citation; therefore, there was little the Department could do. Contributing to the situation is the realignment legislation that released many criminals. Mr. Schwabauer suggested that citizens contact their State legislators to express their opposition to realignment and support for incarcerating those who should be.

Pat Patrick with the Lodi District Chamber of Commerce stated that, despite the majority of individuals who are technologically-advanced, many tourist communities rely heavily on wayfinding signs to welcome visitors and point them to amenities and he believed there was value to the signage. In response to Mr. Patrick, Mr. Schwabauer stated that the smaller wayfinding signs are older and have been standing for the last 15 to 20 years. Mr. Patrick stated he did not receive a survey and suggested that the question format may have contributed to business owners viewing this issue as a tax and a City responsibility. If, instead, the questions were more visionary and demonstrated improvements in downtown and an increase in property values, the turn-out may have been more positive. Mr. Patrick believed the Elm Street lights could be postponed, adding that the location was designed to be an event place, but the planning was poor because of what surrounds the area. He further stated that the lights on the Gateway Arch are unnecessary, but he was in favor of the bicycle racks and kiosks. The parking situation in the downtown areas is a challenge, and he suggested revisiting the set-up and determining a better method to address it. Mr. Patrick further expressed support for the arch rehabilitation as a community project and the 77 percent business approval of special events, adding that greater effort may be necessary with wineries to understand businesses' concerns regarding street closures.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:35 a.m.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 22, 2016**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 22, 2016, commencing at 7:00 a.m.

Present: Council Member Johnson, Council Member Nakanishi, Mayor Pro Tempore Kuehne, and Mayor Chandler

Absent: Council Member Mounce

Also Present: Deputy City Manager Ayers, City Attorney Magdich, and Deputy City Clerk Farris

B. Topic(s)

B-1 Second Quarter Fiscal Year 2015/16 Water, Wastewater, and Electric Utility Department Financial Reports (CM)

Public Works Utilities Manager Lance Roberts provided a PowerPoint presentation regarding Fiscal Year 2015/16 water and wastewater financial reports. Specific topic of discussion included Wastewater Fund cash flow summary, wastewater operating results, wastewater funds cash balances, Water Fund cash flow summary, water operating results, water funds cash balances, bad debt write off, and water/wastewater utility activities.

Council Member Johnson commented that he had heard the Van Ruiten Winery downtown tasting room, Cellar Door, was closing and inquired as to whether or not that winery had the same agreement as Michael David Winery in which the winery agreed to host a downtown tasting room as part of the wastewater agreement. City Attorney Janice Magdich stated she will research the agreement.

In response to Mayor Pro Tempore Kuehne, Deputy City Manager Jordan Ayers confirmed that wastewater revenues are exceeding expenses.

Council Member Johnson commented that citizens often raise questions about base cash, percentage of target, etc., and asked if, in the future, staff could modify the presentation to demonstrate whether "days cash" and "percentage of target" were increasing or decreasing, as it adds transparency to the process. Mr. Ayers responded that staff will provide this information in graph or bar chart form next quarter.

In response to Mayor Pro Tempore Kuehne, Mr. Ayers confirmed that the City's fiscal year ends on June 30.

In response to Council Member Johnson, Mr. Ayers responded that bad debt write off has been fluctuating a bit but not moving dramatically.

In response to Mayor Pro Tempore Kuehne, Mr. Ayers clarified that bad debt write off for both wastewater and water is 0.3 percent, which is very good.

In response to Council Member Nakanishi, Mr. Ayers stated most of the bad debt write off is for residential customers.

Mr. Roberts reported that, in the last quarter, water crews responded to 12 City leaks and fielded 12 taste and odor complaints; water quality remains good but there has been an uptick in complaints about taste and odor due to customer conservation of water and the City not flushing

lines; 756 million gallons of water were produced; wastewater crews responded to 39 blockages, 16 public and 23 private; the average daily flow of wastewater was 4.6 million gallons per day; and there were no sanitary sewer overflow incidents or discharge violations.

In response to Council Member Johnson, Mr. Roberts responded that the State may reduce regulatory constraints in the spring to allow more flushing, but it is a balancing act between water conservation and flushing the lines. Due to citizens' conservation efforts, the water is sitting in the lines longer, causing the taste and odor issues. In further response, Mr. Roberts explained that the City is not doing quarterly flushing, as was past practice; the only scheduled flushing is in relation to the water meter installation program; and this year's water meter installation project will replace more pipeline, approximately 4.6 miles, so more flushing will be done this year than last.

In response to Council Member Nakanishi, Mr. Roberts explained that it is difficult to estimate how much water is used for flushing, as it depends on water quality, and varies greatly.

Council Member Nakanishi commended the City water crew that recently repaired a leak in his neighborhood.

In response to Mayor Chandler, Mr. Roberts stated staff has researched ways to repurpose the water used for line flushing; there is new technology available that circulates and treats the water before returning it to the water system, but the technology is brand new so the regulatory requirements involved with it are unknown. Council Member Nakanishi encouraged staff to further investigate the new technology. Mr. Roberts added that staff had considered collecting the flushed water in a water truck for transportation to local parks for irrigation use, but this had not proven to be financially feasible.

Interim Public Works Director Charlie Swimley stated that if a flurry of complaints are received in a particular area, then staff will flush those lines.

Council Member Nakanishi stated staff should investigate using a water truck to haul the water to local parks for irrigation use.

Electric Utility Director Elizabeth Kirkley provided a PowerPoint presentation regarding the Electric Utility (EU) Fiscal Year 2015/16 Quarterly Update. Specific topics of discussion included Electric Utility Fund cash flow summary, Reserve Policy, electric utility funds cash balances, power sales, Energy Cost Adjustment, revenue, Electric Utility Fund operating results, power supply costs, bad debt write off, load coverage, electric utility activities, and Certificate of Excellence in Reliability.

Council Member Johnson questioned when the Capital Reserve/largest contingency number was last reviewed. Ms. Kirkley responded bids are currently being reviewed for the new transformer, and when staff returns to Council with the final selection, it will also provide a recommendation on the reserve/contingency, but she did not think it will increase.

In response to Mayor Pro Tempore Kuehne, Ms. Kirkley explained that, while the Northern California Power Agency (NCPA) operating reserve is nearly twice the target amount, the City receives interest on that money; Mr. Ayers, who is on the NCPA investment committee, tracks NCPA investment policies and returns; and there is a settlement at the end of the budget year. Mr. Ayers further explained that NCPA charges fluctuate and the true-up settlement comes at the end of the budget year.

In response to Mayor Chandler, Mr. Ayers explained that NCPA charges members based on budget projections, but at the end of the year, when actual costs are known, there is a settlement, which may be positive or negative; last year the City received approximately \$600,000, but other years money was owed. Mr. Ayers further explained that he checks NCPA's investment returns and decides if the City needs to adjust the amount in the reserve.

In response to Council Member Nakanishi, Mr. Ayers confirmed that NCPA is receiving a higher rate on investments.

In response to Mayor Pro Tempore Kuehne, Mr. Ayers explained that NCPA requires the City to post a security deposit based on the volume of power and gas being purchased, and the number fluctuates.

Ms. Kirkley reported there are currently nine vacancies in Electric Utility.

Mayor Pro Tempore Kuehne inquired as to the number of trouble calls, and Ms. Kirkley stated she would provide that information.

In response to Council Member Nakanishi, Ms. Kirkley stated that copper wire theft has not been a problem recently; the more significant issue has been sabotage of street lights to darken areas.

Mayor Pro Tempore Kuehne questioned the number of incidents of electricity theft, and Ms. Kirkley stated she would provide that information.

Mayor Pro Tempore Kuehne questioned how entire streets could be missing lighting. Mr. Swimley stated some areas, such as Cabrillo Circle and Peach Street, were annexed in without street lights and the residents did not want them added. Ms. Kirkley further stated that staff is working with Neighborhood Services Manager Joseph Wood to determine if residents want street lights added now.

Mayor Pro Tempore Kuehne questioned whether the old street lights provided better coverage than the new light-emitting diode (LED) lights. Mayor Chandler commented he felt it was a matter of opinion. Ms. Kirkley stated the new LED lights provide better illumination for the streets, while the old high-pressure sodium amber-colored street lights dispersed a wider pattern but did not provide as much illumination on the streets; some citizens are unhappy because the new lights do not illuminate private property, but that is not the purpose of street lights.

In response to Mayor Pro Tempore Kuehne, Ms. Kirkley stated she would provide information on the life-span and operation cost of the new lights.

Council Member Nakanishi noted the lighting on his property is better since installation of the new lights. Ms. Kirkley responded there are different patterns and applications for different types of situations.

Council Member Johnson inquired where the 14,000 feet of underground cable was installed and as to the resolution of the situation in the Lakeshore Drive and Timberlake Circle area in south Lodi, where the underground cable was found to be shorting out. Ms. Kirkley responded she will provide that information.

Ms. Kirkley commented that the decorative post tops will be installed by EU staff, which will take longer but cost much less; a pilot project will be starting soon, as there are two different types of decorative street lights; and staff will be setting up a test area and providing information so the public will have the opportunity to provide feedback.

Council Member Nakanishi commented that the public often perceives EU as raising electric rates to generate revenue to run the City and questioned what guidelines are in place for setting rates. Ms. Kirkley explained public utilities are not allowed to make a profit and the most recent rate increase, which was more than a year ago, was to fund capital maintenance of \$20 million to maintain reliability.

Mr. Ayers congratulated the Electric Utility Department on receiving the Certificate of Excellence in Reliability from the American Public Power Association and noted that the Average Service Availability Index of 99.9946 attained by the City equated to just 30 seconds of electrical outage per customer per year.

Council Member Johnson noted that Public Works and Electric Utility began to give quarterly reports to provide Council with more details on the management of those utilities, but the problem

which brought about the increased reporting seems to be resolved; he questioned whether there is still a need for quarterly reports or whether semi-annual reports would be adequate. Mayor Chandler questioned if the quarterly reporting was an undue burden to staff. Mr. Ayers responded that quarterly reporting is written into the City ordinance and regulatory agencies look favorably on quarterly reporting as well. Council Member Nakanishi stated that, at a time when citizens want to have an oversight committee formed, he believed the quarterly reporting should continue. Mayor Chandler expressed his agreement.

Mike Lusk stated he prefers to pay his utility bill with his credit card, but on the last billing cycle, that option was not included on the bill; in order to utilize his credit card, he was required to go to the Finance Department in person. He questioned why notice was not given as to the discontinuance of the credit card option. He further noted there was no line in the Finance Department and questioned whether this is now the norm. Mr. Ayers responded that he will check on the credit card payment issue and that the lines in the Finance Division fluctuate widely. In response to Mayor Chandler, Mr. Ayers confirmed that changes have been made to the staffing configuration to help with the lines, and that this is the first he has heard of an issue with credit card payments.

Mr. Lusk inquired as to when the sewer base rate changes, to which Mr. Ayers responded that upcoming wastewater rates are based on water usage for December 2015, January 2016, and February 2016, and they will take effect on July 1, 2016; he further responded that water rates change each January 1, refuse rates change each April 1, and sewer rates change each July 1.

In response to Mr. Lusk, Mr. Ayers stated the Police Department is scheduled for 71 sworn officers; the department is down five or six officers, but some candidates are presently going through the background process; and the Fire Department is fully staffed, including the three candidates currently enrolled in the Fire academy.

Alex Aliferas reported the U.S. Post Office has suspended mail delivery to residents in his neighborhood due to dogs running loose in the area, and a homeless person is living in the alley near 505 East Locust, between Cherokee Lane and Garfield Street, leaving trash and debris. City Attorney Magdich responded she would report both problems to the Watch Commander at the Police Department.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:56 a.m.

ATTEST:

Pamela M. Farris  
Deputy City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 29, 2016**

The March 29, 2016, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 29, 2016**

A. Call to Order / Roll Call

The Special City Council meeting of March 29, 2016, was called to order by Mayor Chandler at 7:00 a.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Kuehne, and Mayor Chandler

Absent: None

Also Present: City Manager Schwabauer, Deputy City Attorney Fukasawa, and City Clerk Ferraiolo

NOTE: City Attorney Magdich participated via teleconference.

B. Announcement of Closed Session

B-1 Threatened Litigation: Government Code §54956.9(b). Potential Suit by City of Lodi Against San Joaquin County (Real Parties in Interest, North San Joaquin Water Conservation District (NSJWCD) and East Bay Municipal Utility District) Regarding Mitigated Negative Declaration for Demonstration Recharge Extraction and Aquifer Management (DREAM) Project and NSJWCD South System Improvements (CA)

C. Adjourn to Closed Session

At 7:00 a.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 7:43 a.m.

D. Return to Open Session / Disclosure of Action

At 7:46 a.m., Mayor Chandler reconvened the City Council meeting, and City Attorney Magdich disclosed the following action.

Item B-1 was discussion only with no reportable action taken.

E. Regular Calendar

E-1 Authorize City Manager to Draft and Execute Comment Letter in Response to Mitigated Negative Declaration for Demonstration Recharge Extraction and Aquifer Management (DREAM) Project and North San Joaquin Water Conservation District South System Improvements Prepared by San Joaquin County Department of Public Works (CA)

City Manager Schwabauer provided a presentation regarding the Mitigated Negative Declaration for the Demonstration Recharge Extraction and Aquifer Management Project and North San Joaquin Water Conservation District South System Improvements. Specific topics of discussion included staff's request to prepare and send a comment letter in response to the Mitigated Negative Declaration and staff's belief that the document does not adequately address the potential environmental impacts from the project, as well as an undisclosed larger project that would divert groundwater.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to authorize the City Manager to draft and execute a comment letter in response to Mitigated Negative Declaration for Demonstration Recharge Extraction and Aquifer Management (DREAM) Project

and North San Joaquin Water Conservation District South System Improvements prepared by San Joaquin County Department of Public Works.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Kuehne, and Mayor Chandler

Noes: None

Absent: None

F. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:47 a.m.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Approve Plans and Specifications and Authorize Advertisement for Bids for Kofu Park ADA Improvements

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Interim Public Works Director

**RECOMMENDED ACTION:** Approve plans and specifications and authorize advertisement for bids for Kofu Park ADA Improvements.

**BACKGROUND INFORMATION:** Kofu Park is located on 1145 South Ham Lane. The park facility consists of a baseball field, skate park, tennis courts, and a concession building which also includes a public multipurpose room and restrooms (Exhibit A). The existing concrete ramps and sidewalk leading to the concession building are currently not ADA-compliant.

This project consists of removing and replacing the non ADA-compliant ramps and sidewalk, installing one ADA-compliant parking stall with appropriate signage, and striping, and other incidental and related work, all as shown on the plans and specifications for the above project.

The improvements for Kofu Park are part of the City-wide ADA Transition Plan (February 2011). The improvements will improve ADA access to the park facilities.

The plans and specifications are on file in the Public Works Department. The planned bid opening date is May 4, 2016. The project estimate is \$70,000.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** This project is funded by Community Development Block Grant (CDBG).

---

Charles E. Swimley, Jr.  
Interim Public Works Director

Prepared by Dorothy Kam, Assistant Traffic Engineer  
CES/DK/tdb  
Attachment

cc: Interim City Engineer/Deputy Public Works Director  
Neighborhood Services Manager/LodiGRIP Program Manager

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



# Kofu Park ADA Improvements Location Map





TM

# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Plans and Specifications and Authorize Advertisement for Bids for Alley Improvement Project - Phase 5

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Interim Public Works Director

**RECOMMENDED ACTION:** Approve plans and specifications and authorize advertisement for bids for Alley Improvement Project – Phase 5.

**BACKGROUND INFORMATION:** This City has reconstructed various alleys over the past six years. The projects have typically included between one and two alleys per year, depending on funding levels. Specific projects are selected based on a citywide alley condition assessment list and are rated based on the pavement condition and drainage problems. Alley projects located in future phases of the water meter program are either improved concurrently with the specific water meter phase or are deferred until after it is completed, to prevent new alley improvements from being disturbed.

The alley selected for Phase 5 is located east of School Street, from De Force Avenue to Daisy Avenue, as shown on Exhibit A. The project includes approximately 7,700 square feet of full pavement removal and replacement, 700 square feet of new alley approach concrete, 265 feet of storm drain extension, and other incidental and related work.

The plans and specifications are on file in the Public Works Department. The planned bid opening date is April 27, 2016. The project estimate is \$125,000.

**FISCAL IMPACT:** The project will reduce maintenance costs in the reconstructed alleys.

**FUNDING AVAILABLE:** The City will be using Community Development Block Grant (CDBG) funds. Specific account information will be identified at project award.

\_\_\_\_\_  
Charles E. Swimley, Jr  
Interim Public Works Director

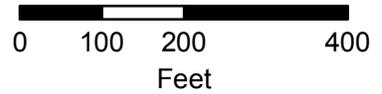
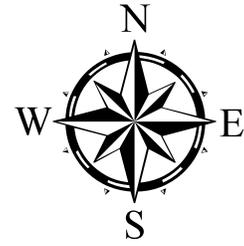
Prepared by Sean Nathan, Associate Civil Engineer  
CES/SN/jr  
Attachment  
cc: Neighborhood Services Manager

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

# Alley Improvement Project - Phase 5 Exhibit A

## Legend

 Project Location





**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Approve Specifications and Authorize Advertisement for Bids to Procure One Oil Handling Trailer

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Approve specifications and authorize advertisement for bids to procure one oil handling trailer.

**BACKGROUND INFORMATION:** The Electric Utility (EU) currently uses eight power transformers and associated load-tap changers (LTC) to power and regulate the voltage of the distribution system that provides reliable electricity for nearly 26,000 customers within the City.

Transformers and LTC's utilize oil as an insulating medium, which becomes contaminated with dissolved gases and water as a result of normal operation. Therefore, the oil must be filtered and dehydrated periodically to extend the operational life of the transformer and LTC. The oil handling trailer is a mounted oil filtering piece of equipment that will enable staff to filter power transformer and LTC oil in accordance with industry standard practices.

Power transformers are a significant investment and represent the single largest component of the electric distribution system. Regimented maintenance practices can prevent premature failure or a catastrophic system event and are a part of industry recognized best practices. In addition, regular maintenance provides targeted data for predictive analysis of the overall health of the transformer and LTC.

EU staff does not currently have the equipment needed to properly maintain transformers and LTC's. Therefore, the addition of one oil handling trailer will increase EU's fleet. This piece of equipment is included in the FY2015/16 EU budget.

The specifications are on file at the Electric Utility, 1331 South Ham Lane. The planned bid opening date is April 28, 2016.

**FISCAL IMPACT:** The total cost of one oil handling trailer is not expected to exceed \$81,000.

**FUNDING AVAILABLE:** Included in FY2015/16 Account No. 50199000.77040.

\_\_\_\_\_  
Elizabeth A. Kirkley  
Electric Utility Director

**PREPARED BY:** Charles J. Berry, Electric Utility Superintendent  
EAK/CJB/1st

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



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Specifications and Authorize Advertisement for Bids to Procure Distribution Transformers and Conductors for the Time Period April 6, 2016 through June 30, 2017

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Approve specifications and authorize advertisement for bids to procure distribution transformers and conductors for the time period April 6, 2016 through June 30, 2017.

**BACKGROUND INFORMATION:** On November 19, 1997 and again on May 19, 1999, the City Council approved specifications for pole-mount and pad-mount distribution transformers and authorized staff to advertise for and receive bids as needed for a finite period of time.

This action allowed staff to advertise for bids as requirements became known, and to receive and evaluate bids without having to seek Council approval for the specifications during this time period. Staff then brought to the Council recommendations to award based on evaluated life-cycle costs as determined from each bid received.

It has been some years since this practice was followed and in recent history it has taken two Council actions to routinely procure distribution transformers and conductors that are part of the Electric Utility's inventory. One action is to approve specs and go out to bid and the second Council action is to award the bid based on lowest cost.

Staff is recommending resuming the practice of gaining approval of the specifications and going out to bid as necessary for a finite period of time. The Council approval to award bids based on lowest cost will continue to occur for each procurement cycle. This will effectively reduce the overall lead time to procure transformers and conductors by several weeks.

Distribution transformer and conductor specifications are on file at the Electric Utility, 1331 South Ham Lane.

**FISCAL IMPACT:** None at this time.

**FUNDING AVAILABLE:** Not applicable.

\_\_\_\_\_  
Elizabeth A. Kirkley  
Electric Utility Director

**PREPARED BY:** Jules Marchesseault, Engineering and Operations Manager

EAK/JM/lst

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



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Awarding Bid for the Purchase of One 60/12kV Power Transformer from Virginia Transformer Corporation of Roanoke, Virginia (\$476,814)

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Adopt resolution awarding bid for the purchase of one 60/12kV power transformer from Virginia Transformer Corporation, of Roanoke, Virginia, in an amount not to exceed \$476,814.

**BACKGROUND INFORMATION:** On October 21, 2015, the City Council approved specifications and authorized advertisement for bids to procure a power transformer with load tap changer to replace an aging unit at Killelea Substation.

The Electric Utility advertised bids on October 24 and 28, November 4 and 7, and December 2 and 5, 2015. On January 7, 2016, bids were opened with eight suppliers submitting proposals. Life-cycle costs (total purchase price plus cost of operation based on estimated power loss during the projected life of the transformer) were evaluated as shown on Exhibit A, attached. A summary of the bid results are provided below.

Manufacturer	Location	Purchase Cost and Delivery	LifeCycle Cost	Total Cost
WEG Electric Corp.	Duluth, GA	\$ 511,812	\$144,229	\$656,041
ABB Power	South Boston, VA	\$762,134	\$150,775	\$912,909
Virginia Transformer Corp.	Roanoke, VA	\$476,814	\$150,269	\$627,083
SPX Transformer Solutions	Waukesha, WI	\$868,281	\$169,747	\$1,038,028
Howard Industries	Laurel, MS	\$943,546	\$139,360	\$1,082,906
Niagra Transformer Corp.	Buffalo, NY	\$930,617	\$167,503	\$1,098,120
Delta Star Inc.	Lynchburg, VA	\$706,763	\$165,432	\$872,195
PanAmerica Supply Inc.	Katy, TX	\$581,240	\$156,556	\$737,796

**FISCAL IMPACT:** Procurement cost is \$476,814.

**FUNDING AVAILABLE:** Included in FY2015/16 Budget Account No. 50199000.77020

\_\_\_\_\_  
Jordan Ayers  
Deputy City Manager/Internal Services Director

\_\_\_\_\_  
Elizabeth A. Kirkley  
Electric Utility Director

**PREPARED BY:** Jules Marchesseault, Engineering and Operations Manager  
Attachment  
EAK/JLM/lst

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

# Exhibit A

## City of Lodi

### Killelea 60/12kV Substation Transformer Life-Cycle Cost Evaluation

Bidder	WEG Electric	ABB	Virginia	SPX	Howard	Niagara	Delta Star	PanAmerica
<i>Loss data</i>								
No-Load Loss kW (@100%V)	16	14.14	13.8	13.1	15.1	11.9	17.1	16
Load Loss kW (N position)	48.5	60.15	57.5	64.9	48.65	83	61.8	47
Aux. Loss kW (OA/FA)	1.125	1.4	2.3	5.1	1	1.32	1	4
No-Load Loss Penalty	\$78,895	\$69,723	\$68,047	\$64,595	\$74,457	\$58,678	\$84,319	\$78,895
Load Loss Penalty	\$59,787	\$74,149	\$70,882	\$80,004	\$59,972	\$102,316	\$76,183	\$57,938
Aux. Loss Penalty	\$5,547	\$6,903	\$11,341	\$25,148	\$4,931	\$6,509	\$4,931	\$19,724
Total Penalty Adder	\$144,229	\$150,775	\$150,269	\$169,747	\$139,360	\$167,503	\$165,432	\$156,556
Bid Amount	\$511,812	\$762,134	\$476,814	\$868,281	\$943,546	\$930,617	\$706,763	\$581,240
<b>Total Life-cycle cost</b>	<b>\$656,041</b>	<b>\$912,909</b>	<b>\$627,083</b>	<b>\$1,038,028</b>	<b>\$1,082,906</b>	<b>\$1,098,120</b>	<b>\$872,195</b>	<b>\$737,796</b>

No Load Loss Penalty =  $NLL \times E \times H \times PW$   
 Load Loss Penalty =  $LL \times E \times H \times PW \times Y^2$   
 Aux. Loss Penalty =  $AL \times E \times H \times PW$

**NLL** = No-Load Loss given in kW  
**LL** = Load Loss given in kW  
**AL** = Aux. Loss given in kW  
 \$0.05     **E** is the energy cost of the utility in \$/kWh  
 8,760     **H** is the annual hours of service  
 11.26     **PW** is the present worth factor  $(1-1/(1+T)^N)/T$   
 0.08     Bond or loan interest rate (T)  
 30     Number of years of expected service (N)  
 0.5     **Y** is the average expected transformer loading

RESOLUTION NO. 2016-

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
THE PURCHASE OF ONE 60/12kV POWER TRANSFORMER  
FROM VIRGINIA TRANSFORMER CORPORATION, OF  
ROANOKE, VIRGINIA

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on January 7, 2016, at 11:00 a.m., for the purchase of one 60/12kV power transformer with load tap changer for Lodi Electric Utility, described in the specifications therefore approved by the City Council on October 21, 2015; and

WHEREAS, said bids have been compared as to life-cycle costs, checked, and tabulated and a report thereof filed with the City Manager; and

WHEREAS, the bids meeting the City's specification with the lowest estimated life-cycle costs are shown below:

<b>Manufacturer</b>	<b>Location</b>	<b>Purchase Cost and Delivery</b>	<b>LifeCycle Cost</b>	<b>Total Cost</b>
WEG Electric Corp.	Duluth, GA	\$511,812	\$144,229	\$656,041
ABB Power	South Boston, VA	\$762,134	\$150,775	\$912,909
Virginia Transformer Corp.	Roanoke, VA	\$476,814	\$150,269	\$627,083
SPX Transformer Solutions	Waukesha, WI	\$868,281	\$169,747	\$1,038,028
Howard Industries	Laurel, MS	\$943,546	\$139,360	\$1,082,906
Niagra Transformer Corp.	Buffalo, NY	\$930,617	\$167,503	\$1,098,120
Delta Star Inc.	Lynchburg, VA	\$706,763	\$165,432	\$872,195
PanAmerica Supply Inc.	Katy, TX	\$581,240	\$156,556	\$737,796

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the purchase of one 60/12kV power transformer with load tap changer, as shown above, from Virginia Transformer Corporation, of Roanoke, Virginia, in an amount not to exceed \$476,814.

Dated: April 6, 2016

I hereby certify that Resolution No. 2016-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 6, 2016, by the following vote:

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

JENNIFER M. FERRAILO  
City Clerk



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Awarding Contract for Lodi Electric Utility Storage Yard Block Wall, to Diede Construction, Inc., of Woodbridge (\$163,253)

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Interim Public Works Director

**RECOMMENDED ACTION:** Adopt resolution awarding contract for Lodi Electric Utility Storage Yard Block Wall, to Diede Construction Inc., of Woodbridge, in the amount of \$163,253.

**BACKGROUND INFORMATION:** This project consists of removing approximately 482 lineal feet of chain link fence (with barbed wire) at the Lodi Electric Utility storage yard and constructing a 10-foot high block wall. The existing chain link fence is located along the Woodbridge Irrigation District canal. This section of fence is the last remaining portion of chain link along the westerly property line and has been an ongoing maintenance issue and security concern. The new block wall will match the existing block wall recently installed along the northerly border of the storage yard.

The engineer's estimate was based on the Municipal Utility Services Transit Vehicle Maintenance Facility Security Wall and Solar Power Phase 2 project, which was competitively bid three years ago, with an inflation factor added. The difference between the engineer's estimate and the lowest bid indicates high demand for masonry work.

Specifications for this project were approved on February 3, 2016. The City received the following three bids for this project on February 25, 2016.

Bidder	Location	Bid
Engineer's Estimate		\$133,000.00
Diede Construction, Inc.	Woodbridge	\$163,253.38
Mark Wallace Masonry	Auburn	\$192,987.00
Garrett Thompson	Modesto	\$213,930.00

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

**FISCAL IMPACT:** This project will reduce vandalism and theft in the storage yard and will minimize the maintenance costs to the existing chain link fence.

**FUNDING AVAILABLE:** Budgeted Fiscal Year 2015/16 Capital Account (50199000), EUCP-15007.ExtLabor

---

Jordan Ayers  
Deputy City Manager/Internal Services Director

---

Charles E. Swimley, Jr.  
Interim Public Works Director

Prepared by Sean Nathan, Associate Civil Engineer  
CES/SN/tdb  
Attachment  
cc: Electric Utility Superintendent

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and DIEDE CONSTRUCTION, INC., herein referred to as the "Contractor."

**WITNESSETH:**

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The July 1992 Edition,
Information to Bidders	Standard Specifications,
General Provisions	State of California,
Special Provisions	Business and Transportation Agency,
Bid Proposal	Department of Transportation
Contract	
Contract Bonds	
Plans	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing

wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

**ARTICLE IV** - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

Perform the work necessary to remove approximately 482 lineal feet of chain link fence (with barbed wire) and construct a 10-foot high concrete masonry unit (CMU) wall, including other incidental and related work as described in the specifications.

See Section 6-07 "Description of Bid Items" and Exhibits A, B and C for additional information.

**CONTRACT ITEMS**

Item	Description	Qty	Unit	Unit Price	Total
1	Wall Design and Permitting	1	LS	\$ 5,087	\$ 5,087
2	Mobilization, Demolition, and Temp. Facilities	1	LS	\$ 19,548	\$ 19,548
3	Construct 10-Foot High Block Wall	482	LF	\$ 287.59	\$ 138,620

**TOTAL : \$ 163,255**

**ARTICLE V** - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

**ARTICLE VI** - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

**ARTICLE VII** - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

**ARTICLE VIII** - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within **60 CALENDAR DAYS**.

ARTICLE IX - State of California Senate Bill 854 requires the following:

- No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI, a municipal corporation

\_\_\_\_\_

By: \_\_\_\_\_  
STEPHEN SCHWABAUER  
City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Title

Attest:

\_\_\_\_\_  
JENNIFER M. FERRAILOLO  
City Clerk

(CORPORATE SEAL)

Approved As To Form:

\_\_\_\_\_  
JANICE D. MAGDICH  
City Attorney

RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE CONTRACT FOR THE LODI ELECTRIC UTILITY STORAGE YARD BLOCK WALL PROJECT TO DIEDE CONSTRUCTION, INC., OF WOODBRIDGE

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on February 25, 2016, at 11:00 a.m., for the Lodi Electric Utility Storage Yard Block Wall Project described in the plans and specifications therefore approved by the City Council on February 3, 2016; and

WHEREAS, said bid has been checked and tabulated and a report thereof filed with the City Manager as follows:

<b>Bidder</b>	<b>Bid</b>
Diede Construction, Inc.	\$ 163,253.38
Mark Wallace Masonry	\$ 192,987.00
Garrett Thompson	\$ 213,930.00

WHEREAS, staff recommends that the City Council award the contract for the Lodi Electric Utility Storage Yard Block Wall Project to Diede Construction, Inc., of Woodbridge, in the amount of \$163,253.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the Lodi Electric Utility Storage Yard Block Wall Project to Diede Construction, Inc., of Woodbridge, California, in the amount of \$163,253.

Dated: April 6, 2016

I hereby certify that Resolution No. 2016-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 6, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO  
City Clerk



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Accept Improvements Under Contract for Ham Lane Signal Modification Improvements 2015 - Vine, Tokay, and Lockeford Streets

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Interim Public Works Director

**RECOMMENDED ACTION:** Accept improvements under contract for Ham Lane Signal Modification Improvements 2015 - Vine, Tokay, and Lockeford Streets.

**BACKGROUND INFORMATION:** The contract was awarded to Tim Paxin's Pacific Excavation, Inc., of Elk Grove, in the amount of \$331,934, on September 2, 2015. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

This project consisted of modifying existing traffic signals to accommodate protected left turn movements on Ham Lane at Vine, Tokay, and Lockeford streets, as shown on Exhibit A. The work includes four new signal poles (two each at Vine and Tokay streets), new service pedestals, cabinet controller equipment, LED countdown pedestrian signals, and pedestrian push buttons at each of the three locations, as shown in Exhibit B.

The contract completion date was February 12, 2016. The final contract price was \$365,365.48. The difference between the contract amount and the final contract price is due to three change orders. Change Order No. 1 (\$22,085) included the replacement of malfunctioning traffic detection loops at Cherokee Lane and Lockeford Street, Cherokee Lane and Victor Road, Lodi Avenue and Sacramento Street, and Century Boulevard and Hutchins Street intersections. Change Order No. 2 (\$7,620.48) included rerouting the streetlight conduits due to a conflict with the new traffic signal pole foundation at Ham and Tokay streets. Change Order No. 3 (\$3,726) included the costs associated with staff requesting an alternative LED pedestrian countdown signal manufacturer.

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:** There will be a slight increase in the long term maintenance costs associated with these improvements.

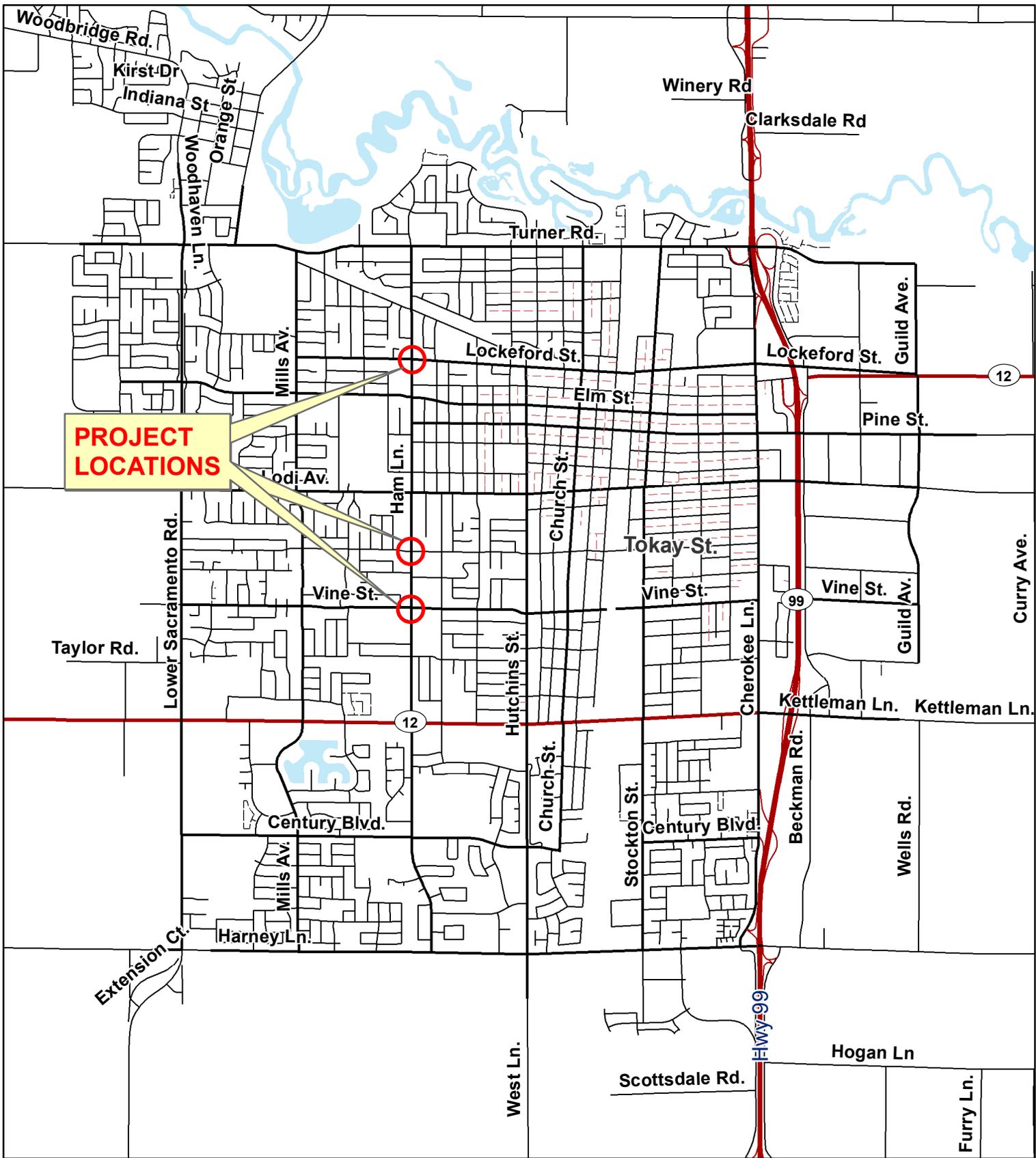
**FUNDING AVAILABLE:** This project was funded by Gas Tax (30299000.77020).

---

Charles E. Swimley, Jr.  
Interim Public Works Director

Prepared Dorothy Kam, Assistant Traffic Engineer  
CES/DK/tdb  
Attachments  
cc: Interim City Engineer/Deputy Public Works Director

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



**Ham Lane Signal Modification Improvements 2015  
Location Map**



### Ham Lane Signal Modification Improvements Project Acceptance Pictures



Service Pedestal and Cabinet Controller Equipment



LED Pedestrian Signal and Pedestrian Push Button



Signal Mast Arm and Left Turn Signals



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Adopt Resolution Supporting the Northern San Joaquin Power Connect to Ensure Future Electric Reliability for the City of Lodi and Northern San Joaquin County

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Adopt a resolution supporting the Northern San Joaquin Power Connect to ensure future electric reliability for the City of Lodi and Northern San Joaquin County.

**BACKGROUND INFORMATION:** The Northern San Joaquin Power Connect (NSJPC) is being proposed to serve the City of Lodi and northern San Joaquin County's growing population and ensure future electric reliability for homes, farms and businesses in the region. In addition, the NSJPC will provide much needed economic benefits from construction and tax revenues for local governments.

The proposed new 230 kV high capacity transmission lines will connect PG&E's existing Lockeford and Eight Mile substations with Lodi Electric Utility's existing Fred M. Reid Industrial Substation to provide superior reliability and efficiency over the current system.

The City of Lodi and Lodi Electric Utility have a longstanding reputation for providing safe, cost effective and reliable energy to our customers, which greatly enhances the City of Lodi. The Lodi Electric Utility has desired for many years a more reliable, redundant, efficient and cost effective transmission line to better serve customers in the City of Lodi. The California Independent System Operator, a nonprofit public benefit corporation, agrees that the Northern San Joaquin Power Connect is a needed project with tremendous benefits.

Therefore, staff recommends that the Lodi City Council supports the need for the Northern San Joaquin Power Connect to ensure reliable and efficient energy for our future, without supporting any specific route for the transmission lines.

**FISCAL IMPACT:** Reduced transmission expenses after the completion of this project will pay for the debt service necessary for the expansion of the Fred M. Reid Industrial Substation.

**FUNDING AVAILABLE:** Not applicable at this time.

---

Elizabeth A. Kirkley  
Electric Utility Director

---

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

RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL SUPPORTING THE  
NORTHERN SAN JOAQUIN POWER CONNECT TO ENSURE FUTURE  
ELECTRIC RELIABILITY FOR THE CITY OF LODI AND  
NORTHERN SAN JOAQUIN COUNTY

=====

WHEREAS, the Northern San Joaquin Power Connect is being proposed to serve the City of Lodi and northern San Joaquin County's growing population and ensure future electric reliability for homes, farms, and businesses in the region; and

WHEREAS, the Northern San Joaquin Power Connect will provide much-needed economic benefits from construction and tax revenues for local governments; and

WHEREAS, the proposed new 230 kV high capacity transmission lines will connect PG&E's existing Lockeford and Eight Mile substations with Lodi Electric Utility's existing Fred M. Reid Industrial Substation to provide superior reliability and efficiency over the current system; and

WHEREAS, the City of Lodi and Lodi Electric Utility have a longstanding reputation for providing safe, cost-effective, and reliable energy to our customers, which greatly enhances the City of Lodi; and

WHEREAS, Lodi Electric Utility has desired for many years a more reliable, redundant, efficient, and cost-effective transmission line to better serve customers in the City of Lodi; and

WHEREAS, the California Independent System Operator, a nonprofit public benefit corporation, agrees that the Northern San Joaquin Power Connect is a needed project with tremendous benefits.

NOW, THEREFORE BE IT RESOLVED that the Lodi City Council hereby supports the need for the Northern San Joaquin Power Connect to ensure reliable and efficient energy for our future, without supporting any specific route for the transmission lines.

Dated: April 6, 2016

=====

I hereby certify that Resolution No. 2016-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 6, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO  
City Clerk



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Receive Report Regarding Communication Pertaining to Assembly Bill 2614 (Bonta) – Medical Cannabis: Out-of-State Convictions

**MEETING DATE:** April 6, 2016

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Receive report regarding communication pertaining to Assembly Bill 2614 (Bonta) – Medical Cannabis: Out-of-State Convictions.

**BACKGROUND INFORMATION:** The City received a request for communication from the League of California Cities regarding AB 2614 (Bonta). There was a need to send a letter of opposition immediately in light of a pending hearing.

AB 2614 would prohibit the denial of a state license for commercial cannabis activity if the denial is based solely on an out-of-state felony conviction that did not include a period of incarceration, so long as a local jurisdiction is aware of the conviction and is nonetheless willing to issue a local permit or other authorization. Any change to the existing statutory licensing provisions that would restrict the discretion of the relevant state agency in granting a license – particularly in regard to evaluating an applicant’s criminal history – represents a dangerous, negative precedent in the form of a legislative attempt to encroach upon and micromanage what has until now been a purely executive function.

The attached letter, signed by the Mayor, was sent out on March 17, 2016. A copy of the initial request, along with the text of the bill, is also attached. This report is provided for informational purposes only, pursuant to policy.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Jennifer M. Ferraiolo  
City Clerk

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

CITY COUNCIL  
MARK CHANDLER, Mayor  
DOUG KUEHNE,  
Mayor Pro Tempore  
BOB JOHNSON  
JOANNE MOUNCE  
ALAN NAKANISHI

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov)    [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

STEPHEN SCHWABAUER  
City Manager  
JENNIFER M. FERRAILO  
City Clerk  
JANICE D. MAGDICH  
City Attorney

March 17, 2016

The Honorable Rob Bonta  
California State Assembly  
State Capitol – Room 6005  
Sacramento, CA 95814  
FAX: (916) 319-2118

**RE: AB 2614 (Bonta) Medical Cannabis: Out-of-State Convictions**  
**Notice of OPPOSITION**

Dear Assembly Member Bonta:

The City of Lodi regrets to inform you of its strong opposition to AB 2614. AB 2614 would prohibit the denial of a state license for commercial cannabis activity if the denial is based solely on an out-of-state felony conviction that did not include a period of incarceration, so long as a local jurisdiction is aware of the conviction and is nonetheless willing to issue a local permit or other authorization.

The suitability provisions for state licensure included in the Medical Marijuana Regulation and Safety Act (MMRSA) ensure that individuals seeking a state license for commercial cannabis activity represent law-abiding citizens whom our communities can trust to operate compliant medical cannabis business operations. The provisions were negotiated in good faith among a number of stakeholders over the course of 2015, culminating in language that protects public safety while acknowledging the legal challenges that cannabis industry operators have faced in the past. In addition to providing a means for an individual with a felony conviction to obtain a license, the language also provides complete discretion to the licensing authority by stating that the licensing authority “**may** deny the application for licensure” if the applicant has been convicted of a substantially related offense.

Any change to the existing statutory licensing provisions that would restrict the discretion of the relevant state agency in granting a license – particularly in regard to evaluating an applicant’s criminal history – represents a dangerous, negative precedent in the form of a legislative attempt to encroach upon and micromanage what has until now been a purely executive function.

There is no pressing need to change existing law in this area by crafting a weaker standard for state licensing for medical marijuana businesses than is applied to any other applicant for any other category of state licensure. This approach calls the legitimacy of the entire regulatory structure for medical marijuana into question, because it invites unnecessary and entirely avoidable hazards to public safety. Should AB 2614 become law, it is within the realm of plausibility that drug traffickers of far more dangerous controlled substances – who happen to have been convicted only once – could become licensed by the State of California.

This measure discards the fragile consensus on the issue of disqualifying felonies for state licensure that was achieved only after several weeks of bitter and contentious stakeholder meetings last year. At a minimum, it will damage the credibility of the entire regulatory structure from the viewpoint of cities and law enforcement groups who played a critical role in achieving last year's consensus. To re-open this issue now invites a resumption of last year's conflict, as it may well result in calls for even stricter criteria for licensing than that which exists in the MMRSA today.

Finally, this bill runs the very substantial risk of provoking a negative reaction from federal law enforcement authorities, by weakening the criteria for state licensure in a way that makes it more difficult to ferret out potential bad actors. It invites more intense federal scrutiny, and may well pave the way to future federal enforcement efforts, which no one wants.

For these reasons the City of Lodi must respectfully, but firmly, oppose AB 2614.

Sincerely,



Mark Chandler  
Mayor, City of Lodi

MC/jmf

cc: Senator Cathleen Galgiani, Fax: (916) 651-4905  
Assemblymember Jim Cooper, Fax: (916) 319-2109  
Le Ondra Clark Harvey, Chief Consultant, Assembly Business and Professions Committee,  
Fax: (916) 319-3306  
Stephen Qualls, Regional Public Affairs Manager, [squalls@cacities.org](mailto:squalls@cacities.org)  
Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)

## Jennifer Ferraiolo

---

**From:** Stephen R. Qualls <squalls@cacities.org>  
**Sent:** Tuesday, March 15, 2016 6:43 PM  
**Subject:** URGENT: LETTERS NEEDED  
**Attachments:** AB 2614\_Talking Points.pdf; Sample Oppose Letter.docx; Action Alert.docx

After months of negotiations last year, the League and the California Police Chiefs Association were able to reach an agreement that prohibited those with prior drug related convictions from obtaining licenses from the Department of Consumers Affairs to sell Medical Marijuana. Even if those convictions were from outside the state and no time was served.

AB 2614 would set a precedent by allowing such people to obtain a license by prohibiting the Department of Consumers Affairs from denying a license if their prior conviction was the only reason for doing so. Under California law, similar rules have NEVER been applied to licensing before.

This means that the dispensaries in your city could be operated by convicted drug traffickers or abusers.

Please be sure to send the attached letter to the author, your legislators and those requested in the letter.

As usual, please contact me with any questions.

Thank you,

Stephen Qualls  
Central Valley Regional Public Affairs Manager League of California Cities

209-614-0118  
Fax 209-883-0653  
[squalls@cacities.org](mailto:squalls@cacities.org)

[Description: Description: LCC\_Logo\_SM]  
[<https://mail.cacities.org/owa/attachment.ashx?id=RgAAAACy8fHTR2LKSbH7v1WA%2bKroBwCJIF8QxE1YR5pVkCgOVZ7pAAAGc5DHAACi1UlkD4vzS51QTLjAf8aNAAAyvLINAAAJ&attcnt=1&attid0=BAABAAAA&attcid0=image002.png%4001CF9F55.154BCF00>]

Strengthening California Cities through Advocacy and Education To expand and protect local control for cities through education and advocacy in order to enhance the quality of life for all Californians.

<https://mail.cacities.org/owa/redir.aspx?C=9ba1cebeda914a8d8b298c0154b06ac0&URL=http%3a%2f%2fwww.cacities.org%2fAC>

## **AB 2614 (Bonta) Medical Marijuana: Felony Convictions Talking Points**

- This bill disregards the consensus language on disqualifying felonies for state licensure that the Police Chiefs Association and the League agreed to in last year's legislation – solely for the benefit of a tiny handful of wealthy individuals who have grown rich selling marijuana.
- AB 2614 seeks to take away the discretion of the Department of Consumer Affairs on the decision of whether applicants with out-of-state felony convictions can be licensed to operate a marijuana business in California.
- This bill would prohibit the Department from denying a license to a person with an out-of-state felony conviction. **Such a rule has never applied to any other category of state licensing.**
- There is no compelling public policy or public safety argument justifying this attempt to weaken the rules on state licensing.
- This measure should be rejected as imposing an unnecessary and unacceptable danger to public safety.
- AB 2614 places California at greater risk of intense scrutiny by federal law enforcement officials, making it more likely that we will see more, not less, federal enforcement action in the future.

## **ACTION ALERT!!**

### **AB 2614 (Bonta)**

#### **Medical cannabis: state licenses: out-of-state convictions.**

### **OPPOSE**

#### **Background for AB 2614 (Bonta):**

**AB 2614 would prevent the Department of Consumer Affairs from denying a state license to a person with an out-of-state conviction.** It provides that such a conviction cannot be the sole basis for denial of a license, if it did not include a period of incarceration, and if a local jurisdiction is aware of the conviction and is nonetheless willing to issue a local permit or other authorization.

**This bill blatantly disregards consensus language on disqualifying felonies for state licensure that the League and the Police Chiefs agreed to in last year's legislation,** re-opening one of the most controversial issues in the Medical Marijuana and Safety Act to ensure that a small number of current business operators can obtain a state license.

Under current law, the Department has discretion to approve or deny a license based on an out-of-state conviction. This is the standard rule for state licensing entities. AB 2614 seeks to change that, by infringing on a state licensing entity's discretion for the benefit of a tiny handful of individuals who have grown rich selling marijuana.

This is unprecedented in California law. Such a rule has never applied to any other category of state licensing.

**This bill is an attempt by the Legislature to encroach upon licensing decisions in a most sensitive area – criminal background** – a function that until now has been purely a function of the executive branch of government.

There is no compelling public policy or public safety argument justifying this attempt to weaken the rules on state licensing.

Finally, this bill runs the very substantial risk of **provoking a negative reaction from federal law enforcement authorities, by weakening the criteria for state licensure.** AB 2614 invites more intense federal scrutiny, and may well pave the way to **future federal enforcement efforts.**

### **ACTION:**

AB 2614, although not yet calendared, is expected to be heard in the Assembly Business and Professions Committee in the next few weeks.

Please **send a letter of CITY OPPOSITION** to your Assembly Member. Sample letter is attached or you may use the [League's Action Center](#) to submit a letter online.

#### **ASSEMBLY BUSINESS AND PROFESSIONS**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Room</b>	<b>Phone</b>	<b>Fax</b>
<a href="#">Baker, Catharine</a>	16	R	4153	916 319 2016	916 319 2116
<a href="#">Bloom, Richard</a>	50	D	2003	916 319 2050	916 319 2150
<a href="#">Brough, William</a> (Vice-Chair)	73	R	2174	916 319 2073	916 319 2173
<a href="#">Campos, Nora</a>	27	D	4016	916 319 2027	916 319 2127

<a href="#">Chávez, Rocky</a>	76	R	2170	916 319 2076	916 319 2176
<a href="#">Dahle, Brian</a>	1	R	2158	916 319 2001	916 319 2101
<a href="#">Dodd, Bill</a>	4	D	2137	916 319 2004	916 319 2104
<a href="#">Eggman, Susan</a>	13	D	3173	916 319 2013	916 319 2113
<a href="#">Gatto, Mike</a>	43	D	5136	916 319 2043	916 319 2143
<a href="#">Gomez, Jimmy</a>	51	D	2114	916 319 2051	916 319 2151
<a href="#">Holden, Chris</a>	41	D	3152	916 319 2041	916 319 2141
<a href="#">Jones, Brian</a>	71	R	3141	916 319 2071	916 319 2171
<a href="#">Mullin, Kevin</a>	22	D	3160	916 319 2022	916 319 2122
<a href="#">Salas, Rudy</a> (Chair)	32	D	2188	916 319 2032	916 319 2132
<a href="#">Ting, Philip</a>	19	D	6026	916 319 2019	916 319 2119
<a href="#">Wood, Jim</a>	2	D	3120	916 319 2002	916 319 2102

### Talking Points:

- This bill disregards the consensus language on disqualifying felonies for state licensure that the Police Chiefs Association and the League agreed to in last year's legislation – solely for the benefit of a tiny handful of wealthy individuals who have grown rich selling marijuana.
- AB 2614 seeks to take away the discretion of the Department of Consumer Affairs on the decision of whether applicants with out-of-state felony convictions can be licensed to operate a marijuana business in California.
- This bill would prohibit the Department from denying a license to a person with an out-of-state felony conviction. Such a rule has never applied to any other category of state licensing.
- There is no compelling public policy or public safety argument justifying this attempt to weaken the rules on state licensing.
- This measure should be rejected as imposing an unnecessary and unacceptable danger to public safety.
- AB 2614 places California at greater risk of intense scrutiny by federal law enforcement officials, making it more likely that we will see more, not less, federal enforcement action in the future.

**ASSEMBLY BILL**

**No. 2614**

---

---

**Introduced by Assembly Member Bonta**

February 19, 2016

---

---

An act to amend Section 19325 of the Business and Professions Code, relating to medical cannabis.

LEGISLATIVE COUNSEL'S DIGEST

AB 2614, as introduced, Bonta. Medical cannabis: state licenses: out-of-state convictions.

The Medical Marijuana Regulation and Safety Act provides for the licensure of persons engaged in specified activities relating to medical cannabis and authorizes licensing authorities to only issue state licenses to qualified applicants. Existing law prohibits a person from engaging in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization.

This bill would prohibit the denial of a state license to an applicant if the denial is based solely on a conviction outside of the state of California where the sentencing did not include a period of incarceration, but only if a local government with knowledge of that prior conviction issues a permit, license, or other authorization permitting the applicant to engage in commercial cannabis activity.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 19325 of the Business and Professions
- 2 Code is amended to read:

1 19325. An applicant shall not be denied a state license if the  
2 denial is based solely on any of the following:

3 (a) A conviction or act that is substantially related to the  
4 qualifications, functions, or duties of the business or profession  
5 for which the application is made for which the applicant or  
6 licensee has obtained a certificate of rehabilitation pursuant to  
7 Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part  
8 3 of the Penal Code.

9 (b) A conviction that was subsequently dismissed pursuant to  
10 Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

11 (c) *A conviction outside of the state of California where the*  
12 *sentencing did not include a period of incarceration, but only if a*  
13 *local government with knowledge of that prior conviction issues*  
14 *a permit, license, or other authorization permitting the applicant*  
15 *to engage in commercial cannabis activity.*



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Receive Report Regarding Communication Pertaining to Assembly Bill 2339 (Irwin) – Net Energy Metering

**MEETING DATE:** April 6, 2016

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Receive report regarding communication pertaining to Assembly Bill 2339 (Irwin) – Net Energy Metering.

**BACKGROUND INFORMATION:** The City received a request for communication from the Northern California Power Agency regarding AB 2339 (Irwin). There was a need to send a letter of opposition immediately in light of a pending hearing.

AB 2339 would require municipally-owned electric utilities to increase their net energy metering (NEM) cap without consideration of the impacts to non-NEM customers and the utilities. The expansion of the NEM program through AB 2339, however, is neither fair nor sustainable. Most notably, NEM provides generous incentives to NEM customers by providing them with the full retail rate for the electricity they generate on site. This compensation, which is more than the actual value of the generation, allows an NEM customer to avoid the utility's transmission and distribution costs, even though the customer relies on these assets to remove over-generation and to receive the utility's energy supply when the NEM system is not generating (e.g., at night when the sun is not shining on solar panels). As such, these costs are shifted to non-NEM customers, many of whom are low-income, elderly, or live in multi-family buildings. AB 2339 also creates additional administrative burdens and costs for municipally-owned electric utilities as they will be forced to determine the utility's "non-coincident peak" (i.e., the sum of all individual customer peak demands) which—even if allowed to estimate—is complicated, expensive to calculate, and subject to different interpretations. Other than to comply with this bill, there is no other purpose for a municipality to determine its non-coincident peak.

The attached letter, signed by the Mayor, was sent out on March 22, 2016. The text of the bill is also attached. This report is provided for informational purposes only, pursuant to policy.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Jennifer M. Ferraiolo  
City Clerk

---

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

CITY COUNCIL

MARK CHANDLER, Mayor  
DOUG KUEHNE,  
Mayor Pro Tempore  
BOB JOHNSON  
JOANNE MOUNCE  
ALAN NAKANISHI

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov)     [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

STEPHEN SCHWABAUER  
City Manager  
JENNIFER M. FERRAILOLO  
City Clerk  
JANICE D. MAGDICH  
City Attorney

March 22, 2016

The Honorable Mike Gatto  
California State Assembly  
State Capitol, Room 5136  
Sacramento, CA 95814

**RE: AB 2339 (Irwin) Net Energy Metering  
Notice of OPPOSITION Unless Amended**

Dear Assemblymember Gatto:

Lodi Electric Utility (LEU) opposes AB 2339 (Irwin) unless amended. This bill would require municipally-owned electric utilities to increase their net energy metering (NEM) cap without consideration of the impacts to non-NEM customers and the utilities. LEU has a long history of supporting programs and projects that fairly and sustainably promote renewable energy. For example, Lodi invested in renewable energy prior to mandated Renewable Portfolio Standard (RPS) requirements by investing in geothermal and hydroelectric generation. In addition, LEU has been providing our customers with numerous energy efficiency and customer-owned solar incentives that are significantly more generous than most.

The expansion of the NEM program through AB 2339, however, is neither fair nor sustainable. Most notably, NEM provides generous incentives to NEM customers by providing them with the full retail rate for the electricity they generate on site. This compensation, which is more than the actual value of the generation, allows an NEM customer to avoid the utility's transmission and distribution costs, even though the customer relies on these assets to remove over-generation and to receive the utility's energy supply when the NEM system is not generating (e.g., at night when the sun is not shining on solar panels). As such, these costs are shifted to non-NEM customers, many of whom are low-income, elderly, or live in multi-family buildings.

In addition to the public policy concerns with this cost shift, there are also legal concerns due to Proposition 26. This proposition created a Constitutional amendment restricting charges imposed by local governments when the charges are for a specific government service or product that is not directly provided to the payor or is provided to those not charged. As the cost shift grows with the NEM program—as would be the case with AB 2339—the non-NEM customer will pay more for services and products that the municipal owned electric utilities' provides to the NEM customer. Local governments should not be put in a position where they risk violating the California Constitution.

AB 2339 also creates additional administrative burdens and costs for municipally-owned electric utilities as they will be forced to determine the utility's "non-coincident peak" (i.e.,

the sum of all individual customer peak demands) which—even if allowed to estimate—is complicated, expensive to calculate, and subject to different interpretations. Other than to comply with this bill, there is no other purpose for a municipality to determine its non-coincident peak. And while investor-owned utilities (IOUs) have been calculating their NEM cap using non-coincident peak, this will no longer be the case starting next year pursuant to AB 327 (Perea, 2013).

AB 327 required the ratemaking authority for the IOUs to establish an NEM successor program that, according to the final Senate Floor analysis, “is based on the electrical system costs and benefits received by nonparticipating customers and prevents a cost shift to non-NEM customers.” To create uniformity in state policy, as well as parity, the ratemaking body for each municipally-owned electric utility should also be allowed to create an NEM successor program that is based on the electrical system costs and benefits, and that prevents a cost shift.

Under existing law, a municipally-owned electric utility has the flexibility to adopt this type of NEM successor program once it hits its current NEM cap. Alternatively, the Northern California Power Agency (NCPA) (of which LEU is a member) has offered amendments to the author and committee that creates a process to determine a successor program that is comparable to the AB 327 process. These amendments, if adopted, would allow the local governing board of a municipally-owned electric utility to design an NEM successor program that enables renewable distributed generation to grow fairly and sustainably in the community.

The City of Lodi Electric Utility welcomes the opportunity to discuss our issues and NCPA’s amendments with you further, but given our general concerns with the specific proposal in the bill, we must oppose AB 2339 at this time.

Sincerely,



Mark Chandler  
Mayor, City of Lodi

MC/pmf

cc: Senator Cathleen Galgiani, Fax: (916) 651-4905  
Assemblymember Jim Cooper, Fax: (916) 319-2109  
Stephen Qualls, Regional Public Affairs Manager, [squalls@cacities.org](mailto:squalls@cacities.org)  
Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Heather Hamp, Assembly Utilities and Commerce Committee, [heather.hamp@asm.ca.gov](mailto:heather.hamp@asm.ca.gov)  
Mario De Bernardo, State Government Relations & External Affairs Manager, [Mario.debernardo@ncpa.com](mailto:Mario.debernardo@ncpa.com)

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

- (a) There are over 40 local publicly owned electric utilities in California, which vary widely in size, customer diversity, infrastructure, and location. These utilities range from the largest city in the state, to some of the smallest farming towns in northern California. They include other public entities, such as ports and irrigation districts. Some operate in sunny, dry climates in inland areas, while others in foggy, wet climates by the coast and in the Bay Area. Many have little load diversity in their customer base.
- (b) One of the main features of local publicly owned electric utilities is that they are managed by governing boards made up of local public officials who are accountable to the people they serve. These governing boards are tasked with designing electric utility programs that meet state goals and the specific needs of their individual communities.
- (c) Achieving California's ambitious greenhouse gas emission reduction and renewable energy goals will require, among other things, the deployment of local renewable energy generation (e.g., wind, community solar, and rooftop solar). How local publicly owned electric utilities can effectively and efficiently develop local renewable energy generation will depend on the needs and characteristics of each individual community.
- (d) The state's net energy metering (NEM) program was established 20 years ago to provide financial incentives for rooftop solar. NEM includes a billing mechanism that requires a utility to compensate a rooftop solar customer at the full retail rate for electricity generated by the customer's solar panels. One of the downsides to this program is that it allows a rooftop solar customer to avoid the utility's transmission and distribution costs, even though the customer relies on these assets to remove their over-generation and receive the utility's energy supply when, for example, the sun is not shining. This leads to a revenue shortfall for the utility, which is recouped through a cost-shift to non-solar customers, including low-income and lifeline (senior citizens and permanently disabled) customers, those who live in rental or multi-family housing, and those who cannot afford to install rooftop solar.
- (e) In an attempt to prevent this cost-shift, the state adopted AB 327 (Chapter 611, Statutes of 2013), which requires the ratemaking authority for the three largest electric corporations to establish a NEM successor program that, according to the final Senate Floor analysis, "is based on the electrical system costs and benefits received by nonparticipating customers and prevents a cost shift to non-NEM customers." AB 327 did not require ratemaking authorities of local publicly owned electric utilities to develop NEM successor programs.
- (f) To ensure local renewable energy is able to grow sustainably and fairly in the communities served by local publicly owned electric utilities, it is the intent of the Legislature to require each ratemaking authority for these utilities to develop a locally tailored NEM successor program that considers factors comparable to those created by the Legislature in AB 327, with some necessary modifications. These modification are based on issues unique to local governments (such as Proposition 26) and policy priorities of the state (such as supporting low income and disadvantaged communities; implementing SB 350's goal of doubling energy efficiency savings by 2030; and promoting investments consistent with the state's loading order, which prioritizes energy efficiency and demand response, followed by renewable and distributed generation resources.)

Sec. 2. Section 2827.2 is added to the Public Utilities Code to read:

2827.2. (a) Notwithstanding any other law, the ratemaking authority for a local publicly owned electric utility shall develop a standard contract or tariff, which may include net energy metering or an alternative, for eligible customer-generators with a renewable electrical generation facility that is a customer of its utility

no later than July 1, 2020. A local publicly owned electric utility that has reached the net energy metering program limit of subparagraph (A) of paragraph (4) of subdivision (c) of Section 2827 prior to July 1, 2020, shall develop and offer the standard contract or tariff to eligible customer-generators twelve months after reaching the limit. The ratemaking authority may revise the standard contract or tariff as appropriate to achieve the objectives of this section. In developing the standard contract or tariff, the ratemaking authority shall do all of the following, subject to any limitations imposed by Article XIII C of the California Constitution:

(1) Ensure that the standard contract or tariff made available to eligible customer-generators helps ensure that renewable distributed generation is able to grow sustainably, including for low income and disadvantaged communities. For the purpose of this paragraph, the ratemaking authority may consider the role of community solar, virtual net energy metering, and other renewable distributed generation systems and programs when determining how, and the extent to which, the standard contract or tariff can help ensure that renewable distributed generation is able to grow sustainably.

(2) Ensure that the standard contract or tariff is developed in consideration of the following state policies:

(A) By 2030, double the energy efficiency savings in electricity final end uses of retail customers through energy efficiency and conservation.

(B) Promote investments consistent with the state's loading order, which prioritizes energy efficiency and demand response, followed by renewable energy and distributed generation resources.

(3) Establish terms of service and billing rules for eligible customer-generators.

(4) Ensure that the standard contract or tariff made available to eligible customer-generators is based on the costs and benefits of the renewable electrical generation facility as determined and approved by the ratemaking authority.

(5) Ensure that the total benefits of the standard contract or tariff to all customers and the electrical system are approximately equal to the total costs.

(6) Allow projects greater than one megawatt that do not have significant impact on the distribution grid to be built to the size of the onsite load if the projects with a capacity of more than one megawatt are subject to reasonable interconnection charges established by the local publicly owned electric utility and applicable state and federal requirements.

(7) Establish a transition period during which eligible customer-generators taking service under a net energy metering tariff or contract prior to Jul 1, 2020, or until the local publicly owned electric utility reaches its net energy metering program limit pursuant to subdivision (c) of Section 2827, whichever is earlier, shall be eligible to continue service under the previously applicable net energy metering tariff.

(8) The ratemaking authority shall determine which rates, tariffs, and fixed charges are applicable to customer generators only during a publicly noticed meeting.

(b) When a ratemaking authority establishes the standard contract or tariff pursuant to this section all new eligible customer-generators shall be subject to that standard contract or tariff, and any rules, terms, and rates developed pursuant to subdivision (a). There shall be no limitation on the amount of generating capacity or number of new eligible customer-generators entitled to receive service pursuant to the standard contract or tariff after July 1, 2020 unless the ratemaking authority for a local publicly owned electric utility determines a limitation is necessary to ensure grid reliability or prevent disproportionate rate impacts. An eligible customer-generator that has received service under a net energy metering standard contract or tariff pursuant to Section 2827 that is no longer eligible to receive service shall be eligible to receive service pursuant to the standard contract or tariff developed by the ratemaking authority pursuant to this section.

(c) A local publicly owned electric utility that has adopted a standard contract or tariff prior to January 1, 2017 as a result of reaching or approaching the net

**Comment [MDB1]:** July 1, 2020 was picked because the PUC is expected to act again in 2019. The 2019 PUC action might help inform POU's as they develop the successor program.

**Comment [MDB2]:** If a POU hits the current cap prior to 2020, it must develop a successor program within six months of hitting the cap.

**Comment [MDB3]:** This is a reference to Proposition 26. The bill should expressly recognize that a POU has the flexibility to develop an NEM successor program that does not trigger a ballot measure or a lawsuit.

**Comment [MDB4]:** This is a more express way of saying that we should be looking at the broader goal of promoting renewable distributed generation when developing the tariff. For example, if a community wants to be aggressive in installing other forms of renewable DG (e.g., community solar), then it may not be as important to have a generous tariff for behind the meter generation.

**Comment [MDB5]:** The bill should recognize the role and priority of energy efficiency.

energy metering program limit of subparagraph (A) of paragraph (4) of subdivision (c) of Section 2827, may continue to offer that standard contract or tariff.

(d) This section does not apply to a local publicly owned utility that had no greater than 17,000 megawatt hours in residential retail sales in 2014 unless the ratemaking authority of the local publicly owned utility elects to implement this section.

**Comment [MDB6]:** This grandfathers successor programs developed by the end of this year.

**Comment [MDB7]:** The NEM program is designed for residential rooftop solar. There is a small fraction of POUs that either have no or very little residential retail sales. It would be a greater administrative burden for these utilities to develop a successor program versus staying under the existing NEM program with the 5% coincident peak cap. As such, this language would keep them under the status quo with the option of developing a successor program.

DRAFT



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Authorize City Clerk to Deny Request for Leave to Present Late Claim, Filed on Behalf of Diane Wilbur, Pursuant to Government Code Section 911.6(a)

**MEETING DATE:** April 6, 2016

**PREPARED BY:** City Attorney

---

**RECOMMENDED ACTION:** Authorize City Clerk to deny request for Leave to Present Late Claim, filed on behalf of Diane Wilbur pursuant to Government Code Section 911.6(a).

**BACKGROUND INFORMATION:** Request for Leave to Present Late Claim was filed with the City Clerk by Diane Wilbur, pursuant to Government Code Section 911.4 on February 12, 2016, a copy of the request to file a late claim, initial submittal, cover letter, and City's rejection are attached. The original submittal was filed seven (7) months after the expiration of the statutory period in which the claim was to have been filed, based on the December 14, 2014 date of loss. Government Code Section 911.2 requires that claims against public entities, with limited exception, be filed within six months of the accrual of the action giving rise to the claim, which in this instance would have been June 14, 2015. Ms. Wilbur submitted her claim on January 19, 2016, which was rejected as untimely. Subsequently, Ms. Wilbur, in an email dated February 12, 2016, requested leave to present a late claim.

Statutory exceptions to the claim filing requirements include failure to present the claim through mistake, inadvertence, surprise or excusable neglect with no resulting prejudice to the public entity; the injured party was physically or mentally incapacitated during the claim filing period; and the minority or death of the injured party.

Ms. Wilbur failed to present any proof that one or more of the statutory grounds for the submittal of a late claim applies in this matter. Therefore, it is recommended that the Council authorize the City Clerk to deny the request of Diane Wilbur to present a late claim pursuant to Government Code section 911.6(a).

**FUNDING:** Not Applicable.

---

Janice D. Magdich  
City Attorney

Attachments

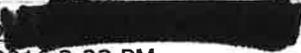
---

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

## **Request to File Late Claim**



The content of this e-mail is confidential. If you receive it in error, do not forward, notify me immediately, and delete it. Thank you.

**From:** Wilbur, Diane [mailto:  
**Sent:** Friday, February 12, 2016 2:23 PM  
**To:** Kirk Evans  
**Cc:** Steve Schwabauer; Jennifer Ferraiolo  
**Subject:** RE: Slip and Fall

2/12/2016

Good afternoon, Mr. Evans

Thank you for responding.

I actually sent a letter along with my claim, because I figured it would be unusual that I had waited so long to file. (SEE ATTACHED)

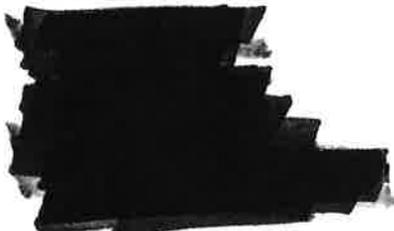
There is really no other reason "why" I filed my claim late, other than what is stated in my initial filing.

I can generate a second letter, but it will look much like the first, unfortunately.

Perhaps somehow the first letter became detached from the claim? If you could advise if they have the initial letter, that would be great. That is the only thing I can think of that may be fixable.

On the positive, my chiropractic visits are helping which is a good thing.

**Diane Wilbur**



*redacted*



CONFIDENTIALITY NOTICE: This email message and any accompanying data or files is confidential and may contain privileged information intended only for the named recipient(s). If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution, and or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at the email address above, delete this email from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product or other applicable privilege.

**From:** Kirk Evans [mailto:[kevans@lodi.gov](mailto:kevans@lodi.gov)]  
**Sent:** Thursday, February 11, 2016 5:52 PM  
**To:** Wilbur, Diane  
**Cc:** Steve Schwabauer; Jennifer Ferraiolo  
**Subject:** RE: Slip and Fall

Good afternoon Ms. Wilbur,

There is no standard form for submitting a leave to present a late claim. The Notice of Late Claim-Rejection of Claim sent by the City Clerk to you 2/3/2016 contains the following information regarding the process:

"Your only recourse at this time is to apply without delay to the City of Lodi for leave to present a late claim. (See Government Code Sections 911.4 to 912.2, inclusive, and Section 946.6). Under certain circumstances, leave to present a late claim may be granted. (See Government Code Section 911.6)"

Basically, you need to compose and send a letter to the City, attached to your claim, explaining why the claim is late. Should you have any questions please contact me at (209) 333-6708.

*Kirk J. Evans*

Risk Manager  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

*The content of this e-mail is confidential. If you receive it in error, do not forward, notify me immediately, and delete it. Thank you.*

---

**From:** Wilbur, Diane [mailto:  
**Sent:** Wednesday, February 10, 2016 2:01 PM  
**To:** Steve Schwabauer  
**Cc:** Kirk Evans  
**Subject:** RE: Slip and Fall

2/10/2016

Update.

I filed the claim on 1/19/2016, but received a notice of late claim – rejection of claim letter from the city dated 2/3/2016.

Because the claim was not presented within 6 months of the event no action was taken.

I can apply for "leave to present a late claim" (?) and see if that may be granted, which I am going to try.

In scouting the website, I am not finding a form for that. Can you direct me to where to locate that or email me the paperwork? or do I need to call the City Clerk?

It is my desire, regardless if the city helps with my chiropractic bills or not, to be sure nobody else falls in that same spot *especially* if they are handicapped and using the access with a supporting device or wheelchair.

During the last big rain we had, I took some pictures with my cell phone to document what happens in case you folks want to know. The problem still exists and the mud lingers after rain. Something is not sloped right. There is no yellow pad with the big bumps which might solve the muddy issue, not sure.

My experience should at least spark an improvement and change in safety features. I trust that you can pass along this information for inquiry with the proper department as I see this as a potential liability again if it is not resolved.

Thanks for your time.

Diane Wilbur



*redacted*



Redacted

CONFIDENTIALITY NOTICE: This email message and any accompanying data or files is confidential and may contain privileged information intended only for the named recipient(s). If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution, and or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at the email address above, delete this email from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product or other applicable privilege.

**Claim for Money or Damages  
Against the City of Lodi**

01/18/2016

City of Lodi  
P.O. Box 3006  
221 W. Pine St.  
Lodi, CA 95240

RECEIVED  
JAN 19 2016  
CITY CLERK

Re: Notice of Claim

To whom it may concern,

Attached please find a completed notice of claim form.

On Dec. 14, 2014 (Sunday) I had a slip and fall accident in the disabled access ramp on the corner of Newbury Circle and Ham caused by pooled mud following rain. On Dec. 15, 2014 I called and reported the muddy conditions to the City of Lodi to alert them of the hazard and hopefully prevent anyone else from falling too. The City sent a crew out to clean up the area and asked me if I was hurt and in need of medical attention. At that time I did not feel the need as no bones appeared to be broken, no bleeding, etc.

Since the fall I have been dealing with left hip and leg issues that I assumed would "just get better with time". I am not as young as I used to be, and am not springing back from this accident.

After dealing with this way too long, and modifying my life style to accomodate the discomfort and pain, I have decided to seek medical attention.

Last week on Jan. 8, 2016 I was examined and diagnosed by Dr. Shawn Hayes, D.C. and have begun chiropractic treatment for my injury.

I am filing this claim to hopefully get some assistance with the cost involved.

Please reach out to Dr. Shawn Hayes at (209) 745-6639 for any questions you have in order to determine responsibility.

Thank you so much,



Diane Wilbur



Redacted

FILE CLAIM WITH:  
City Clerk – City of Lodi  
221 West Pine Street  
(209) 333-6702

**CLAIM FOR MONEY  
OR DAMAGES AGAINST THE  
CITY OF LODI, CALIFORNIA**



OR MAIL TO:  
PO Box 3006  
Lodi, CA 95241-1910

Reserved For Filing Stamp  
Claim No. 1604

**RECEIVED**  
JAN 19 2016  
CITY CLERK

Attach estimates, receipts, photos, diagrams, or witness statements to support your claim. If additional space is needed, attach supplemental sheets – clearly identify the section(s) being answered.

Government Code requires claims be presented by the claimant or the claimant's representative and include the following:

**Section 1. Claimant Information:**

Name: Diane M. Wilbur (redacted)  
Mailing Address: [REDACTED]  
City/State/Zip Code: Lodi, CA 95240 Telephone: (209) [REDACTED]

**Section 2. Representative Information (Must be completed if claim is filed by claimant's attorney or authorized representative):**

Name: N/A  Check box if same as above  
Mailing Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

**Section 3. Claim Information:**

Date of Occurrence: Dec. 14, 2014 (Sunday) Time of Occurrence: approx. 1:00 am/pm  
Location: corner of Newbury Circle and Ham Lane  
Circumstances giving rise to this claim and why you believe the City of Lodi is responsible: following rain, mud had pooled in the disabled access ramp. While walking I slipped and fell. City property not properly maintained.  
General description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of the presentation of the claim.  
I would like the city to consider assisting me with medical bills due to the accident. (see below)

Name of City department(s) or City employee(s) causing the injury, damage, or loss, if known.  
(street division?) (public works?)

The amount claimed as of the date of presentation of the claim should include the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Basis for computation of claim:

Amount Claimed: \$ 1,800.00 → 2,500.00

Estimated cost of chiropractic treatment, which began 1-8-2016

If amount claimed exceeds \$10,000: If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest, and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000 (CCP §86.)

Limited Civil Case  Unlimited Civil Case

**Section 4. Additional Information:**

You are required to provide the information requested on the previous page to comply with the California Government Code; however, to assist the City's investigation, please answer the following questions:

If the claim involves a minor, provide minor's date of birth. N/A

Name, address, and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:

None

If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

Hayes Chiropractic, Inc.  
750 Spans Drive Ste. #A  
Galt CA 95632 (209) 745-6639

*If applicable, please attach any medical bills or reports or similar documents supporting your claim.*

Does this claim relate to an automobile accident?  No (sign below)  Yes (complete this section and sign below)

Claimant's Auto Insurance Co.:	Claimant Drivers License No.:
Mailing Address:	_____
City/State/Zip:	License Expires: _____
Telephone: ( )	Vehicle Make/Model/Year:
Insurance Broker/Agent:	_____
Mailing Address:	License No.: _____
City/State/Zip	Insurance Policy No.:
Telephone: ( )	_____

**Section 5. Medicare Medicaid and S-CHIP Extension Act**

Section 111 of the Medicare Medicaid & S-CHIP Extension Act requires the City of Lodi to report certain claims to the federal government. Please indicate if the claimant is : 65 years of age or older, or received Social Security Disability Insurance Benefits for 24 or more months, or has End Stage Renal Disease. If yes, you may be required to provide additional information to process your claim. Please circle one:

YES

**NO**

**Section 6. Notice and Signature**

Notice: Presentation of a false claim is a felony (Penal Code §72). Every person who, with intent to defraud, presents any false or fraudulent claim is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand dollars (\$1,000), or by both such imprisonment and fine, or by imprisonment in the state prison, by a fine of not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine. Pursuant to Code of Civil Procedure §1038.

Unsigned or incomplete claims will be returned as insufficient, resulting in no action on the part of the City. Please note that this Claim Form and any attachments are a public record subject to disclosure under the California Public Records Act.

Diane M. Wilbur Diane M. Wilbur 01-18-2016  
Claimant's Name (please print) Claimant's Signature Date Claim Submitted

SPINAL ANALYSIS	
Con	
At	
Ax	
C3	
4	
5	
6	
7	
T 1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
L 1	
2	
3	
4	
5	
Sac	
Ril	
Lil	
Coc	
Leg Dof L	R

Date of last film  
 1-8-76  
 TECHNIQUE  
 GONSTEAD  
 PETTIBON  
 NIMMO  
 PALMER  
 OTHER

REMARKS:  
 L5 retracted  
 loss of L5 post. by disc Mt.

CARRY THIS CARD AT ALL TIMES  
**CHIROPRACTIC EMERGENCY CARD**

**DIANE WILBUR**  
 NAME

This office will accept calls for additional information pertaining to the card holder, from all Doctors of Chiropractic in the U.S.A.

**Hayes Chiropractic Offices**

HAYES CHIROPRACTIC, INC.

- 820 S. Fairmont Ave. ■ Lodi, CA 95240 ■ Telephone 388-6639
- 2707 E. Fremont, Suite 6 ■ Stockton, CA 95205 ■ Telephone 463-6639
- 9008 Thornton Rd. ■ Stockton, CA 95209 ■ Telephone 952-6639
- 750 Spaans, Ste. A ■ Galt, CA 95632 ■ Telephone 745-6639

Please contact  
 Dr. Shawn Hayes for  
 complete report of  
 findings. Thank-you,  
 Diane Wilbur

## **Rejection of Claim**

CITY COUNCIL

MARK CHANDLER, Mayor  
DOUG KUEHNE,  
Mayor Pro Tempore  
BOB JOHNSON  
JOANNE MOUNCE  
ALAN NAKANISHI

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov)    [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

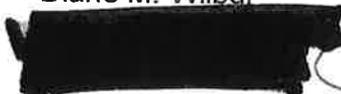
STEPHEN SCHWABAUER  
City Manager

JENNIFER M. FERRAILO  
City Clerk

JANICE D. MAGDICH  
City Attorney

February 3, 2016

Diane M. Wilbur



*redacted*

SUBJECT: NOTICE OF LATE CLAIM – REJECTION OF CLAIM  
Claimant: Diane M. Wilbur  
Date of Claim: January 19, 2016

To Whom It May Concern:

The above-referenced claim which you presented to the City Clerk's Office on January 19, 2016, with respect to an incident occurring on December 14, 2014, is being rejected and returned because it was not presented within six months after the event and/or occurrence, as required by law. (See Government Code Sections 901 and 911.2) Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the City of Lodi for leave to present a late claim. (See Government Code Sections 911.4 to 912.2, inclusive, and Section 946.6). Under certain circumstances, leave to present a late claim may be granted. (See Government Code Section 911.6)

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

*Jennifer M. Ferraiolo*  
Jennifer M. Ferraiolo  
City Clerk

cc: File



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Set Public Hearing for April 20, 2016 to Consider Adopting a Resolution Approving the 2015 – 2023 Draft Housing Element

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** Set public hearing for April 20, 2016 to consider adopting a resolution approving the 2015–2023 Draft Housing Element.

**BACKGROUND INFORMATION:** On October 28, 2015, the Planning Commission held a public hearing to review the proposed draft 2015-2023 General Plan Housing Element update, accept public testimony, and adopted a Resolution recommending the draft 2015-2023 Housing Element be forwarded to the City Council for approval and submission to the California Department of Housing and Community Development (HCD) for review and certification.

On November 11, 2015, the City Council directed staff to submit the draft 2015-2023 General Plan Housing Element to HCD for review and comment.

HCD has reviewed the draft Housing Element, and provided minor comments for approval by the state. HCD requested that an existing implementation program (1.5) include language to support migrant and farmworker housing as part of affordable housing programs. Staff has modified the existing program to include additional requested language by the State.

On March 9<sup>th</sup>, the Planning Commission held a public hearing to review the proposed draft 2015-2023 General Plan Housing Element update, accept public testimony, and adopted a Resolution recommending the draft 2015-2023 Housing Element be forwarded to the City Council for approval.

The Housing Element addresses the City's housing needs for the 2015-2023 planning period. It is one of seven-mandated elements of the General Plan required by State law. The Housing Element is subject to detailed State law requirements, and is the only element required to be reviewed and certified by HCD. Failure to secure a Certified Housing Element from HCD can result in the loss of funding for housing and infrastructure related to projects and potential legal challenges.

The Housing Element is an eight-year blueprint for housing Lodi's residents, presenting data, policies, and programs for housing the City's residents at all income levels, including low and moderate-income residents, as well as those with special needs such as seniors. The Housing Element shows how the City will house its share of the projected population growth and of the region, as defined in the Regional Housing Needs Allocation (RHNA), produced by the San Joaquin Council of Governments.

In October of 2011, the City Council adopted the City's 2011-2016 Housing Element. The document was forwarded to State HCD, which subsequently granted certification.

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

The 2011-2016 Housing Element was done in conjunction with the overall 2010 General Plan Update. A number of the implementation measures were completed with the Development Code update in March of 2013 and the approval of development projects.

The City of Lodi approved the Rose Gate project in late 2013, Van Ruiten Ranch, Reynolds Ranch, Gianonni and Baker projects in 2014 and Vintner Square in 2015. The amount of residential development has picked up in the past two years, and all approvals were consistent with the General Plan and the existing Housing Element.

Staff views the 2015-2023 Housing Element to be a technical update and continuation of the 2011-2016 Housing Element.

The 2015-2023 General Plan does not include new programs or new implementation policies. This document updates demographic information and provides housing direction for the next eight years.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Steve Schwabauer  
Community Development Director



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Set Public Hearing for April 20, 2016, to Consider the Vigilant/LEARN Software Lodi Police Department Usage Policy

**MEETING DATE:** April 6, 2016

**PREPARED BY:** Chief of Police

---

**RECOMMENDED ACTION:** Set Public Hearing for April 20, 2016, to consider the Vigilant/LEARN software Lodi Police Department usage policy.

**BACKGROUND INFORMATION:** Pursuant to State Senate Bill 34, the Lodi Police Department is required to set a public hearing regarding the future operation of an Automated License Plate Reader (ALPR) system.

An ALPR is a computer-based system that utilizes special cameras to capture license plate information and collected in a nationwide database. The ALPR shall be restricted to legitimate law enforcement uses to further the goal of enhancing public safety by providing information to national law enforcement agencies.

The Lodi Police Department wishes to conduct a public hearing on April 20, 2016, to review and discuss departmental policy on the utilization of the ALPR system.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Tod Patterson  
Chief of Police

Prepared by Paula O'Keefe, Management Analyst

---

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



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission, Library Board of Trustees, Lodi Arts Commission, and Planning Commission

**MEETING DATE:** April 6, 2016

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Direct the City Clerk to post for expiring terms and vacancies on the Greater Lodi Area Youth Commission, Library Board of Trustees, Lodi Arts Commission, and Planning Commission.

**BACKGROUND INFORMATION:** Six terms are due to expire on the Greater Lodi Area Youth Commission on May 31, 2016; two terms are due to expire on the Library Board of Trustees on June 30, 2016; three terms are due to expire on the Lodi Arts Commission on July 1, 2016; and two terms on the Planning Commission are due to expire on June 30, 2016. It is recommended that the City Council direct the City Clerk to post for the following. Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

**Greater Lodi Area Youth Commission**

Student Appointees:

Cole Carouba	Term to expire May 31, 2016
Evan Gardella	Term to expire May 31, 2016
Hayden Johnson	Term to expire May 31, 2016
Sanjay Shukla	Term to expire May 31, 2016
Tasha Shukla	Term to expire May 31, 2016

Adult Advisor:

Bre Meyer	Term to expire May 31, 2016
-----------	-----------------------------

**Library Board of Trustees**

Terry Costa	Term to expire June 30, 2016
Scot Martin	Term to expire June 30, 2016

**Lodi Art Commission**

Patricia Stump	Term to expire July 1, 2016
Annalisa Sharp Babich	Term to expire July 1, 2016
Richard Vasquez	Term to expire July 1, 2016

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

Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission, Library Board of Trustees, Lodi Arts Commission, and Planning Commission  
April 6, 2016  
Page Two

**Planning Commission**

Wendel Kiser	Term to expire June 30, 2016
Randall Heinitz	Term to expire June 30, 2016

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

Jennifer M. Ferraiolo  
City Clerk

JMF/PMF