



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: April 21, 2010

Time: Closed Session 6:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

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

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

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6

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. Pledge of Allegiance**
- C. Presentations**

C-1 Zinfandel Month Proclamation

C-2 Presentation of Certificate of Recognition to Lodi Electric Utility Electric Line Apprentices for Their Performance at the Tenth Public Power Lineworkers Rodeo (EUD)

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

D-1 Receive Register of Claims in the Amount of \$6,722,276.96 (FIN)

D-2 Approve Minutes (CLK)

- a) April 6, 2010 (Shirtsleeve Session)
- b) April 6, 2010 (Special Meeting)
- c) April 7, 2010 (Special Meeting)
- d) April 13, 2010 (Shirtsleeve Session)
- e) April 13, 2010 (Special Meeting)

D-3 Receive Report of Sale of Surplus Equipment (PW)

- D-4 Approve Specifications and Authorize Advertisement for Bids for Janitorial Services for City Facilities (PW)
- D-5 Request for Authorization to Solicit Proposals to Engage an Executive Recruiting Firm to Provide Services Associated with the Recruitment of a City Manager (CM)
- Res. D-6 Adopt Resolution Awarding Contract for Maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, for Fiscal Year 2010/11, to Creative Outdoor Environment, Inc., of Lathrop (\$18,447) (PW)
- Res. D-7 Adopt Resolution Authorizing the City Manager to Execute Task Order Nos. 3 and 5 of the City of Lodi Soil and Groundwater Remediation Projects with Stantec Consulting Corporation, of Rancho Cordova, for Groundwater Monitoring Services and Value Engineering Services (\$65,000) (PW)
- Res. D-8 Adopt Resolution Approving the Agreement Between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program (PR)
- Res. D-9 Adopt Resolution Authorizing the City Manager to Execute Contract Amendment for Grant-Funded Public Safety Radio Replacement Project with Delta Wireless and Network Solutions, Inc. (\$80,984.72) (CM)
- Res. D-10 Adopt Resolution Authorizing the City Manager to File Claim for 2009/10 Transportation Development Act Funds in the Amount of \$1,930,253 from Local Transportation Fund and \$1,500 from State Transit Assistance Fund (PW)
- D-11 Receive Information Regarding New Meeting Time for the Lodi Arts Commission (COM)
- D-12 Approve Rate Increases for Kronick, Moskovitz, Tiedemann & Girard for Legal Services Rendered to the City of Lodi (\$5 to \$10 Per Hour Per Professional) (CA)
- D-13 Authorize the Deputy City Manager/Treasurer to Enter into Agreement with Farmers and Merchants Bank of Central California for the Issuance of a City Credit Card for Interim Police Chief Gary Benincasa and Interim City Manager Rad Bartlam (CM)
- D-14 Set Public Hearing for May 5, 2010, to Approve the Final 2010/11 Action Plan for the Community Development Block Grant (CDBG) Program and to Consider Reallocation of Available Urban County CDBG Funds (CD)
- D-15 Set Public Hearing for May 5, 2010, to Consider the Appeal of Brandt-Hawley Law Group on Behalf of Charles and Melissa Katzakian Regarding the Decision of the Planning Commission to Approve a SPARC Review for the Reynolds Ranch Commercial Development (CD)
- D-16 Set Public Hearing for May 19, 2010, to Introduce Ordinance Amending Lodi Municipal Code Chapter 13.20, "Electrical Service," by Adding New Section 13.20.320 Titled, "Schedule NST – New Sales Tax Economic Development Rate" (EUD)

E. Comments by the Public on Non-Agenda Items

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

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

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

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

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

H. Public Hearings – None

I. Communications

- I-1 Post for Expiring Terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission and Re-Post for Two Openings on the Lodi Budget/Finance Committee (CLK)

J. Regular Calendar

- J-1 Receive Report on Response to Comments on the Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to Southerly Limits of the White Slough Water Pollution Control Facility (CD)
NOTE: This item is carried over from the meetings of 3/17/10 and 4/7/10
- J-2 Reject Proposal from Harvey Gorrell for the Sculpture, "Crane Dance" (Formerly "Rite of Spring"), from Artist Scott Wampler (COM)

K. Ordinances – None

L. Adjournment

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

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Zinfandel Month

MEETING DATE: April 21, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Katzakian present a proclamation proclaiming the month of May 2010 as "Zinfandel Month" in the City of Lodi.

BACKGROUND INFORMATION: The Mayor was requested to present a proclamation proclaiming the month of May 2010 as "Zinfandel Month" in the City of Lodi. Courtney Thommen, Event Manager for the Lodi Winegrape Commission, will be at the meeting to accept the proclamation.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None.

Randi Johl
City Clerk

APPROVED: _____
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Present a Certificate of Recognition to Lodi Electric Utility Electric Line Apprentices for Their Performance at the Tenth Public Power Lineworkers Rodeo (EUD)

MEETING DATE: April 21, 2010

PREPARED BY: Interim Electric Utility Director

RECOMMENDED ACTION: Present a Certificate of Recognition to Lodi Electric Utility Electric Line Apprentices for their performance at the Tenth Public Power Lineworkers Rodeo.

BACKGROUND INFORMATION: In March 2010, the American Public Power Association held the Tenth Annual Public Power Lineworkers Rodeo. EUD sent its two electric line apprentices, Josh Ramos and Cody Ellis, to compete in the apprentice events.

Josh and Cody both finished in the top five apprentices in the nation. Josh placed fourth and Cody placed fifth.

Events for apprentices in the competition included: Double Dead End Replacement, Hurtman Rescue, Service Line Installation, Transformer Hook-up, and a Written Test.

Josh took second place among all apprentices in the Double Dead End event with 100 points out of 100. Cody took third place in the Written Test with 100 points out of 100. Both apprentices scored 496 points out of 500 for the five-event total. Time-taken was the tie-breaker among apprentices with equal scores.

The competition also included training courses and roundtables for visiting lineworkers from public power utilities around the country.

FISCAL IMPACT: Not applicable.

FUNDING: Not applicable.


Kenneth A. Weisel
Interim Electric Utility Director

KW/lst

APPROVED: 
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Receive Register of Claims through April 1, 2010 in the Total Amount of \$6,722,276.96

MEETING DATE: April 21, 2010

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$6,722,276.96.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$6,722,276.96 through 04/01/10. Also attached is Payroll in the amount of \$1,230,135.48.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable
Council Report

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Date - 04/05/10

As of Thursday	Fund	Name	Amount
04/01/10	00100	General Fund	1,505,095.36
	00123	Info Systems Replacement Fund	9,469.64
	00160	Electric Utility Fund	3,970,588.42
	00161	Utility Outlay Reserve Fund	27,849.97
	00164	Public Benefits Fund	6,077.94
	00170	Waste Water Utility Fund	525,910.97
	00172	Waste Water Capital Reserve	6,737.83
	00173	IMF Wastewater Facilities	1,486.78
	00180	Water Utility Fund	1,301.73
	00181	Water Utility-Capital Outlay	277,659.52
	00210	Library Fund	3,216.02
	00211	Library Capital Account	1,944.64
	00260	Internal Service/Equip Maint	31,740.44
	00270	Employee Benefits	34,908.57
	00321	Gas Tax	4,769.05
	00325	Measure K Funds	7.51
	00340	Comm Dev Special Rev Fund	2,915.24
	00345	Community Center	13,538.56
	00346	Recreation Fund	13,764.54
	00459	H U D	220.00
	00501	Lcr Assessment 95-1	1,518.23
	01211	Capital Outlay/General Fund	7,200.00
	01212	Parks & Rec Capital	57,403.59
	01214	Arts in Public Places	66.18
	01217	IMF Parks & Rec Facilities	14,528.05
	01218	IMF General Facilities-Adm	39,240.41
	01241	LTF-Pedestrian/Bike	2,832.50
	01250	Dial-a-Ride/Transportation	132,016.47
	01410	Expendable Trust	12,585.86
Sum			6,706,594.02
	00190	Central Plume	15,682.94
Sum			15,682.94
Total Sum			6,722,276.96

Council Report for Payroll

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Date - 04/05/10

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	03/21/10	00100	General Fund	744,564.56
		00160	Electric Utility Fund	157,947.68
		00164	Public Benefits Fund	5,354.43
		00170	Waste Water Utility Fund	90,156.23
		00180	Water Utility Fund	283.92
		00210	Library Fund	29,766.58
		00235	LPD-Public Safety Prog AB 1913	1,435.85
		00260	Internal Service/Equip Maint	21,632.24
		00321	Gas Tax	41,321.24
		00340	Comm Dev Special Rev Fund	21,730.51
		00345	Community Center	21,764.39
		00346	Recreation Fund	40,753.38
		01250	Dial-a-Ride/Transportation	6,889.67
Pay Period Total:				
			Sum	1,183,600.68
Retiree	04/30/10	00100	General Fund	46,534.80
Pay Period Total:				
			Sum	46,534.80



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) April 6, 2010 (Shirtsleeve Session)
b) April 6, 2010 (Special Meeting)
c) April 7, 2010 (Special Meeting)
d) April 7, 2010 (Regular Meeting)
e) April 13, 2010 (Shirtsleeve Session)
f) April 13, 2010 (Special Meeting)

MEETING DATE: April 21, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) April 6, 2010 (Shirtsleeve Session)
b) April 6, 2010 (Special Meeting)
c) April 7, 2010 (Special Meeting)
d) April 7, 2010 (Regular Meeting)
e) April 13, 2010 (Shirtsleeve Session)
f) April 13, 2010 (Special Meeting)

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, APRIL 6, 2010**

The April 6, 2010, Informal Informational Meeting (“Shirtsleeve” Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, APRIL 6, 2010**

A. Roll call

The Special City Council meeting of April 6, 2010, was called to order by Mayor Katzakian at 7:04 a.m.

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

Absent: None

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

B. Regular Calendar

B-1 Receive Presentation Regarding Preliminary Fiscal Year 2010/11 General Fund Budget Status (CM)

City Manager King provided a PowerPoint presentation regarding the preliminary fiscal year 2010/11 general fund budget status. Specific topics of discussion included an overview, flat base general fund revenue, revenues from the 2009-2011 years, one-time revenue of Lodi Energy Center, new revenue and other revenue increases, revenue decreases, hidden expenses in property tax administration fee and Educational Revenue Augmentation Fund shift, uncontrollable expenditure increases of Public Employees Retirement System (PERS) and medical insurance, overall expenditures from 2009-2011, general fund budget strategy, existing employee contributions, proposed expenditures, summary data, receipt and use of one-time revenue from Lodi Energy Center, deferred maintenance, emergency replacements, roofs, heating, ventilation, and air conditioning systems, parks, information technology equipment, and vehicle replacement.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the property tax collection fee is going up despite the property values declining because the number of people assigned to the property tax collection function has gone up and cities within the County are looking into it. Mr. King stated he was not sure about the percentage or exact amount being collected and will forward that information.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the City of Lodi is already at the 2% at 55 standard that other communities that are at a higher percentage are looking to go back to. He stated he does not believe it is good timing to review retirement options in light of the current contributions that the employees are already making with furloughs and other deductions.

In response to Council Member Hansen, Mr. King stated he has not yet seen any information on how the new health care plan will affect cities and counties.

In response to Mayor Katzakian, Mr. King provided an overview of the PERS medical contribution system and discussed the employer and employee contributions, how increases are handled, the market aspect, and the 15-year deferral payment tie in to the current structure.

In response to Council Member Mounce, Mr. King stated the elimination of the non-reimbursed training and travel is spread across the departments fairly evenly. Further, Mr. King stated staff is attempting to manage the overtime aspect by reducing the amount of overtime generally and through the browning out of an engine. He stated in some cases overtime may be converted into

comp time, although they want to be aware of not letting too much time build for liability purposes. Mr. King stated upon reviewing the numbers staff may be recommending some cash out.

Discussion ensued between Mayor Pro Tempore Hitchcock and Mr. King regarding the PERS formulas, three highest year average versus single highest year, the City of Stockton's formula in comparison to others in the County including Lodi, and the bigger hit to the bottom line when employees accrue and carry a larger balance on the books and cash out the same prior to leaving.

In response to Council Member Johnson, Mr. King stated the California Energy Commission has set a date for approval of the new Lodi Energy Center, there is a marginal chance that it may not go through, and all indications are that payment in the form of the one-time sales tax revenue will be forth coming sometime in the next fiscal year. Further, Mr. King stated one reason for the staggered payments is that the form of progress payments on an item is consistent with a longer lead time from Siemens.

In response to Council Member Johnson, Mr. Sandelin stated the charts reflect a breakdown of various areas in a particular facility because the roofing material and patchwork of one area in a facility may be different than another.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated computers have a life expectancy of four to five years and when they are not replaced in that time frame, all the replacements tend to build upon one another requiring a larger replacement at one time. Further, Mr. King stated any spending plan for the one-time revenue would be contingent upon receipt of the payment from the Lodi Energy Center sale.

In response to Council Member Hansen, Mr. King confirmed that there is no effort to build up reserves while employees are contributing through furloughs and providing concessions.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the maintenance and operators group took fewer furloughs, consented to two layoffs, and those individuals were hired back in other positions.

In response to Council Member Johnson, Mr. King stated staff is only informally inquiring about who may be interested in the early retirement option if offered again.

A brief discussion ensued amongst Council regarding the need to have equitable concessions from all the bargaining groups to ensure fairness.

The City Council provided general consensus to pursue the preliminary Fiscal Year 2010/2011 General Fund budget plan as recommended in the presentation.

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:15 a.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 7, 2010**

A. Roll call

The Special meeting of April 7, 2010, was called to order by Mayor Katzakian at 6:00 p.m.

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

Absent: Council Member Mounce

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

B. Regular Calendar

B-1 Designate City Manager Blair King as Labor Negotiator for Unrepresented Executive Management Positions - Electric Utility Director and Interim City Manager (CM)

Council Member Hansen made a motion, second by Council Member Johnson, to designate City Manager Blair King as Labor Negotiator for Unrepresented Executive Management Positions - Electric Utility Director and Interim City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

C. Closed Session

C-1 Conference with Blair King, City Manager (Labor Negotiator), Regarding Unrepresented Executive Management Positions - Electric Utility Director and Interim City Manager - Pursuant to Government Code §54957.6

At 6:00 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:50 p.m.

D. Return to Open Session / Disclosure of Action

At 7:05 p.m., Mayor Katzakian reconvened the City Council meeting, and City Attorney Schwabauer disclosed that negotiating direction was given and there was no reportable action.

E. Adjournment

There being no further business, the meeting was adjourned at 7:05 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, APRIL 13, 2010**

The April 13, 2010, Informal Informational Meeting (“Shirtsleeve” Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, APRIL 13, 2010**

A. Roll call

The Special City Council meeting of April 13, 2010, was called to order by Mayor Katzakian at 7:04 a.m.

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

Absent: None

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

B. Regular Calendar

B-1 Adopt Resolution Authorizing the Execution of an Agreement for Interim City Manager Services with the Bartlam Group (CM)

City Manager King provided a brief presentation regarding the potential agreement for Interim City Manager services with the Bartlam Group. Specific topics of discussion included the term of the agreement, salary, hours of work, budgeted amount for current City Manager, and comparable salaries in other communities for interim services.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated staff does not want to have a wage and hour issue and the minimum 40-hour requirement sets forth a certain expectation with some flexibility. Mr. Schwabauer stated the minimum is 40 hours but the individual must be available at all times.

In response to Council Member Hansen, Mr. King confirmed that the other candidates wanted \$140 per hour or more plus housing and transportation assistance, although there was one candidate who was willing to take the current City Manager compensation.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hitchcock, to adopt Resolution No. 2010-45 authorizing the execution of an agreement for interim City Manager services with the Bartlam Group.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

B-2 Update on Local Video Production (CM)

City Manager King provided a brief introduction to the subject matter of the local video production options.

Communications Specialist Jeff Hood provided a PowerPoint presentation regarding the local video production options. Specific topics of discussion included the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) fee, effective date of December 19, 2009, initial check from AT&T, \$20,000 in May from Comcast, budgeting \$85,000 a year, video companies providing

no other support, survey regarding citizens watching local meetings, U-Verse options, equipment cost of \$15,000, access to meetings and City-generated programming, Comcast upgrades options, Carnegie Forum audio, cost of audio replacement at \$85,000, and other possibilities including audio, visual, and camera needs at other City facilities such as Hutchins Street Square.

In response to Council Member Hansen, Mr. King stated AT&T/U-Verse has been available to some parts of the City for approximately six months although it is not sure of how many customers it specifically has.

In response to Mayor Katzakian, Mr. Hood and Mr. King confirmed that the Council meetings would be available on both U-Verse and Comcast as U-Verse would have a dedicated channel while Comcast would continue its current method of broadcast.

In response to Council Member Johnson, Mr. Hood stated there is an on line aspect to U-Verse although the primary use is through a dedicated channel on television.

In response to Council Member Johnson, Mr. Hood confirmed that U-Verse is not available in all parts of the City.

In response to Council Member Mounce, Information Systems Manager Steve Mann stated the life expectancy of the \$15,000 equipment is probably five years at a minimum, a support contract can be purchased for a reasonable amount, and equipment costs could reduce over time.

In response to Council Member Hansen, Mr. King confirmed that \$85,000 is the anticipated revenue and staff is seeking direction on how to spend that amount.

In response to Council Member Johnson, Mr. Hood stated the \$85,000 is coming from both Comcast and AT&T/U-Verse, there is no prohibition on spending the revenue, the quality of programming is not as good on AT&T/U-Verse although it is making progress by way of video and signal quality.

In response to Mayor Katzakian, Mr. Mann stated the new equipment will be able to feed the signal to Granicus, Comcast, and AT&T/U-Verse.

In response to Mayor Pro Tempore Hitchcock, Mr. Mann stated a fully upgraded sound system in Carnegie Forum will cost approximately \$85,000, which is a year of the DIVCA revenue. He stated the smaller replacement of some equipment for the audio system will cost approximately \$10,000.

In response to Mayor Pro Tempore Hitchcock, Mr. Hood stated the U-Verse system may require some staff time in the beginning to get the system up and running but that should minimize in the long run.

In response to Council Member Hansen, Mr. King and Mr. Hood confirmed that, if the Council chose to replace the entire audio system in the Carnegie Forum, it could do so but would need to wait an entire year for other expenditures from these funds.

In response to Mayor Katzakian, Mr. King stated if the sound system in Carnegie was to go out, the emergency fees would be paid from and reimbursed to the DIVCA account.

In response to Council Member Hansen, Mr. Hood stated there is no issue with taking money from AT&T and not being on its air time.

In response to Myrna Wetzel, Mr. Schwabauer explained the DIVCA ordinance and related State

legislation, stating that, while AT&T is not permitted to redline boundaries, it can make a business decision as to where it would like to locate.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hitchcock, to authorize staff to research and spend from the \$85,000 DIVCA amount up to \$15,000 for the new AT&T/U-Verse equipment as discussed and \$10,000 for upgrades to the audio system in Carnegie Forum as discussed.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

B-3 Receive Information on State Model Water Efficient Landscape Ordinance (CCR Title 23, Division 2, Chapter 2.7) (PW)

City Manager King provided a brief introduction to the subject matter of the model water efficient landscape ordinance.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the model water efficient landscape ordinance. Specific topics of discussion included water conservation, reduction of irrigation runoff, reduction of pollution in waterways, legislative authority, alternatives, ordinance application, permit package, soil management report, landscape design plan, irrigation design plan, grading design plan, and maintenance schedules.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated the audit may include a review of plant materials, type of irrigation, and amount of runoff among other things. Mr. Sandelin confirmed the audit would most likely need to be completed by the Water Utility staff and generally everything over one acre would have to be audited. Mr. Sandelin stated the law does not have a strong enforcement mechanism to it at this time and is a good opportunity for public education and outreach.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated the permit package goes along with the new development package for properties.

In response to Council Member Hansen, Mr. Sandelin stated the one-acre or larger requirement applies to all existing and new parcels.

In response to Mayor Katzakian, Mr. Sandelin stated the gutter drainage is a part of design standards as well and the City Council took action on that some years ago.

In response to Council Member Hansen, Mr. Sandelin stated the custom standards apply to landscaping for commercial, residential, and industrial uses.

In response to Council Member Hansen, Mr. King stated for landscaping and maintenance districts the cost would be included and distributed proportionately.

Michael Engle, a landscape architect, spoke in support of the proposed landscaping ordinance, stating many developers and contractors are already complying with the standards and it is not overly cumbersome to implement. A brief discussion ensued between Mr. Engle and Council Member Mounce regarding the same.

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:13 a.m.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Receive Report of Sale of Surplus Equipment

MEETING DATE: April 21, 2010

PREPARED BY: Public Works Director

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

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

During the first calendar quarter of 2010, the City sold the following surplus equipment through First Capitol Auctions, of Vallejo, and Lodi Auto Wrecking. The City received from the sales, after transporting charges and auction administration fees, the following amounts:

<u>Vehicle</u>	<u>Department</u>	<u>Mileage</u>	<u>Sales Revenue</u>
1997 Ford Thunderbird (VIN 131362)	Police	83,475	\$ 669.00
1997 Ford Thunderbird (VIN 131361)	Police	88,343	390.00
1993 Ford F350 Dump Truck (VIN 46438)	Public Works	104,566	2,441.25
1989 Dodge Pickup (VIN 179471)	Parks & Recreation	106,735	<u>100.00</u>
	Total:		<u>\$3,600.25</u>

Revenues received from the sale of vehicles are credited to the General Fleet fund or the appropriate Enterprise Capital Fund, according to the previous assignment of the vehicle sold.

FISCAL IMPACT: Revenues received from the sale of vehicles are credited as follows and are used to help fund the replacement of these vehicles.

Streets and Drainage (3211)	\$2,441.25
General Fund (1201)	\$1,159.00

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager
FWS/DJC/njl

cc: Jordan Ayers, Deputy City Manager/Internal Services Director
Chris Tallman, Parks and Recreation Fleet Coordinator
Larry Manetti, Police Fleet Coordinator

Dennis Callahan, Fleet and Facilities Manager
Curt Juran, Streets and Drainage Fleet Coordinator
Susan Bjork, Management Analyst, Internal Services

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids for Janitorial Services for City Facilities

MEETING DATE: April 21, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve specifications and authorize advertisement for bids for janitorial services for City facilities.

BACKGROUND INFORMATION: This project consists of the janitorial specifications and contract requirements to service City facilities. Within the past five years, the City facilities have grown by a net 21,000 square feet, including the additions of the new Transit shop facility and the County Criminal Court (located in the Police Facility) and the relocation of the Finance Department. Growth and changing expectations in the quality and frequency of janitorial service indicate the need to update specifications and contract management, which requires appropriate re-bidding of the janitorial services contract. The specifications include the ability to award separate contracts for groups of facilities. In addition, the bid will allow selection of service levels, if needed to reduce the total cost. This format will allow the City to pursue the highest quality work at the most reasonable cost. A notable change made to the specification and contract is the inclusion of all supplies and materials that had, in past years, been provided by the City. The Public Works Facilities Services Division oversees the janitorial contract(s) for the City.

The specifications are on file in the Public Works Department, and the planned bid opening date is May 19, 2010.

FISCAL IMPACT: The fiscal impact will depend upon the results of the bids, but flexibility in awarding multiple contracts will enable the City to obtain the services for the most reasonable price.

FUNDING AVAILABLE: The cost of janitorial services is estimated to be \$200,000 per year and is to be included in the FY 2010/11 operations budgets for the Community Center, Electric Utility, Fire, Police, Parks and Recreation, Library, and Public Works Departments. Additional appropriation of funds, if needed, will be made at contract award.

F. Wally Sandelin
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager
FWS/DJC/pmf

cc: Purchasing Division
Interim Parks & Recreation Director
Facilities Supervisor

Community Center Director
Interim Electric Utility Director

Library Services Director
Transportation Manager

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Request for Authorization to Solicit Proposals to Engage an Executive Recruiting Firm to Provide Services Associated With the Recruitment of a City Manager

MEETING DATE: April 21, 2010

PREPARED BY: Blair King, City Manager

RECOMMENDED ACTION: Request for authorization to solicit proposals to engage an executive recruiting firm to provide services associated with the recruitment of a City Manager.

BACKGROUND INFORMATION: The City of Lodi is seeking to fill the position of a permanent City Manager. The position will be vacated on May 7, 2010. It is proposed that the Council use the services of an executive search firm that specializes in assisting California cities to recruit and hire executive management staff.

On April 13, 2010, the City Council appointed Konradt Bartlam, of the Bartlam Group, as the Interim City Manager. Mr. Bartlam will begin to provide Interim City Manager services upon the departure of the current City Manager and will continue to provide such services until the appointment of the permanent City Manager. It is anticipated that the selection process for the next city manager may take four to six months.

The process itself involves, at a minimum, interviewing the Council and key staff to develop a candidate profile; the preparation of recruitment materials; the application solicitation and recruitment phase; various interview stages; background verification and reference checks; negotiations with final candidates; and coordination with the appointing body throughout the process.

Executive recruiting firms range in size from one- to two-person offices to larger national firms. The attached list of potential firms represents that range. It is recommended that the attached request for proposals be sent to all firms listed, and any others that are not listed, who request to apply between now and May 7, 2010, the deadline for returning the proposals. This will ensure everyone who wishes to respond has an opportunity to do so.

In the alternative, the Council could use in-house resources. This would not cost any additional money, but because it is the experience of many potential candidates to interact with a recruitment firm, a city using in-house resources may not attract as deep a candidate pool. Also, many of the best candidates are not actively searching and a good recruitment firm will generate interest from those applicants currently not in the job market.

APPROVED: _____
Blair King, City Manager

FISCAL IMPACT: It is anticipated that the cost for retaining such services will range from \$20,000 to \$40,000, although the precise amount will not be known until the proposals are returned.

Blair King
City Manager

Attachments

CITY COUNCIL

PHIL KATZAKIAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
BOB JOHNSON
JOANNE MOUNCE
LARRY D. HANSEN

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 cityclerk@lodi.gov

BLAIR KING, City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

April 21, 2010

Firm Name and Address

SUBJECT: Request for Proposal - Executive Recruitment Services

Dear _____:

The City of Lodi desires professional assistance to recruit a City Manager.

Lodi is located in northern San Joaquin County with a population of 63,313. We are a full-service, general law city with a Council/Manager form of government. The City Council's five members are elected at-large, serving four-year terms.

The City Manager, City Clerk and City Attorney are appointed by the City Council. The City Manager oversees the Police, Fire, Community Development, Public Works, Parks and Recreation and Internal Services, as well as the Community Center, Library and municipal Electric Utility. The departments employ roughly 405 full-time employees. Our former City Manager, Blair King, resigned after a tenure of over five years to accept a new professional opportunity.

Annual expenditures are approximately \$170 million, with the General Fund comprising \$40 million.

It is the City's expectation that the selected firm will assist the City in all aspects of the recruitment process from identification of exceptional candidates to background verification.

Your proposal should be brief and to the point, but must include at a minimum: (1) a description of your firm and ability to perform the job; (2) a resume of the person designated to perform the search; (3) a list of other current or anticipated engagements that could impact this search; (4) a detailed outline describing how your firm would conduct the search; (5) a project schedule; (6) proposed search costs; and (7) an affirmation of ability to meet insurance requirements. The City will expect certificates of insurance and endorsements to be available upon award of contract.

Request for Proposals
April 12, 2010
Page Two

Delivery of Proposals: **All proposals should be received 5:00 p.m. on May 7, 2010.**

Proposals should be delivered to:

City Manager's Office
City of Lodi
221 West Pine Street
Lodi, California 95240

Phone: (209) 333-6700

Responses will possibly be evaluated by a committee of the City Council and staff. A firm will be selected based on quality of the proposal, responsive timeline, qualifications, logic of approach to the recruitment, and cost.

Sincerely,

Phil Katzakian, Mayor
City of Lodi

Executive Search Consultants

Avery Associates

31/2 N. Santa Cruz Ave. Suite A
Los Gatos, CA 95030
(408)399-4424
www.averyassoc.net

Bob Murray & Associates

1677 Eureka Road, Suite 202
Roseville, CA 95661
(916)784-9080
www.bobmurrayassoc.com

Mathis Consulting Group

Dr. Bill Mathis
3435 Valle Verde Drive Ste. C
Napa, CA 94558
(707)252-2151
www.mathisgroup.net

Peckham & McKenney

6700 Freeport Blvd. Suite 203A
Sacramento, CA 95822
(866)912-1919
www.peckhamandmckenney.com

Slavin Management Consultants

Paul Wenbert, ICMA-CM
Western Regional Manager
7828 E. Red Hawk Circle
Mesa, AZ 85207
480-664-2676 office
480-444-9512 cell
pwconsulting@cox.net

Alliance Resource Consulting

Eric Middleton
400 Oceangate, Suite 510
Long Beach, CA 90802
(562)901-0769
info@alliancerc.com

04/13/10

RJA Management Services

Dr. Richard Garcia
550 W. Duarte Road, Suite 6
Arcadia, CA 91007
(626)447-3318
info@rjamanagement.com

Ralph Andersen & Associates

5800 Stanford Ranch Road, Suite 410
Rocklin, CA 95765
(916)630-4900
www.ralphandersen.com

L.B. Hayhurst

1014 Hopper Avenue #506
Santa Rosa, CA 94503
(415)884-0544
www.lbhayhurst.com



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Awarding Contract for Maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, for Fiscal Year 2010/11, to Creative Outdoor Environment, Inc., of Lathrop (\$18,447)

MEETING DATE: April 21, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution awarding the contract for Maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for fiscal year 2010/11, to Creative Outdoor Environment, Inc., of Lathrop, in the amount of \$18,447.

BACKGROUND INFORMATION: This project provides for the contract landscape maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1. This contract will cover Zones 1, 2, 5, 6, 8 and 11 at a cost of \$18,447 for 12 months, which is an annual decrease of approximately \$3,156 from the current contract. The low bid comes from Creative Outdoor Environments, Inc., which is the company that has the current contract with the City of Lodi. The maintenance work covered under this contract is limited to the landscape and irrigation improvements along the reverse frontage areas and medians of the subdivisions in these zones. The assessments costs for the maintenance zones were based on weekly maintenance.

The specifications were approved on March 3, 2010. The City notified 17 vendors regarding the bid and received the following two bids on March 18, 2010:

Bidder	Location	Bid
Creative Outdoor Environments, Inc.	Lathrop	\$18,447
Dominguez Landscape Services, Inc.	Sacramento	\$28,392

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

FUNDING AVAILABLE: Funding comes from Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, various assessment revenue accounts, FY 2010/11 (502501, 503501, 506501, and 507501).

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

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

APPROVED: _____
Blair King, City Manager

THIS CONTRACT, made by and between the CITY OF LODI, State of California, herein referred to as "City" and **Creative Outdoor Environments**, herein referred to as "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
Information to Bidders
Special Provisions
Bid Proposal
Contract
Vicinity Maps
Water Conservation Ordinance

The July 1992 Edition Standard
Specifications, State of California
Business and Transportation Agency,
Department of Transportation

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, 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 maintain in a good workmanlike and substantial manner to the satisfaction of the City the proposed maintenance of landscaped areas.

ARTICLE II 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 III And the Contractor agrees to receive and accept the following prices as full compensation for furnishing 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 Contract Documents and the requirements of the Engineer under them, to-wit:

ARTICLE IV 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.

MAINTENANCE OF ASSESSMENT DISTRICT LANDSCAPE AREAS BASED ON WEEKLY SERVICE				BID PRICE - INDIVIDUAL ITEM PER WEEK				
ITEM	SITE	DESCRIPTION & LOCATION	Square Feet	PRUNING AS NEEDED	WEED CONTROL	LITTER PICKUP	IRRIGATION MAINTENANCE	WEEKLY TOTAL PER SITE
1	R2020	N/W Stockton St and Almond Dr	16,470	8	8	5	7	\$ 28.00
2	R2022	N side of Almond Dr E/O Stockton St	4,950	3	4	2	3	\$ 12.00
3	R2014	Traffic Circle - Cherrywood	1,256	2	3	2	2	\$ 9.00
4	T1591	N side of Harney Ln - Poppy Dr to west end	14,850	5	6	5	7	\$ 23.00
5	T1594	N side of Harney Ln - Poppy Dr to east end	9,787	3	3	3	4	\$ 13.00
6	T1298	N side of Harney Ln - Legacy Wy to west end	12,825	4	6	3	12	\$ 25.00
7	T1349	West side of Mills Av – Harney Ln to Wyndam Wy	7,965	3	3	3	3	\$ 12.00
8	T2182	Harney Ln – Panzani Wy to Porta Rosa Wy	1,020	2	3	2	2	\$ 9.00
9	T2194	Harney Ln – Panzani Wy to Cherokee Ln	14,981	6	7	5	4	\$ 22.00
10	T2176	West side of Cherokee Ln – Harney Ln to north end	20,650	8	17	8	15	\$ 48.00

MAINTENANCE OF ASSESSMENT DISTRICT LANDSCAPE AREAS BASED ON WEEKLY SERVICE				BID PRICE - INDIVIDUAL ITEM PER WEEK				
ITEM	SITE	DESCRIPTION & LOCATION	Square Feet	PRUNING AS NEEDED	WEED CONTROL	LITTER PICKUP	IRRIGATION MAINTENANCE	WEEKLY TOTAL PER SITE
11	T2153	Villas common drives – Via Marco Ln	2,880	NA	10	10	NA	\$ 20.00
12	T2157	Villas common drives – Corfino Ln	2,880	NA	3	1.75	NA	\$ 4.75
13	T2164	Villas common drives – Massarosa Ln east	2,880	NA	3	1.75	NA	\$ 4.75
14	T2163	Villas common drives – Massarosa Ln west	2,880	NA	3	1.75	NA	\$ 4.75
15	T2173	Villas common drives – San Pietro Ln	2,880	NA	3	1.75	NA	\$ 4.75
16	T2175	Villas common drives – Felino Ln	2,880	NA	3	1.75	NA	\$ 4.75
17	T2166	Villas common drives – Palazzo Ln	2,880	NA	3	1.75	NA	\$ 4.75
18	T2183	Villas common drives – Vallini Ln	2,880	NA	3	1.75	NA	\$ 4.75
19	T2184	Villas common drives – Marano Ln	2,880	NA	3	1.75	NA	\$ 4.75
20	T2185	Villas common drives – Mercato Ln	2,880	NA	3	1.75	NA	\$ 4.75
21	T1300	Walkway – Katnich to Wyndham	5,625	3	5	4	7	\$ 19.00
22	T1200	Lower Sacramento Road – Vintage Oaks to north end	1,701	2	2	2	4	\$ 10.00
23	T1210	Lower Sacramento Road – Vintage Oaks to south end	1,701	2	2	2	4	\$ 10.00
24	T1109	Lower Sacramento Road – Center median east half fronting subdivision	2,394	3	3	2	7	\$ 15.00

MAINTENANCE OF ASSESSMENT DISTRICT LANDSCAPE AREAS BASED ON WEEKLY SERVICE				BID PRICE - INDIVIDUAL ITEM PER WEEK				
ITEM	SITE	DESCRIPTION & LOCATION	Square Feet	PRUNING AS NEEDED	WEED CONTROL	LITTER PICKUP	IRRIGATION MAINTENANCE	WEEKLY TOTAL PER SITE
25	T1396	Harney Lane -E/O Legacy Wy to east end	9,112	3	3	2	4	\$ 12.00
26	J2595	N/side Victor Rd. E/O Guild	16,000	4	9	5	6	\$ 25.00
				PRUNING AS NEEDED	WEED CONTROL	LITTER PICKUP	IRRIGATION MAINTENANCE	
			Weekly Totals	61	121	80.75	92 (91)	\$ 354.75/Week
		ANNUALIZED COST BASED ON ONE VISIT PER WEEK (52 Weeks)					GRAND TOTAL	\$18,447/Year

RF=REVERSE FRONTAGE

ARTICLE V 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.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE PERIOD FOR THIS CONTRACT IS JULY 1, 2010 THROUGH JUNE 30, 2011, AND THE CONTRACTOR AGREES TO SUBMIT MONTHLY BILLINGS NO LATER THAN THE 10TH OF EACH MONTH.

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

CONTRACTOR

Dated: _____, 2010

Authorized Signature

Title

TYPE OF ORGANIZATION

Individual, Partnership or Corporation

(Affix corporate seal if Corporation)

Address

() _____
Telephone

CITY OF LODI
a Municipal corporation

Blair King
City Manager

Date

Attest:

Randi Johl
City Clerk

Date

Approved as to Form:

D. Stephen Schwabauer
City Attorney 

Date

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING
CONTRACT FOR MAINTENANCE OF LODI CONSOLIDATED
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
NO. 2003-1 FOR FISCAL YEAR 2010/11

=====

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 March 18, 2010, at 11:00 a.m. for the Maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11, described in the plans and specifications therefore approved by the City Council on March 3, 2010; and

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

Bidder	Bid
Creative Outdoor Environments, Inc.	\$18,447
Dominguez Landscape Services, Inc.	\$28,392

WHEREAS, staff recommends awarding the contract for the Maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11, to the low bidder, Creative Outdoor Environments, Inc., of Lathrop, California.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the Maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11, to the low bidder, Creative Outdoor Environments, Inc., of Lathrop, California, in the amount of \$18,447.

Dated: April 21, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 21, 2010, by the following vote:

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

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Task Order Nos. 3 and 5 of the City of Lodi Soil and Groundwater Remediation Projects with Stantec Consulting Corporation, of Rancho Cordova, for Groundwater Monitoring Services and Value Engineering Services (\$65,000)

MEETING DATE: April 21, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute Task Order Nos. 3 and 5 of the City of Lodi Soil and Groundwater Remediation Projects with Stantec Consulting Corporation, of Rancho Cordova, for groundwater monitoring services and value engineering services in the amount of \$65,000.

BACKGROUND INFORMATION: On May 6, 2009, City Council approved a professional services agreement with Stantec Consulting Corporation (Stantec) for groundwater monitoring and reporting services for the Central Plume. Recognizing that Stantec would be called upon for additional professional services, a Master Professional Services Agreement was approved by City Council on June 17, 2009. At that time, Task Order No. 1 was approved for professional services related to the characterization and cleanup of the Lodi Energy Center site. Task Order No. 2 was approved by City Council in August 2009 for monitoring well maintenance and related services. Task Order No. 4 was issued for services provided to Lodi Electric Utility Department for transformer investigations.

New Task Order No. 3, in the amount of \$15,000, includes additional groundwater monitoring and monitoring well maintenance services beyond those included in previously-approved contracts. It includes additional work required by the Central Valley Regional Water Quality Control Board, including additional monitoring, collection and compilation of monitoring data, and expansion of the quarterly monitoring reports, for a cost of \$3,200. It also includes a continuation of monitoring well maintenance services, including well maintenance (annular seals, broken lids, well gaskets, well boxes, etc.), replacement of sample bag hangers, and related site maintenance. The budget for these services is \$11,800, to be billed on a time-and-cost basis.

Task Order No. 5 will provide value engineering services related to the Central Plume PCE Cleanup Project at a cost of \$50,000. Services will include review of submittals prepared by the PCE Cleanup Project contractor, Diede Construction, for building permit; geology logs; extraction well design; equipment; operations and monitoring plan; facility operations optimization; and monitoring results. Stantec has provided very similar services to a number of clients in the northern California area. Stantec has been providing related services to the City for the past year with excellent results.

FISCAL IMPACT: Costs are funded by PCE/TCE Cleanup Funds.

FUNDING AVAILABLE: Central Plume PCE/TCE Cleanup Funds (190) - \$65,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

cc: Deputy Public Works Director – Utilities

APPROVED: _____
Blair King, City Manager



Stantec

Stantec Consulting Corporation
3017 Kilgore Road Suite 100
Rancho Cordova CA 95670
Tel: (916) 861-0400
Fax: (916) 861-0430

March 11, 2010
File: 185702079.200.0001

Mr. F. Wally Sandelin, Public Works Director
Public Works Department
221 West Pine Street; P.O. Box 3006
Lodi, California 95241-1910

Dear Mr. Sandelin:

**Reference: Revised Request for Task Order Number 3
Well Maintenance and On-Call Environmental Services
Groundwater Monitoring and Reporting Services Project**
221 West Pine Street
Lodi, California 95240

At the request of the City of Lodi (the City), Stantec Consulting Corporation (Stantec) submits this request for Task Order Number 3 to fund additional out-of-scope services associated with the above-referenced project. This request provides funding for services performed that were not in the approved scope of work for the dedicated Well Maintenance and On-Call Services Task established at the City's request.

PROJECT FUNDING BACKGROUND

The Central Plume, Monitoring and Sampling (M&S) project was contracted for two years under the May 26, 2009 *Agreement for Consulting Services*. The Well Maintenance and On-Call Services Task (WM Task) was funded with a budget of \$19,000 by Task Order Number 2 issued under the June 17, 2009 *Master Professional Services Agreement (MPSA)*.

The WM Task was set up to perform City-requested, out-of-scope services associated with the M&S project. These services were to include the following:

- Ongoing Well Maintenance,
- Deployment of Missing Passive Diffusion Bags (PDBs) for Second Quarter 2009 Sampling Event,
- Replacement of PDB Suspension Tethers with Stainless Steel Tethers in Seven Wells, and
- Additional Environmental Services as Requested

The details of the proposed scope of work are described in Stantec's attached *Revised Request for Task Order Number 2* dated July 28, 2009.

Reference: Request for Task Order Number 3, Groundwater Monitoring and Reporting Services Project

COMPLETED OUT OF SCOPE WORK

Part of the requested WM Task services were completed, including deployment of the missing PDBs, replacement of PDB suspension tethers, and some of the well maintenance work. However, most of the budget was utilized for additional requested services not included in the original budget. These include the following:

- Regional Water Quality Control Board (RWQCB) directed re-sampling of six monitoring wells. Due to perennial declining groundwater elevations, these wells were dry during the second quarter sampling event on June 25, 2009. This required mobilization on June 26, 2009 to deploy PDBs at lower depths in three of these wells. A second mobilization occurred July 10, 2009 to sample these PDBs and complete conventional purge and sampling of the other three wells. Out of scope services included senior-level coordination with the City, the RWQCB, and the analytical laboratory; short-notice staffing efforts, technician-level sampling labor, field oversight, analytical fees, and related equipment and expenses were also included. The details of these efforts were documented in the *Second Quarter 2009 Groundwater Monitoring and Sampling Report* and emails to the City.
- Much of the proposed budget has been used for out-of-scope efforts to obtain missing site data from Treadwell and Rollo (T&R). All site data required to generate the many tables and figures in the reports were supposed to be included in the database provided by T&R during the project transitioning phase. Significant costs were incurred in an iterative process to identify, request, and acquire missing data; then verify the presence or further document missing data in three separate versions of the database provided by T&R. In an attempt to comply with established reporting deadlines, hand entry into the database of three quarters of historical groundwater elevation data was required to generate several of the tables and figures. Identifying missing data in an electronic database with hundreds of thousands of data points is a non-trivial, time consuming effort. The bulk of these efforts took place over a period of nearly four months. These included, but were not limited to, missing historical (pre 2005) analytical data for network wells, water level data for the last three quarters, and historical data for the site water supply wells 02, 06R, and 08. Out of scope services included senior-level coordination with T&R and both junior and senior-level programming labor in the database group. The details of the more significant of these efforts were documented in ongoing emails to the City.
- To insure compliance with the RWQCB Monitoring and Reporting Program, Stantec generated (at the request of the City) additional illustrations that had not been included in the previously submitted T&R reports. A recent T&R report had been included as an example report with the background material supplied by the City in the February 24, 2009 Request for Proposal. A vertical gradient table was generated, which compiles historical groundwater elevation data and calculates vertical gradients between nine existing well pairs. This table is now included and discussed in the quarterly reports. Four additional figures were also generated to document the presence, magnitude, and spatial distribution of tetrachloroethylene (PCE) in each of the four hydrostratigraphic zones. These figures are now included and discussed in the quarterly reports.

Stantec

March 11, 2010
Mr. F. Wally Sandelin
Page 3 of 5

Reference: Request for Task Order Number 3, Groundwater Monitoring and Reporting Services Project

- GeoTracker compliance efforts. At the request of the City, Stantec documented which T&R historical monitoring reports (PDFs) and T&R historical analytical reports (electronic data format files EDFs) were missing from GeoTracker. Stantec coordinated with City to obtain PDF copies of missing reports for uploading to GeoTracker. GeoTracker now contains all the required T&R historical monitoring reports (PDFs). Stantec has coordinated with Curtiss & Tompkins, LLC (former project analytical laboratory), regarding the process and approvals required for regenerating historical EDF reports that are missing from GeoTracker. In order to minimize expenditures to bring EDF submittals up to date, Stantec has requested from T&R all available EDFs. This will minimize the number of EDFs that need to be regenerated by Curtiss & Tompkins and reduce associated costs to the City.

Details on the efforts outlined above have been provided on project invoice summaries and emails copied to the City. These efforts have exceeded the approved \$19,000 budget by approximately \$3,200.

REMAINING OUT OF SCOPE WORK

Completed out-of-scope services were described above. Most efforts were associated with requested services not originally included within the approved scope of work for Task Order Number 2. This section outlines requested out-of-scope services included in the original Task Order Number 2, which remain to be completed.

- Replacement of well heads G-24B and G-25B. As discussed in our latest quarterly meeting, the well box seals have degraded and need to be replaced by jack hammering the existing seals, replacing the well boxes, and pouring a new concrete seals.
- Upload missing EDFs to GeoTracker. Stantec has requested and received from T&R all available historical EDFs. Stantec will review those provided EDFs, identify missing EDFs, and review the EDFs for appropriate syntax. Many EDFs, especially historical EDFs, include syntax errors that need to be identified and corrected prior to uploading to the GeoTracker. If possible, Stantec will correct syntax errors and upload to GeoTracker in order to reduce costs to the City. Some EDFs are missing, and some or most may need to be regenerated by the original contract laboratory. Stantec has coordinate with the former project laboratory (Curtiss & Tompkins, LLC [C&T]) regarding the costs and process for regenerating missing historical EDFs. Stantec will work with C&T to provide the necessary replacement EDFs and upload them to GeoTracker at the least cost to the City.
- Additional budget is requested for the WM Task to perform ongoing well maintenance and unanticipated City-required environmental consulting services not included in the original scope of work (outlined in Stantec's April 3, 2009 *Proposal to Provide Ground Water Monitoring/Reporting Services*).

It is estimated that remaining services described above can be completed with a budget of approximately \$11,800.

Stantec

March 11, 2010
Mr. F. Wally Sandelin
Page 4 of 5

Reference: Request for Task Order Number 3, Groundwater Monitoring and Reporting Services Project

TASK ORDER NUMBER 3 BUDGET REQUEST

At the request of the City, Stantec submitted its July 10, 2009 *Revised Request for Task Order Number 2* with a budget request for \$19,000.

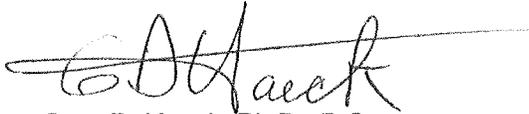
The completed out-of-scope services described above have exceeded the approved budget by approximately \$3,200 dollars. It is estimated that the remaining requested services can be completed with a time and materials budget of \$11,800.

Completed WM Task current estimated over-budget amount	\$3,200
<u>Remaining out-of-scope services budget request</u>	<u>\$11,800</u>
Total requested Task Order Number 3 budget increase	\$15,000

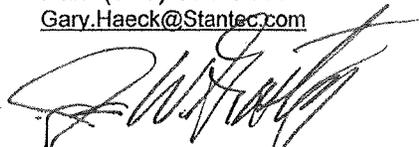
Therefore, Stantec requests the City issue Task Order Number 3 with a time and materials budget of \$15,000. The task order will be executed under the existing *Master Professional Services Agreement, Engineering Support Services for the City of Lodi* approved by the City Council on June 17, 2009. A draft copy of Task Order Number 3 based on the format of previous task orders is included for the City's convenience. Should you have any questions or concerns regarding this task order request, please feel free to contact me.

Sincerely,

STANTEC CONSULTING CORPORATION



Gary D. Haeck, Ph.D., P.G.
Managing Senior Geologist
Tel: (916) 384-0768
Fax: (916) 861-0430
Gary.Haeck@Stantec.com



James W. Grasty, P.G.
Managing Principal Geologist
Regional Manager

Attachments: *Revised Request for Task Order Number 2, Well Maintenance and On-Call Environmental Services, Groundwater Monitoring/Reporting Services Project*
Draft Task Order Number 3.

**REVISED REQUEST FOR TASK ORDER NUMBER 2, WELL
MAINTENANCE AND ON-CALL ENVIRONMENTAL SERVICES,
GROUNDWATER MONITORING/REPORTING SERVICES
PROJECT**



Stantec

Stantec Consulting Corporation
3017 Kilgore Road Suite 100
Rancho Cordova CA 95670
Tel: (916) 861-0400
Fax: (916) 861-0430

RECEIVED

JUL 30 2009



CITY OF LODI
PUBLIC WORKS DEPARTMENT

July 28, 2009
File: 185702079.200.0001

Mr. F. Wally Sandelin, Public Works Director
Public Works Department
221 West Pine Street; P.O. Box 3006
Lodi, California 95241-1910

Dear Mr. Sandelin:

**Reference: Revised Request for Task Order Number 2
Well Maintenance and On-Call Environmental Services
Groundwater Monitoring/Reporting Services Project
221 West Pine Street
Lodi, California 95240**

At the request of the City of Lodi (the City), Stantec Consulting Corporation (Stantec) is pleased to submit this request for Task Order Number 2 to fund necessary well maintenance and related on-call environmental services in connection with the above-referenced project. The objective of this task order is to establish a time-and-materials budget for ongoing well maintenance and related services not included in the scope of work for the Groundwater Monitoring/Reporting Services project. The work to be completed under Task Order Number 2 will be performed in accordance with the terms and conditions of the existing *Master Professional Services Agreement, Engineering Support Services for the City of Lodi* approved by the City Council on June 17, 2009.

WORK SCOPE

Stantec will or has performed the following work items under this task order as requested by the City:

- Task 1. Ongoing Well Maintenance,
- Task 2. Deployment of Missing Passive Diffusion Bags (PDBs) for Second Quarter 2009 Sampling Event,
- Task 3. Replacement of PDB Suspension Tethers with Stainless Steel Tethers in Seven Wells, and
- Task 4. Additional Environmental Services as Requested

TASK 1 – ONGOING WELL MAINTENANCE

As previously discussed and documented, information provided by the previous sampling consultant (WGR Southwest Inc. [WGR]) (attached) indicates that the serviceability of many of the well heads in the 50 well network are suspect and various repairs are needed to restore well integrity. These currently include, but are not limited to, cracked annular and well box seals, broken well lids, missing well gaskets, leaking well boxes, stripped well box threads, stripped and missing

Stantec

July 28, 2009
Mr. F. Wally Sandelin
Page 2 of 3

**Reference: Request for Task Order Number 2 Well Maintenance and On Call Environmental Services,
Groundwater Monitoring/Reporting Services Project**

well bolts, etc... Other ongoing well maintenance issues as needed and requested by the City are included in this task. Stantec will evaluate and confirm well box conditions and confirm with the City prior to performing needed repairs.

TASK 2 – DEPLOYMENT OF MISSING PASSIVE DIFFUSION BAGS (PDBS) FOR SECOND QUARTER 2009 SAMPLING EVENT

PDBs must be deployed a minimum of two weeks prior to retrieval and sample collection. Typically PDBs required for the next quarterly sampling event are deployed during the current event to avoid a separate, unnecessary mobilization. Information provided by WGR (attached), indicated that PDBs for four of the wells (G-05, G-11, G-13, and MW-25B) were inadvertently not deployed with others during first quarter 2009. With concurrence of and coordination with the City, Stantec deployed these PDBs on June 9, 2009 as required to insure compliance with Monitoring and Reporting Program Number. R5-2008-0813. As requested by the City, Stantec is including the costs for this out of scope work in this task order. These out of scope charges including required labor, materials, and expenses are expected to total less that \$1,500.

TASK 3 – REPLACEMENT OF PDB SUSPENSION TETHERS WITH STAINLESS STEEL TETHERS IN SEVEN WELLS

As previously discussed, information provided by WGR Environmental (attached) indicates that there are seven remaining wells that still need the cotton twine PDB suspension tethers replaced. When WGR began performing the PDB sampling several years ago, the wells were fitted with simple cotton twine to suspend the PDBs. Over subsequent years, the decaying twine has been replaced with conventional stainless steel suspension tethers, fitted with hanger assemblies, and charged to the City. Currently, seven wells (G-10, G-18B, G-25C, G-21C, G-22C, G-23C, and G-25C) need the twine replaced with conventional tethers. Stantec will evaluate and confirm the presence of twine in these wells and coordinate with the City prior to replacement. Costs for the tethers and hanger assemblies vary with length and range from approximately \$200 to \$350 per well. This task includes the required labor, materials, and expenses.

TASK 4 – ADDITIONAL ENVIRONMENTAL CONSULTING SERVICES AS REQUESTED

At the request of the City, Stantec will perform additional environmental consulting services that are not included in the approved scope of work outlined in Stantec's April 3, 2009 *Proposal to Provide Ground Water Monitoring/Reporting Services*.

FEE AND SCHEDULE

In accordance with discussions with the City, Stantec estimates a time-and-materials budget of \$19,000.00 for the scope of services itemized above. The work is associated with the current Ground Water Monitoring/Reporting Services Project (Stantec Project Number 185702079). Stantec will establish a separate Well Maintenance Task for this project to track costs associated with the scope of work outlined above and will invoice the City with the regular monthly invoice for this project. The work will be completed in accordance with the terms and conditions of the existing *Master Professional Services Agreement, Engineering Support Services for the City of Lodi* approved by the City Council on June 17, 2009.

Stantec

July 28, 2009
Mr. F. Wally Sandelin
Page 3 of 3

**Reference: Request for Task Order Number 2 Well Maintenance and On Call Environmental Services,
Groundwater Monitoring/Reporting Services Project**

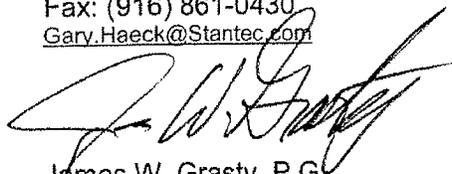
Should you have any questions or concerns regarding this proposal or cost estimate, please feel free to contact me.

Sincerely,

STANTEC CONSULTING CORPORATION



Gary D. Haeck, Ph.D., P.G.
Managing Senior Geologist
Tel: (916) 384-0768
Fax: (916) 861-0430
Gary.Haek@Stantec.com



James W. Grasty, P.G.
Managing Principal Geologist
Regional Manager

Attachments: Well Status Information Provide by WGR Southwest Inc.
Draft Task Order Number 2
2009 Billing Rate Schedule

!:\City of Lodi\GW Sampling and Reporting\PM\change order Issues\Revision II Request for Task Order 2.doc

**WELL STATUS INFORMATION PROVIDED BY
WGR SOUTHWEST INC.**

Table 1
Q1-2009 Quarterly Sampling Event - March 2009
 Central Plume Area
 City of Lodi

Well ID	Top of PDB (ft bgs)		PDB present in well (Installed during Q4-2008 event)		PDB to be installed 2 weeks prior to sampling		Water Level Measurement	Q1-2009 Sampling Event (March 2009)		Duplicate Sample ID	PDB Installation for Q2-2009 Event (June 2009)		Needs Twine Changed O/T		
	Depth 1	Depth 2	Depth 1	Depth 2	Depth 1	Depth 2		Depth 1	Depth 2		Depth 1	Depth 2			
G-04		49.5				*	*	*	*		*	*			
G-05		56				*	*	*	*	DUP1	*	*			
G-06		52				*	*	*	*		*	*			
G-07		52				*	*	*	*		*	*			
G-08		60		*		*	*	*	*		*	*			
G-10		62		*		*	*	*	*		*	*	✓		
G-11		62				*	*	*	*		*	*			
G-12		62		*		*	*	*	*		*	*			
G-13		64.5				*	*	*	*		*	*			
G-14A		58		*		*	*	*	*	DUP2	*	*			
G-14B		109				*	*	*	*		*	*			
G-14C		149				*	*	*	*		*	*			
G-15A		58		*		*	*	*	*		*	*			
G-16A		59.5		*		*	*	*	*		*	*	✓		
G-16B		122		*		*	*	*	*		*	*			
G-16C		--				*	*	*	*		*	*			
G-17A		62		*		*	*	*	*		*	*			
G-18A		58		*		*	*	*	*		*	*			
G-18B		131				*	*	*	*		*	*	✓		
G-18C		--				*	*	*	*		*	*			
G-19A		59		*		*	*	*	*	DUP3	*	*			
G-24A		67.5				*	*	*	*		*	*			
G-24B		122		*		*	*	*	*		*	*			
G-25A		97		*		*	*	*	*		*	*			
G-25B		147		*		*	*	*	*		*	*			
G-25C		188.5				*	*	*	*		*	*	✓		
MW-06		57		*		*	*	*	*		*	*			
MW-08		49				*	*	*	*		*	*			
MW-09		50.5				*	*	*	*		*	*			
MW-12		52.5		*		*	*	*	*		*	*			
MW-13		--				*	*	*	*		*	*			
MW-15		56				*	*	*	*		*	*			
MW-17		68				*	*	*	*		*	*			
MW-18		--				*	*	*	*		*	*			
MW-19		--				*	*	*	*		*	*			
MW-21A		73		*		*	*	*	*		*	*			
MW-21B		99		*		*	*	*	*	DUP 4	*	*			
MW-21C	120	124				*	*	*	*		*	*	✓		
MW-22B		91.5		*		*	*	*	*		*	*	✓		
MW-22C	134	139				*	*	*	*		*	*	✓		
MW-23B		88.5				*	*	*	*		*	*	✓		
MW-23C		121				*	*	*	*		*	*	✓		
MW-24A		62.5		67.5		*	*	*	*		*	*			
MW-24B		97		100.5		*	*	*	*		*	*			
MW-24C		116		121		*	*	*	*		*	*			
MW-25B		90				*	*	*	*	DUP5	*	*			
MW-25C	150	154				*	*	*	*		*	*	✓		
MW-26D		188				*	*	*	*		*	*			
MW-27D		223		*		*	*	*	*		*	*			
PCP-4		69		*		*	*	*	*		*	*			
TOTALS				20		28		50		48		5		25	7

Concrete PDBs of well is cracked

well box is 20ca. Needs replaced

Has steel cable but no weight to be reatha

Notes
 ft bgs - feet below ground surface
 All samples will be analyzed by US EPA Method 8260B.
 Level II Data Package

GROUNDWATER GAUGING FORM

JOB NAME: Lodi Central Plume - Q1 2009

JOB NUMBER: 3923.16

IP#: _____
MEASURED TO TOC OR GRADE? TOC

DATE: 7/2008 3/17/09
Name: C. Strong

WELL I.D.	Depth to Bottom (Feet)	Well Diameter (Inches)	Depth to Water (Feet)	Depth to Product (Feet)	Product Thickness (Feet)	CALC. 80% RECHO	COMMENTS Please note if well needs repair.
G-04	NM	2	50.66	NA	NA	NA	2/3 bolts present + bolt stripped
G-05		2	52.16				1 bolt missing
G-06		2	52.17				1 bolt stripped
G-07		2	51.73				2/3 bolts. No lid gasket. Well box floods.
G-08		2	52.14				Need to add work add ground into well box
G-10		2	52.25				Needs steel harness. String still in well. Bolt used as weight *
G-11		2	53.20				2 bolts missing
G-12		2	53.59				—
G-13		2	54.83				—
G-14A		4	50.21				3 stripped bolts
G-14B		2	51.15				Bolts stripped
G-14C		4	51.92				1 bolt missing. Other stripped
G-15A		2	52.66				—
G-16A		2	53.25				Weight almost came off harness. Reconnected w/ zip ties. Needs to be rechecked
G-16B		2	54.00				3 stripped bolts
G-16C		2	54.21				—
G-17A		2	55.47				2 bolts missing
G-18A		2	53.83				2 bolts missing
G-18B		4	54.17				1 bolt missing. Other stripped * Needs steel harness. String still in well
G-18C		4	54.07				—
G-19A		2	52.60				—
G-24A	↓	2	53.60	↓	↓	↓	—

GW Gauging Form.xls

NM - not measured
NA - not applicable

pg. 1 of 3

GROUNDWATER GAUGING FORM

JOB NAME: Lodi Central Plume

JOB NUMBER: 3923.16

IP#: _____
MEASURED TO TOC OR GRADE? TOC

DATE: 1/2008 3/17/09
Name: C. Strong

WELL I.D.	Depth to Bottom (Feet)	Well Diameter (Inches)	Depth to Water (Feet)	Depth to Product (Feet)	Product Thickness (Feet)	CALC. 80% RECHG.	COMMENTS Please note if well needs repair.
G-24B	NM	4	54.32	NA	NA	NA	well box is loose. Concrete apron is cracked.
G-25A		2	56.54				Well lid missing Needs new well box.
G-25B		4	56.68				---
G-25C		4	57.05				Needs steel harness. String still in well
MW-06		4	53.56				Pump + tubing in well
MW-08		2	50.03				---
MW-09		4	50.75				Still needs 4" plastic disk. Bolts stripped
MW-12		4	54.73				bolts stripped
MW-13		2	59.35				---
MW-15		2	58.33				1 bolt stripped
MW-17		2	61.87				2 bolts stripped
MW-18		2	58.71				---
MW-19		4	62.77				Fixed cap. Put rounder than small hole in well cap
MW-21A		2	60.89				bolts stripped
MW-21B		2	60.79				bolts stripped
MW-21C		2	60.71				bolts stripped Needs steel harness + harness weight
MW-22B		2	58.76				---
MW-22C		2	58.76				bolts stripped. Needs well lid gasket. Needs steel harness
MW-23B		2	62.58				} 2 bolts stripped MW-23C needs steel harness
MW-23C		2	62.44				
MW-24A		2	60.77				} MW-24 well box is loose. Needs replaced
MW-24B	✓	2	60.30	✓	✓	✓	

GW Gauging Form.xls
 NM - not measured
 NA - not applicable

From: Haeck, Gary

Sent: Monday, June 08, 2009 4:02 PM

To: cboyer@lodi.gov

Subject: Stantec M&S issue, deployment of PDBs

Greetings Chris, This is to follow up on our discussion and document the agreed up approach.

Based on the attached information provided by Chris Strong at WGR, passive diffusion bag (PDB) samplers were not deployed at wells G-05, G-11, G-13, and MW-25B as required during 1st quarter 2009 sampling to allow sampling during our 2nd quarter 09 sampling event per the RWQCB MRP (attached). The PDBs must be deployed a minimum of two weeks prior to sample collection. We are quickly making arrangements to procure and deploy these PDBs tomorrow in these wells, to facilitate sampling of all wells required by the MRP for the second quarter. We will re-schedule the sampling currently scheduled for Wednesday and Thursday 6-17-09 and 6-18-09 to the following week to have the minimum 2 week period prior to sampling. We are currently re-scheduling the sampling for Wednesday and Thursday, 6-24 & 6-25-09. Per our discussion, we will include these charges on the well maintenance task that we discussed setting up for the City.

Stantec will perform the following out of scope work:

1. Arrange for one time procurement of PDBs and the related required equipment and supplies;
2. Arrange for and obtain the required ASTM type I deionized water for filling the PDBs,
3. Fast track creation of site specific Health and Safety Plan,
4. Mobilize to the site and deploy the PDBs in wells G-05, G-11, G-13, and MW-25B at the required depths, and
5. Related coordination, scheduling, and management labor.

hope this is appropriate documentation for your purposes.

Thanks Gary

Gary D. Haeck, Ph.D., P.G.

Managing Senior Geologist

Stantec

3017 Kilgore Road Suite 100

Rancho Cordova CA 95670

Ph: (916) 384-0768

Fx: (916) 861-0430

Cell: (530) 400-0362

Gary.Haeck@Stantec.com

stantec.com

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DRAFT TASK ORDER NUMBER 2

Task Order No. 2

City of Lodi

**Well Maintenance and On-Call Environmental Services
Central Plume - Groundwater Monitoring/Reporting Services Project**

Stantec Consulting Corporation Job No. 185702079

In accordance with the *Master Professional Services Agreement, Engineering Support Services for the City of Lodi* between the City of Lodi (Client) and Stantec Consulting Corporation (Consultant), approved by the City Council on June 17, 2009, Consultant is authorized to complete the work scope defined in the Task Order according to the schedule and budget defined herein. The mutually agreeable terms and conditions for the above referenced agreement shall prevail.

WORK SCOPE

At the request of the Client, well maintenance and on-call environmental services related to the Central Plume - Groundwater Monitoring/Reporting Services Project will be performed by the Consultant. The scope is detailed in the attached *Request for Task Order Number 2 Well Maintenance and On-Call Environmental Services, Groundwater Monitoring/Reporting Services Project* dated June 22, 2009.

BUDGET

The costs for Consultants services as defined herein shall not exceed \$19,000.

COMPENSATION

Compensation shall be in accordance with the provisions of the *Master Professional Services Agreement* between Client and Consultant and the billing rate schedule contained in the attached letter proposal.

SCHEDULE

The work will be completed in accordance with a mutually agreeable schedule based on the Clients needs, the Consultants availability, and as requested by the Client.

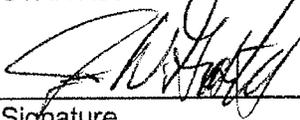
Task Order No. 2

City of Lodi

Well Maintenance and On-Call Environmental Services
Central Plume - Groundwater Monitoring/Reporting Services Project

Stantec Consulting Corporation Job No. 185702079

STANTEC CONSULTING CORP



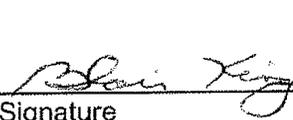
Signature

James W. Grasty, P.G.
Printed Name

Managing Principal Geologist
Title

7/28/09
Date

CITY OF LODI



Signature

Blair King
Printed Name

City Manager
Title

8/5/09
Date

ATTEST:


RANDI JOHL
City Clerk

APPROVED AS TO FORM:



D. STEPHEN SCHWABAUER
City Attorney

**CITY OF LODI
2009 BILLING RATE SCHEDULE**



STANTEC 2009 SCHEDULE OF HOURLY RATES AND DISBURSEMENTS
 (Page 1 of 3)

Charges for all professional, technical, and administrative staff directly charging time to the project will be calculated and billed on the basis of the following schedule.

LEVEL	HRLY RATE	DESCRIPTION
1 2 3	\$46 \$52 \$58	Generally Not applicable to the Southern California Market <ul style="list-style-type: none"> • May on occasion be appropriate for intern and clerical support.
4 5 6	\$65 \$72 \$79	Clerical, Interns, & Field/Lab Techs <ul style="list-style-type: none"> • Assists Office Administrators, Engineers, Designers, and field staff with clerical and routine entry level tasks.
7 8 9	\$86 \$94 \$102	Junior-level position, Administrative, <ul style="list-style-type: none"> • Independently carries out assignments of limited scope using standard procedures, methods and techniques • Assists senior staff in carrying out more advanced procedures • Completed work is reviewed for feasibility and soundness of judgment • Recent graduate from an appropriate post-secondary program or equivalent.
10 11 12	\$112 \$122 \$133	Professional level positions <ul style="list-style-type: none"> • Carries out assignments requiring general familiarity within a broad field of the respective profession • Makes decisions by using a combination of standard methods and techniques • Actively participates in planning to ensure the achievement of objectives • Works independently to interpret information and resolve difficulties • Provides applied professional knowledge and initiative in planning and coordinating work programs
13 14 15	\$146 \$157 \$168	Highly-specialized technical professional or project supervisor <ul style="list-style-type: none"> • Provides multidiscipline knowledge to deliver innovative solutions in related field of expertise • Participates in short and long range planning to ensure the achievement of objectives • Makes responsible decisions on all matters, including work methods, and financial controls associated with projects • Decisions accepted as technically accurate • Reviews and evaluates technical work
16 17	\$181 \$210	Senior level consultant or management function <ul style="list-style-type: none"> • Recognized as an authority in a specific field with qualifications of significant value • Provides multidiscipline knowledge to deliver innovative solutions in related field of expertise • Independently conceives programs and problems for investigation • Participates in discussions to ensure the achievement of program and/or project objectives • Makes responsible decisions on expenditures, including large sums or implementation of major programs and/or projects
18 19	\$247 \$347	Senior level management position <ul style="list-style-type: none"> • Recognized as an authority in a specific field with qualifications of significant value • Responsible for long range planning within a specific area of practice or region • Makes decisions which are far reaching and limited only by objectives and policies of the organization • Plans/approves projects requiring significant human resources or capital investment • Graduate from an appropriate post-secondary program, with credentials or equivalent • Generally, fifteen years experience with extensive professional and management experience



STANTEC 2009 SCHEDULE OF HOURLY RATES AND DISBURSEMENTS
 (Page 2 of 3)

Other Direct Disbursements:

Disbursement	Rate
Vehicle Mileage	Prevailing IRS Rate
Subcontract Services	Actual Cost +10%
Travel/Per Diem	Actual Cost +10%
Per Diem	\$ 150/day
Capital Purchases and Expendable Materials	Actual Cost +10%
Postage and Shipping	Actual Cost +10%
Standard Field Equipment	(See Attached Schedule)

Standard Field Equipment:

Standard Field Equipment	Rate
Air Sampling Equipment	\$45/day
Bailer – Disposable	\$10/each
Bailer – Disposable Weighted	\$15/day
Bailer – Quick E-Bailer System	\$25/day
Bailer – Reusable	\$20/day
Drum – 55 Gallons	\$55/each
Digital Camera	\$25/day
Draeger Sampler (Tubes not included)	\$30/day
Field Communication – Phone	\$10/day
Field Communication – Two-Way Radio	\$20/day
Field Computer	\$25/day
Field Survey – Receptor Survey	\$85/hour
Field Survey – Scope/Proposal Preparation	\$100/each
Field Survey – Site Survey	\$85/hour
Field Survey – Well Search	\$85/hour
Field Test Kit – Groundwater	\$55/each
Field Test Kit – Soil	\$55/each
Field Test Kit – SVE	\$55/each
Field Vehicle – Mileage	Prevailing IRS rate
Field Vehicle	\$100/day
Field Vehicle – Sampling Truck	\$175/day
Field Vehicle – Truck/Van	\$130/day
Flame Ionization Detector (FID)	\$130/day
Generator	\$60/day
Gloves – Colored Cloth	\$5/pair
Gloves – Colored Leather	\$15/pair
Gloves – Colored Nitrile	\$0.15/pair
Gloves – Kevlar Under Glove	\$2.50/pair
H&S – Level B Safety Equipment	\$165/day
H&S – Level C Safety Equipment	\$85/day
H&S – Level D Safety Equipment	\$50/day
H&S – Traffic Control Equipment	\$55/day
Hand Auger	\$30/day
Large Equipment & System – Caterpillar D4 Bulldozer	\$250/day
Large Equipment & Systems – Dual Phase Extraction Treatment (DPET)	\$200/day
Large Equipment & Systems – Soil Vapor Extraction System	\$100/day
Low Flow Purge/Sampling System	\$80/day
Meter – Oil/Water Interface	\$55/day
Meter – Anemometer	\$25/day
Meter – CO	\$65/day
Meter – Conductivity	\$25/day
Meter – Data Logger	\$140/day
Meter – Dissolved Oxygen	\$65/day
Meter – DO/ORP/Temp/Conductivity	\$100/day
Meter – Dosimeter	\$45/day
Meter – Ferrous Iron	\$5/day



STANTEC 2009 SCHEDULE OF HOURLY RATES AND DISBURSEMENTS
 (Page 3 of 3)

Standard Field Equipment (continued):

Standard Field Equipment	Rate
Meter – Flow	\$5/day
Meter – H2S Detector	\$65/day
Meter – LEL/O2	\$65/day
Meter – Magnehelic (Gauge)	\$55/day
Meter – Magnetometer	\$50/day
Meter – Manometer	\$25/day
Meter – Measuring Wheel	\$25/day
Meter – Metal Detector	\$15/day
Meter – Multimeter	\$100/day
Meter – O2/CO2	\$65/day
Meter – ORP	\$65/day
Meter – Other	quote/day
Meter – Ozone	\$55/day
Meter – pH	\$25/day
Meter – pH/Temp/Conductivity	\$25/day
Meter – Temperature	\$25/day
Meter – Turbidity	\$30/day
Meter – Dust Monitor	\$120/day
Meter – Velocity	\$25/day
Meter – Water Level Indicator	\$25/day
Photoionization Detector (PID)	\$110/day
Pressure Washer	\$25/day
Pump – Air Sampling	\$45/day
Pump – Centrifugal	\$45/day
Pump – Groundwater Sampling	\$110/day
Pump – Peristaltic	\$50/day
Pump – Submersible	\$60/day
Pump - Trash	\$35/day
Pump – Vacuum Pump	\$45/day
Pump – Whale Sampling	\$25/day
Pump – Well Sampling/Purge	\$45/day
Reproduction – 11x17 Color Plot./Print/Copy	\$2/copy
Reproduction – 24x36 Color Plot/Print	\$10/copy
Reproduction – 8.5x11 B&W Copies	\$0.15/copy
Reproduction – 8.5x11 Color Copies	\$1.25/copy
Reproduction – Oversized B&W Plot/Print	\$10/copy
Reproduction – Oversized Color Plot. Print	\$15/copy
Soil Sample Ring/Sleeve	\$10/each
Survey Equipment – GPS	\$30/day
Survey Equipment – Laser Plane Level & Receiver	\$135/day
Survey Equipment – GPS Survey Quality	\$150/day
Survey Equipment – Level Only	\$85/day
Transducer	\$30/each
Tedlar Bag	\$15/each

DRAFT TASK ORDER NUMBER 3

Task Order No. 3

City of Lodi

Groundwater Monitoring and Reporting Services Project

Stantec Consulting Corporation Job No. 185702079

In accordance with the *Master Professional Services Agreement, Engineering Support Services for the City of Lodi* between the City of Lodi (Client) and Stantec Consulting Corporation (Consultant), approved by the City Council on June 17, 2009, Consultant is authorized to complete the work scope defined in the Task Order according to the schedule and budget defined herein. The mutually agreeable terms and conditions for the above referenced agreement shall prevail.

WORK SCOPE

At the request of the Client, environmental services associated with the Central Plume - Groundwater Monitoring and Reporting Services Project will be performed by the Consultant. The scope is detailed in the attached *Request for Task Order Number 3, Groundwater Monitoring and Reporting Services Project* dated March 8, 2010.

BUDGET

The costs for Consultants services as defined herein shall not exceed \$15,000.

COMPENSATION

Compensation shall be in accordance with the provisions of the *Master Professional Services Agreement* between Client and Consultant and the billing rate schedule contained in the attached letter proposal.

SCHEDULE

The work will be completed in accordance with a mutually agreeable schedule based on the Clients needs, the Consultants availability, and as requested by the Client.

Task Order No. 3

City of Lodi

Groundwater Monitoring and Reporting Services Project

Stantec Consulting Corporation Job No. 185702079

STANTEC CONSULTING CORP

CITY OF LODI



Signature

Signature

James W. Grasty, P.G.
Printed Name

Blair King
Printed Name

Managing Principal Geologist
Title

City Manager
Title

3/11/10
Date

Date

ATTEST:

RANDI JOHL
City Clerk

APPROVED AS TO FORM:

D. STEPHEN SCHWABAUER
City Attorney





Stantec

Stantec Consulting Corporation
3017 Kilgore Road Suite 100
Rancho Cordova CA 95670
Tel: (916) 861-0400
Fax: (916) 861-0430

April 9, 2010
File: 185799000

Mr. F. Wally Sandelin
Director of Public Works
221 West Pine Street; P.O. Box 3006
Lodi, California 95241-1910

Dear Mr. Sandelin:

**Reference: Request for Task Order Number 5
Value Engineering Services for the
Central Plume PCE/TCE Interim Remedial Measures (IRM)
Improvements Project**
221 West Pine Street
Lodi, California 95240

At the request of the City of Lodi (the City), Stantec Consulting Corporation (Stantec) is pleased to submit this request for Task Order Number 5 to provide value engineering services to the City on the above-cited project. The objective of these services will be to provide third-party technical review of project-related documents as well as project oversight to facilitate achieving technically sound IRMs that provide the maximum value to the City. The work to be completed under Task Order Number 5 will be performed in accordance with the terms and conditions of the existing *Master Professional Services Agreement, Engineering Support Services for the City of Lodi* approved by the City Council on June 17, 2009.

BACKGROUND

The City issued the *Central Plume PCE/TCE Interim Remedial Measures Improvements Project, Request For Proposals* on January 11, 2010 to nine pre-qualified firms. The project was awarded to Diede Construction of Lodi, California at the March 17, 2010 City Council Meeting.

Stantec currently provides ongoing environmental consulting services associated with the Lodi Central Plume project to facilitate compliance with California Regional Water Quality Control Board (RWQCB) requirements. Stantec has also recently provided consulting services to the City on the Northern California Power Authority (NCPA)/City of Lodi proposed Lodi Energy Center (LEC) project. These services assisted the City in completing California Energy Commission (CEC) and California Department of Toxic Substances Control (DTSC) environmental requirements for the LEC project.

Following discussions with the City on the Central Plume IRM project, the City requested that Stantec submit this proposal to provide ongoing value engineering services to the City during construction and operation phases of the above-cited project.

Reference: Request for Task Order Number 5, Value Engineering Services, Central Plume PCE/TCE Interim Remedial Measures (IRM) Improvements Project, Lodi, California

SCOPE OF WORK

Stantec will perform the following scope of work under this task order to provide value engineering services as requested by the City:

TASK 1 – DESIGN REVIEW

Stantec will conduct third party technical reviews of project design documents submitted to the City by Diede Construction as requested. The reviews will focus on best engineering practices, compliance with contract documents, system performance, cost effectiveness, and permit compliance.

TASK 2 – SUBMITTAL REVIEW

Stantec will provide third party reviews of various project submittals by Diede Construction as requested by the City. The reviews will focus on achieving submittals that are in compliance with agency requirements and objectives for the remedial system in a cost effective manner.

TASK 3 – OPERATIONS AND MAINTENANCE (O&M) MANUAL REVIEW

An operations manual will be generated by Diede Construction that provides instructions for the operation and ongoing maintenance of the various remedial system components. Stantec will review the manual and manufacturer's documentation of individual system components for consistency and compliance with engineering best practices and to ensure the system is being operated in a cost effective manner.

TASK 4 – MONITORING DATA REVIEW

Stantec will provide review of remedial system monitoring data collected during start up and ongoing O&M activities. These data include but are not limited to influent and effluent vapor sample results collected from the soil vapor extraction system, influent and discharge groundwater sample results for the groundwater treatment system, and O&M data for both systems. The data will be reviewed for permit compliance, system efficiency, and information suggesting system adjustments or modifications may be appropriate to speed up remediation and therefore reduce overall system operational costs.

TASK 5 – OPERATIONS OVERSIGHT

Stantec will provide operations oversight during the construction and the operational phases of the project. The oversight will emphasize technically sound and cost-effective construction and operational best practices as well as health and safety and liability issues.

TASK 6 – PROJECT MANAGEMENT AND MEETINGS

This task includes labor costs associated with normal project management responsibilities for an assumed project duration of approximately one and one half years. These consist of budget tracking, invoicing, scheduling, communications with the client, Diede Construction, and related project meetings as requested by the City.

Stantec

April 9, 2010
Mr. F Wally Sandelin
Page 3 of 3

Reference: Request for Task Order Number 5, Value Engineering Services, Central Plume PCE/TCE Interim Remedial Measures (IRM) Improvements Project, Lodi, California

FEE AND SCHEDULE

Stantec requests a time-and-materials budget of \$49,870 for the proposed scope of services listed above and the work completed to date. This estimated budget will not be exceeded without written permission from the City. An itemized estimated budget by task is attached along with costing assumptions. Should additional services be required that cannot be completed within the proposed budget, a change order will be requested. A draft copy of Task Order Number 5 based on the format of previous task orders is included for the City's convenience. Labor, equipment, and subcontractors fees will be charged in accordance with the attached 2010 rate sheet. The work will be completed in accordance with the terms and conditions of the existing *Master Professional Services Agreement, Engineering Support Services for the City of Lodi* approved by the City Council on June 17, 2009. Stantec is prepared to start work upon receipt of a signed and executed task order from the City.

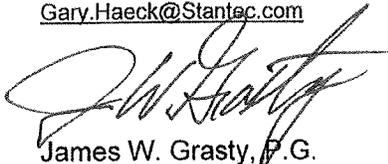
Should you have any questions or concerns regarding this task order request or cost estimate, please feel free to contact me.

Sincerely,

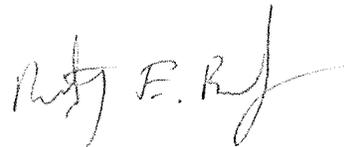
STANTEC CONSULTING CORPORATION



Gary D. Haeck, Ph.D., P.G.
Managing Senior Geologist
Tel: (916) 384-0768
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Gary.Haeck@Stantec.com



James W. Grasty, P.G.
Managing Principal Geologist
Regional Manager



Rusty Benkosky, P.E.
Managing Principal Engineer
Tel: (916) 384-0750
Fax: (916) 861-0430
Rusty.Benkosky@Stantec.com

Attachments: Detailed Time and Materials Cost Estimate
Draft Task Order Number 5
2010 Billing Rate Schedule

DETAILED TIME AND MATERIALS COST ESTIMATE

Task Order Number 5
Value Engineering Services for the
Central Plume PCE/TCE Interim Remedial Measures Improvements Project
221 West Pine Street
Lodi, California 95240

CLASSIFICATION	UNITS	Design Review		Submittal Review		O&M Manual Review		Monitoring Data Review		Operations Oversight		PM and Meetings		TOTAL COST		
		Units	Dollars	Units	Dollars	Units	Dollars	Units	Dollars	Units	Dollars	Units	Dollars	Units	Dollars	
LABOR ALLOCATION																
STANTEC LABOR																
Principal - Level 16	hour	\$181	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Senior - Level 15	hour	\$170	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Senior - Level 14	hour	\$159	20	\$3,180	10	\$1,590	10	\$1,590	10	\$1,590	15	\$2,385	25	\$3,975	90	\$14,310
Associate - Level 13	hour	\$148	20	\$2,960	20	\$2,960	20	\$2,960	5	\$740	0	\$0	20	\$2,960	85	\$12,580
Associate - Level 12	hour	\$135	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Associate - Level 11	hour	\$124	20	\$2,480	5	\$620	5	\$620	5	\$620	30	\$3,720	0	\$0	65	\$8,060
Project - Level 10	hour	\$113	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Project - Level 9	hour	\$104	30	\$3,120	20	\$2,080	25	\$2,600	15	\$1,560	30	\$3,120	0	\$0	120	\$12,480
Staff - Level 8	hour	\$96	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Staff - Level 7	hour	\$88	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Staff - Level 6	hour	\$80	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Tech/Admin - Level 5	hour	\$73	5	\$365	5	\$365	5	\$365	5	\$365	5	\$365	5	\$365	30	\$2,190
Tech/Admin - Level 4	hour	\$66	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Tech/Admin - Level 3	hour	\$59	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Tech/Admin - Level 2	hour	\$53	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Tech/Admin - Level 1	hour	\$47	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
TOTAL LABOR ALLOCATION				\$12,105		\$7,615		\$8,135		\$4,875		\$9,590		\$7,300	390	\$49,620
EXPENSES ALLOCATION																
STANTEC EQUIPMENT																
Field Vehicle	day	\$100	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Level D Safety Equipment	day	\$40	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Sampling Equipment (including ladders)	day	\$25	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Air Sampling Pump	Each	\$25	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
SUBTOTAL EQUIPMENT COSTS				\$0		\$0		\$0		\$0		\$0		\$0		\$0
REBILLABLES																
Shipping/Postage	each	\$25	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Air Fare (RT - SMF/SEA)	each	\$450	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Lodging (Fed Rate \$156)	night	\$140	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Rental Car (Fed Rate)	day	\$65	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Per Diem (Fed Rate)	night	\$40	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Mileage	each	\$0.500	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	500	\$250	500	\$250
SUBTOTAL REBILLABLES				\$0		\$0		\$0		\$0		\$0		\$250		\$250
TOTAL EXPENSE ALLOCATION	Markup	10%		\$0		\$0		\$0		\$0		\$0		\$250		\$250
SUBCONSULTANT ALLOCATION																
Laboratory analysis			0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
TOTAL SUBCONSULTANT ALLOCATION	Markup	10%		\$0		\$0		\$0		\$0		\$0		\$0		\$0
TOTAL COSTS				\$12,105		\$7,615		\$8,135		\$4,875		\$9,590		\$7,550		\$49,870

DRAFT TASK ORDER NUMBER 5

Task Order No. 5

City of Lodi

**Value Engineering Services for the
Central Plume PCE/TCE Interim Remedial Measures (IRM)
Improvements Project
221 West Pine Street
Lodi, California**

Stantec Consulting Corporation Job No. To Be Determined

In accordance with the *Master Professional Services Agreement, Engineering Support Services for the City of Lodi* between the City of Lodi (Client) and Stantec Consulting Corporation (Consultant), approved by the City Council on June 17, 2009, Consultant is authorized to complete the work scope defined in the Task Order according to the schedule and budget defined herein. The mutually agreeable terms and conditions for the above referenced agreement shall prevail.

WORK SCOPE

At the request of the Client, value engineering services associated with the above-cited project will be performed by the Consultant. The scope is detailed in the attached *Request for Task Order Number 5, Value Engineering Services for the Central Plume PCE/TCE Interim Remedial Measures Improvements Project Lodi, California* dated April 9, 2010.

BUDGET

The costs for Consultants services as defined herein shall not exceed \$49,870.

COMPENSATION

Compensation shall be in accordance with the provisions of the *Master Professional Services Agreement* between Client and Consultant and the billing rate schedule contained in the attached letter proposal.

SCHEDULE

The work will be completed in accordance with a mutually agreeable schedule based on the Clients needs, the Consultants availability, and as requested by the Client.

Task Order No. 5

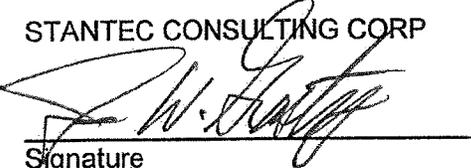
City of Lodi

Value Engineering Services for the
Central Plume PCE/TCE Interim Remedial Measures (IRM)
Improvements Project
221 West Pine Street
Lodi, California

Stantec Consulting Corporation Job No. To Be Determined

STANTEC CONSULTING CORP

CITY OF LODI


Signature

Signature

James W. Grasty, P.G.
Printed Name

Blair King
Printed Name

Managing Principal Geologist
Title

City Manager
Title

4/9/10
Date

Date

ATTEST:

RANDI JOHL
City Clerk

APPROVED AS TO FORM:

D. STEPHEN SCHWABAUER
City Attorney



**CITY OF LODI
2010 BILLING RATE SCHEDULE**



**STANTEC 2010 SCHEDULE OF HOURLY RATES AND DISBURSEMENTS
(Page 1 of 3)**

Charges for all professional, technical, and administrative staff directly charging time to the project will be calculated and billed on the basis of the following schedule.

LEVEL	HRLY RATE	DESCRIPTION
1 2 3	\$47 \$53 \$59	Generally Not applicable to the Southern California Market <ul style="list-style-type: none"> • May on occasion be appropriate for intern and clerical support.
4 5 6	\$66 \$73 \$80	Clerical, Interns, & Field/Lab Techs <ul style="list-style-type: none"> • Assists Office Administrators, Engineers, Designers, and field staff with clerical and routine entry level tasks.
7 8 9	\$88 \$96 \$104	Junior-level position, Administrative, <ul style="list-style-type: none"> • Independently carries out assignments of limited scope using standard procedures, methods and techniques • Assists senior staff in carrying out more advanced procedures • Completed work is reviewed for feasibility and soundness of judgment • Recent graduate from an appropriate post-secondary program or equivalent.
10 11 12	\$113 \$124 \$135	Professional level positions <ul style="list-style-type: none"> • Carries out assignments requiring general familiarity within a broad field of the respective profession • Makes decisions by using a combination of standard methods and techniques • Actively participates in planning to ensure the achievement of objectives • Works independently to interpret information and resolve difficulties • Provides applied professional knowledge and initiative in planning and coordinating work programs
13 14 15	\$148 \$159 \$170	Highly-specialized technical professional or project supervisor <ul style="list-style-type: none"> • Provides multidiscipline knowledge to deliver innovative solutions in related field of expertise • Participates in short and long range planning to ensure the achievement of objectives • Makes responsible decisions on all matters, including work methods, and financial controls associated with projects • Decisions accepted as technically accurate • Reviews and evaluates technical work
16 17	\$181 \$210	Senior level consultant or management function <ul style="list-style-type: none"> • Recognized as an authority in a specific field with qualifications of significant value • Provides multidiscipline knowledge to deliver innovative solutions in related field of expertise • Independently conceives programs and problems for investigation • Participates in discussions to ensure the achievement of program and/or project objectives • Makes responsible decisions on expenditures, including large sums or implementation of major programs and/or projects
18 19	\$247 \$347	Senior level management position <ul style="list-style-type: none"> • Recognized as an authority in a specific field with qualifications of significant value • Responsible for long range planning within a specific area of practice or region • Makes decisions which are far reaching and limited only by objectives and policies of the organization • Plans/approves projects requiring significant human resources or capital investment • Graduate from an appropriate post-secondary program, with credentials or equivalent • Generally, fifteen years experience with extensive professional and management experience



**STANTEC 2010 SCHEDULE OF HOURLY RATES AND DISBURSEMENTS
(Page 2 of 3)**

Other Direct Disbursements:

Disbursement	Rate
Vehicle Mileage	Prevailing IRS Rate
Subcontract Services	Actual Cost +10%
Travel/Per Diem	Actual Cost +10%
Per Diem	\$ 150/day
Capital Purchases and Expendable Materials	Actual Cost +10%
Postage and Shipping	Actual Cost +10%
Standard Field Equipment	(See Attached Schedule)

Standard Field Equipment:

Standard Field Equipment	Rate
Air Sampling Equipment	\$45/day
Bailer – Disposable	\$10/each
Bailer – Disposable Weighted	\$15/each
Bailer – Quick E-Bailer System	\$25/day
Bailer – Reusable	\$20/day
Drum – 55 Gallons	\$55/each
Digital Camera	\$25/day
Draeger Sampler (Tubes not included)	\$30/day
Field Communication – Phone	\$10/day
Field Communication – Two-Way Radio	\$20/day
Field Computer	\$25/day
Field Survey – Receptor Survey	\$85/hour
Field Survey – Scope/Proposal Preparation	\$100/each
Field Survey – Site Survey	\$85/hour
Field Survey – Well Search	\$85/hour
Field Test Kit – Groundwater	\$55/each
Field Test Kit – Soil	\$55/each
Field Test Kit – SVE	\$55/each
Field Vehicle – Mileage	Prevailing IRS rate
Field Vehicle	\$100/day
Field Vehicle – Sampling Truck	\$175/day
Field Vehicle – Truck/Van	\$130/day
Flame Ionization Detector (FID)	\$130/day
Generator	\$60/day
Gloves – Colored Cloth	\$5/pair
Gloves – Colored Leather	\$15/pair
Gloves – Colored Nitrile	\$0.15/pair
Gloves – Kevlar Under Glove	\$2.50/pair
H&S – Level B Safety Equipment	\$165/day
H&S – Level C Safety Equipment	\$85/day
H&S – Level D Safety Equipment	\$50/day
H&S – Traffic Control Equipment	\$55/day
Hand Auger	\$30/day
Large Equipment & System – Caterpillar D4 Bulldozer	\$250/day
Large Equipment & Systems – Dual Phase Extraction Treatment (DPET)	\$200/day
Large Equipment & Systems – Soil Vapor Extraction System	\$100/day
Low Flow Purge/Sampling System	\$80/day
Meter – Oil/Water Interface	\$55/day
Meter – Anemometer	\$25/day
Meter - CO	\$65/day
Meter – Conductivity	\$25/day
Meter – Data Logger	\$140/day
Meter – Dissolved Oxygen	\$65/day
Meter – DO/ORP/Temp/Conductivity	\$100/day
Meter – Dosimeter	\$45/day
Meter – Ferrous Iron	\$5/day



STANTEC 2010 SCHEDULE OF HOURLY RATES AND DISBURSEMENTS
 (Page 3 of 3)

Standard Field Equipment (continued):

Standard Field Equipment	Rate
Meter – Flow	\$5/day
Meter – H2S Detector	\$65/day
Meter – LEL/O2	\$65/day
Meter – Magnehelic (Gauge)	\$55/day
Meter – Magnetometer	\$50/day
Meter – Manometer	\$25/day
Meter – Measuring Wheel	\$25/day
Meter – Metal Detector	\$15/day
Meter – Multimeter	\$100/day
Meter – O2/CO2	\$65/day
Meter – ORP	\$65/day
Meter – Other	quote/day
Meter – Ozone	\$55/day
Meter – pH	\$25/day
Meter – pH/Temp/Conductivity	\$25/day
Meter – Temperature	\$25/day
Meter – Turbidity	\$30/day
Meter – Dust Monitor	\$120/day
Meter – Velocity	\$25/day
Meter – Water Level Indicator	\$25/day
Photoionization Detector (PID)	\$110/day
Pressure Washer	\$25/day
Pump – Air Sampling	\$45/day
Pump – Centrifugal	\$45/day
Pump – Groundwater Sampling	\$110/day
Pump – Peristaltic	\$50/day
Pump – Submersible	\$60/day
Pump - Trash	\$35/day
Pump – Vacuum Pump	\$45/day
Pump – Well Sampling	\$25/day
Pump – Well Sampling/Purge	\$45/day
Reproduction – 11x17 Color Plot./Print/Copy	\$2/copy
Reproduction – 24x36 Color Plot/Print	\$10/copy
Reproduction – 8.5x11 B&W Copies	\$0.15/copy
Reproduction – 8.5x11 Color Copies	\$1.25/copy
Reproduction – Oversized B&W Plot/Print	\$10/copy
Reproduction – Oversized Color Plot. Print	\$15/copy
Soil Sample Ring/Sleeve	\$10/each
Survey Equipment – GPS	\$30/day
Survey Equipment – Laser Plane Level & Receiver	\$135/day
Survey Equipment – GPS Survey Quality	\$150/day
Survey Equipment – Level Only	\$85/day
Transducer	\$30/each
Tedlar Bag	\$15/each

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
CITY MANAGER TO EXECUTE TASK ORDER NOS. 3 AND 5
OF THE CITY OF LODI SOIL AND GROUNDWATER
REMEDIATION PROJECTS

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WHEREAS, on May 6, 2009, City Council approved a professional services agreement with Stantec Consulting Corporation (Stantec) for groundwater monitoring and reporting services for the Central Plume; and

WHEREAS, a Master Professional Services Agreement was approved by City Council on June 17, 2009. At that time, Task Order No. 1 was approved for professional services related to the characterization and cleanup of the Lodi Energy Center site, and Task Order No. 2 was approved by City Council in August 2009 for monitoring well maintenance and related services; and

WHEREAS, Task Order No. 3 includes additional groundwater monitoring and monitoring well maintenance services beyond those included in previously-approved contracts at a cost of \$15,000; and

WHEREAS, Task Order No. 5 will provide value engineering services related to the Central Plume PCE Cleanup Project at a cost of \$50,000; and

WHEREAS, Stantec has provided very similar services to a number of clients in the northern California area and has been providing related services to the City for the past year with excellent results.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute Task Order Nos. 3 and 5 of the City of Lodi Soil and Groundwater Remediation Projects with Stantec Consulting Corporation, of Rancho Cordova, California, for Groundwater Monitoring Services and Value Engineering Services in the amount of \$65,000.

Dated: April 21, 2010

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I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 21, 2010, by the following vote:

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

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving the Agreement Between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program

MEETING DATE: April 21, 2010

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

RECOMMENDED ACTION: Adopt resolution approving the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program.

BACKGROUND INFORMATION: The Parks and Recreation Department currently provides a summer swim league program to more than 500 children. The program continues to grow every year.

As a way of accommodating facility needs, staff has partnered with Twin Arbors Athletic Club (“TAAC”) to gain access to its pools. In exchange, TAAC is allowed to organize its own team and participate in the City-sponsored Summer Swim League. The benefits of the public/private partnership are twofold: (1) It provides the City use of aquatics facilities that the City does not currently have; and, (2) It creates another program offering for TAAC which has resulted in the expansion of the Summer Swim League.

Staff recommends approval of the agreement, which will enable the swimming pools at TAAC to be used for swim meets and allow for a team composed of TAAC members to participate in the League. Meets will be held on select Friday nights from June through July 2010. The term of the agreement is June 1, 2010 to July 16, 2010.

FISCAL IMPACT: No funds will be exchanged. This is an in-kind trade. The use of four pools (TAAC, Tokay High School, Lodi High School, and Blakely Pool) will enhance scheduling efficiency, allow for Friday night versus Saturday meets, and thus save operations and maintenance costs at Blakely Pool.

FUNDING: None

James M. Rodems
Interim Parks and Recreation Director

JMR:ml

Attachments
cc: City Attorney

APPROVED: _____
Blair King, City Manager

Memorandum of Understanding
(Summer Swim League)

THIS Memorandum of Understanding ("Agreement") is entered into as of this ___ day of _____, 2010, by Spare Time Incorporated d.b.a. Twin Arbors Athletic Club, ("TAAC") and THE CITY OF LODI, acting by and through its Parks and Recreation Department ("City").

Background

A. City operates a seven-week summer swim league at the City owned Enze Pool, Lodi High School Pool and Tokay High School Pool. Currently, the City has four teams, each comprised of over 100 participants, TAAC also operates swimming programs at its privately owned pool facilities at 2040 W. Cochran Rd, Lodi, and 1900 S Hutchins Rd, Lodi.

B. TAAC desires to organize a team to participate in the summer swim league again. City is willing to permit TAAC to do so on a trial basis. However, in order to accommodate the fifth team, City requires the use of one or both of TAAC's pool facilities.

C. Accordingly, the parties enter into this Agreement on the terms and conditions set forth below.

Agreement

In consideration of their mutual covenants, the Parties agree as follows:

1. Participation. TAAC and City agree that TAAC will establish an additional team named the "Dolphins" comprised of the members of its club to participate in the City's summer swim league.

2. Administration. Generally, the Dolphins team and its members will be treated identically to the City teams, and the Dolphins will practice at TAAC's facilities. Dolphins team members will register with and pay the City's Parks and Recreation program fees. City will pay the Dolphins coach the same stipend paid to the City coaches. City shall have the right to oversee and supervise the Dolphin's coach and program, including all appropriate background checks of Dolphins' staff (whether paid or volunteer) and monitoring practices and swim meets to ensure compliance with all applicable laws, regulations, and City standards. TAAC shall cooperate with City's efforts to perform background checks and monitoring.

3. Fees/Recruiting Prohibited. No fees, other than those referred to in paragraph 2 of this Agreement and TAAC's standard membership fee, shall be charged to any Dolphin team member. Members must be an active member of TAAC as of May 1st of the current year. However, TAAC like other teams may accept donations and have fundraisers to solicit sponsorships. TAAC shall not engage in any efforts to recruit memberships during swim meets. TAAC shall not recruit members of City teams and TAAC members who wish to retain their affiliation with a City team must not be pressured to join the TAAC team. However, TAAC will

be permitted to inform its members that it is establishing a team to compete in the City's summer swim league and that TAAC members may join TAAC's team by signing up through the City's Parks and Recreation Department subject to being an active member of TAAC as of May 1st of the current year.

4. Use of Facilities. During the term of this Agreement, TAAC agrees to allow the use of its facilities, including but not limited to the showers, dressing areas, bathrooms, and spectator areas for Dolphins practice and for swim meets between any teams in the summer swim league Monday through Thursday. No fees shall be charged to (1) the City for use TAAC's facilities; or (2) any child or spectator for any purpose, including but not limited to entry fees, or shower fees, during the swim meets. TAAC shall have the right to designate which of its Lodi pool facilities will be used for practices on whatever notice it deems appropriate and shall also have the right to designate which of its Lodi pool facilities will be used for swim meets on at least 30 days written notice to City, as long as practices are consistent with above times. The meets held at TAAC pools will involve the Dolphins and a City team. At no time will two City teams use TAAC pool for swim meets. Swim meets may be held on the following Friday evenings from 4:30 p.m. to 8:30 p.m. at the TAAC pool: June 11, 25 and July 9, 2010.

5. Term. The term of this Agreement shall be from June 1, 2010, to July 16, 2010, unless otherwise terminated as provided herein.

6. Maintenance. TAAC shall, at its own expense, maintain its Lodi premises and pool facilities and any buildings and or equipment on or attached to the premises in a safe condition, in good repair and in a manner suitable to City. City shall be entitled to inspect TAAC's pool facilities upon demand to ensure compliance with this paragraph.

7. Utilities. TAAC shall provide utility service to the premises at its sole cost and expense.

8. Attorney Fees. In any action between the parties arising out of or related to this contract, the prevailing party shall be entitled to all expenses incurred therefor, including reasonable attorney fees.

9. Optional Termination. Either party may terminate this Agreement in writing upon at least 48 hours prior written notice. In the event of an early termination, the City, in its sole discretion, will determine which one of the following options to give to the entire Dolphins team:

- a. Join another of the teams in the City's summer swim league;
- b. Continue on the Dolphins team for the remainder of the season with a coach to be supplied by the City without the use of the TAAC facilities; or
- c. Terminate their participation in the league and receive a pro-rated refund of the fees paid to the Parks and Recreation Department.

10. Indemnity and Insurance.

a. Indemnification by City: Except to the extent caused by the negligence or intentional misconduct of TAAC or of any agent, servant or employee of TAAC, City ("Indemnitor") shall, at its sole cost and expense, indemnify and hold harmless TAAC and all associated,

affiliated, allied and subsidiary entities of TAAC, now existing or hereinafter created, and their respective officers, boards, employees, agents, attorneys, and contractors (hereinafter referred to as "Indemnitees"), from and against:

i. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any act or omission of City, its personnel, employees, agents, contractors or subcontractors on the Premises, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, or any other right of any person, firm or corporation, to the extent arising out of or resulting from the operation and/or maintenance of the summer swim league or City's failure to comply with any applicable federal, state or local statute, ordinance or regulation.

b. Indemnification by TAAC: Except to the extent caused by the negligence or intentional misconduct of City or of any agent, servant or employee of City, TAAC ("Indemnitor") shall, at its sole cost and expense, indemnify and hold harmless City and all associated, affiliated, allied and subsidiary entities of City, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, attorneys, and contractors (hereinafter referred to as "Indemnitees"), from and against:

i. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any act or omission of TAAC, its personnel, employees, agents, contractors or subcontractors on the Premises, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, or any other right of any person, firm or corporation.

c. Defense of Indemnitees: In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, Indemnitor shall, upon reasonable prior written notice from any of the Indemnitees, at Indemnitor's sole cost and expense, resist and defend the same with legal counsel mutually selected by the parties; provided however, that the parties must not admit liability in any such matter without written consent, which consent must not be unreasonably withheld, conditioned or delayed, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without prior written consent. The indemnifying party's duty to defend shall begin upon receipt of a written notice identifying with specificity the allegations that give rise to this duty to defend and shall be co-extensive with the indemnifying party's indemnification obligation.

d. Notice, Cooperation and Expenses: Each party must give the other prompt written notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this paragraph. Nothing herein shall be deemed to prevent either party from cooperating with the other and participating in the defense of any

litigation by its own counsel. However, Indemnitor shall pay all reasonable expenses incurred by Indemnitees in response to any such actions, suits or proceedings. These expenses shall include all reasonable out-of-pocket expenses such as reasonable attorney fees and shall also include the reasonable value of any services rendered by Indemnitees' attorney, and the actual reasonable expenses of Indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by Indemnitees in connection with such suits, actions or proceedings but shall not include attorneys' fees for services that are unnecessarily duplicative of services provided Indemnitees by Indemnitor.

If Indemnitor requests Indemnitee to assist it in such defense, then Indemnitor shall pay all reasonable expenses incurred by Indemnitee in response thereto, including defending itself with regard to any such actions, suits or proceedings. These expenses shall include all reasonable out-of-pocket expenses such as attorney fees and shall also include the reasonable costs of any services rendered by Indemnitee's attorney, and the actual reasonable expenses of Indemnitee's agents, employees or expert witnesses, and disbursements and liabilities assumed by Indemnitee in connection with such suits, actions or proceedings.

e. Insurance: During the term of the Agreement, both parties must maintain, or cause to be maintained, in full force and effect and at their sole cost and expense, the following types and limits of insurance:

i. Worker's compensation insurance meeting applicable statutory requirements and employer's liability insurance with minimum limits of One Hundred Thousand Dollars (\$100,000) for each accident.

iii. Comprehensive commercial general liability insurance with minimum limits of One Million Dollars (\$1,000,000) as the combined single limit for each occurrence of bodily injury, personal injury and property damage.

iv. All policies other than those for Worker's Compensation shall be written on an occurrence and not on a "claims made" basis.

v. The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as in combination the limits equal or exceed those stated.

f. Named Insureds: All policies, except for workers compensation policies, shall name City and all of its associated, affiliated, allied and subsidiary entities, now existing or hereafter created, and its respective officers, boards, commissions, employees, agents and contractors, as their respective interests may appear as additional insureds (herein referred to as the "Additional Insureds"). Each policy which is to be endorsed to add Additional Insureds hereunder, shall contain cross-liability wording, as follows:

"In the event of a claim being made hereunder by one insured for which another insured is or may be liable, then this policy shall cover such insured against whom a claim is or may be made in the

15. Non-Waiver. Failure of either party to insist on strict performance of any of the conditions, covenants, terms or provisions of this Agreement or to exercise any of its rights here under shall not waive such rights, but either party shall have the right to enforce such rights at any time and take such action as might be lawful or authorized hereunder, either in law or equity.

16. Miscellaneous.

a. TAAC and City represent that each, respectively, has full right, power, and authority to execute this Agreement.

b. This Agreement constitutes the entire agreement and understanding of the parties and supersedes all offers, negotiations, and other agreements of any kind. There are no representations or understandings of any kind not set forth herein. Any modification of or amendment to this Agreement must be in writing and executed by both parties.

c. This Agreement shall be construed in accordance with the laws of the State of California.

This Agreement was executed as of the date first set forth above and effective as of the date set forth in introduction above.

Blair King
City Manager



Dennis Kaufman
General Manager

Attest:

Randi Johl
City Clerk

Dated: _____

Approved as to Form:

D. Stephen Schwabauer
City Attorney



RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING AGREEMENT BETWEEN THE CITY OF
LODI AND SPARE TIME, INC., dba TWIN ARBOR
ATHLETIC CLUB, FOR USE OF POOLS AT TWIN
ARBOR ATHLETIC CLUB FACILITIES

=====

WHEREAS, the Parks and Recreation Department currently provides a summer swim league program to more than 500 children; and

WHEREAS, this program continues to grow with no additional facilities available to expand the program; and

WHEREAS, over the years, City staff has partnered with Twin Arbor Athletic Club to gain access to its pools in order to expand the program; and

WHEREAS, the benefits of the public/private partnership have been twofold: 1) it has provided the City use of aquatics facilities that it does not currently have; and 2) it has created another program offering for Twin Arbors Athletic Club, which has resulted in the expansion of the Summer Swim League; and

WHEREAS, staff therefore recommends that the City Council approve the agreement, which would allow the swimming pools at Twin Arbor Athletic Club to be used for swim meets and allow a team comprised of Twin Arbor members to participate in the league.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the period June 1, 2010 to July 16, 2010.

Dated: April 21, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 21, 2010, by the following vote:

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

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Contract Amendment for Grant-Funded Public Safety Radio Replacement Project with Delta Wireless and Network Solutions, Inc. (\$80,984.72)

MEETING DATE: April 21, 2010

PREPARED BY: Information Systems Manager

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute contract amendment for grant-funded Public Safety Radio Replacement Project with Delta Wireless and Network Solutions, Inc. (80,984.72)

BACKGROUND INFORMATION: The Lodi City Council adopted Resolution 2009-24 accepting Federal Homeland Security grant funds in the amount of \$480,151.80 and authorized the purchase of Police and Fire radio equipment on March 4, 2009. The City subsequently issued a Request For Proposals (RFP) on July 20, 2009. On February 17, 2010 the Lodi City Council awarded the contract for replacing public safety radio equipment to Delta Wireless & Network Solutions of Stockton, under Homeland Security grant number 2008-0006, in the amount of \$362,734.18.

The original contract provides for the replacement of one Police and two Fire channels with three new UHF digital transmitters, and for the upgrading of the telecommunication lines between Fire stations that connect the repeaters to the main transmitters. As part of the project, a fourth repeater ("voter") site is also being added so that there will be radio coverage for emergency units in the southwest quadrant of the city.

Adding the fourth voter site for complete radio coverage and the switch to fiber optic connections between sites requires the purchase of additional equipment and the labor to install it. This need was identified subsequent to the contract being awarded.

The following additional labor and components, as identified by the vendor, are required to make the new Public Safety Radio system completely functional:

Item	Quantity	Cost
Outdoor voter enclosure	1	\$ 5,132.16
HP ProCurve Switch 5406zl Intelligent Edge – Switch; J8697A	1	\$ 1,808.82
HP ProCurve 5400zl 20p 10/100/1000 + 4p Mini-GBIC; J8705A	2	\$ 5,483.72
HP ProCurve zl 875W Power Supply AC100-127/200-240; J8712A	2	\$ 1,250.88
HP ProCurve Switch 2910al-24G 10/100/1000; J9145A-ABA	4	\$ 8,103.64
HP ProCurve Gigabit-LX-LC Mini-GBIC Modules; J4859C	20	\$13,712.40
SC/LC Single Mode Duplex Fiber Optic Patch Cable, 2m	20	\$ 324.40
RAD TDMoIP Gateway	1	\$ 2,376.00

APPROVED: _____
Blair King, City Manager

TDM pseudowire access gateway	4	\$ 4,356.00
Misc Hardware	1	\$ 500.50
25-foot voter antenna mast	1	\$ 8,200.00
Shipping, handling and taxes		\$ 5,254.70
Installation and configuration labor		\$ 24,481.50
Total		\$80,984.72

Staff is requesting authority to amend the original contract with Delta Wireless to facilitate purchasing the items listed above. Staff has consulted with San Joaquin County regarding the additional equipment and has been advised that the additions are allowable under the grant. With this change order, the total project costs are \$443,718.90.

FISCAL IMPACT: Saves the City the cost of purchasing and installing this equipment. The additional equipment is necessary for a fully functioning system. Grant funds allow the City to complete the project without using City funds.

FUNDING: Federal Homeland Security Grant \$80,984.72

Jordan Ayers
Deputy City Manager/Internal Services Director

Prepared by: Steve Mann, Information Systems Manager



Delta Wireless Inc.
 1700 W Fremont St.
 Stockton, Ca 95203
 209-948-9611 fax 209-948-0103
 Calif. contractors lic# 748224

Project Number **MO04081006R1**

SALES QUOTE

Customer

Name	City of Lodi	Contact	Mark White
Address		Phone	209-333-2664
City	Lodi	Fax	
State	Ca	Email	mwhite@lodi.gov
Zip		Project	Public Safety Radios Replacement

Dates

Quote Issued	03/29/2010
Customer P.O.	

Product/Service Name	Quantity	Price	TOTAL
Outdoor voting enclosure	1	\$5,132.16	\$5,132.16
HP ProCurve Switch 5406zl Intelligent Edge - Switch	1	\$1,808.82	\$1,808.82
HP ProCurve 5400zl 20p 10/100/1000 + 4p Mini-GBIC	2	\$2,741.86	\$5,483.72
HP ProCurve zl 875W Power Supply AC100-127/200-240	2	\$625.44	\$1,250.88
HP ProCurve Switch 2910al-24G 10/100/1000	4	\$2,025.91	\$8,103.64
HP ProCurve Gigabit-LX-LC Mini-GBIC Modules	20	\$685.62	\$13,712.40
SC/LC Single Mode Duplex Fiber Optic Patch Cable, 2m	20	\$16.22	\$324.40
RAD TDMoIP Gateway	1	\$2,376.00	\$2,376.00
TDM pseudowire access gateway	4	\$1,089.00	\$4,356.00
Misc Hardware	1	\$500.50	\$500.50
25 foot voter antenna mast	1	\$8,200.00	\$8,200.00

Subtotal Page 1	\$51,248.52
Subtotal Page 2	
Subtotal Page 3	
Freight	\$708.46
Subtotal	\$51,956.98
Tax	\$4,546.24
Non Tax Labor	\$24,481.50
Non Tax Freight	
Fuel Surcharge	
Optional 1st year labor warranty	
TOTAL	\$80,984.72

SCOPE OF WORK:

Delta Wireless will install and configure 4 ea. HP Layer 3 switches to connect to existing customer supplied single mode fiber in a redundant ring topology. Customer guarantees fiber integrity and will supply test results for each of the fiber links assigned. This will be in an East-West configuration, utilizing fiber connections between sites in a total ring configuration, with layer 3 routing at each site, provided the fiber is available and tested. IP addressing to be supplied/approved by the customer for each site and interconnection between sites. Delta will install and configure the RAD equipment to interface to the switches to provide a pseudo T1 connection to the Adtran T1 multiplexers on each site. Delta Wireless and our subcontractor will provide and install the antenna mast at the 4th voting receiver site. Customer to provide 220 VAC and an electrician to connect the 220V to the cabinet.

Sales/Offered By: Mitch Okafuji
Title: Senior System Engineer
Phone Number: 209-948-9611
 Engineered By (Initials) mo

THIS QUOTE REPRESENTS AN ENGINEERED SOLUTION AND IS PROPRIETARY AND CONFIDENTIAL

Quote valid for thirty (30) days after receipt



Delta Wireless Inc.
 1700 W. Fremont St.
 Stockton, Ca 95203
 209-948-9611 fax 209-948-0103
 Calif. contractors lic# 748224

Project Number **MO04081006R1**

Terms and Conditions

Customer

Name	City of Lodi	Contact	Mark White
Address		Phone	209-333-2664
City	Lodi	Fax	
State	Ca	Email	mwhite@lodi.gov
Zip		Project	Public Safety Radios Replacement

Dates

Quote Issued	03/29/2010
Customer P.O.	

TERMS AND CONDITIONS

- 1) **Installation contract:** This quote is based upon detailed information provided to Delta Wireless and Surveillance Solutions by the quoted customer. Signing this quote formally constitutes a signed contract for products and services between Delta Wireless and Surveillance solutions and customer.
- 2) **Adds, moves and changes** to the scope of work described within this quote must result in a written change order signed by both parties, prior to the re-ordering or reconfiguration of any product or service provided on this quote.
- 3) **Remobilization** charges (depending on distance) will be added to this quote if the vehicle and/or site are not available at the time and place, or is not in the condition or configuration described by the customer.
- 4) **Used equipment** will be installed at the customer's own risk. Appearance and performance will not be improved by installation. Customers have the responsibility to inform Delta of equipment deficiencies prior to installation. Delta will be glad to provide a quote for the repair and/or replacement of any equipment.
- 5) **Work stoppage:** Installations will begin only after all equipment to be installed is physically on hand and ready for installation. "Work stoppage" will begin if the customer requests "Adds, moves or changes" to this quotation. If a customer initiated "change order" results, a minimum of one hour will be charged and/or travel time assessed for the remobilization of labor on the project.
- 6) **Restocking and freight:** A 25 % restocking fee will be added to the change order for any product returned by Delta, on the customer's behalf. If the equipment has already been installed and the product cannot be returned to the manufacturer, the customer must pay in full. Additional freight charges, if required will be added to the change order.
- 7) **Payment for equipment due upon receipt of equipment.**
- 8) **Labor payment due upon completion of contract.**
- 9) **Labor warranty 30 days.**
- 10) **Optional 1st year labor warranty when purchased will cover the pick-up and delivery of portables, triage of mobile, base and repeater radios and video equipment during normal business hours. Physical damage, abuse, accidents or acts of God will not be covered. No shipping charges for equipment returned to the manufacturer for repair will be covered.**
- 11) **Equipment warranty: Manufactures warranty applies. All labor to trouble shoot, program, freight charges to the manufacture, and reinstallation of equipment will not be included.**
- 12) **Non-Solicitation:** Customer shall not, during the term of this Agreement and for a period of two (2) years immediately following the termination of the contract, or any extension hereof, for any reason, either directly or indirectly: (a) call on, solicit, induce, recruit, or encourage any of Delta Wireless employees to leave their employment or terminate their contracts or take away such employees (b) attempt to solicit, induce, recruit, encourage or take away employees for the customer or any other person or entity; (c) call on solicit, induce, recruit or encourage any of the customers to terminate their relationships with Delta Wireless or take away such customers or (d) attempt to solicit, induce, recruit, encourage or take customer of Delta Wireless for the Customer or any other person or entity.

CUSTOMER SIGNATURE CONSTITUTES AGREEMENT WITH DELTA WIRELESS AND NETWORK SOLUTIONS TERMS AND CONDITIONS

QUOTE AND TERMS ACCEPTED BY: _____ Date: _____

Quote valid for thirty (30) days after receipt

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT FOR
THE PUBLIC SAFETY RADIO REPLACEMENT PROJECT TO INCLUDE
THE PURCHASE AND INSTALLATION OF ADDITIONAL
COMPONENTS

WHEREAS, the City of Lodi received Federal Homeland Security grant funds in the amount of \$480,151.80 for the purchase of new Police and Fire radio equipment; and

WHEREAS, the City issued a Request For Proposals on July 20, 2009, and awarded the contract to Delta Wireless & Network Solutions of Stockton on February 17, 2010 in the amount of \$362,734.18; and

WHEREAS, the original contract provided for the replacement of one Police and two Fire channels with three new UHF digital transmitters, and for the upgrading of the telecommunication lines between Fire stations that connect the repeaters to the main transmitters; and

WHEREAS, a fourth repeater (“voter”) site is being added in order to provide radio coverage for emergency units in the southwest quadrant of the city; and

WHEREAS, adding the fourth voter site for complete coverage and the switch to fiber optic connections between sites requires the purchase of the following equipment and installation costs:

Item	Quantity	Cost
Outdoor voter enclosure	1	\$ 5,132.16
HP ProCurve Switch 5406zl Intelligent Edge – Switch; J8697A	1	\$ 1,808.82
HP ProCurve 5400zl 20p 10/100/1000 + 4p Mini-GBIC; J8705A	2	\$ 5,483.72
HP ProCurve zl 875W Power Supply AC100-127/200-240; J8712A	2	\$ 1,250.88
HP ProCurve Switch 2910al-24G 10/100/1000; J9145A-ABA	4	\$ 8,103.64
HP ProCurve Gigabit-LX-LC Mini-GBIC Modules; J4859C	20	\$13,712.40
SC/LC Single Mode Duplex Fiber Optic Patch Cable, 2m	20	\$ 324.40
RAD TDMoIP Gateway	1	\$ 2,376.00
TDM pseudowire access gateway	4	\$ 4,356.00
Misc Hardware	1	\$ 500.50
25-foot voter antenna mast	1	\$ 8,200.00
Shipping, handling and taxes		\$ 5,254.70
Installation and configuration labor		\$ 24,481.50
TOTAL		\$ 80,984.72

WHEREAS, staff recommends amending the original contract with Delta Wireless & Network Solutions, to include the purchase and installation of additional components as outlined above, to make the new radio system completely functional.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a contract amendment for the Public Safety Radio Replacement Project with Delta Wireless and Network Solutions, Inc., to include the purchase and installation of additional components identified by the vendor as being necessary to make the new radio system completely functional, as shown on the chart above.

Date: April 21, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the Lodi City Council in a regular meeting held April 21, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to File Claim for 2009/10 Transportation Development Act (TDA) Funds in the Amount of \$1,930,253 from Local Transportation Fund (LTF) and \$1,500 from State Transit Assistance (STA) Fund

MEETING DATE: April 21, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to file a claim for the 2009/10 Transportation Development Act (TDA) funds in the amount of \$1,930,253 from the Local Transportation Fund (LTF) and \$1,500 from State Transit Assistance (STA) Fund.

BACKGROUND INFORMATION: Each year, the City of Lodi receives an apportionment of TDA funds to support Lodi's transit operations and pedestrian/bicycle costs. These are State transportation funds that are primarily for non-vehicular transportation but can be used on roads if those other needs are being met. They are channeled through the San Joaquin Council of Governments (SJCOG), our regional transportation planning agency. The claim for Fiscal Year 2009/10, including pedestrian/bike and \$70,586 for SJCOG planning and administration, is \$1,930,253 from LTF and \$1,500 from STA. The LTF funds will be utilized as follows: \$90,000 for bicycle and pedestrian projects (which includes \$62,526 in carryover funds from previous years); \$125,000 for road projects (all carryover funds from previous years); \$1,422,123 for Transit operations and \$222,544 for Transit capital projects (bus maintenance facility, CNG Fueling Station improvements, signs, shelters, etc., and includes \$91,000 in carryover funds from previous years and \$131,544 in unclaimed funds from FY 2008/09). SJCOG plans to approve the TDA claim on March 25, 2010, following City Council's approval. The City Manager may make minor adjustments when filing the final claim, based upon SJCOG review and comments.

In 2009, after several public meetings and a public hearing, Council approved reducing transit service hours for the City's transit operations in response to reduced State funding. The Transit operations amount in this claim (\$1,422,133) for FY 2009/10 is the same that staff projected at the time of the service reductions. For FY 2010/11, SJCOG staff estimates TDA revenues to be \$1.5 million. Staff does not anticipate another transit service reduction next fiscal year; however, we will continue to closely monitor revenue funding.

The transit operations, GrapeLine, Dial-A-Ride, and VineLine, are fully funded with TDA, Federal Transit Administration funds, fare revenues and other competitive fund sources. Transit is not dependent on any General Fund money. We intend to continue to use TDA funds for transit, pedestrian, and bicycle-related projects and maintenance as much as possible.

FISCAL IMPACT: This will allow the City to claim and receive TDA funding for FY 2009/10. These funds will pay for on-going operations and capital needs.

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer
FWS/PJF/pmf
cc: SJCOG Accounting, Ms. Castle-Martinez, Supervising Accountant

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO FILE
THE 2009-10 CLAIM FOR TRANSPORTATION
DEVELOPMENT ACT FUNDS ON BEHALF OF
THE CITY OF LODI

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the City's 2009-10 Transportation Development Act claim in the following amounts:

\$	1,930,253	Local Transportation Funds
\$	1,500	State Transit Assistance

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute the claim on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to make minor adjustments when filing the final claim, based on San Joaquin County Council of Governments review and comments.

Dated: April 21, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 21, 2010, by the following vote:

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

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Information Regarding New Meeting Time for the Lodi Arts Commission
MEETING DATE: April 21, 2010
PREPARED BY: James Rodems

RECOMMENDED ACTION: Receive information regarding new meeting time for the Lodi Arts Commission.

BACKGROUND INFORMATION: The Lodi Arts Commission (LAC) regularly meets monthly on the second Wednesday at 12 p.m. Due to some of the Commissioners' work schedules, there was a request to move the meetings to an earlier time of day. At the meeting in March, the LAC voted to change the regular meeting time to 9 a.m. beginning in April 2010.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

James M. Rodems
Community Center Director

APPROVED: _____
Blair King, City Manager

MEETING MINUTES

LODI ARTS COMMISSION
WEDNESDAY, March 10, 2010
Noon – Thomas Theatre Gallery

A. Call To Order/Roll Call

Meeting was called to order at 12:00 by Acting Chairperson, Cathy Metcalf. Mission statement was read.

Commissioners Present: Ben Burgess, Nancy Carey, Margie Lawson, Bonnie Mayer, Cathy Metcalf and Sandi Walker – Tansley,

Commissioners Absent: Mark Hamilton and Teri Turrentine

Staff Present: Diane Amaral and Deanie Bridewell

B. Introductions: Ros Bollinger from the Lodi Arts Foundation and Steve Dutra from Parks & Rec.

C. Consent Calendar

C-1: Minutes from February 10, 2010, were approved as submitted.

D. Comments by the public on non-agenda items: None

E. Regular Calendar/Communications

E-1: Reports: Staff

Arts and Events Manager: Deanie Bridewell

Art Advisory Board (AiPP):

- Minutes from the February 24th, meeting were included in the Commission packet. The donation of the "Rite of Spring" sculpture was accepted by City Council on Wednesday, February 17. The stipulation was that the Lodi Arts Commission and the Art Advisory Board meet and jointly decide on the placement of the sculpture. It will then have to go back to City Council for their approval.

First Friday Art Hop:

- Nancy and Sandy hosted on March 5. Richard Hazard from JAVA Stop was the artist and Kelly McDonald the musician. There was good attendance although not much of a spill over crowd from the Mosaic Premiere. Coffee and mugs were available for sale. Discussion followed. Conclusion was that only artwork from the artists will be sold at the Art Hops.
- No wineries have been secured for future Art Hops at this time. Margie asked for other suggestions as she had approached Grand Amis and Vino con Brio. Sandi will check with Omega Winery for April.
- April Art Hop will feature local artist, Tony Segale.

Forms for City Clerk:

- Deanie reminded the Commission that their 700 forms are due to the City Clerk by April 1. Forms were made available for those Commissioners who needed them.

Arts Education Information, Diane Amaral

February Financial Report: included in packet

- Diane reported that February's numbers were on target.
- The Spring/Summer catalog is in process. This catalog covers classes from May through end of August. It will be ready for distribution in the first weeks of April

- E-2: New Business:
- Japantown Event:** This was tabled as the supporting information was not submitted
 - Poetry Reading Support:** Wally Condon had previously attended a LAC meeting looking for support in finding a place to hold readings. They will be sponsored by the Woodbridge Grange beginning April 27th. Deanie suggested support in a form of advertising their events by donating \$25.00 to pay for a banner on the Lodi Arts website. Motion was approved.
 - Arbor Day Event:** This will held at Lawrence School on April 9, from 10:00 am – 11:30 am. Steve Dutra from Parks and Recreation Department and also a member of Tree Lodi spoke about the event which is an education project. The 700+ students will all be able to participate in the Arbor Day projects but only 5th & 6th graders will attend the event. A poster from each grade will be selected to compete in the final competition. Nancy, Bonnie and Cathy will represent the LAC and act as judges for the poster contest. A motion was passed to provide \$50.00 for prize money for the poster contest winners. Mr. Dutra spoke about the DeBenedetti Park. Plans are to plant 280 trees next year on Arbor Day which will be the first Saturday of April 2011. Check out Treelodi.com for more information.

E-3: Old Business:

- 1. Project Lodi Art:** As Mark Hamilton was not present, Diane reported on this project. The premiere event was very successful. All but one City Council Member attended. The City Manager was also present. Almost \$800.00 was brought in from T-shirt sales. Raffle tickets are still being sold: \$10.00 for a 12x12 mosaic and \$100.00 for a 28 x 28. Music was provided by Dr. Joe Gums. GREM is interested in being a sponsor of Project Lodi Art. Cathy has pictures from the event and will get them to Diane by next week. Only two more mosaics need to be started. Two need to be cleaned and grouted. Good Day Sacramento may come by on Friday for a segment on the mosaic project. The art will be left up in the Rotunda area for the LIWA event this weekend. The idea of the Art Van Damme mosaic on the outdoor stage was dismissed as this stage was dedicated by Omega Nu and has the words Hutchins Street Square on it. There is a possibility of two more projects are being discussed. One of them is at Hale Park. Workshops could be held at the Parks & Rec building which is across the street.
- 2. Artisan Masters Update:** Ros said there is a commitment from 16 wineries for participation and 16 barrels of wine. Delta College is featuring the 6 course small plate dinner. Tickets are \$225.00. Media kits have gone to 50 top wine writers and bloggers. Comp tickets and lodging for the event will be provided to them. The vision is to outgrow Kirst Hall for next year's event and move it to a larger venue to accommodate more attendees.
- 3. Art on the Square:** Nancy reported on the meeting on Feb. 3. There are currently 7 artists signed up. 70 sponsor letters were sent out. The next ad hoc committee meeting is on Wednesday, March 3, at noon in the Cottage Room.
- 4. Taco Truck Cook Off:** Due to the lack of Commissioners at this time and the number of events the LAC is committed to, this project will be brought up at a later date.

F. Comments by Arts Commissioners/Staff on non-agenda items:

1. Deanie reported that Mark Hamilton suggested changing the time of the LAC meeting to early morning in order to better accommodate the Commissioners' schedule. The meetings will move to 9:00 a.m. beginning April 14.
2. As to approval of minutes: Randi Johl, the City Clerk, reported to Deanie that a commissioner may be absent from the previous meeting and still vote to approve the minutes of that meeting. The commissioner would be voting to form and not content. The commissioner may also abstain based on non attendance of that meeting.
3. A section of the Brown Act was in the packet regarding action on non agenda items and the three specific situations in which an item can be acted on.

G. Adjournment: Meeting was adjourned at 1:10 pm

Respectfully Submitted,

Deanie Bridewell
Arts & Events Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Approve Rate Increases for Kronick, Moskovitz, Tiedemann & Girard (KMT&G) for Legal Services Rendered to the City of Lodi (\$5 - \$10 Per Hour Per Professional).

MEETING DATE: April 21, 2009

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Approve Rate Increases for Kronick, Moskovitz, Tiedemann & Girard for Legal Services Rendered to the City of Lodi (\$5 - \$10 Per Hour Per Professional).

BACKGROUND INFORMATION: The law firm of Kronick, Moskovitz, Tiedemann & Girard has represented the City of Lodi in several matters, i.e. the ongoing Lodi First v. City of Lodi; Citizens for Open Government v. City of Lodi; various general advice matters, and in the past, assisted the City with PCE/TCE litigation.

By letter dated April 8, 2010 (attached), KMT&G has informed the City of rate adjustments that will take effect May 1, 2010. The new rate structure will result in an increase in rates of \$5 to \$10 per hour per professional.

It is staff's opinion that the fee adjustments are fair and reasonable, and recommend that the City Council approve the new rate structure as submitted.

FISCAL IMPACT: None anticipated because most fees are reimbursed.

FUNDING: Not Applicable.

Stephen Schwabauer
City Attorney

APPROVED:

Blair King, City Manager

KRONICK
MOSKOVITZ
& TIEDEMANN
& GIRARD
A LAW CORPORATION

Jonathan P. Hobbs

(916) 321-4500
jhobbs@kmtg.com

April 8, 2010

VIA EMAIL AND U.S. MAIL

D. Stephen Schwabauer, City Attorney
Office of the City Attorney
City of Lodi
221 West Pine Street
Lodi, CA 95240

Re: Rate Increase

Dear Steve:

This letter follows up our conversation of April 5, 2010 regarding an adjustment to KMTG's rates for legal services to the City of Lodi. The rates currently charged by KMTG to the City of Lodi for legal services are as follows:

Shareholders/Principals	\$190-\$250
Associate Attorneys	\$175-\$190
Paralegals	\$ 85-\$ 90
Paralegal Clerk/Law Clerk	\$ 65-\$ 90

Effective May 1, 2010, the revised rate structure would be as follows:

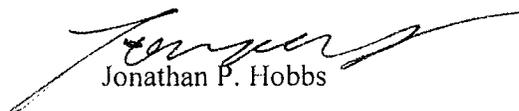
Shareholders/Principals	\$200-\$260
Associate Attorneys	\$180-\$200
Paralegals	\$ 90-\$100
Paralegal Clerk/Law Clerk	\$ 75-\$100

The new rate structure will result in an increase in rates of \$5 to \$10 per hour per professional. For example, my current hourly rate for the City is \$225, and my new rate will be \$235.

Thank you for your professional courtesy and understanding in this regard. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



Jonathan P. Hobbs

937521.2



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Authorize the Deputy City Manager/Treasurer to Enter Into an Agreement With Farmers and Merchants Bank of Central California for the Issuance of a City Credit Card for Interim Police Chief Gary Benincasa and Interim City Manager Rad Bartlam

MEETING DATE: April 21, 2010

PREPARED BY: Jordan Ayers, Deputy City Manager

RECOMMENDED ACTION: Authorize the Deputy City Manager/Treasurer to enter into an agreement with Farmers and Merchants Bank of Central California for the issuance of a City credit card for Interim Police Chief Gary Benincasa and Interim City Manager Rad Bartlam.

BACKGROUND INFORMATION: In October 1995, the City Council authorized the Treasurer to enter into an agreement with Farmers and Merchants Bank of Central California for the issuance of credit cards. This action will allow the issuance of a credit card to Interim Police Chief Gary Benincasa and Interim City Manager Rad Bartlam. These credit cards are provided for reasons of convenience and cost used in conjunction with attendance by City Council and staff at conferences, training seminars and other miscellaneous meetings. The limit of \$15,000 has been previously authorized for the Police Chief and a limit of \$10,000 has previously been authorized for the City Manager.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Included in departmental budgets.

Jordan Ayers
Deputy City Manager

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set a Public Hearing for May 5, 2010, to Approve the Final 2010/11 Action Plan for the Community Development Block Grant (CDBG) Program and to Consider Reallocation of Available Urban County CDBG Funds

MEETING DATE: April 21, 2010

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Set a Public Hearing for May 5, 2010, to approve the Final 2010/11 Action Plan for the Community Development Block Grant Program and to consider reallocation of available Urban County CDBG funds.

BACKGROUND INFORMATION: A Public Hearing is required as part of the Federal requirements of the Community Development Block Grant (CDBG) program, set by the U.S. Department of Housing and Urban Development (HUD).

The Action Plan is the annual implementing document for the 5-Year Consolidated Plan and provides a detailed description of each activity proposed for the fiscal year. It also contains the City's CDBG budget and goals for the fiscal year.

The Draft 2010/11 Action Plan was reviewed and approved by the City Council on March 17, 2010. That initiated a 30-day Public Review and Comment period. Any public comments that were received during that 30-day period, and any supplemental information required for the Action Plan document will be provided at the May 5th Public Hearing.

The adopted Action Plan document must be submitted to HUD no later than May 15, 2010 in order to receive funding beginning July 1, 2010.

In addition to the Entitlement CDBG funding for 2010/11, there are Urban County CDBG funds available for reallocation to projects that can be expended within a reasonably short time, thereby allowing us to complete the separation with the Urban County Program. Those funds will be identified in the May 5th Public Hearing.

APPROVED: _____
Blair King, City Manager

FISCAL IMPACT: The Action Plan document is being completed as a pre-award activity that will be reimbursed through the City's CDBG administrative allocation from HUD. Up to 20 percent of the annual CDBG allocation may be used for planning and administration.

FUNDING AVAILABLE: 2009/10 Community Development Block Grant

Jordan Ayers, Deputy City Manager

Konradt Bartlam
Community Development Director

KB/jw



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for May 5, 2010 to Consider the Appeal of Brandt-Hawley Law Group on Behalf of Charles and Melissa Katzakian Regarding the Decision of the Planning Commission to Approve a SPARC Review for the Reynolds Ranch Commercial Development

MEETING DATE: May 5, 2010

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Set public hearing for May 5, 2010 to consider the appeal of Brandt-Hawley Law Group on behalf of Charles and Melissa Katzakian regarding the decision of the Planning Commission to approve a SPARC review for the Reynolds Ranch Commercial Development.

BACKGROUND INFORMATION: Pursuant to Lodi Municipal Code Section 17.72.110 and 17.81.070, Charles and Melissa Katzakian filed an appeal regarding the decision of the Planning Commission on March 24, 2010, to approve a SPARC review of the proposed Reynolds Ranch commercial development. The appeal was filed in a timely manner and the appropriate fee was paid. The City Council may now set the matter for a public hearing to consider the appeal. It is recommended that the matter may be heard at the regularly scheduled meeting of May 5, 2010 along with the hearing that was set on March 17, 2010 for the same date that will hear the appeal filed by Charles and Melissa Katzakian for the Planning Commission approval of the Costco Use Permit and SPARC application.

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

Konradt Bartlam
Community Development Director

KB/kjc

Attachments:

1. Planning Commission Resolution PC 10-07
2. Staff Report from the March 24, 2010, Planning Commission meeting
3. Draft minutes for the March 24, 2010, Planning Commission meeting
4. Appeal letter

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. P.C. 10-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF JENNIFER KRAUTER, RMB ARCHITECTS ON BEHALF OF SAN JOAQUIN VALLEY LAND CO., FOR SPARC REVIEW OF THE PROPOSED REYNOLDS RANCH SHOPPING CENTER LOCATED 322 EAST HARNEY LANE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit and Site Plan and Architectural Review in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, an application was filed by Jennifer Krauter, RMB Architects on behalf of San Joaquin Valley Land Co., LLC., 227 Watt Avenue., Second Floor., Sacramento, CA; and

WHEREAS, the project site is located at 322 East Harney Lane, more particularly described as Assessor's Parcel Numbers 058-130-17, 058-130-18, 058-130-19, portion of 058-130-16 and portion of 058-110-55; and

WHEREAS, the project site is zoned Planned Development 39; and

WHEREAS, the Project is consistent with all elements of the General Plan, and in particular, the following General Plan Goals and Policies:

- A. Land Use and Growth Management Element, Goal E, "To provide adequate land and support for the development of commercial uses providing goods and services to Lodi residents and Lodi's market share."
- B. Land Use and Growth Management Element, Goal E, Policy 7, "In approving new commercial projects, the City shall seek to ensure that such projects reflect the City's concern for achieving and maintaining high quality."
- C. Land Use and Growth Management Element, Goal E, Policy 3, "The City shall encourage new large-scale commercial centers to be located along major arterials and at the intersections of major arterials and freeways."

WHEREAS, the design and improvement of the site is consistent with all applicable standards adopted by the City. Specifically, the project has met the requirements of the Lodi Zoning Ordinance with particular emphasis on the standards for large retail establishments; and

WHEREAS, approval of the requested architectural drawings will allow the construction of a commercial buildings that will comply with the City's Zoning Ordinance and Building Code regulations; and

WHEREAS, the design of the proposed project and type of improvements are not likely to cause public health or safety problems in that all improvements will be constructed to the City of Lodi standards; and

WHEREAS, the Community Development Department prepared an Environmental Impact Report (EIR), consistent with the California Environmental Quality Act (CEQA); and

WHEREAS, the Final EIR, including comments and responses to comments, was certified by the City Council on August 30, 2006; and

WHEREAS, an Addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The approval of the proposed commercial development was considered as part of a previously approved EIR, whereby it was determined that there would not be significant impacts on the environment, cumulative or otherwise, provided mitigation measures were implemented.
2. No new impacts were identified in the public testimony that were not addressed as normal conditions of project approval in the Initial Study.
3. The project site is physically suitable for the proposed type of developed and proposed building configurations.
4. The development complies with the intent of the City development policies and regulations in that the General Plan, Goal E, Policy 3, which encourages increasing the tax base, creating employment opportunities for residents and attracting new businesses. The proposed commercial shopping center will also provide employment opportunities for residents.
5. The design of the proposed project and type of improvements are not likely to cause public health or safety problems in that all improvements will be constructed to the City of Lodi standards.
6. The proposed development will be operated in a manner determined to be acceptable and compatible with surrounding development in that conditions have been added that require the operator to maintain the property.
7. No variance from the Lodi Municipal Code is approved by this action.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that SPARC Application No. 10-SP-02 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The developer will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this approval, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure areas as permitted by fire codes. No material shall be stacked higher than the height of any trash enclosure screen wall and gate.
3. All storage of cardboard bales and pallets shall be contained within the area designated for such use. No storage of cardboard or pallets shall be visible from public right of way.
4. Outdoor display and/or sale of merchandise shall be limited to the specific area for such display is approved by SPARC (marked as attachment A). At no time shall outdoor storage or display be allowed outside of the specifically approved area or within the parking area, drive aisle or required sidewalks and ADA path of travel of the center.
5. No seasonal, temporary or permanent outdoor storage or display of merchandise shall be permitted within the parking lot, except as otherwise permitted by the City through the special events review process.
6. The project proponent shall provide a trash enclosure or compactor for each building. The said enclosures shall be constructed of split face C.M.U. block and shall match the color of the buildings so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. The enclosures shall also have metal gates and shall have roof features per the City's Stormwater Design Standard Plan requirements.
7. Trash enclosures shall be designed to accommodate separate facilities for trash and recyclable materials. Trash enclosures having connections to the wastewater system shall install a sand/grease trap conforming to Standard Plan 205 and shall be covered.

8. A minimum of two trash receptacles shall be placed at a customer entry to each building. Trash receptacles shall be a decorative, pre-cast concrete or metal type with a self-closing metal lid. Design of the receptacles shall be submitted with the building permit application for tenant improvements for review and approval by the Community Development Director.
9. The project proponent shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding residents and commercial uses would not be bothered and that loitering is not permitted.
10. No recreational vehicles, including trailers, shall be parked or stored overnight at the shopping center. Further, no vehicle, including trailers, shall be parked at the shopping center for the principal purpose of advertising or display. It shall be a *prim facie* violation if the advertising medium utilized on the vehicle is a sign, device, or structure separate from the vehicle, or if the sign or device is integrally affixed to the vehicle and the *copy* is readily changeable and such sign, device or structure *exceeds* nine *square* feet in area and the vehicle is parked on the business premises for which the advertising relates, or in reasonable proximity thereto, and the location of the advertising is reasonably calculated to direct an observer towards the business. It shall still be considered that advertising was the principal purpose of the parking, notwithstanding the fact that the vehicle is driven to and from the business premises on daily basis.
11. The owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosures, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 48 hours of occurrence.
12. Vending machines, video games, amusement games, children's rides, recycling machines, vendor carts or similar items shall be prohibited in the outside area of all storefronts. The storefront placement of drinking fountains and ATM machines shall be permitted subject to the review and approval of the Community Development Director.
13. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. The final plans shall include the architectural features such as the approved colors, the building elevations including the cornice, trim caps, and curbed canopy, and other elements approved by the Planning Commission. Any significant alteration to the building elevations as approved by the Planning Commission shall require approval by the Planning Commission.
14. The finished building shall be consistent with the plans approved by the Planning Commission and as conditioned herein.
15. All buildings shall comply with the requirements of Planned Development 39 zoning district and meet setback requirements. All buildings shall implement building elements and materials illustrated on the submitted elevation or otherwise consistent with the architectural theme presented on the submitted elevation of the major tenant building.
16. A final color palette shall be submitted with the first building permit application and shall be in substantial conformance with colors and materials approved by the Lodi Planning Commission.
17. The proposed building must comply with all Planning Commission requirements; as well as the requirements of the Community Development, the Public Works, the Electric Utility and the Fire Departments; and all other utility agencies.
18. The location and details of the cart corrals within the parking lot shall be submitted with the building permit application for review and approval by the Community Development Director. Cart corrals shall be provided in the parking lot adjacent to buildings and distributed evenly throughout the parking lot rather than concentrated along the main drive aisle. In addition, physical measures to prevent the removal of carts from the property shall be provided. Such measures shall be submitted with the building permit application. Further, cart corrals shall be permanent with a design that is consistent with the theme of the Reynolds Ranch shopping center. Portable metal corrals shall be prohibited.

19. All signage shall be in compliance with a detailed Sign Program that shall be submitted to the Development Community Director for review and approval with the first building plan review. Said program shall require all signs to be individual channel letter at the standards provided by the zoning ordinance.
20. Any bollards installed in a storefront location shall be decorative in style and consistent with the theme of the shopping center. Plain concrete bollards, or concrete filled steel pipe bollards shall not be permitted.
21. Hardscape items, including tables, benches/seats, trashcans, bike racks, drinking fountains, etc. shall be uniform for all stores throughout the shopping center.
22. All roof mechanical equipment and any satellite dish equipment shall be fully screened from ground-level view within 150 feet of the property.
23. The loading area shown in front of the plans shall be stripped and posted with "NO PARKING – LOADING ONLY" signs to the satisfaction of the Community Development Director.
24. Fire Lanes shall be identified and marked per Lodi Municipal Code Sec 15.40.100 in locations determined by the Fire Marshall. Plans with marked fire lanes shall be returned to planning and copy kept at the Fire Prevention office.
25. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community development Director prior to the issuance of any building permit. Said plans and specification shall address the following:
 - a) All project lighting shall be confined to the premises. No spillover beyond the property line is permitted.
 - b) The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.
 - c) All parking light fixtures shall be a maximum of twenty-five 25 feet in height.
 - d) All fixtures shall be consistent throughout the center.
26. Exterior lighting fixtures on the face of the buildings shall be consistent with the theme of the center. No wallpacks or other floodlights shall be permitted. All building mounted lighting shall have a 90-degree horizontal flat cut-off lens unless the fixture is for decorative purposes.
27. All exterior construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday. No exterior construction activity is permitted on Sundays or legal holidays.
28. A reciprocal agreement for ingress, egress, and parking shall be executed between all parties within the proposed shopping center and that document shall be provided to the City prior to the issuance of a Certificate of Occupancy.
29. Sidewalks and parking lots must be kept free of litter and debris to minimize the amount of wind-blown debris into surrounding properties. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City wastewater treatment plant.
30. The applicant shall submit a landscaping and irrigation plan to the Community Development Department for review and approval. Landscaping materials indicated on the conceptual landscape and irrigation plan may be changed per the review of the Community Development Director or designee but shall not be reduced in amount. The applicant shall provide, at minimum, 433 large parking lot trees to be distributed within the parking lot.

31. The applicant shall select and note on all plans common tree species for the parking lot and perimeter areas from the list of large trees as identified in the Local Government Commission's "Tree Guidelines for the San Joaquin Valley".
32. Project must receive and comply with all terms of the Cal Trans encroachment Permit necessary. Any conditions imposed by Cal Trans for the encroachment permit that result in site plan modifications shall be reviewed by City staff for consistency with Project approvals.
33. All landscaped area shall be kept free from weeds and debris, maintained in a healthy growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. Unhealthy, dead, or damaged plant materials shall be removed and replaced promptly.
34. The operation of the business shall comply with all applicable requirements of the Municipal Code.
35. The project shall incorporate all mitigation measures as specified in the adopted Final Environmental Impact Report for Reynolds Ranch Project (State Clearinghouse Number 2006012113).
36. Prior to any ground disturbance, the applicant shall notify the San Joaquin County Council of Governments (SJCOG, Inc), and shall schedule a pre-ground disturbance survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (ITMMS). The City shall not authorize any form of site disturbance until it receives an Agreement to Implement ITMMS from SJCOG, Inc.
37. The City shall not issue a building permit for the proposed project until the San Joaquin County Council of Governments determine what, if any, Incidental Take Minimization Measures (ITMMS) apply to the project and until the San Joaquin County Council of Governments verifies all applicable ITMMS have been fully and faithfully implemented.
38. The project shall incorporate all mitigation measures as specified in the adopted Final Environmental Impact Report for Reynolds Ranch Project (State Clearinghouse Number 2006012113). Specifically, Mitigation Measure 3.2.2 subjects the Reynolds Ranch development to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). This includes payment of Open Space Conversion fees in accordance with the fee schedule in-effect at the time construction commences. The applicant shall pay, in accordance with the SJMSCP fee schedule, the fees based on the gross acreage of the overall Reynolds Ranch project as described above, and include all public use acreage as outlined in a "per acre" schedule to be prepared in cooperation with the developer, subject to the approval of the Community Development Director prior to the issuance of the next building permit within the project by the applicant or any subsequent property owner.
39. All ground level utilities shall be screened from public view. All screening shall be done using materials that are architecturally compatible with the buildings(s) or shall be screened by landscape
40. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this resolution.
41. This resolution does not constitute a complete plan check. Additional comments and conditions will be provided when more complete plans are submitted for building permit application review for the project.

Community Development Department, Building:

42. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2007 California Building code.
43. Southwest Quadrant: It appears the following sites will require additional accessible parking spaces as required by CBC 1129B Table 11B-6
 - a) Major D & Major C providing 288 parking spaces 4 H/C parking spaces shown 7 H/C Parking Spaces Required.

- b) Shops 5, Shops 6a, Shops 6 providing 117 parking spaces 4 H/C parking spaces shown 5 H/C Parking Spaces Required.
 - c) Shops 7 providing 87 parking spaces 2 H/C parking spaces shown 4 H/C Parking Spaces Required.
 - d) Shops 8 providing 87 parking spaces 2 H/C parking spaces shown 4 H/C Parking Spaces Required.
44. Walkways and sidewalks along the accessible routes of travel (1) shall be continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 1/4" per foot side slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2007 CBC, Section 1133B.5. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with 2007 CBC, Section 1133B.8.5.
45. All entrances and exterior ground floor exit doors to buildings and facilities shall be made accessible to persons with disabilities. Such entrances shall be connected by an accessible route (complying with Section CBC 1114B1.2) to public transportation stops, to accessible parking and passenger loading zones and to public streets or sidewalks. All accessible routes are also required to comply with Detectable warnings at hazardous vehicular area CBC 1133B.8.5. Currently the partial site plans fails to show how any of the requirements will be achieved around the following buildings. Major B, Major A-1, Major, A-2, Major A-3, Major D, Major C and Drug 1.
46. Fire rated construction of walls and protection of openings shall be provided where required due to construction type, occupancy and location on property or proximity to other structures. 2007 CBC, Sections 702, 704.3, 704.8 and Tables 601, 602, 704.8

Public Works Department:

47. The applicant shall provide specifications and calculations for the Kristar Stormwater System. The Stormwater Development Standards Plan Worksheet must be provided before the issuance of the Building Permit.
48. Remove the eastbound stops located at the four-way stop just east of the Reynolds Ranch Pkwy and Rocky Lane intersection. By removing the stops at this intersection the traffic will have less of a chance to backup into Reynolds Ranch Pkwy.
49. The site must conform to the Stormwater Development Standards Plan (DSP) requirements. The DSP Worksheet must be provided before the issuance of the Building Permit.
50. Outdoor loading/unloading dock areas must conform to City of Lodi's Stormwater Development Standards Plan section 3.1.5.
51. The applicant shall provide a truck route for the entire site with the building permit plans for review and approval by the Public Works Department. The entrances shall be STAA Long truck compliant (see Highway Design Manual pg 400-11).
52. The applicant shall provide locations of all utilities throughout the site with the building permit plan for review and approval by the Public Works Department. Utilities along the truck routes must be protected.
53. All offsite improvements must be completed or substantially completed and bonded at or before the time of the first Certificate of Occupancy within the project.
54. Payment of the following prior to building permit issuance unless noted otherwise:
- a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b. Habitat Conservation Fee.

- c. Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
55. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
- a. Development Impact Mitigation Fees
 - b. Wastewater Capacity Impact Mitigation Fee.
 - c. County Facilities Fees.
 - d. Regional Transportation Impact Fee (RTIF).
 - e. Water Treatment Facility Impact Mitigation Fee.

Electric Utility Department:

56. The project proponent shall prepare and submit legal description for easements for review and approval. Said legal description shall be submitted to the Lodi Electric Department, Electric Engineering Section.
57. Harney Lane street widening plans shall be submitted to the Electric Utility Department.
58. The applicant shall submit load calculations and Electric drawings to Electric Utility as part of a building permit process. Load calculations and Electric drawings are needed for service equipment location, PUE requirements, and service sizing. Should the load calculations and Electric drawings require a change of site plan, the Planning Department shall forward the site plan to the Planning Commission for review and approval.
59. The Developer shall pay for Electric Utility Department charges in accordance with the Electric Department's Rules and Regulations.

Dated: March 24, 2010

I certify that Resolution No. 10-07 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 24, 2010 by the following vote:

AYES: Commissioners: Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins
 NOES: Commissioners: None
 ABSENT: Commissioners: Mattheis

ATTEST: _____
 Secretary, Planning Commission

Attachment:

- A. Outdoor Display Area Plan



Reynolds Ranch ■ Highway 99 & Harney Lane
Lodi, California

Exhibit A: Outdoor Display Area



**LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 24, 2010

APPLICATION NO: SPARC: 10-SP-02

REQUEST: Request for Planning Commission approval of a SPARC application concerning the Reynolds Ranch Shopping Center. (Applicant: Jennifer Krauter, RMB Architects on behalf of San Joaquin Valley Land Co., LLC. File No. 10-SP-02).

LOCATION: 322 East Harney Lane. Approximately 15 acres located at the southwest corner of Harney Lane and State HWY 99.

APPLICANT: Jennifer Krauter, RMB Architects on behalf of San Joaquin Valley Land Co., LLC., 227 Watt Avenue., Second Floor., Sacramento, CA.

PROPERTY OWNER: San Joaquin Valley Land Company CO.,LLC, 1420 S. Mills Ave., Suite K, Lodi, CA 95242

RECOMMENDATION: Staff recommends the Planning Commission approve the site and architectural plan of the proposed Reynolds Ranch shopping center, subject to the conditions listed in the attached draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: NCC- Neighborhood Community Commercial.
Zoning Designation: Planned Development (39).
Property Size: Approximately 50 acres.

Adjacent General Plan, Zoning and Land Use:

	General Plan	Zone	Existing Conditions
North	NCC- Neighborhood Community Commercial.	Planned Development (39)	COSTCO site and further north are residences
South	NCC, community commercial and O-Office	Planned Development (39)	Vacant parcels and Blue Shield office.
East	GA, General Agriculture (San Joaquin County)	AG-40, Agricultural Uses (San Joaquin County)	State Highway 99, and east of that Agricultural, residential and cemetery uses.
West	NCC, community commercial and O-Office	Planned Development (39)	Agricultural Uses and east of that are residential uses within the Reynolds Ranch annexation.

SUMMARY

The project proponent requests approval of site plan and architecture of the Reynolds Ranch shopping center. The City's Zoning Code requires all plot plans for projects within the commercial zoning districts receive site plan and architecture review approval. The proposed Reynolds Ranch

commercial development involves the construction of approximately 345,795 square feet of commercial retail uses, representing a variety of retail sales and services, to be contained in 19 buildings of varying sizes. The primary use will be a Home Depot. Since the Planning Commission approved the COSTCO, and since this project is within the same shopping center, staff feels the Planning Commission should review the site plan and architecture of the remainder of the shopping center to ensure consistency and architectural coherence.

BACKGROUND:

The Reynolds Ranch project was annexed in to the City of Lodi in 2006 as a mixed-use development. As part of the annexation process, an environmental impact report was prepared and certified, new General Plan and zoning designations were approved and a Development Agreement was signed. The development includes retail and residential uses, Public Park, fire station, self-storage facility, and the Blue Shield office complex, a major component of the development.

In the summer of 2008, the developer requested to amend previous approvals. Specifically, the developer requested a General Plan Amendment to increase the size of the commercial acreage from 40.5 acres to 75.6 acres and reduce the residential acreage from 96.6 acres to 78 acres. The applicant's request was first considered by the Planning Commission at its hearing of August 27, 2008 and continued to September 10, 2008. At that hearing, the Planning Commission approved the Vesting Tentative Map and recommended the City Council amend the General Plan for the Reynolds Ranch development. The City Council, acting upon the Planning Commission's recommendation for approval, amended the General Plan at their meeting of September 17, 2008.

On February 10, 2010, COSTCO Wholesale requested approval of a Use Permit to allow the sale of alcoholic beverages and approval of site plan and building elevation of the COSTCO Wholesale warehouse. At their regular hearing of February 10, 2010, the Planning Commission approved the COSTCO Wholesale's request for a Use Permit and SPARC application. The COSTCO Wholesale site is immediately north of the project site.

ANALYSIS:

Site Plan:

The project proponent requests approval of site plan and architecture of the Reynolds Ranch shopping center. The City's Zoning Code requires all plot plans for projects within the commercial zoning districts receive site plan and architecture review approval. Over time, this review has been done through the Use Permit process for shopping centers and through SPARC review for individual buildings. This item has been brought to the Planning Commission because it requires site plan and architecture review and approval. Since the Planning Commission approved the COSTCO warehouse, and since this project is within the same shopping center, staff feels the Planning Commission should review the site plan and architecture of the remainder of the shopping center to ensure consistency and architectural coherence.

The proposed Reynolds Ranch commercial development involves the construction of approximately 345,795 square feet of commercial retail uses, representing a variety of retail sales and services, to be contained in 19 buildings of varying sizes (excluding the COSTCO building). The site layout places buildings close to streets and access points. The primary use will be Home Depot, which will occupy approximately 106,154 square feet of floor area, including approximately 28,086 square feet for a garden center. Two moderate sized retailers would be located on in the eastern portion of the center. Three moderately sized spaces ranging in size from 22,000 to 33,000 sq. ft. will be located southwest of the site (west of the proposed Home Depot). The remaining shell buildings will be distributed throughout the site and will range in size from 13,225 square feet to 3,200 square feet.

These buildings will be occupied by fast food franchises, sit-down restaurants, financial services/bank, professional/business services, and other retail sales and services.

The Home Depot warehouse proposes seasonal and permanent outdoor display and sales area. The proposed seasonal outdoor display and sales area would be located within the parking lot north of the building (10,000 sq. ft), a permanent outdoor storage area would be located within the parking lot west of the building (170 sq. ft), and permanent display area immediately outside of the building. The larger seasonal outdoor display and sales area would displace approximately 40 parking spaces while the western storage area would be permanent and would occupy 17 parking stalls (attachment C). The seasonal display and sales area would be for seasonal items such as Christmas trees, trees, plants, and nursery materials etc. The permanent outdoor display area would be for items such as propane, and promotional items.

In the past the City's Planning, Building, and Fire departments have all worked diligently with applicants on concerns regarding the location of outdoor display areas. Outdoor sale and display area often cause concerns regarding safety. Outdoor display and sale of items within a parking lot of a store disrupt traffic circulation, and force patrons to load their purchases within the fire lane whereby fire lanes could be blocked, which would threaten public safety by restricting emergency vehicle access. Further, items displayed in outdoor display and sales area often cause non-storm water flows and other deleterious materials to enter the storm drain system. The most effectively way to reduce non-stormwater discharges to the stormwater drainage system is to eliminate sources of pollutants. In addition, outdoor merchandise could spill out into the drive aisles and disrupt vehicle and pedestrian circulations patterns, thereby creating safety issues.

In the past the Planning Commission has approved similar requests for outdoor display areas, particularly for home improvement businesses such as Lowe's and Lodi Shopping Center. In both of those cases the approved outdoor display area is limited to the area immediately outside of the buildings. Outdoor display, storage or sale of merchandise within the parking lot has been explicitly prohibited. Staff recommends that conditions be placed on the proposed project to limit outdoor sales immediately outside of the building (similar to Lowe's) and no additional permanent or seasonal outdoor storage/display area be permitted, unless the design is made permanent with appropriate fencing, landscaping, etc.

Architecture:

The architectural theme of the shopping center is early agricultural style articulated by canopies, overhangs, wood type siding, recessed columns, metal roofing, red bricks, and tower elements. Additionally, there is a free standing arch element provided. Sample elevations are provided under Attachment D. The proposed colors for the Home Depot include shades of gray and silver, accented with awnings, metal roof and decorative architectural elements designed to break up the mass appearance. Although the proposed architectural design of the center is consistent with the building design standards and design elements established in the LMC 17.58 *Design Standards for Large Retail Establishments*, architectural design of the previously approved COSTCO building drastically differs from the remainder of the shopping center. Staff will work with both applicants to ensure architectural coherence for the site is achieved consistent with the municipal code and conditions placed on the COSTCO approval.

Signage:

The approval of project signage is not a part of the current review and would be subject to City of Lodi codes and requirements to ensure they complement the building architecture and landscaping. Signage applications and approvals would be completed separately. However, the applicants have illustrated the location and design of the signs they intend to use. All wall mounted signs will have to

be individual letters and no cabinet “canned” signs would be permitted. This would be consistent with previously approved shopping centers (condition #19). It is unclear at the moment if the project will include free standing signs. One free standing sign per shopping center is permitted under the LMC 17.63 *Signs*. A free standing sign will require a separate building permit and, if necessary, SPARC review and approval.

Traffic Circulation/Parking:

As shown the site plan, the primary access to the proposed shopping center is provided from Harney Lane via Reynolds Ranch Parkway. As shown on the site plan, the main entrance to the project parking lot is from the proposed signaled drive which intersects Reynolds Ranch Parkway. Three secondary access points are also provided from Reynolds Ranch Parkway, located further south. These access points provide satisfactory traffic circulation in and out of the shopping center.

In accordance with Lodi Municipal Code (LMC) Section 17.58.110, buildings are located close to streets and parking is provide behind the buildings, which reduces the undesirable visual impact of the paved parking surface. Parking spaces are distributed around all buildings. The City’s large design standards for large retail establishments allows a maximum parking stalls five spaces for every one thousand square feet of building space. The proposed shopping center contains total of 345,795 square feet of tenant spaces. The proposed development allows a total 1,729 parking spaces (General Retail 5/1000), 1,728 spaces are being provided, which includes ADA compliant parking stalls for each building. Consistent with the COSTCO approval conditions and the existing Blue Shield development, parking lot light fixtures must be a maximum of twenty-five feet in height and no spillover beyond the property line will be permitted. This would ensure all light fixtures throughout the center are consistent. A condition has been added to require the applicant to provide a photometric plan prior to the issuance of building permits (condition # 25).

Landscaping:

In accordance with Lodi Municipal Code (LMC) Section 17.58.110, landscaping requirements for these types of projects are one shading tree per four parking spaces, one large tree per 500 sq. ft. of open space, 25% of all trees must be 15 gal. or larger, 25% of all shrubs must be 5 gal. or larger, and groundcover must be provided where necessary. Landscaping must achieve minimum fifty percent shading requirement within five years of planting. The applicant has submitted a generic landscape plan, which calls for various large shade trees, smaller trees, shrubs and ground covers distributed throughout the parking. Given the size of the building, the project proponent is required to provide 433 larger shade (one tree per four stalls) distributed within the parking lot interior and additional one tree for every 500 sq. ft. open space. As shown the plans, the applicant provides 418 large parking lot trees and 353 open space shading tree. Supplementing the trees, there would also be a variety of medium to small shrubs, ground cover and special grasses for swale areas for the Home Depot parking lot. Conditions of approval require the applicant to provide additional parking lot trees to reduce island-heat effect and to meet the City’s standards (condition # 30). As shown the landscape palette, substantial amount of the proposed plant material for the new site would be drought tolerant and would use less water than other common species. The proposed irrigation system uses deep root watering bubblers for parking lot shade trees to minimize usage and ensure that water goes directly to the intended planting areas.

Once site development and construction is completed, the proposed Home Depot alone will employ approximately 100 to 150 employees during three daily shifts (the store proposes to be open 24 hours a day, 7 days a week). The proposed development is consistent with the City’s General Plan and is an attractive addition to the City in that the proposed commercial development will provide much needed services to the City of Lodi, enhance the City’s economic viability, increase the tax base and provide employment opportunities for residents. The proposed development is in full

conformance with the applicable City regulations, including LMC Section 17.58 of the Municipal Code Design Standards for Large Retail Establishments. These standards were adopted in 2004 specifically to deal with the design of large scale retail establishments. The applicant's project meets or exceeded each of these standards as presented and conditioned. Therefore, staff is recommending that the Planning Commission approve this request.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on March 13, 2010. 52 public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project. No protest letter has been received.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve with additional/different conditions
- Deny the SPARC request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket
Assistant Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

- A. Vicinity Map
- B. Site Plan (including truck path and landscape plans)
- C. Color Elevation
- D. Resolution

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 24, 2010**

DRAFT

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of March 24, 2010, was called to order by Chair Cummins at 7:00 p.m.

Present: Planning Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins

Absent: Planning Commissioners – Mattheis

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Assistant Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“February 10, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the Minutes of February 10, 2010 as written.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request for approval of a SPARC application concerning the Reynolds Ranch Shopping Center. (Applicant: Jennifer Krauter, RMB Architects on behalf of San Joaquin Valley Land Co., LLC. File No. 10-SP-02)

Director Bartlam gave a brief PowerPoint presentation based on the staff report.

Commissioner Olson asked if the Morse/Skinner Ranch is on a historical registry or if the owners have a State Historic Preservation Office (SHPO) Letter. Director Bartlam stated that it is on a federal registry.

Commissioner Kiser asked if the timeline for the Harney lane improvements is still going to be on schedule with the opening of the center. Director Bartlam stated that the off site improvements for Harney Lane are included in condition number 53.

Hearing Opened to the Public

- Dale Gillespie, applicant, came forward to answer questions. Mr. Gillespie asked to revise condition number 38 of the resolution which pertains to the Habitat Fees. He would like to create a schedule for the Community Development Director showing the fees for the roads and detention basin distributed evenly amongst all of the permits for the project.
- Commissioner Heinitz asked when the first planning for this project started. Gillespie stated that the planning of this project started in late 2005 early 2006.
- Kiser asked for clarification regarding the fees being distributed. Mr. Gillespie stated that for all of the public spaces he would like to have a schedule dividing those spaces evenly amongst all of the permits within the project area.
- Hennecke asked if there was a fee schedule already presented. Mr. Bartlam stated that the fee schedule that is referenced in the condition is the San Joaquin COG schedule. The fee

schedule that Mr. Gillespie is referring to is something he is going to be presenting. Mr. Bartlam stated that he will read into the record the proposed language at the appropriate time. Hennecke asked if this will impact the construction of the basin or other public spaces. Mr. Bartlam stated that the basin and pumping station were constructed at the time of the Blue Shield project. Mr. Gillespie added that it isn't the intention to have any of the fees frozen, just distributed evenly.

- Kiser asked if this is similar to what Manteca is proposing to help spur the economy. Mr. Bartlam stated that this is not similar. This is meant to be more of a fair share proposal for the entire project.
- Chair Cummins asked if there is a groundbreaking date set. Mr. Gillespie stated that possibly in July of this year.

Public Portion of Hearing Closed

- Commissioner Kiser stated his appreciation of the architecture of the project and recommends approval.
- Commissioner Kirsten stated that there are legitimate concerns regarding the traffic, but doesn't feel that there is anyone that would like to stand in the way of the project. He also feels that the traffic issues will get worked out in the end.
- Commissioner Hennecke asked to hear the revised verbiage for condition number 38. Mr. Bartlam stated that:
 - The project shall incorporate all mitigation measures as specified in the adopted Final Environmental Impact Report for Reynolds Ranch Project (State Clearinghouse Number 2006012113). Specifically, Mitigation Measure 3.2.2 subjects the Reynolds Ranch development to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMHCPC). This includes payment of Open Space Conversion fees in accordance with the fee schedule in-effect at the time of construction commences. Prior to issuance of the first building permit for the Reynolds Ranch development, the applicant shall pay, in accordance SJMHCP fee schedule, for the construction and completion of the on site detention basin (9.93 acres), Reynolds Ranch Parkway (11.98 acres), pump station (.20 acre) and easement A (5.24 acres) the applicant shall pay in accordance with the San Joaquin Multi-Species Habitat Plan fee schedule the fees based upon the gross acreage of the overall Reynolds Ranch Project as described and include all public use acreage as outlined in a per acre schedule to be prepared with the developer which will be subject to the approval of the Community Development Director prior to the next building permit issuance within the project by the applicant or any other subsequent property owner.

MOTION / VOTE:

The Planning Commission, on motion of Kiser, Heinitz second, approved the request of the Planning Commission for a SPARC application concerning the Reynolds Ranch Shopping Center subject to the conditions in the Resolution. The motioned carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins
 Noes: Commissioners – None
 Absent: Commissioners – Mattheis

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam referenced the memo in the packet and stated that staff is available for questions. Mr. Bartlam added that the appeal that was filed on the Costco approval is set to go to the City Council on May 5th.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the General Plan is scheduled for adoption on the April 7th City Council meeting. Within the next thirty days a draft Housing Element should be ready for the Commission's review.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten stated that the Committee met today and the donation of the "Right to Spring" sculpture may have hit a snag. The owner has decided to place some conditions on the donation that would place penalties on the project if it wasn't in place where they wanted it placed by a certain date. The owner also mentioned that the item is still for sale, so if the City doesn't act in time the donation could just go away.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Director Bartlam stated that the 700 Forms are due by April 1st in the City Clerk's office.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:35 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

BRANDT-HAWLEY LAW GROUP

Environment/Preservation

Chauvet House PO Box 1659
Glen Ellen, California 95442

Susan Brandt-Hawley

Legal Assistant
Jeanie Stapleton

April 2, 2010

Mayor Phil Katzakian and
Members of the City Council
c/o Randi Johl, City Clerk
City of Lodi
221 W. Pine Street
Lodi, CA 95240
Cityclerk@lodi.gov

RECEIVED
2010 APR 2 PM 2:32
CITY CLERK
CITY OF LODI

Subject: Appeal of Planning Commission Action of March 24, 2010
SPARC 10-SP-02
322 East Harney Lane; Reynolds Ranch Shopping Center

Dear Honorable Mayor Katzakian and Councilmembers:

On behalf of Charles and Melissa Katzakian, owners of the Historic Morse Skinner Ranch House on the Reynolds Ranch site, and Lodi Tomorrow, I appeal the referenced actions of the Planning Commission taken on March 24, 2010. This is filed within the 10 business day period required by the Municipal Code.

The original Reynolds Ranch approvals were based on a project description that stated in relevant part that "the proposed project would adaptively reuse the Morse Skinner Ranch House and water tower, a significant historic resource listed on the National Register of Historic Places and eligible for listing on the California Register of Historical Resources." The EIR analysis and project approvals always anticipated that the historic site would be adaptively reused in a manner compatible with the big box retail planned for the commercial site, such as a restaurant, following federal standards for rehabilitation and reuse.

Thus, the land use incompatibilities of continued residential use on the Reynolds Ranch site were not anticipated and have never been studied as required by the California Environmental Quality Act.

This discretionary site plan and architectural review approval of the

Reynolds Ranch SPARC Appeal

April 2, 2010

Page 2

Reynolds Ranch Shopping Center relies on the 2006 project description and EIR. Supplemental environmental review is triggered by the developers' failure to comply with mitigations requiring protections of our historic property via conversion to commercial use.

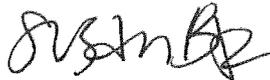
The Planning Commission's findings are not supported by substantial evidence, because the continued residential use of our historic property is not compatible with the commercial development on this site and was not studied in the prior EIR or Initial Study. The Home Depot, in particular, provides access directly to the rear of our residential property, and planned parking will substantially surround us. Our historic house remains in residential use, NOT adaptive reuse, and we have been given no viable alternative but to stay there.

We note that although we brought this problem to the Commission's attention last month relative to the Costco SPARC approval, the current staff report makes no mention of the historic Morse Skinner Ranch House or land use incompatibilities. The current application cannot be approved due to the removal of a key project component affecting our historic property. A supplemental EIR is required before you can consider approval of the Home Depot or other Reynolds Ranch commercial development.

We will provide further evidence and testimony at the appeal hearing.

Thank you.

Sincerely,



Susan Brandt-Hawley

cc: City Attorney Steve Schwabauer
Steve Herum



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Set a Public Hearing on May 19, 2010 to Introduce Ordinance Amending Chapter 13.20 "Electrical Service" by Adding a New Section 13.20.320 Titled Schedule NST - New Sales Tax Economic Development Rate (EUD)

MEETING DATE: April 21, 2010

PREPARED BY: Interim Electric Utility Director

RECOMMENDED ACTION: Set a Public Hearing on May 19, 2010 to introduce ordinance amending Chapter 13.20 "Electrical Service" by adding a new Section 13.20.320 titled Schedule NST - new sales tax economic development rate.

BACKGROUND INFORMATION: The Electric Utility Department proposes a new electric utility rate: the New Sales Tax (NST) Economic Development Rate. The proposed NST rate was presented to the Council on April 7, 2010.

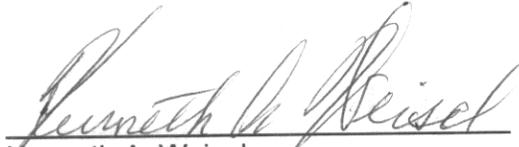
The proposed NST has three primary objectives:

- 1) enhance sales tax revenue to Lodi's General Fund;
- 2) reduce the vacancy rate of commercial properties in Lodi, thus reducing the potential for property neglect, vandalism and/or blight; and,
- 3) strengthen Lodi's commitment to business growth and economic development during this temporary national economic downturn.

The NST would be available to commercial customers who generate at least \$100,000 in sales tax or more per year, and occupy a property that has been vacant for a minimum of three months. The discount would be 10 percent through Fiscal Year 2010/11 and 5 percent through Fiscal Year 2011/12. When the incentive expires, economic conditions could be assessed as to whether renewal is warranted.

FISCAL IMPACT: Unknown. Dependent upon the number of participants, and how many of those would not occupy the vacant property without the discount.

FUNDING: Not applicable.



 Kenneth A. Weisel
 Interim Electric Utility Director

Prepared By: Rob Lechner, Manager, Customer Service and Programs

KW/RSL/1st

APPROVED: 

 Blair King, City Manager

Comments by the public on non-agenda items

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

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

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

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for Expiring Terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission and Re-Post for Two Openings on the Lodi Budget/Finance Committee

MEETING DATE: April 21, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Direct the City Clerk to post for expiring terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission and re-post for two openings on the Lodi Budget/Finance Committee.

BACKGROUND INFORMATION: Several terms on various boards and commissions are due to expire soon. In addition, two vacancies remain unfilled on the Lodi Budget/Finance Committee, and it is recommended that these positions be re-posted to remain open until filled. Government Code Section 54970 et seq., requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application; therefore, it is recommended that the City Council direct the City Clerk to post for the expiring terms and vacancies shown below.

Library Board of Trustees

George Neely Term to expire June 30, 2010
Robert Emmer Term to expire June 30, 2010

Lodi Arts Commission

Teri Turrentine Term to expire July 1, 2010
Margie Lawson Term to expire July 1, 2010
Bonnie Mayer Term to expire July 1, 2010

Planning Commission

Tim Mattheis Term to expire June 30, 2010

Lodi Budget/Finance Committee

Two Vacancies Terms to expire June 30, 2013

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl, City Clerk

RJ/JMR

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive a Report on the Response to Comments on the Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to Southerly Limits of the White Slough Water Pollution Control Facility

MEETING DATE: April 21, 2010

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Receive a report on the response to comments on the Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to southerly limits of the White Slough Water Pollution Control Facility and take appropriate action.

BACKGROUND INFORMATION: This item is being brought to the City Council as an informational item. The Council may want to discuss and provide direction for additional follow up action.

The City Council originally received a report regarding this topic on October 21, 2009. As a result of City Council direction, staff submitted a letter commenting on the Draft Environmental Impact Report (DEIR). As the City Council is aware, comments generated on a DEIR are required to be responded to by the Lead Agency preparing the document. In this case the Lead Agency is the State Department of Transportation (CalTrans).

The Draft Environmental Impact Report/Environmental Assessment analyzes a proposed project that will build freeway and interchange improvements from 0.2 mile south of Charter Way/Martin Luther King Jr. Boulevard to 1.8 miles north of Eight Mile Road in northwest Stockton. The document was prepared by CalTrans. The stated purpose of the project is as follows:

- Reduce traffic congestion and delay on Interstate 5
- Encourage High-Occupancy Vehicle use in the Interstate 5 corridor within the project area
- Improve regional mobility
- Provide a balanced circulation system and reduce out-of-direction travel

As stated in the document, "The project is needed because northwest Stockton has been and is expected to continue experiencing substantial traffic growth, both locally from new area development and regionally from nearby communities such as Sacramento, Lodi, Lathrop, Manteca, and Tracy." The portion of the project which staff is focused on with this review is the new interchange designated as North Gateway Boulevard. This interchange would occur

APPROVED: _____
Blair King, City Manager

approximately 1.8 miles north of Eight Mile Road. The proposed interchange is within the current Stockton General Plan, which abuts the City of Lodi's White Slough property. The document states that the new interchange "would improve local access to Interstate 5, reduce demands at existing interchanges, and connect a planned regional arterial with Interstate 5." The City of Stockton is proposing a new east-west expressway along Stockton's northerly boundary.

The response to the City's comments is attached and segmented into six sections. In the first section, the response basically suggests that inclusion of the interchange is prudent because of the Stockton General Plan, but actual construction will not be part of the project. Further, that the interchange will not be built until development in the area creates the need. Further, it is the position of CalTrans, San Joaquin COG and the City of Stockton that the interchange will "accommodate" growth, not induce it. Finally they suggest that delaying the improvement would be irresponsible and have significant adverse effects on traffic, air quality and quality of life.

The response to our second comment was appropriately dealt with by amending the document. That said, it does call to question the standard of significance that CalTrans uses when assessing impacts to farmlands. While this is the prerogative of the Lead Agency, it is not shared by the City of Lodi.

Staff believes that the response to our third comment is not correct. They contend that the City's White Slough Facility is about ½ mile away from the northernmost portion of the project area. In fact, the definition of the City's facility should include all of the property within the City boundary, not just the physical plant. Based on the description of the project and the exhibits contained in the document, our property abuts improvements contemplated by the project. We contend that there has not been any assessment of impacts that the project may have on our property or its functions. Simply stating that there no impacts are anticipated without providing some fact in the record does not make it so.

With regard to the fourth response, the area is known to be habitat for Giant Garter Snakes. The end result may be as suggested; we believe, however, that the prudent course of action is to follow the requirements of the San Joaquin Multi-Species Habitat Conservation and Open Space Plan and schedule a pre-ground disturbance survey, to be performed by a qualified biologist prior to any permit issuance.

For the response to our fifth comment we would refer to the DEIR Table 2.1 on page 25 which shows all of the approved development in the City of Stockton planning area. It is our understanding that the North Stockton Village and Gateway projects which account for 11,448 residential units on 3,010 acres are within the area of the proposed project. From our perspective this is representative of the future condition. Furthermore, we do not believe that the land use designations in the current San Joaquin County General Plan "accepts or approves" the anticipated project. It is our understanding that the County designation in the area is AG-40, which certainly does not anticipate nearly four dwelling units per acre.

The City appreciates the response to the sixth comment.

Staff is of the opinion that including this interchange within this document is premature. We are being told by CalTrans that the inclusion is warranted because it is in the Stockton 2035 General Plan, but there is no reason to draw the boundaries of the project past Eight Mile Road. We would further contend that the likely timing of this interchange improvement is so far into the future that by the time it is warranted to keep pace with growth, the environmental analysis will be stale and no longer valid. We are told by CalTrans that the development in the area is not approved, but their own document suggests otherwise. Finally, in staff's meeting with the landowner adjacent to the interchange, they contend that their plans have changed and an interchange will not be required.

CalTrans staff has told us that they intend to certify the Final EIR by the end of March. We have been told that we will be notified prior to any actions.

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

Konradt Bartlam
Community Development Director

KB/kjc

Attachment:
Response to Comments Letter

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

2015 E. Shields Ave.
Fresno, CA 93726
PHONE (559) 287-9320
TTY (559) 488-4066



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FEB 16 2010

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

February 11, 2010

Mr. Konradt Bartlam
Community Development Director
City of Lodi
City Hall
221 West Pine Street
Lodi, CA 95241-1910

Dear Mr. Bartlam:

Thank you for your letter dated November 11, 2009 regarding the North Stockton Corridor Improvements project. We have responded to your comments from the letter sent and have enclosed both your comments and our responses.

If you have any further questions, please contact either myself or Scott Smith at (559) 243-8223.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary Parker".

Zachary Parker
Senior Environmental Planner

c: Scott Smith, File

Enclosure: City of Lodi Letter dated 11/11/09, Caltrans Response

CITY COUNCIL

LARRY D. HANSEN, Mayor
PHIL KATZAKIAN,
Mayor Pro Tempore
SUSAN HITCHCOCK
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

Community Development Department
CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6714 – Building
(209) 333-6711 – Planning & Neighborhood Services
(209) 333-6842 - Fax
www.lodi.gov

BLAIR KING, City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

November 11, 2009

Gail Miller
Branch Chief
Central Sierra Environmental Branch
California Department of Transportation
2015 E. Shields Avenue, Suite 100
Fresno, CA 93726

gail_miller@dot.ca.gov

Re: Interstate 5 North Stockton Corridor Improvements
DEIR SCH No. 2008102101

Dear Ms. Miller:

The City of Lodi appreciates the opportunity to review and comment on the Draft Environmental Impact Report for the above referenced project. The project is located along Interstate 5 between 0.2 mile south of Charter Way/Martin Luther King Jr. Boulevard and 1.8 miles north of Eight Mile Road in northwest Stockton, California.

We have reviewed this document for consistency with the California Environmental Quality Act (CEQA) as well as discussed this matter with the Lodi City Council at their meeting on November 4, 2009. As a result of this review we offer the following comments on the report:

Section 2.1.2 Growth The Environmental Impact Report must examine the potential for growth that may occur as a result of the project. Specifically, CEQA Guidelines require that the EIR "discuss the ways in which the proposed project could foster economic or population growth, or construction of additional housing, either directly or indirectly" (CEQA Guidelines §15126.2(d)). The discussion outlined in the document states that "The proposed project would not directly affect growth within the Stockton region or San Joaquin County, but accessibility in the project area would change." Further the document states "Both the 2035 Stockton General Plan and the 2010 San Joaquin General Plan do not project any potential growth as a result of the proposed project; only transportation circulation would improve in the region."

However, the EIR fails to ever even consider the potential that the projected development could not occur. A traffic study is necessary to determine whether the existing and planned infrastructure (absent the highway improvements) could support the growth this project is admittedly designed to serve before any conclusion can be

L-1

drawn that this project is not growth inducing. The EIR does suggest the logical outcome of such study. Figure 1.4 shows no Level of Service issues on the highway in the existing condition. Lodi staff can support that conclusion based on actual highway use. It is not until 2035 that Figure 1.5 finally shows traffic north of Hammer Lane and even farther north of Eight Mile Road reaching Level of Service F. Table 2.23 reflects the expected growth served by the project. According to the conclusions drawn by the EIR, this project will serve the development of over 7,500 acres of farmland with nearly 40,000 residential units.

L-1 cont.

There can be no debate about whether the improvements contemplated are necessary in order for the growth that has been approved as well as the growth contemplated in Stockton. To suggest otherwise would call into question the need for the project. As such, the EIR's failure to consider its potential to foster the growth of north Stockton is fatal to any test of its adequacy.

Section 2.1.3 Farmlands/Timberlands Construction of the project would convert approximately 58 acres of agricultural soils to urban (highway) uses. Most of that impact occurs within the existing right-of-way of Interstate 5 south of Eight Mile Road. According to the California Department of Conservation, approximately five acres of Prime and Unique Farmland is impacted by the project slated north of Eight Mile Road. The document states that the amount of agricultural land to be converted is "negligible" compared to the total amount of farmland in San Joaquin County or in California. We are not aware, nor does the DEIR state what the Department of Transportation's threshold of significance is with regard to this issue, but comparing this loss to the entire State of California is absurd. The fact is that the resulting loss is a significant and irreversible impact under CEQA. Even though mitigation cannot lessen the impact to a less than significant level, mitigation should be proposed which lessens this impact nonetheless. An additional concern related to this discussion is the missing Farmland Conversion Impact Rating form. The discussion within this section refers to Appendix H, which is not included in the document. Further, another part of the document indicates that Appendix G contains this information; however, it is not included there either.

L-2

Sections 2.1.1.2 and 2.1.4 Community Impacts The analysis of community impacts does a fine job in characterizing the urban community that is adjacent to the project boundaries, but fails to mention anything about the community that exists north of Eight Mile Road. Specifically, the document must address the environmental consequence the project may have on the agricultural area in question. Moreover, the document makes no mention of the City of Lodi's White Slough Water Pollution Control Facility which contains 1,014 acres immediately adjacent to the project. Section 2.1.1.2 details how the project is consistent with all surrounding general plans. Again it fails to even reference the City of Lodi General Plan or the proximity of the plan to Lodi's detached annexation a few hundred feet to the north of the North Gateway interchange.

L-3

Section 2.3.5 Threatened and Endangered Species Section 2.3.5 mentions impacts on a number of threatened species including the Giant Garter Snake (GGS). Although figure 2.2c reflects a large new interchange at the new North Gateway Interchange immediately adjacent to Telephone Cut. The GGS analysis fails to reference any loss of GGS habitat other than the .021 acres of aquatic habitat. An interchange cannot serve as GGS habitat given the multiple and compact roadway surfaces that would pose significant hazards to any snakes residing therein. As such at least 2 acres and more likely more acres of habitat will be permanently taken. The EIR proposes no mitigation for the loss of this habitat nor a Statement of Overriding Consideration.

L-4

The EIR's failure to seriously address loss of GGS habitat is compounded by the lack of consideration of cumulative impacts as discussed above. Figure 2.2c's top image shows the existing condition and the bottom condition shows the development fostered by the construction of the freeway interchange, representing hundreds of homes and commercial structures immediately adjacent to Telephone Cut. When combined there must be massive impact on GGS habitat that even the EIR is forced to "presume" is present "[d]ue to the proximity of a known population and availability of suitable habitat...." (p. 175)

L-4 cont.

Section 2.4 Cumulative Impacts As discussed above the EIR fails to consider cumulative impacts in any serious fashion because for every impact acknowledged, the EIR only studies them at the macro level. To say there is no impact to farmland or timberland (as the EIR does at page 189 with no explanation as to how that conclusion is reached) is a relatively simple thing. But to say it with regard to the 7,500 acres in growth it is necessary to make possible is quite another.

L-5

Section 2.4's discussion of Visual and Aesthetic impacts on page 189 is another example of the effort that went into this document. The EIR states that the only new landscape features are Otto Drive and North Gateway interchanges. However it concludes that the impact would be minor. A mere reference to figure 2.2c reveals just how facile that conclusion is. The before figure reveals acres of green space and farmland. The after reflects of the same acres subdivided for homes, mini storage and commercial strips. This same flaw flows through every reference in the cumulative impacts section. As such the EIR is defective.

Finally, I respectfully request timely notice of any and all hearings and staff reports as well as any revisions that may occur concerning this project. We believe that as an adjacent property owner to the project and adjacent Public Agency, we should have received the Notice of Preparation as well as a direct notice of the release and availability of this Draft EIR.

L-6

If you have any questions or would like to discuss these comments in more detail, please do not hesitate to contact me at 209-333-6711 or rbartlam@lodi.gov.

Sincerely,



Konradt Bartlam
Community Development Director
City of Lodi

Cc: City Manager
City Attorney

City of Lodi, Public Agency (November 11, 2009)

Response L-1: The transportation demand for the proposed project is based on the land uses identified in the 2035 City of Stockton General Plan (dated 2006), and the San Joaquin Council of Governments 2007 Regional Transportation Plan. Please see the Interstate 5 North Stockton Interchanges and Mainline Widening Final Traffic Operations Report dated January 2008 which addresses both existing, design year, and final buildout year traffic operations.

Caltrans is doing the design for this interchange as part of the project because, since the interchange is called for in Stockton's general plan, it makes sense to include it with this design package. Actual construction of the proposed interchange will not be part of this project, and will not take place until development in the area creates the need. When that happens, the developers who are building in the area will fund the construction.

The City of Stockton General Plan Environmental Impact Report (dated 2007) provided a program level Environmental Impact Report that analyzed the environmental impacts of land uses and growth inducing impacts in the 2035 City of Stockton General Plan. The 2035 City of Stockton General Plan outlines the land use types, projected traffic demands, and directly references the need for interchanges north of Eight Mile Road, and widening along Interstate 5. The proposed project does not introduce new land uses beyond those discussed in the City of Stockton General Plan Environmental Impact Report, see section 2.1.2 Growth. The proposed project is responding to the future growth demand generated by the General Plan and forecast traffic volumes. Therefore, the proposed project anticipates timing for future development and growth based on regional projections as needed to avoid congestion and to promote better air quality. The proposed project will follow or keep pace with growth, but will not provide the impetus for growth.

It is the position of the City of Stockton, the San Joaquin COG and Caltrans that the proposed freeway widening and interchange improvements are growth accommodating. Recognizing that growth in the City of Stockton is likely to occur based on the projected land uses described in the City of Stockton General Plan Environmental Impact Report, and that a considerable amount of this growth is projected for North Stockton and West Stockton, the forward planning approach to accommodate this growth with planned roadway improvements is the responsibility of the local agencies. To delay these improvements until growth inundates the local and regional circulation network would be irresponsible and would have significant and adverse effects on traffic, air quality, and quality of life.

Response L-2: Correction made: The NRCS form is under Appendix G; references to the NRCS form in the Environmental Impact Report have been corrected and reflect Appendix G, and not Appendix H.

Table 2.2 of the Farmland section describes the project's impacts and compares that with farmland resources in the County. Impacts represent less than .0001 percent of the County's farmland resources. As explained in the text of the Farmland section under Environmental Consequences, a NRCS rating of above 160 would warrant further examination of alternatives to reduce farmland impacts and would require avoidance, minimization, and mitigation measures. Based on the fact that the amount of total acres converted to non-agricultural uses represents less than .0001 percent of the County's total farmland, and that the NRCS rating (83.6) was substantially less than 160, this is substantive evidence that the proposed project will not induce a significant affect on agricultural resources under the CEQA Guidelines. Additionally, any significant farmland impacts that would have been created by this project were addressed programmatically in the City of Stockton 2035 General Plan Environmental Impact Report (2007), which included this project in described land uses.

Response L-3: The Community Impact Assessment (dated March 2009), discusses the process of how community boundaries were delineated, including agricultural areas north of Eight Mile Road. The Environmental Impact Report section on Community Impacts primarily focuses on certain communities in the project area that are directly impacted by the proposed project and which specifically require relocation of residents in those neighborhoods. Agricultural impacts are discussed under Farmland; please see responses L1 and L2. The City of Lodi White Slough Water Pollution Control Facility is about 1/2 mile away from the northernmost portion of the project area. No impacts from the proposed project are anticipated to the Lodi White Slough Water Pollution Control Facility. Open space lands to the north of the Stockton Sphere of Influence for use in spraying or spreading effluent generated by the plant will remain unaffected by the proposed project. The proposed project is not within the boundaries of the City of Lodi, nor within its Sphere of Influence, and this is why no reference is made to the City of Lodi General Plan.

Response L-4: The proposed project has undergone rigorous review by the U.S Fish and Wildlife Service under Section 7 consultation with Caltrans. The project was reviewed under the *Programmatic Biological Opinion on the Effects of Small Highway projects on the Threatened Giant Garter Snake in Butte, Colusa, Glenn, Sacramento, San Joaquin, Solano, Sutter, Yolo and Yuba Counties, California* issued to the Federal Highway

Administration on January 24, 2005. The Programmatic Biological Opinion establishes thresholds for impacts to giant garter snakes as well as standards for habitat suitability as described below.

The biological opinion defines giant garter snake habitat to include appropriate uplands within 200 feet of aquatic habitat. Based on the project design, approximately 0.2 acre of upland habitat located within 200 feet of Telephone Cut may be affected by the project at the proposed North Gateway Interchange.

The biological opinion identifies agricultural areas supporting row crops, small grains other than rice, vineyards and orchards as unsuitable for giant garter snakes because they lack adequate cover and are subject to frequent disturbance. Other frequently disturbed areas are similarly excluded as upland habitat. The entire area of the proposed North Gateway Interchange consist either of row crops or farm access roads, neither of which is considered suitable upland areas for giant garter snakes.

For the reasons given above, no impacts to giant garter snake have been identified at the proposed North Gateway Interchange and no mitigation has been proposed. Similarly, no cumulative impacts have been identified. As stated above, this area is predominantly agricultural row crops and is generally considered unsuitable for giant garter snakes.

Response L-5: Cumulative Impacts consist of an evaluation of impacts which are created as a result of the combination of the project together with all other projects which cumulatively contribute to degradation of an environmental resource. By their very nature cumulative impacts are assessed on a macro level, while project specific impacts are assessed on a smaller scale. The purpose of a cumulative impacts analysis is to determine whether a project's contribution to an environmental resource will be rendered cumulatively considerable and thus significant or whether the project's contribution to an environmental resource will be rendered less than cumulatively considerable and thus less than significant.

Farmland impacts were deemed to not be cumulatively considerable because the project's contribution to farmland impacts was considered less than significant (see Farmland impacts section) and because the project is consistent with the City of Stockton 2035 General Plan and other relevant planning documents. Please see Response L-1 regarding discussion of Growth Inducing Impacts. It should be noted that since the proposed project accommodates and responds to future growth, but is not the impetus for growth. Therefore, conversion of farmlands has no direct association with the project. The proposed transportation facilities are provided as a result of growth where such farmland

conversions have already occurred or are anticipated to occur due to adopted plans and entitlements.

Regarding the Visual and Aesthetics' graphic Figure 2.2c, the subdivisions and roadway infrastructure shown outside the boundaries of the proposed project reflect projected 2035 land uses based on the City of Stockton General Plan and are consistent with projected land use activities envisioned in the build-out year. While the graphic presents the subdivision layout, it is not an approved project and is intended to be representative of the potential future condition. As mentioned in the Environmental Impact Report, the proposed Gateway Interchange will only be built when land use development occurs and provides the transportation demand for this project. The land use designations for the areas surrounding the project have been accepted and approved in the City and County General Plans. Development contribution from these land developments will be required for the completion of this phase of the project build-out.

Response L-6: The City of Stockton and Caltrans will include the City of Lodi in all required noticing and distributions.



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Reject Proposal from Harvey Gorrell for the Sculpture, "Crane Dance" (formerly "Rite of Spring") from Artist Scott Wampler

MEETING DATE: April 21, 2010

PREPARED BY: Community Center Director

RECOMMENDED ACTION: Reject the proposal from Harvey Gorrell for the sculpture, "Crane Dance" (formerly "Rite of Spring") from artist Scott Wampler.

BACKGROUND INFORMATION: In September 2009, the City was approached by Harvey Gorrell, representative of artist Scott Wampler, with an offer to donate the "Rite of Spring" sculpture, now called "Crane Dance." On March 3, 2010, the City Council approved \$30,000 for the transportation and installation of the sculpture with the stipulation that the Lodi Arts Commission and the Art Advisory Board decide its placement. Since then, the City has received an offer to move the sculpture to Lodi from its Sacramento location free of charge.

In an April 10, 2010 letter, Mr. Gorrell indicated the sculpture was no longer being offered as a donation and the cost to acquire the artwork is \$50,000. Other demands are included in the attached letter.

As donated artwork, the sculpture presented an opportunity for the City of Lodi to add to its collection of public art at a substantially discounted cost. Staff recommends the City Council reject Mr. Gorrell's proposal, however, for several reasons. This artwork was neither commissioned by the City nor created as part of an Art in Public Places project, and other artists have not had an opportunity to propose projects that compete for these funds. The Art in Public Places Committee also recommends rejecting the proposal.

FISCAL IMPACT: The estimated costs are \$50,000 for purchase, \$10,860 for installation, and \$14,000 for concrete pad installation for a total of \$74,860.

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

Jordan Ayers, Deputy City Manager

James M. Rodems
Community Center Director

Attachments: Letters from Harvey Gorrell dated April 10, 2010 and Sept. 15, 2009.

APPROVED: _____
Blair King, City Manager

301 Stillwater Ct.
Lincoln, Ca 95648

September 15, 2009

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

Dear Ms. Bridewell:

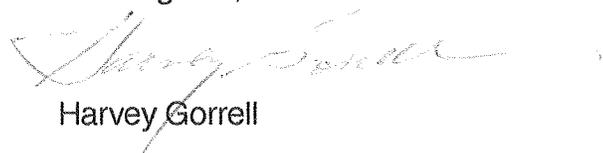
Our son, Scott Wampler, would like to donate (not lend) his sculpture *Rite of Spring* to an organization and venue appropriate for this piece of art. *Rite of Spring* is a 20 ft. tall highly polished stainless steel sculpture depicting two cranes in a courtship dance. He designed it while living in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

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

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

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

Best regards,



Harvey Gorrell

Enclosures: Photos

Harvey Gorrell
301 Stillwater Ct.
Lincoln, CA 95648

April 10, 2010

James M. Rodems
Director - Community Center
Interim Director - Parks & Recreation
City of Lodi
125 South Hutchins Street
Lodi, CA 95240

Dear Mr. Rodems:

We have passed the donation of "Rite of Spring" as indicated by various correspondence with Dave Kirsten and Bob Johnson. When Scott offered to donate the sculpture the City apparently felt no conditions would be attached to the donation. Unfortunately, agreements could not be reached. The Fox 40 news telecast contained inaccurate information regarding the history of the sculpture. It further soured the donation concept.

A sculpture on the scale of "Rite of Spring" would cost \$100,000 or better fabricated here in the United States. Scott will agree to sell the sculpture for \$50,000. I told Dave and Bob that Scott is willing to sell it at no interest over a 5 year period, i.e., \$10,000 per year for 5 years starting June 1, 2010, or an agreed upon start date. The stipulation would be that it would not be sold but would be installed permanently in Hutchins Square. At this price Scott would be donating all of his expected profit from the sale but would recover some of his costs. Obviously, he would prefer to receive the \$50,000 up front but is willing to be paid the remaining \$40,000 at \$10,000 per year, i.e., June 1, 2011, 2012, 2013 and 2014. We do not believe it would be a good idea to depend on the City paying Scott the annual \$10,000 payment. City administrations change, the economy changes, etc. We suggest the City of Lodi set up a \$40,000 interest bearing trust fund with their bank for the express purpose of paying Scott the annual \$10,000 payments. All interest generated by the fund would be paid to the City of Lodi. No person or entity could change or terminate the fund without permission from Scott Wampler.

In order to reduce costs associated with the purchase of "Rite of Spring" Scott designed and submitted a photo of an idea that he felt would be both economical and attractive. Perhaps others may have better ideas.

Scott feels it is important that he be present at the foundry during the dismantling of the sculpture for shipment. Ideally the sculpture should be shipped directly to the site in Hutchins Square rather than into storage. It would then be reassembled at the site and erected. Scott feels he should also be present during the reassembly and erection of "Rite of Spring". All of Scott's costs associated with his time during the disassembly, reassembly and erection would be considered as part of the sale and not as an additional cost to the City of Lodi.

The City of Lodi will provide a bronze or stainless steel identification plaque to be installed near the sculpture stating:

Crane Dance
Scott Wampler -Artist

Scott feels "Crane Dance" is a better title for this sculpture rather than "Rite of Spring".

We know when "Crane Dance" is installed it will be well received and appreciated by citizens of Lodi as well as persons from surrounding areas. It would be wonderful if the installation is completed prior to the Crane Festival. My wife, Scott and I would like to attend.

Regards,



Harvey Gorrell

cc: Dave Kirsten
Bob Johnson
Deanie Bridewell
Scott Wampler

Encl.: Power of Attorney