



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: May 6, 2015

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo
City Clerk

Telephone: (209) 333-6702

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

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, and Lodi Professional Firefighters Pursuant to Government Code §54957.6 (CM)
- b) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Michael Ryall against City of Lodi Based on Personal Injury (CA)
- c) Actual Litigation: Government Code §54956.9; One Application; *Ronald Heberle v. City of Lodi*; WCAB Case No. ADJ8900613 – 6/15/08 (CM)

C-3 Adjourn to Closed Session

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

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll Call

B. Presentations

- B-1 Bike Month / Bike to Work Week Proclamation (PW)
- B-2 National Public Works Week Proclamation (PW)

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

- C-1 Receive Register of Claims in the Amount of \$4,484,629.48 (FIN)
- C-2 Approve Minutes (CLK)
 - a) April 7 and April 14, 2015 (Shirtsleeve Sessions)
 - b) April 14 and April 15, 2015 (Special Meetings)
 - c) April 15, 2015 (Regular Meeting)
- C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Shady Acres Pump Station Trash Handling Project (PW)
- C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for 2015 Pavement Surface Treatment Project, Various Streets (PW)
- Res. C-5 Adopt Resolution Authorizing Purchase of Hydrel LED Up-Light Fixtures from Consolidated Electrical Distributors, Inc., of Lodi, for School Street Lighting and Appropriating Funds (\$130,000) (PW)
- Res. C-6 Adopt Resolution Authorizing Purchase of Ultra Violet Disinfection System Equipment for the White Slough Water Pollution Control Facility from D.C. Frost Associates, Inc. (\$78,000) (PW)

- Res. C-7 Adopt Resolution Awarding Contract for Lodi Lake Park – Wading Pool Resurfacing Improvements to Dave Gross Enterprises, Inc., dba Adams Pool Specialties, of Sacramento (\$13,385) and Appropriating Funds (\$16,000) (PW)
- C-8 Accept Improvements Under Contract for White Slough Water Pollution Control Facility Control Building Remodel and Addition Project (PW)
- Res. C-9 Adopt Resolution Authorizing City Manager to Execute Service Maintenance Agreement with Sungard Public Sector, Inc., of Lake Mary, Florida (\$143,199.24) (PD)
- Res. C-10 Adopt Resolution Authorizing City Manager to Execute Agreement with County of San Joaquin for Automated Message Switching System and Criminal Justice Information System Access (\$20,038) (PD)
- Res. C-11 Adopt Resolution Authorizing City Manager to Execute Lease Agreement Renewal for Fire Station No. 2 with Design Space Modular Buildings, Inc., of Dixon (\$46,506) (PW)
- Res. C-12 Adopt Resolution Approving Grant Funding Request for the White Slough Water Pollution Control Facility Storage Expansion Project (PW)
- C-13 Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2 (PW)
- C-14 Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Opposition for SB 608 – The Right to Rest Act (Liu) (CLK)
- C-15 Authorize the Mayor, on Behalf of the City Council, to Send Letters of Support for AB 1335 – Building Homes and Jobs Act (Atkins) and AB 35 – Low-Income Housing Tax Credits (Chiu and Atkins) (CLK)
- C-16 Receive Report Regarding Final Costs for the November 4, 2014, General Municipal Election (CLK)
- C-17 Set Public Hearing for June 17, 2015, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Wastewater Rates for Residential, Commercial, and Industrial Customers (PW)
- Res. C-18 Adopt Resolution Rejecting All Bids, Approving Specifications, and Authorizing Re-Advertisement for Bids for 2015/16 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1 and 2015/16 Transit Station Landscape Maintenance (PW)

D. Comments by the Public on Non-Agenda Items

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

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

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

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

G. Public Hearings

- Res. G-1 Public Hearing to Consider Adopting a Resolution Approving the 2015/16 Annual Action Plan for the Community Development Block Grant Program (CD)

H. Communications

- H-1 Appointment to the Lodi Senior Citizens Commission and Post for Expiring Terms on the Library Board of Trustees, Lodi Arts Commission, Planning Commission, and San Joaquin County Commission on Aging (CLK)

I. Regular Calendar

- Ord. I-1 Introduce Ordinance Amending Lodi Municipal Code Title 12 – Streets, Sidewalks and Public Places – by Repealing and Re-Enacting Chapter 12.12, “Parks,” in its Entirety; and Further Repealing and Re-Enacting Chapter 12.16, “Permits for Use of City Facilities,” in its Entirety (PRCS)
(Introduce)
- Ord. I-2 Introduce Ordinance Amending Lodi Municipal Code Title 13 – Public Services – by Repealing and Re-Enacting Section 13.14, “Stormwater Management and Discharge Control Code,” in its Entirety (PW)
(Introduce)
- Ord. I-3 Introduce Ordinance Amending Lodi Municipal Code Title 6 – Animals – by Repealing and Re-Enacting Chapter 6.15, “Vicious/Potentially Dangerous Dogs,” in its Entirety (PD)
(Introduce)
- Ord. I-4 Introduce Ordinance Amending Lodi Municipal Code Title 6 – Animals – by Repealing and Re-Enacting Chapter 6.08, “Prohibited Animals,” in Regard to Chicken Hens in its Entirety (PD)
(Introduce)

J. Ordinances – None

K. Adjournment

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

Jennifer M. Ferraiolo
City Clerk

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

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



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Presentation of Proclamation Proclaiming May as “Bike Month” and May 14, 2015 as “Bike to Work Day” in Lodi

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Presentation of proclamation proclaiming May as “Bike Month” and May 14, 2015 as “Bike to Work Day” in Lodi.

BACKGROUND INFORMATION: National Bike Month is a call to action for people across the nation to try bicycling to work and school, and for leisure activities instead of driving. Bicycling improves air quality and rider health, and it reduces congestion on roadways. During the month of May, the City and various employers throughout Lodi will encourage their employees to bike to work.

On Thursday, May 14, 2015, a community “Bike to Work Day” event will be held at Lodi Veterans Plaza (adjacent to City Hall) from 6:30 a.m. to 8:30 a.m. The event is open to all members of the community. Representatives from San Joaquin Council of Governments’ Commute Connection, San Joaquin Bicycle Coalition and Lodi Bicycle Shoppe will be present. Free bike safety checks, bike commute information, snacks, coffee and free handouts will be available.

A representative from the San Joaquin Bicycle Coalition will be present to accept the proclamation.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Julia Tyack, Transportation Planner

FWS/JMT/smh

APPROVED: _____
Stephen Schwabauer, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Presentation of Proclamation Proclaiming the Week of May 18 – 24, 2015, as “National Public Works Week” in Lodi

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Presentation of proclamation proclaiming the week of May 18 - 24, 2015, as “National Public Works Week” in Lodi.

BACKGROUND INFORMATION: Public Works Week is a national event to educate the public on how important the contribution of Public Works is to their daily lives. This year’s theme is “Building for Today, Planning for Tomorrow” and recognizes that the work of Public Works is vital to a sustainable and vibrant tomorrow. Public Works plays a key role in the planning, building and maintenance of infrastructure project in our community that will allow future generations to enjoy a higher quality of life.

National Public Works Week calls attention to the importance of Public Works in community life and seeks to enhance the prestige of the often-unsung heroes of our society – the professionals who serve the public good every day with quiet dedication. These unsung heroes are the men and women in Public Works who plan, design, build, and maintain our water, wastewater, drainage and street systems, City buildings, and fleet; who are responsible for the City’s transit and solid waste services; who play a role in the quality of life in our community; and who are helping to move life forward.

A representative of the Public Works Department will be present to accept the proclamation.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst

FWS/RAY/smh

APPROVED: _____
Stephen Schwabauer, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Receive Register of Claims through April 9, 2015 in the total amount of \$4,484,629.48

MEETING DATE: May 6, 2015

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$4,484,629.48.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$4,484,629.48 through 04/09/15. Also attached is Payroll in the amount of \$2,511,144.82 .

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste
Financial Services Manager

RRP/mlm

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

Council Report

City of Lodi, CA - v10.5 Live

3/27/2015 through 4/9/2015

Fund	Amount
100 - General Fund	1,130,514.94
120 - Library Fund	8,113.64
140 - Expendable Trust	68,242.54
200 - Parks, Rec & Cultural Services	100,727.80
270 - Comm Dev Special Rev Fund	504.69
301 - Gas Tax-2105,2106,2107	25,507.86
302 - Gas Tax -2103	6,467.24
303 - Measure K Funds	1,415.68
350 - H U D	3,943.01
402 - Info Systems Replacement Fund	9,752.47
431 - Capital Outlay/General Fund	8,433.75
437 - IMF Parks & Rec Facilities	11,900.00
500 - Electric Utility Fund	181,829.11
501 - Utility Outlay Reserve Fund	5,822.78
504 - Public Benefits Fund	14,376.30
506 - Solar Surcharge Fund	4,403.28
508 - Environmental Compliance	13,433.00
530 - Waste Water Utility Fund	74,890.09
531 - Waste Wtr Util-Capital Outlay	53,937.64
560 - Water Utility Fund	47,154.57
561 - Water Utility-Capital Outlay	67,205.79
565 - PCE/TCE Rate Abatement Fund	4,688.64
590 - Central Plume	9,115.00
593 - Northern Plume	249.74
600 - Dial-a-Ride/Transportation	1,990.05
601 - Transit Capital	1,793,522.09
602 - Transit-Prop. 1B	785,513.34
603 - TSSSDRA	820.50
650 - Internal Service/Equip Maint	17,566.20
655 - Employee Benefits	22,577.63
660 - General Liabilities	85.00
665 - Worker's Comp Insurance	9,925.11
Total	4,484,629.48

Council Report: Payroll City of Lodi, CA - v10.5 Live Pay Period 3/29/2015

Fund	Description	Amount
100	General Fund	1,467,223.24
120	Library Fund	54,030.44
200	Parks, Rec & Cultural Services	197,905.86
214	LPD-OTS Grants	20,165.12
217	CalGRIP	2,137.32
270	Comm Dev Special Rev Fund	49,337.72
301	Gas Tax-2105,2106,2107	55,361.58
500	Electric Utility Fund	354,948.62
530	Waste Water Utility Fund	231,223.58
560	Water Utility Fund	30,628.34
561	Water Utility-Capital Outlay	152.64
600	Dial-a-Ride/Transportation	15,829.42
650	Internal Service/Equip Maint	32,200.94
Report Total		2,511,144.82



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) April 7, 2015 (Shirtsleeve Session)
b) April 14, 2015 (Shirtsleeve Session)
c) April 14, 2015 (Special Meeting)
d) April 15, 2015 (Regular Meeting)
e) April 15, 2015 (Special Joint Meeting)

MEETING DATE: May 6, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) April 7, 2015 (Shirtsleeve Session)
b) April 14, 2015 (Shirtsleeve Session)
c) April 14, 2015 (Special Meeting)
d) April 15, 2015 (Regular Meeting)
e) April 15, 2015 (Special Joint Meeting)

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

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, APRIL 7, 2015**

The April 7, 2015, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, APRIL 14, 2015**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, April 14, 2015, commencing at 7:09 a.m.

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

Absent: None

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

B. Topic(s)

B-1 Receive Information Regarding Traffic Calming (PW)

Dorothy Kam, Assistant Engineer, provided a PowerPoint presentation on traffic calming. Specific topics of discussion included overview, traffic calming devices, radar trailer, radar speed board, signage, street striping, bulbouts, entry features, raised medians, roundabouts, chicanes, speed bumps, speed lumps, speed tables, full closures, half closures, traffic calming in Lodi, police enforcement, in-street crossing signs, light-emitting diode (LED) pedestrian crossing signs, in-street lighted crosswalks, what other agencies are doing, opposition of speed bumps, traffic calming policies of other agencies, and cost.

In response to Council Member Mounce, Mr. Sandelin stated this item appears before Council in response to her request regarding installation of speed bumps and includes information on the effectiveness of some of the options. Council Member Mounce stated that the Police Department receives hundreds of comments on the website, www.nextdoor.com, about speeding in Lodi and this presentation is very timely.

In response to Council Member Mounce, Ms. Kam stated that traffic calming costs among the various communities cover a variety of efforts, not solely speed bumps. In further response, Mr. Sandelin stated that Lodi does not set aside funds for construction or implementation of traffic calming devices, but it does fund staff time to perform data collection and analysis. The horizontal deflection devices, such as roundabouts and chicanes, are paid for by developers as part of a subdivision. Transportation Manager/Senior Traffic Engineer Paula Fernandez stated that traffic calming measures, such as bulbouts, have been designed into street improvement projects, such as the recent Hutchins Street project, and Mr. Sandelin stated that all of downtown was designed with traffic calming features.

In response to Council Member Nakanishi, Ms. Kam confirmed that the City of Stockton does not use Police Department radar trailers or enforcement as its first step in determining what traffic calming methodology to use and she was unsure as to the reason why.

Council Member Kuehne stated he was not in support of speed bumps, but he expressed interest in the radar speed boards over radar trailers. Ms. Kam stated that staff is pursuing grant opportunities for radar speed boards.

In response to Council Member Kuehne, Ms. Fernandez stated that the in-street lighted crosswalks are costly and have maintenance issues. Ms. Kam further explained that the change to LED lighted crosswalks has proven to be a much better option and are easier to maintain. In further response, Mr. Sandelin stated that the school district partners with the City to provide funding on sign and lighting improvements in school zones.

Council Member Mounce stated that she was in support of speed bumps for slowing traffic, citing Stockton's speed bumps in the area between Pershing and Pacific Avenues and that area neighbors appreciate them. She further stated she was not opposed to trying the radar speed boards in areas with significant problems. Council Member Mounce questioned what the outcome was for the neighborhood traffic concerns near Costco, to which Ms. Fernandez replied that a multi-way stop sign was installed; however, an "after-study" has not yet been completed. Council Member Mounce commended Public Works on responding to their concerns and stated she believed the City will hear more concerns in the future, particularly in light of the Police Department's outreach efforts via the "nextdoor" website.

Lieutenant Shad Canestrino confirmed that the Police Department receives a significant number of complaints through the website, as well as at National Night Out and similar events; however, the Traffic Unit is understaffed and the reality is that the Department's priority is to respond to in-progress events and crimes before enforcing traffic.

Council Member Mounce stated she is an advocate of neighborhoods partnering with the City and that, through a combination of policing, communication, and Public Works, they can work together to find a solution.

Mayor Johnson stated he is concerned that the newer, more expensive technology, such as lighted crosswalks and sound-emitting crossing signals, will become the expected rule rather than the exception and he suggested a policy so that the expectation is clear to everyone.

Council Member Kuehne expressed support for the radar boards as well as for street striping, which he believes will be key to the success of autonomous driving vehicles that will soon be available. He further expressed support for the entry feature, raised median, and potentially the speed lumps, but not for the bulbouts, roundabouts, chicanes, speed bumps, or speed tables. He added that Police enforcement will be key and that those who want speed bumps in their neighborhoods should pay for the installation, while the City pays for the maintenance.

Myrna Wetzel expressed appreciation for the crosswalk signage on Turner Road at Lodi Lake and further questioned if middle turn lanes help to slow traffic. Ms. Kam and Ms. Fernandez stated that the middle turn lanes are not used to slow traffic, but the illusion of a narrower street can cause drivers to reduce speed. Ms. Wetzel stated that speed bumps have a negative effect on a vehicle's shock absorbers and consideration should be given to that before installing them.

In response to Ed Miller, Council Member Mounce stated this item was on the agenda because she asked some time ago for staff to develop ideas on what the City could do in regard to traffic calming efforts because there was a strong neighborhood concern about the traffic near Costco. Public Works has since resolved that particular issue, but she felt this discussion provides a platform for neighborhoods, Police Department, and Public Works to work together to solve traffic issues. Ms. Mounce hoped that a policy would come forth from this discussion that, at a minimum, would start with radar speed boards and a neighborhood's option to pay for speed bumps if they want them on their street. Mr. Miller stated there are pros and cons with some of the techniques and suggested staff research those before proceeding further. He provided examples of the speed bumps at Casa de Lodi and how drivers speed through the area damaging their vehicles, as well as traffic circles in the Bay Area that resulted in an increased accident rate.

Fire Chief Larry Rooney stated that the Department is in support of traffic calming efforts for the public safety of citizens with the exception of speed bumps and tables because they are harsh on fire vehicles. He added that the Department routinely works with Public Works on any narrowing of streets or roundabouts in order to ensure there is adequate turning radii for the fire trucks and that there are no parking issues that could negatively affect response time to emergencies.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:47 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, APRIL 14, 2015**

A. Call to Order / Roll Call

The Special City Council meeting of April 14, 2015, was called to order by Mayor Johnson at 7:00 a.m.

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

Absent: None

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

B. Topic(s)

B-1 Authorize Council to Sign Letter of Support for San Joaquin Delta College North County Center (CM)

Mayor Johnson stated that this item appears on the agenda at his request, explaining that the promised Delta College presence in Lodi as a result of Measure L has not materialized and that over the last couple of years, a group has been working to increase pressure on Delta representatives to fulfill this undertaking. Delta College representatives circulated a request for proposals in which interested parties were invited to submit potential properties for consideration as a Lodi-area campus. Part of the process included a request for letters of support and, to date, letters have been, or are expected to be, submitted from various manufacturing companies, the Lodi District Chamber of Commerce, Visit Lodi!, the Lodi-Woodbridge Winegrape Commission, and the Lodi District Grape Growers Association. Mayor Johnson stated there is competition with a site north of Lodi that is below the Galt/Sacramento County line, but he stated he believed it was not a suitable location for Delta's purposes. He requested that Council consider signing a letter of support, which was before Council as a "blue sheet" item.

In response to Council Member Mounce, Mayor Johnson stated he did not have a complete listing of the properties submitted but was aware of three: 1) the former Plummer-Cadillac property, which is in town, has infrastructure and a building, but may be too small; 2) a portion of the General Mills property; and 3) the property on the southeast corner of Highway 99 and Harney Lane, which is owned by the Catholic church and has been on sale off and on for decades. Council Member Mounce expressed her preference that the location be an in-fill site, rather than an isolated area, and stated she would sign the letter with reservation because too little information is available.

In response to Council Member Nakanishi, Mayor Johnson stated that Delta is looking for a site of potentially 20 to 40 acres.

In response to Council Member Mounce, Mayor Johnson stated that Delta College would make the decision on which property to select, adding that most of the properties are in Lodi or immediately adjacent to it.

In response to Council Member Nakanishi, Mayor Johnson stated that the committee working on this effort includes Bill Huyett, Mamie Starr, Sam Hatch, Jeff Thompson, and Taj Khan, in addition to himself, and the group has been in communication with the Delta College president, board, and consultant.

Council Member Mounce stated that she would have liked to have all of this information before making a decision on this matter.

In response to Council Member Kuehne, Mayor Johnson stated that the Measure L bond was for \$160 million designated toward a number of projects, including the Mountain House campus, the Stockton campus, and a portion set aside for a Lodi-area campus. At one point, the Lodi campus was number six on Delta's priority list, but recently it fell to number 38, which is the reason the group decided to be more active on this effort.

Mayor Johnson made a motion, second by Council Member Kuehne, to authorize Council to sign a letter of support for the San Joaquin Delta College North County Center.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:09 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 15, 2015**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 15, 2015, was called to order by Mayor Johnson at 5:30 p.m.

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

Absent: None

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

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, and Lodi Professional Firefighters Pursuant to Government Code §54957.6 (CM)
- b) Pending Litigation: Government Code §54956.9(a); One Case: James Smith v. City of Lodi, U.S. District Court, Eastern District of California, Case No. 2:14-CV-01318-TLN-AC (CA)
- c) Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation Pursuant to Government Code §§54956.9(d)(2) and 54956.9(e)(1), Two Cases, Shall Not Be Disclosed, Due to Facts and Circumstances Not Yet Known to Potential Plaintiffs (CA)

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:37 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Items C-2 (a) and C-2 (b) were discussion and direction given with no reportable action.

In regard to Item C-2 (c), both cases were discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of April 15, 2015, was called to order by Mayor Johnson at 7:00 p.m.

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

Absent: None

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

B. Presentations

B-1 California Safe Digging Month Proclamation (CLK)

Mayor Johnson presented a proclamation proclaiming April 2015 as California Safe Digging Month in Lodi to Dylan George, Government Relations Representative for Pacific Gas and Electric. Mr. George encouraged the public to dial 811 prior to digging so that PG&E staff can assist with locating water and gas lines to avoid unnecessary damage or injuries.

B-2 Earth Day Proclamation (PW)

Mayor Johnson presented a proclamation proclaiming April 22, 2015, as "Earth Day" in Lodi to Kathy Grant, Watershed Program Coordinator. City Council and the public were invited to celebrate Earth Day with the dedication of the Downtown River-Friendly Demonstration Garden and Blue Heron Bench on April 25, 2015, at 1:00 p.m.

B-3 Receive Presentation on Seward Johnson Sculpture Exhibit (PRCS)

Jennifer Winn, Recreation Manager, provided a PowerPoint presentation showing the 10 sculptures that are part of the Seward Johnson Exhibit that are on display on or near School Street between Elm and Walnut Streets between April 15 and July 15, 2015.

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

Council Member Mounce made a motion, second by Mayor Pro Tempore Chandler, to approve the following items hereinafter set forth in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$2,885,680.25 (FIN)

Claims were approved in the amount of \$2,885,680.25.

C-2 Approve Minutes (CLK)

The minutes of March 24, 2015 (Shirtsleeve Session), March 31, 2015 (Shirtsleeve Session), March 31, 2015 (Special Meeting), and April 1, 2015 (Regular Meeting) were approved as written.

C-3 Accept Improvements Under Contract for Wastewater Main Rehabilitation Program, Project No. 6 (PW)

Accepted improvements under the contract for the Wastewater Main Rehabilitation Program, Project No. 6.

C-4 Adopt Resolution Authorizing City Manager to Execute Change Order No. 3 to the Professional Services Agreement with WMB Architects, of Stockton, for Construction Administration Services for City Hall Annex First Floor Phase 2 Interior Remodel Project (\$71,405) (PW)

Adopted Resolution No. 2015-40 authorizing the City Manager to execute Change Order No. 3 to the Professional Services Agreement with WMB Architects, of Stockton, for construction administration services for the City Hall Annex First Floor Phase 2 Interior Remodel Project, in the amount of \$71,405.

C-5 Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2 (PW)

Received an update on the emergency condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2.

C-6 Set Public Hearing for May 6, 2015, to Consider Adoption of the 2015/16 Annual Action Plan for the Community Development Block Grant Program (CD)

Set a Public Hearing for May 6, 2015, to consider adoption of the 2015/16 Annual Action Plan for the Community Development Block Grant Program.

D. Comments by the Public on Non-Agenda Items

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

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

Pauline Meyer spoke in opposition to the recent reduction in the pool hours at Hutchins Street Square, stating that the Friends of the Pool raised \$20,000 to keep the pool and supplies in fine condition and that the reduction in hours and rescheduling of classes is contributing to the loss in participation. She stated that the Hutchins Street Square pool is the only indoor public pool that is heated and that it is one of the few services directed toward seniors.

Ken Ginoulis also expressed opposition to reducing the Hutchins Street Square pool hours, stating that the facility needs a full-time aquatics manager to run and better promote the facility, which he believed would increase revenue and benefit both the City and members of the community.

Paula Herrington expressed opposition to the Hutchins Street Square reduction in pool hours, stating that many seniors receive significant health benefits from swimming and that the current pool attendant is problematic. She proposed the formation of a swimmers advisory council made up of interested swimmers, Parks and Recreation representatives, and a Council Member to meet quarterly to discuss ways to increase attendance and keep the pool open. She suggested that the pool continue with its existing schedule of a 6 a.m. swim time for five days a week for the next six months while the pool users and staff work together to resolve this matter.

Mr. Bayer expressed support for the Hutchins Street Square pool, stating his time in the exercise classes has significantly decreased his recovery time following his surgery. He stated he was thankful for the pool and did not wish to see the hours reduced.

Jennifer Leon stated she travels to Lodi to use the Hutchins Street Square pool regularly and suggested the pool hours be increased. She too expressed support for an aquatics manager to manage and promote the pool.

Cal Unterseher expressed support for the Hutchins Street Square pool, stating that he has an injured knee and cannot walk for exercise and he has been swimming there since 1980 and built a network of friends who use the pool. He urged Council to keep the pool open and suggested a large corporation, such as Wal-Mart or Costco, could help in this endeavor.

Patrick Hutcheson spoke in support of the Hutchins Street Square pool on behalf of his wife who is an active participant in the senior swimming program, stating that an important aspect in the health of seniors is maintaining social relationships and the swim program offers that, as well as physical activity.

Suzanne Platt stated that the Hutchins Street Square pool was also used at one time for children's swim classes, but they were discontinued, and she would like to see the pool remain open for both seniors and children.

Mayor Johnson assured the public that Council and staff heard the public's comments this evening and read the e-mails prior to the meeting and that staff will look into the matter.

City Manager Schwabauer explained that Council is prohibited from discussing the matter as the item was not on the agenda; however, it could be brought back at a later date.

Council Member Mounce requested a presentation at a Shirtsleeve Session from the Parks, Recreation, and Cultural Services Director as to why the Hutchins Street Square pool hours were reduced and the potential of returning swim hours for youth. Mr. Schwabauer pointed out that the City does still offer youth swim classes at other locations.

Council Member Nakanishi expressed the importance of continuing this program for seniors and was in support of discussing the matter further. Council Member Nakanishi stressed the importance of water conservation during the worst drought in California history and reported that total rain fall for Lodi in April was 17 inches.

RECESS

At 7:37 p.m., Mayor Johnson called for a brief recess, and the City Council meeting reconvened at 7:38 p.m.

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

Council Member Mounce reported on her trip to Washington D.C. as the 2nd Vice President of the League of California Cities, at which she lobbied on behalf of California. She attended a speech given by President Obama and met with Senator Diane Feinstein, who seemed to have a clear understanding of the drought in California and water issues. Council Member Mounce reported on the SB16 transportation bill, which has realized significant support in the senate and assembly. If it passes, the bill would add a 10 cent increase in the excise tax on gas and diesel, an increase in vehicle registration fees for all vehicles and for zero-emission vehicles, and other elements for truck and weight fees. The City of Lodi could receive \$1.6 million in road repair dollars, and, although she does not support the bill, this is the best plan to maintain California roads at this time. Further, Ms. Mounce reported that Council held an informative Shirtsleeve Session regarding traffic calming measures and stated that the Police Department is encouraging citizens to participate in social media called "nextdoor," on which neighbors can discuss matters of importance and obtain a sense of the community's needs. She stated she was looking forward to hearing the recommendations from Public Works at a future meeting. Lastly, Ms. Mounce encouraged the public to attend the Homelessness Summit at the Lodi Grape Festival on Thursday, April 16 beginning at 9:30 a.m.

Council Member Kuehne reported that one of the discussions at the San Joaquin Council of Governments (SJCOG) training session was the potential transportation bill and he stated he was pleased to see it was ultimately presented. In addition, SJCOG discussed autonomous driving vehicles, for which Concord has the largest facility, and he stated that some reports indicate these vehicles could be on the street as early as 2017.

Council Member Mounce added that the League of California Cities worked closely with senators to draft a transportation bill that would not devastate cities and communities, but would fix a serious downfall on streets and roads. She confirmed there is a five-year sunset on the bill.

Mayor Johnson also commented on the recent Shirtsleeve Session regarding traffic calming, pointing out that often times it is discovered that residents in the neighborhoods are the ones speeding and people should be aware of that before asking for steps to be taken. Mayor Johnson also encouraged citizens to form Neighborhood Watch groups by contacting the Lodi Police

Partners Program. In regard to the transportation bill, Mayor Johnson reported he recently attended a League meeting at which this was discussed, and everyone in attendance agreed roads and highways were in deplorable condition; however, when asked what the legislature was willing to cut in order to add money to transportation, no one had an answer.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution to Vacate the 0 Block of East Vine Street Between Union Pacific Railroad and Sacramento Street (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider a resolution to vacate the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the vacation of the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street. Specific topics of discussion included location; joint request by Lodi Iron Works and the property owner at 900 South Sacramento Street; enhancement to business operations; security improvements to address theft and vandalism; pedestrian crossing at the location; Planning Commission approval on March 11, 2015; appraisal of property; the City's proposition to subtract the cost for additional fencing; and property owners' cost for the vacated street right-of-way.

Mayor Johnson opened the public hearing for public comment.

Kevin Van Steenberg, representing Lodi Iron Works, spoke in support of the request, stating that he and the property owner at 900 South Sacramento Street requested to close this portion of the street because of nuisances, vandalism, and pedestrians crossing the railroad tracks at that unsafe location.

There being no further public comments, Mayor Johnson closed the public hearing.

Council Member Mounce made a motion, second by Mayor Pro Tempore Chandler, to adopt Resolution No. 2015-41 vacating the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications - None

I. Regular Calendar

I-1 Provide Direction to Staff on Request from Reynolds Ranch, Westside, and Southwest Gateway Annexation Projects to Reduce Community Facilities District (CFD) Fees and Reduce Annual CFD Indexing (CM)

City Manager Schwabauer provided information regarding a request from Reynolds Ranch, Westside, and Southwest Gateway Annexation Projects to reduce Community Facilities District (CFD) fees and to reduce annual CFD indexing. The CFD was formed in 2007, which encompassed the new annexations into Lodi post 2007, including Reynolds Ranch, Westside, and Southwest Gateway. Mr. Schwabauer explained that a CFD funds services such as fire,

police, lighting, and landscaping in a new development; not debt, as is the case with a Mello-Roos District. In 2007 when the economy, property values, and interest rates were high, the CFD fee was initially \$600 a month per household on top of a mortgage and property taxes. The market then fell, yet the CFD indexed annually at the greater of the Consumer Price Index or 5 percent, and the CFD increased by 40 percent. Mr. Schwabauer explained that there are options to eliminate the CFD if it grows too large, which would be harmful to the City, and he stated that the three developers have requested the fee be lowered. Because there should be some give on both sides, Mr. Schwabauer recommended that the fee be lowered on condition that the developers lose those vesting rights against the development impact fee program for projects not completed within three years. He stated the request this evening is to direct the City Manager to negotiate within the parameters of this concept, further detailed in the staff report, and return to Council with agreements for approval.

Council Member Mounce expressed appreciation for tying this into the vested tentative map, as she had serious concerns once it was realized that, because of how the vesting tentative map ordinance was written, developers could extend the discount program beyond the three years until such time that it took to complete the development. She expressed support for staff to negotiate this concept.

Council Member Nakanishi stated this was a fairness issue and if nothing was done to address the matter, the interested parties could disband the CFD and the City would lose income. He expressed support for the concept.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to authorize staff to negotiate with Reynolds Ranch, Westside, and Southwest Gateway developers to reduce the Community Facilities District (CFD) fees and reduce the annual CFD indexing in exchange for waiver of any rights the developers may have to the 60 percent discount for units not completed within a negotiated timeframe; and to return to Council with the resulting agreements.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-2 Provide Direction Regarding Downtown Tree Well Up-Lighting Options and Funding (PW)

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding downtown tree well up-lighting. Specific topics of discussion included a comparison between rope lights and light-emitting diode (LED) light retrofit kits and up-light/receptacle relocations. Mr. Sandelin stated that, following the February 24, 2015 Shirtsleeve and feedback from downtown owners, reconsideration was given to the option of installing rope lights on the downtown trees. Instead, staff researched the feasibility of replacing the existing system and purchased an LED retrofit lamp, which was installed at 115 South School Street as a demonstration. The cost to retrofit is \$1,700 per light and includes labor, materials, and replacement of light housing, which may not be necessary at every location, for a total of \$237,000 for 140 uplights. The project could potentially be funded by Electric Utility Public Benefits Funds. If Council supported the direction, staff would return with plans and specifications for Council approval.

In response to Mayor Pro Tempore Chandler, Mr. Sandelin estimated the project could be completed within three to six months and the LED lights will be an improvement.

John Della Monica stated that a majority of the downtown merchants support this direction because it improves aesthetics and increases visibility for visitors and business owners. In response to Council Member Mounce, he stated he prefers the option with the LED uplight retrofit.

Pat Patrick, representing the Lodi District Chamber of Commerce, agreed that the downtown

merchants prefer the LED uprights over the rope lights and he expressed his support for it as well.

Council Member Mounce stated she did not prefer either option and preferred instead that the trees be threaded with string lights, similar to Christmas lights, because of the aesthetics and the lower cost.

In response to Council Member Mounce, Mr. Sandelin stated that the lifespan of the housing light would be 20 to 30 years and the LED bulb would be roughly 10 years.

In response to Mayor Pro Tempore Chandler, Mr. Sandelin stated that the high-efficiency LED lights would qualify the project for Public Benefit Funds, but the string lights would not; however, the string lights can be strung in the branches seasonally, which would require repair to the receptacles and control by time clocks and pedestals. He stated either the City or downtown merchants could do those lights, which are relatively inexpensive.

Council Member Kuehne stated he would like to learn more about the Public Benefits Fund and that, even though he prefers the look of string lights, he supported pursuing the LED upright retrofit because it would be a shame not to invest in infrastructure that was put into place previously but set aside for lack of maintenance.

In response to Council Member Mounce, Mr. Sandelin stated that the LED upright retrofit option would provide flexibility to shine the uprights solely, the string lights alone, or both at the same time; therefore, during the Christmas parade, the uprights could be turned off so only the string lights provide aesthetically-pleasing seasonal lighting.

Mr. Schwabauer stated that, in order to do both types of lights, he would like to see assistance from the downtown merchants. Public Benefits Funds would pay for the light fixture, but he does not want to utilize those funds continually as the bulbs die or the trees outgrow the string lights.

Council Member Nakanishi expressed support for the LED upright retrofit option.

Mayor Johnson expressed his disappointment in the lack of participation by downtown merchants on this topic. He expressed support for the uprights and agreed with the City Manager that, if the City makes this commitment, he would expect the downtown merchants and property owners to participate in future costs to fix or replace the lights. He expressed his willingness to utilize Public Benefits Funds to fix the problem now, but those funds should not be used repeatedly in one specific area.

I-3 Adopt Resolution Approving Memorandum of Understanding Between the City of Lodi and the Lodi City Mid-Management Association for the Period January 1, 2015 through December 31, 2017 and Appropriating Funds (\$38,880) (CM)

Deputy City Manager Jordan Ayers provided a presentation regarding the Memorandum of Understanding with the Lodi City Mid-Management Association. Specific topics of discussion included three-year agreement beginning 2015 through December 31, 2017; cost of living adjustment restoration of past concessions for a total of 7 percent (3 percent in 2015, 2 percent in 2016, 2 percent in 2017); special provision for special assignment pay of 10 percent; temporary upgrade pay of 10 percent; the ability to cash out full 80 hours of Administrative Leave; and provision to reopen discussion regarding medical payments in the event medical premium costs increase by 20 percent or more in any given year. Mr. Ayers stated this group has not had a pay increase since 2007/08; the employees helped the City survive the recession; and this is a small step in restoring those concessions.

In response to Mayor Johnson, Mr. Ayers stated that the City is part of the California Public Employees Retirement System (Cal-PERS) for medical coverage; Cal-PERS sets up coverage areas; and Lodi is in the Bay Area sector as opposed to the Sacramento or Southern California region. The lowest cost medical is tied to the geographical area into which the City is incorporated.

City Manager Schwabauer explained to the public that the City entered into a recession in 2008 and received \$38 million in revenue rather than the anticipated \$45 million. City employees were immediately requested to cut their pay, which is difficult when there are existing bargaining contracts, and they gave back \$25 million that was returned to services for the citizens of Lodi. Currently, the general fund reserve has increased to \$9 million, and employees continue to take cuts. Mr. Schwabauer stated that the intention was not to build the reserves on the employees and leave them with a 7 to 9 percent pay cut in perpetuity, which is the reason he can stand behind the recommendation to return the favor and restore some of the concessions that employees took on behalf of the City.

Council Member Mounce concurred, stating that the City was able to survive the recession because employees gave up a significant amount. She further stated that this is not a raise, but a partial return of the concessions employees gave to the City.

Gary Wiman, President of the Lodi City Mid-Management Association, thanked his negotiation team, City negotiating team, and the City Council for this agreement. He appreciated the term that this is a partial return of concessions and that it has not been forgotten that employees contributed to keep the City in a better position.

Ed Miller stated he did not disagree with the action, but he was opposed to the timing, particularly on the heels of the Council goal setting session, during which it was clearly demonstrated that the City lacks resources to fund the browned-out fire engine, cameras for the Police Department, and parks improvements. He estimated that, with the remaining six groups, the City would pay another \$3 to \$4 million in salaries. Mr. Miller stated that the private sector likewise took a hit in the recession and has not yet recovered, which explains why cities cannot generate revenue in the sluggish economy. He further questioned how the significant Cal-PERS hit in 2017 will affect the City if salary increases are given now for eight bargaining groups for three years each.

Mayor Pro Tempore Chandler thanked Mr. Wiman for bargaining in good faith and stated that the three-year deal will save both sides time and effort.

Council Member Mounce made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-42 approving the Memorandum of Understanding between the City of Lodi and the Lodi City Mid-Management Association for the period of January 1, 2015 through December 31, 2017 and appropriating funds in the amount of \$38,880.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-4 Adopt Resolution Approving Revisions to Compensation and Other Benefits for Confidential Employees for the Period January 1, 2015 through December 31, 2017 and Appropriating Funds (\$13,000) (CM)

Deputy City Manager Jordan Ayers provided a presentation regarding revisions to compensation and other benefits for the Confidential employees. Specific topics of discussion included bringing the Confidential group in accordance with its corresponding representative units; similar agreement to the Lodi City Mid-Management Association; and cost of living adjustment restoration of 7 percent (3 percent retroactive to January 1 for 2015, 2 percent in 2016, and 2 percent in 2017).

Council Member Nakanishi assured the public that there is a fiscally-sound plan in place and explained that the desire is to negotiate long-term contracts.

City Manager Schwabauer stated that staff has a fiscal model, which tracks expenses and revenues, including costs and projections associated with the California Public Employees

Retirement System (Cal-PERS), over a longer period of time than the three-year contracts. He stated that the City has outperformed the budget, and expects to once again do so, which makes it difficult to deny pay raises to employees. He stated that negotiations are currently on-going with several groups, and he cannot control the timing on when agreements will be reached. He feels comfortable that the City has the ability to pay for the salary increases; however, if another recession were to hit, employees would be asked again to make concessions, and he believed that they would be willing to do so, assuming the City repaid them now for their previous assistance.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-43 and Resolution No. 2015-44 approving revisions to compensation and other benefits for Confidential Mid-Management Employees and Confidential General Services Employees, respectively, for the period of January 1, 2015 through December 31, 2017 and appropriating funds in the amount of \$13,000.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:36 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 15, 2015**

A. Call to Order / Roll Call

The Special Joint Meeting of the City Council and the Recreation Commission of April 15, 2015, was called to order by Mayor Johnson at 8:44 p.m.

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

Absent: None

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

Also in attendance from the Recreation Commission were Commissioners David Akin, Larry Long, and Jeffrey Palmquist.

B. Topic(s)

B-1 Receive Presentation on Parks, Recreation, and Cultural Services Department's Strategic Plan Survey Findings (PRCS)

Parks, Recreation, and Cultural Services Director Jeff Hood reported that staff worked with PROS Consulting for a year to formulate a Strategic Plan to better meet the needs of the community. The process included public workshops, assessment of sites, and website information. Mr. Hood stated that a community-wide survey regarding recreational needs had not been completed in more than 20 years. Members of the Recreation Commission were also present to answer questions and receive Council direction.

Neelay Bhatt, Vice President, PROS Consulting, Inc., provided a PowerPoint presentation regarding the strategic plan survey findings. Specific topics of discussion included: agenda; flat-lined population; aging population trend; diverse race/ethnicity; lower comparative income levels; survey results; visitation; parks usage; facility usage; most frequently used facilities; frequency of use; rating of facilities; program participation; current participation; reasons for participation; rating of programs and activities; organizations used; ways residents learn about programs and activities; facilities' needs; need for facilities; how well Parks and Recreation facilities meet household needs; most important facilities; program needs; need for programs; how well recreation and cultural arts programs meet household needs; most important programs; current participation; aquatic features; potential features; most important features; indoor programming spaces; potential usage; spaces households would use the most; reasons preventing use; importance of actions Lodi can take; actions residents are the most willing to fund with tax dollars; maximum of additional funds; how respondents would vote in an election; level of satisfaction; demographics; next steps; questions; number of programs participated; organizations children ages 0 to 17 use the most; and organizations adults ages 18 and older use the most.

In response to Council Member Nakanishi, Mr. Bhatt stated that the survey was a random sampling conducted by an independent firm.

In response to Mayor Johnson, Mr. Bhatt stated that, out of the 2,000 surveys, a 10 percent response was received, which is a decent result.

In response to Council Member Kuehne, Mr. Bhatt stated that only the top two or three ranked parks were listed on the PowerPoint, adding that some parks produced a zero percent calculation because they were not mentioned in the survey results.

In response to Mayor Pro Tempore Chandler, Mr. Bhatt stated that the World of Wonders Museum was not included in the survey.

In response to Council Member Mounce, Mr. Bhatt explained the sport of pickle ball, stating it is one of the fastest growing activities in the 55-plus age group over the last ten years.

In response to Mayor Johnson, Mr. Bhatt stated that, for community recreational needs, aquatics features are much more important than competition pools, adding that it would be difficult to justify an Olympic-sized pool in any community. Mr. Bhatt stated that, with the growing water problem, features that use less water are becoming more common.

In response to Mayor Pro Tempore Chandler, Mr. Bhatt defined a gathering space as an indoor community or recreation space that could include features such as an indoor walking/jogging track; gym; multi-use space for art, dance, and crafts; an indoor aquatics feature; and meeting spaces.

In response to Mayor Johnson, Mr. Bhatt stated that it is conceivable to have multiple, smaller all-inclusive community spaces to fit a community's footprint, assuming there is no division of services that could, for example, have seniors in one center and youth in another. The facility should still offer a variety of activities, and Mr. Bhatt provided the illustration of a mother utilizing a walking track while her child attends a recreational activity in the same center. In further response, Mr. Bhatt stated that, from the public meetings, it appears there is some lack of equity among the various cultures and ethnicities; however, the goal is not to create equal facilities and activities for each side of town but to make uses available for the entire community.

In response to Council Member Mounce, Mr. Bhatt replied that the survey did not consider a location for an all-inclusive facility and a feasibility study would be necessary to determine a site, whether existing or vacant, and to design the facility with the needs in mind.

Council Member Mounce stated there is square footage of land available at Legion Park, and Mr. Schwabauer stated that the City previously considered the land near the railroad tracks across from the parking garage as a potential location for an indoor sports complex.

In response to Council Member Nakanishi, Mr. Bhatt stated that the random sampling for the survey can be broken down into categories and different subsections to get a read on how each group answered the questions.

In response to Mayor Johnson, Mr. Bhatt stated that the goal is to complete the draft report in August and receive Council direction. Over the next three months, he will conduct vision sessions with staff, make recommendations, and share the plan with the community via outreach and the website.

Maria Rufino expressed concern that most of the meetings, phone calls, and information were in English, not Spanish, and stated she did not receive a survey. Mr. Bhatt explained that the survey was random and could not be controlled as to who would receive one and that the phone calls that went out today were to inform citizens of this meeting to receive the survey results.

Council Member Nakanishi commended Mr. Hood on putting forth a balanced budget and stated that he would be opposed to increasing taxes to pay for parks and recreation services and features unless the public wanted it. He questioned why this survey was brought forward, to which Mr. Hood replied that he was seeking a fresh look at what the community wanted from the department, especially since the department is heavily funded with taxpayer dollars, and to ensure the department was using those dollars responsibly. Once the process is complete, staff will prioritize and allocate funding to address the needs identified in this process. In further response, Mr. Hood stated that the benefit of paying off the departmental debt is that it now has dollars to invest in parks, such as the lighting at Salas Park, and increasing the money for capital and other purposes.

In response to Council Member Mounce, City Clerk Ferraiolo confirmed that all agendas and

notices from the City Clerk's Office are currently posted at Worknet; City Council agendas are not translated into Spanish; and only certain public hearing notices are translated. Council Member Mounce stressed that all City Council agendas should be translated into Spanish and posted at the Worknet office and further encouraged all involved with the Strategic Plan effort to ensure that, when contacting Hispanic citizens either in writing or on the phone, it be in their language.

Maria Rufino made comments regarding homeless individuals living in parks and on the streets, to which Mayor Johnson informed her that the Homelessness Summit would be held the next day on April 16, 2015, at the Lodi Grape Festival grounds.

Dan Arbuckle applauded the City and Parks and Recreation Department for reaching out to the community and encouraged everyone to get involved to have a say in the future of Lodi's parks. Mayor Johnson, Mayor Pro Tempore Chandler, and Council Member Kuehne thanked Mr. Arbuckle and Headwaters for utilizing Lodi Lake, creating a culture around kayaking, and providing an excellent service.

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:45 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for Shady Acres Pump Station Trash Handling Project

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve plans and specifications and authorize advertisement for bids for Shady Acres Pump Station Trash Handling Project.

BACKGROUND INFORMATION: This project consists of furnishing and installing a pre-fabricated storm water trash handling system and other incidental and related work, all as shown on the plans and specifications for the project.

The Shady Acres storm drain pump station serves 806 acres of developed land inside the B-1 Basin watershed (Exhibit A). The pump station is one of two locations in the City where storm water is discharged into the Woodbridge Irrigation District (WID) canal.

In 2012, the City of Lodi entered into the "Third Amendment to 2003 Agreement for Purchasing of Water from Woodbridge Irrigation District by City of Lodi" with WID. In exchange for additional surface water banking opportunities, the City agreed to install a storm water trash handling system at the Shady Acres Pump Station.

Currently, debris is discharged along with storm water into the WID canal by the pump station. The project objective is to improve water quality in the canal while complying with State mandated storm water permit requirements. The proposed design will remove oil, floating debris, trash and sediment from the storm water before it is discharged to the WID canal (Exhibit B and C).

WID concurs with the system being proposed and will assist the City and the contractor as needed. It is expected the unit will require regular monitoring and bi-annual cleaning that will be performed by City crews.

The specifications are on file in the Public Works Department. The planned bid opening date is June 18, 2015. The project estimate is \$800,000. It is anticipated that the majority of the contract cost is in the installation of the trash handling unit due to restricted site access issues.

FISCAL IMPACT: This project will increase the maintenance cost to the pump station for monitoring and maintenance of the trash handling unit.

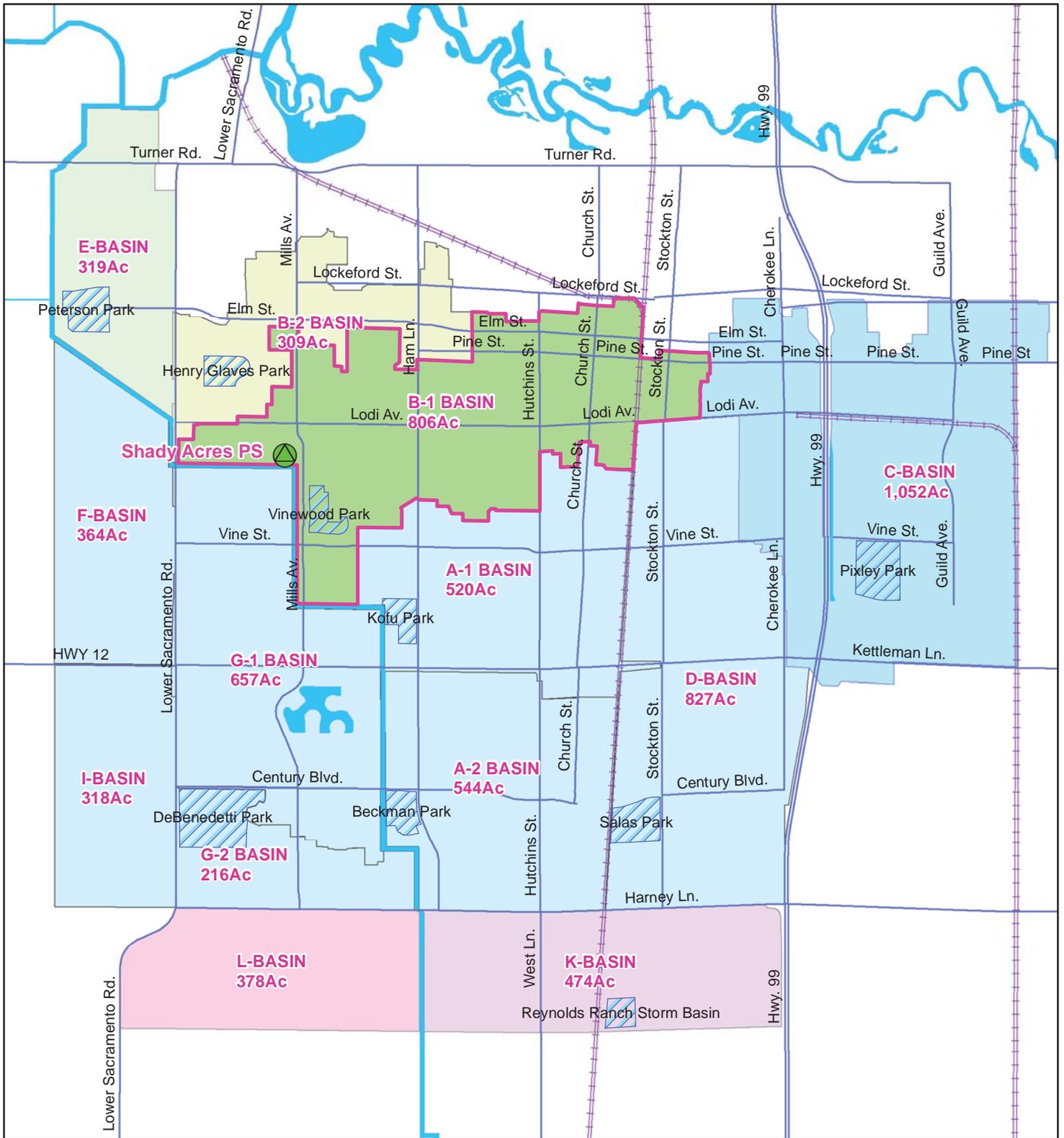
FUNDING AVAILABLE: Funding will be identified at project award.

F. Wally Sandelin
Public Works Director

Prepared by Lyman Chang, Senior Civil Engineer
FWS/LC/smh
Attachments
cc: Deputy Public Works Director
Senior Civil Engineer

Utility Superintendent
Andy Christensen, WID General Manager

APPROVED: _____
Stephen Schwabauer, City Manager



Legend

 Storm Water Basin

Watershed

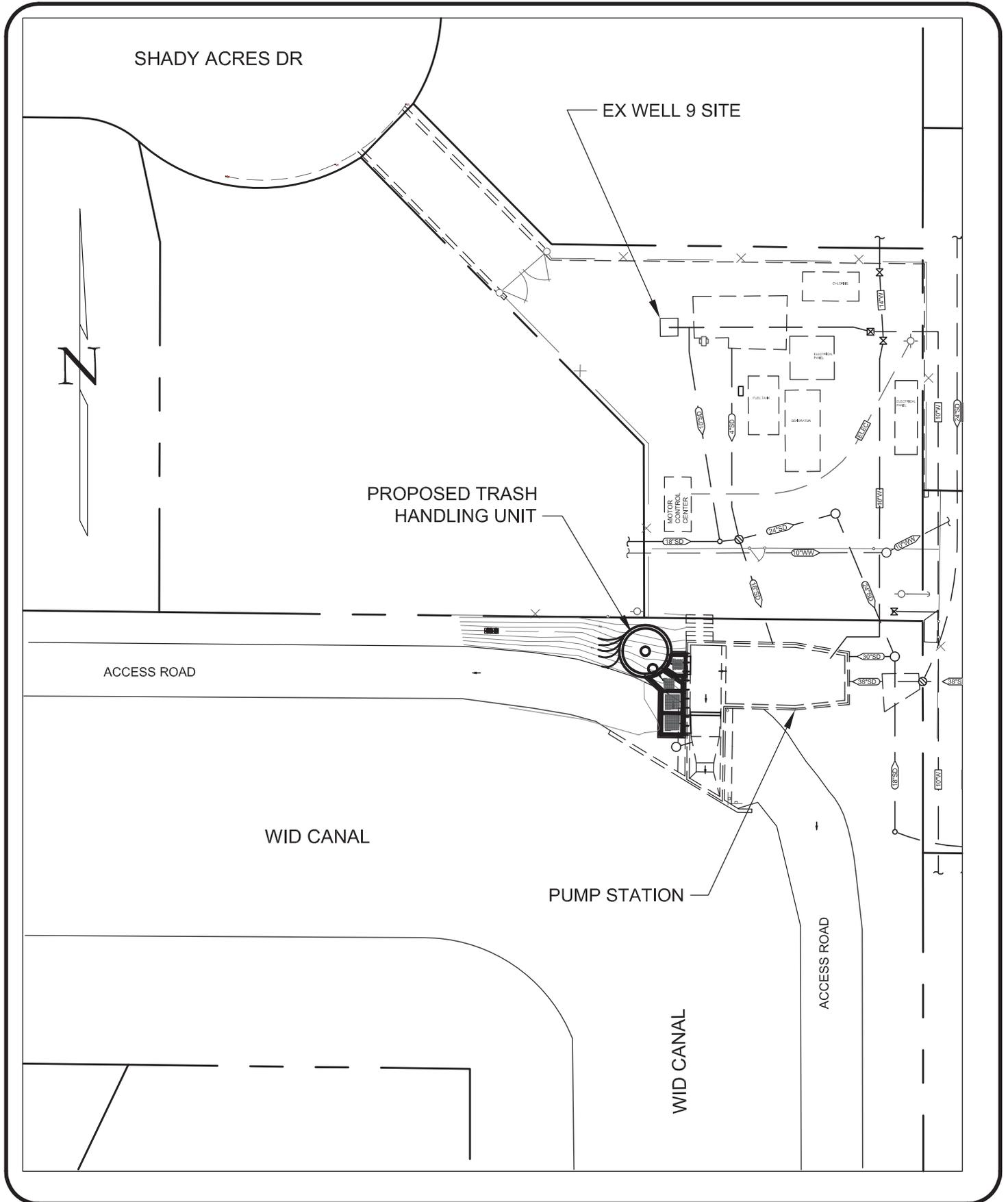
			
			
			
			

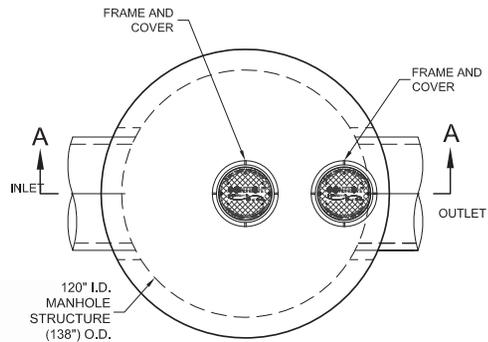


**City of Lodi
Storm Water Watershed Map
EXHIBIT A**

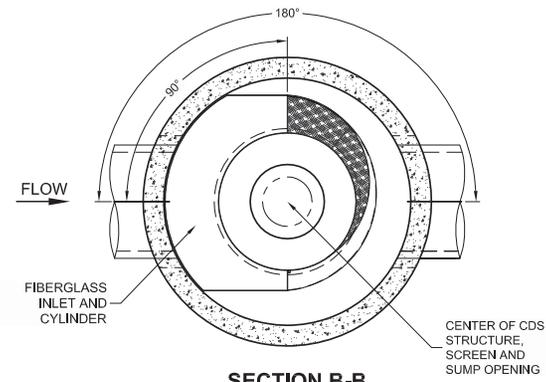


1 inch = 3,000 feet

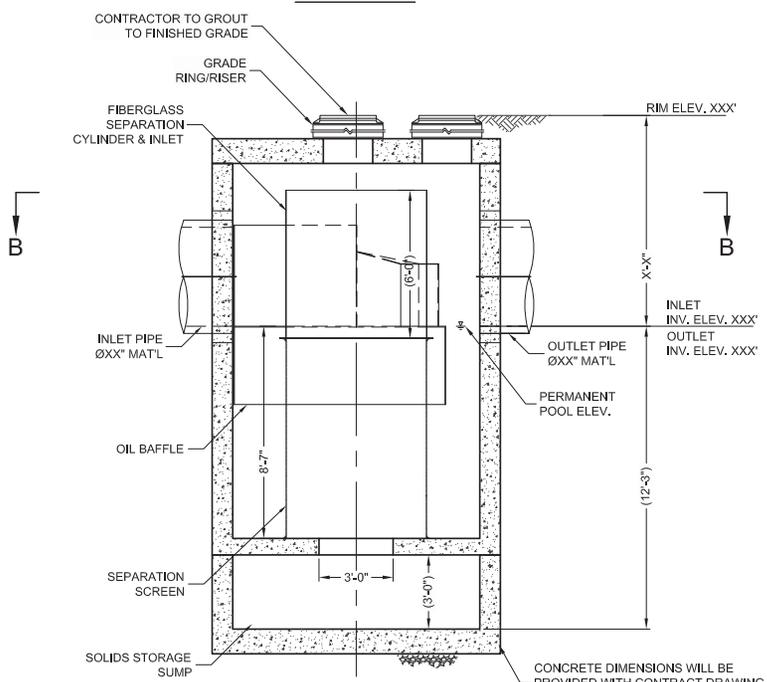




PLAN VIEW



SECTION B-B



SECTION A-A

MATERIALS LIST - PROVIDED BY CONTECH

COUNT	DESCRIPTION	INSTALLED BY
1	FIBERGLASS INLET & CYLINDER	CONTECH
1	4700 MICRON SEP, SCREEN	CONTECH
1	SEALANT FOR JOINTS	CONTRACTOR
1	GRADE RINGS/ RISERS	CONTRACTOR
2	Ø24" FRAME AND COVER	CONTRACTOR

SITE DESIGN DATA

WATER QUALITY FLOW RATE	XX CFS
PEAK FLOW RATE	XX CFS
RETURN PERIOD OF PEAK FLOW	XX YRS

GENERAL NOTES

- CONTECH TO PROVIDE ALL MATERIALS UNLESS NOTED OTHERWISE.
- DIMENSIONS MARKED WITH () ARE REFERENCE DIMENSIONS. ACTUAL DIMENSIONS MAY VARY.
- FOR FABRICATION DRAWINGS WITH DETAILED STRUCTURE DIMENSIONS AND WEIGHTS, PLEASE CONTACT YOUR CONTECH ENGINEERED SOLUTIONS LLC REPRESENTATIVE. www.ContechES.com
- CDS WATER QUALITY STRUCTURE SHALL BE IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAWING.
- STRUCTURE AND CASTINGS SHALL MEET AASHTO H20 LOAD RATING.
- PVC HYDRAULIC SHEAR PLATE IS PLACED ON SHELF AT BOTTOM OF SCREEN CYLINDER. REMOVE AND REPLACE AS NECESSARY DURING MAINTENANCE CLEANING.

INSTALLATION NOTES

- ANY SUB-BASE, BACKFILL DEPTH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY ENGINEER OF RECORD.
- CONTRACTOR TO PROVIDE EQUIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE CDS MANHOLE STRUCTURE (LIFTING CLUTCHES PROVIDED).
- CONTRACTOR TO ADD JOINT SEALANT BETWEEN ALL STRUCTURE SECTIONS, AND ASSEMBLE STRUCTURE.
- CONTRACTOR TO PROVIDE, INSTALL, AND GROUT PIPES. MATCH PIPE INVERTS WITH ELEVATIONS SHOWN.
- CONTRACTOR TO TAKE APPROPRIATE MEASURES TO ASSURE UNIT IS WATER TIGHT, HOLDING WATER TO FLOWLINE INVERT MINIMUM. IT IS STATED THAT ALL JOINTS BELOW PIPE INVERTS ARE GROUTED.

STRUCTURE WEIGHT
APPROXIMATE HEAVIEST PICK = T.B.D. LBS.

CONTECH
PROPOSAL
DRAWING

EXHIBIT C

The design and drawings shown on this drawing are the property of Contech Engineered Solutions LLC. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of Contech Engineered Solutions LLC. Contech Engineered Solutions LLC shall not be held responsible for any errors or omissions in this drawing or for any consequences arising therefrom. It is the responsibility of the user of this drawing to verify the accuracy of the information contained herein.

MARK	DATE	REVISION DESCRIPTION	BY

CDS5678-10-C - XXXXX-01
XXX
XXX, XX
SITE DESIGNATION: XXX

CONTECH
ENGINEERED SOLUTIONS LLC
www.contechES.com
1801 South Loop West, Suite 1000, Houston, TX 77058
713.262.2600 FAX: 713.262.2601

Cps
CONSTRUCTION PROJECT SERVICES
14000 Katy Road, Suite 100, Houston, TX 77058
281.465.1111

DATE:	XX/XX/XX
DESIGNED:	N/A
CHECKED:	APPROVED:
PROJECT No.: XXXXX	SEQUENCE No.: 01
SHEET:	1 OF #



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for 2015 Pavement Surface Treatment Project, Various Streets

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve plans and specifications and authorize advertisement for bids for 2015 Pavement Surface Treatment Project, Various Streets.

BACKGROUND INFORMATION: This project includes the application of rubberized asphalt cape seal and fiberized slurry seal on various City streets. The streets were identified through the City's Pavement Management System based on the condition of the pavement and the traffic load. The attached Exhibit A shows the streets that will receive the rubberized cape seal and fiberized slurry seal. Much of this work occurs in the Water Meter Program Phase 2 area.

The project consists of rehabilitating and resurfacing various City streets with asphalt rubberized cape seal (combination of rubberized chip seal and slurry seal) and fiberized slurry seal (slurry seal with glass fiber added). The rubberized cape seal will be applied to streets with more surface defects while fiberized slurry seal will be applied to streets with fewer surface defects.

While the asphalt overlay is superior in ride quality, these pavement rehabilitation alternatives are expected to extend the life of deteriorated roads by around one-half of that of an overlay, at one-third of the cost.

The plans and specifications for this project are on file in the Public Works Department. Approximately 154,800 square yards of rubberized cape seal and fiberized slurry seal of City streets are included in this project. The planned bid opening date is May 20, 2015, and the project estimate is \$1,200,000.

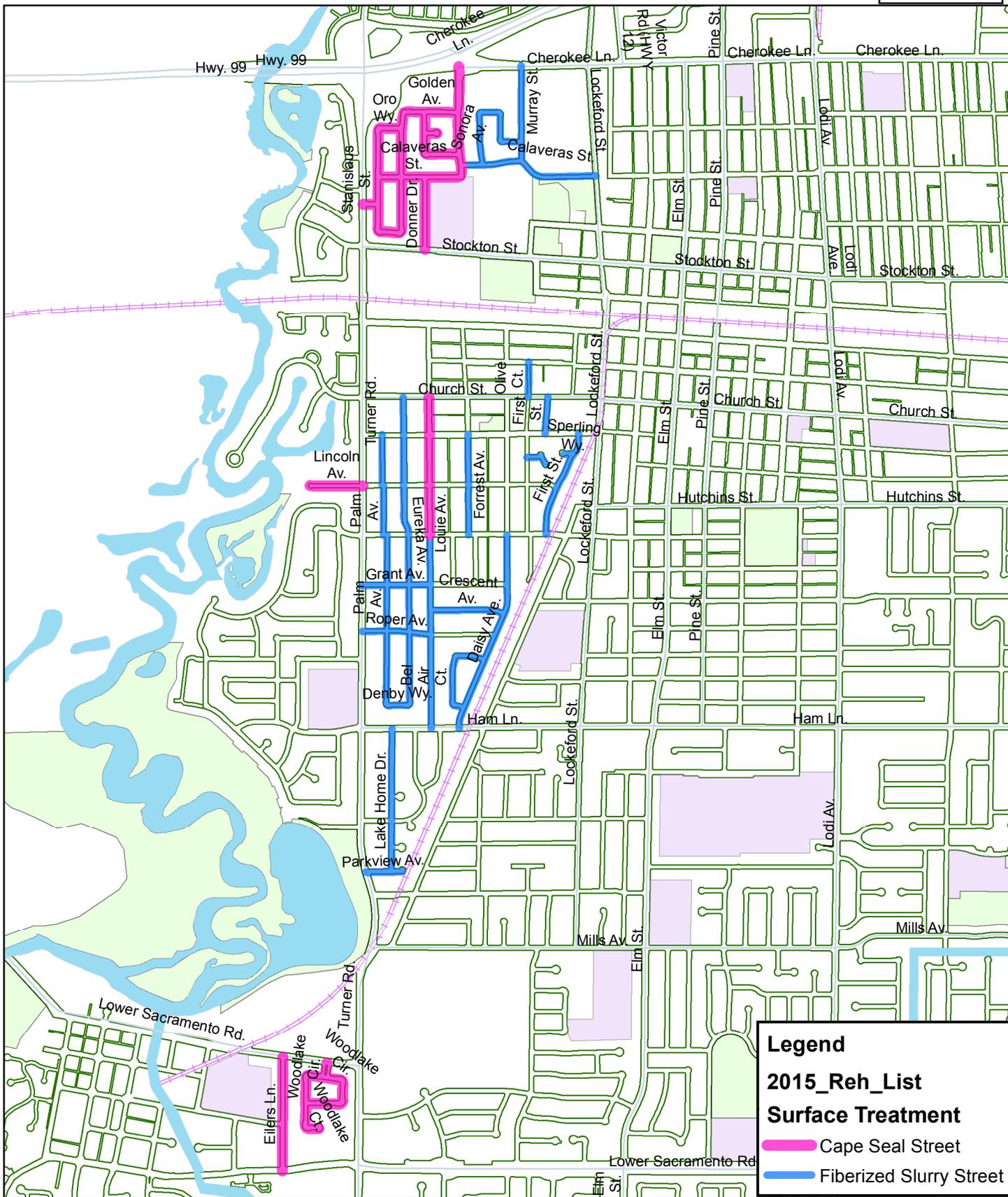
FISCAL IMPACT: By investing in the recommended maintenance project, significant capital dollars will be saved by extending the useful life of the pavement and foregoing more costly pavement reconstruction.

FUNDING AVAILABLE: Funding will be identified at project award.

F. Wally Sandelin
Public Works Director

Prepared by Lyman Chang, Senior Civil Engineer
FWS/LC/smh
Attachment
cc: Utility Superintendent
Deputy Public Works Director/City Engineer
Senior Civil Engineer

APPROVED: _____
Stephen Schwabauer, City Manager



**EXHIBIT
2015 PAVEMENT SURFACE
TREATMENT PROJECT**





CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing Purchase of Hydrel LED Up-Light Fixtures From Consolidated Electrical Distributors, Inc., of Lodi, for School Street Lighting and Appropriating Funds (\$131,000)

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing purchase of Hydrel LED up-light fixtures from Consolidated Electrical Distributors, Inc., of Lodi, for School Street lighting and appropriating funds in the amount of \$131,000.

BACKGROUND INFORMATION: At the April 15, 2015 Council meeting, staff was directed to proceed with replacement of the existing School Street up-lights with energy efficient LED lamps. There are currently 140 Hydrel up-light fixtures installed on School Street between Lodi Avenue and Locust Street. One fixture has recently been replaced as a mock-up installation to evaluate lighting quality, the level of effort required to perform the replacement, and the relative condition of the light assembly components given their age.

During this process, Staff learned the electrical fittings on the housings have become corroded over time and need replacement. Therefore, Staff recommends the City purchase the additional 139 LED light fixtures (complete assembly) to save contractor mark-up costs and to expedite the project. While the light fixtures are being manufactured, staff will begin the process for bidding their installation.

The fixtures will be purchased through Consolidated Electrical Distributors, Inc., of Lodi, the local distributor for Hydrel fixtures.

There is opportunity to use Public Benefits funds to replace the existing tree well up-light lamps with energy efficient LED lamps.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Public Benefits Funds (504)

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

FWS/eb
attachment

APPROVED: _____
Stephen Schwabauer, City Manager

1. AA# _____

2. JV# _____

CITY OF LODI APPROPRIATION ADJUSTMENT REQUEST

TO:	Internal Services Dept. - Budget Division		
3. FROM:	Rebecca Areida-Yadav	5. DATE:	4/23/2015
4. DEPARTMENT/DIVISION:	Public Works		

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

	FUND #	BUS. UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	504		32205	Fund Balance	\$ 131,000.00
B. USE OF FINANCING	504	50465100	72920	Public Benefits Program	\$ 131,000.00

7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

Purchase of Up-Light Fixtures from Consolidated Electrical Distributors for School Street Lighting

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: _____ Res No: _____ Attach copy of resolution to this form.

Department Head Signature: _____

Wally Spindel

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager

Date

Submit completed form to the Budget Division with any required documentation.
Final approval will be provided in electronic copy format.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE SOLE SOURCE PURCHASE OF
HYDREL LED UP-LIGHT FIXTURES FROM CONSOLIDATED
ELECTRICAL DISTRIBUTORS, INC., OF LODI, FOR
SCHOOL STREET LIGHTING AND FURTHER
APPROPRIATING FUNDS

=====

WHEREAS, at the April 15, 2015, Council meeting, staff was directed to proceed with replacement of the existing School Street Up-Lights requiring sole sourcing the retrofit kit for Hydrel LED energy efficient up-light fixtures; and

WHEREAS, housings were later determined to have corroded fittings; and

WHEREAS, one fixture has been purchased and used as a mock-up installation; and

WHEREAS, staff recommends approving the purchase of an additional 139 LED light fixtures to save contractor mark-up costs and to expedite the project; and

WHEREAS, the estimated cost of the purchase order is \$131,000, including tax and freight.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the sole-source purchase of Hydrel Up-Light Fixtures from Consolidated Electrical Distributors, Inc., of Lodi, California, in the estimated amount of \$131,000, for School Street lighting; and

BE IT FURTHER RESOLVED that funds in the amount of \$131,000 be appropriated from the Public Benefits Funds for this project.

Dated: May 6, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAILOLO
City Clerk

2015-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing Purchase of Ultra Violet Disinfection System Equipment for the White Slough Water Pollution Control Facility from DC Frost Associates, Inc. (\$78,000)

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing purchase of ultra violet disinfection system equipment for the White Slough Water Pollution Control Facility from DC Frost Associates, Inc., in the amount of \$78,000.

BACKGROUND INFORMATION: The function of the ultra violet disinfection system equipment is to disinfect the tertiary treated wastewater as directed by the California Regional Water Quality Control Board. Ten years ago, the City of Lodi chose this option for disinfection, in part, for safety reasons and for the risk and hazard reductions compared to gas chlorine which was in use at that time.

The disinfection system is complicated and it requires continuous maintenance including the replacement of lamps and related parts. This is an annual operational effort and staff continues to reduce associated costs through experience and minor equipment modifications. D. C. Frost Associates is the sole provider of the specialized disinfection equipment in the region (see Exhibit A).

There are two treatment channels with five banks of ultra violet lamps in each channel. Each bank contains 178 lamps, with a total of 1,780 lamps in the system. There is one ballast for every two lamps. The lamps and ballasts need to be checked daily for function, clarity, and moisture. It is not uncommon to replace several ballasts and/or lamps each week.

This equipment is necessary to maintain the disinfection system and to enable the treatment plant to meet the discharge permit requirements.

FISCAL IMPACT: Failure to meet discharge permit requirements could result in fines up to \$10,000 per day

FUNDING AVAILABLE: Plant Operations (72531) \$78,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin, Public Works Director

Prepared by Karen Honer, Wastewater Plant Superintendent
FWS/KDH/smh
Attachments

APPROVED: _____
Stephen Schwabauer, City Manager



IC FROST ASSOCIATES, INC. a wholly owned subsidiary of Coombs-Hopkins

2855 Mitchell Drive, Suite 215 • Walnut Creek, CA 94598

(800) 964-9733 Fax (925) 939-4457

QUOTATION

TO: City of Lodi
White Slough WPCF
12751 N. Thornton Road
Lodi, CA 95242
Attn: Ken Capitanich

NUMBER: FA-24705-Q-R1

DATE: March 31, 2015

PAGE: 1 of 1

PROJECT REFERENCE: Trojan UV3000Plus
Serial No. 510327

BIDS DUE: Now

ENGINEERS: N/A

We are pleased to offer our quotation on the parts or equipment listed herein per the above reference.				
ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
A	8	Hydraulic Cylinder, part #326411	\$1,237.25	\$9,898.00
B	5	Acti-Clean Gel, 4x1 gal containers, part #901507	\$155.00	\$775.00
C	150	Sleeve, Quartz, part #316136	\$62.00	\$9,300.00
D	300	Lamp GA64T6 Amalgam, part #302509	\$155.50	\$46,650.00
E	12	Ballast Kit, part #915378	\$403.35	\$4,840.20
F	50	Wiper Seal, part #327021	\$7.10	\$355.00
G	30	O-Ring, Sleeve Seal, 10-pack, part #316144P	\$5.30	\$159.00
H	1	Tax @ 8.00%	\$5,758.18	\$5,758.18
Notes: 1) F.O.B. factory, prepay & add freight 2) Lead time: 1-2 weeks ARO. Guaranteed price for lamps, sleeves and ballasts thru 12/31/15.				
Total				\$77,735.38

TERMS: Net 30 days, F.O.B. Factory F.O.B. Destination with freight allowed .

Drawings: na weeks after receipt of order with complete information.

Shipment: 1-2 weeks after receipt of purchase order or approved drawings.

Prices quoted herein are firm for your acceptance for a period of thirty (30) days.

If prices quoted herein do not include sales or use tax, they are to be paid by the purchaser, if required.

This quotation and any resulting order will be subject to our standard terms of sale.

BY: Catherine M. Frost



April 15, 2015

Lodi-White Slough Water Pollution Control Facility
12751 N. Thornton Road
Lodi, CA
95242

Ms Karen Honer

RE: Trojan System UV3000Plus™ Replacement Parts

In the Engineered Submittal Package for the Trojan System UV3000Plus™, Trojan provided an equipment performance guarantee stating that the system will meet the required level of disinfection provided that the system is operated and maintained in accordance with recommendations made by Trojan Technologies.

In order for this equipment guarantee to be maintained, it is imperative that the appropriate components and replacement parts be used in the system. There are key replacement parts and system components that directly influence the performance and reliability of the system. Among these critical replacement parts are the UV lamps, sleeves, electronic ballasts, wiper seals, printed circuitry etc. Without using lamps, ballasts, and other components that are approved and validated by Trojan Technologies, we cannot guarantee that the system will provide the required germicidal output. Subsequently, we cannot guarantee that the required UV dose is being delivered, if lamp output, ballast efficiency and system programming is unknown.

In order to keep the equipment performance guarantee intact, it is recommended that specialized system components be purchased and contracted from DC Frost & Associates, Inc., a wholly owned subsidiary of the Coombs-Hopkins Company, who is the exclusive Trojan authorized representative for the state of California. Trojan purchases only validated system components (lamps, ballasts etc.) from our suppliers and only those components meeting our performance standards are passed on to the customer.

If you have any questions regarding this matter, or require any additional information please do not hesitate to contact me.

Best regards,
TROJAN TECHNOLOGIES

Judy Georgijev

Judy Georgijev
Municipal Territory Representative

Cc: Catherine Frost

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE SOLE-SOURCE PURCHASE OF ULTRA
VIOLET DISINFECTION SYSTEM EQUIPMENT FOR THE
WHITE SLOUGH WATER POLLUTION CONTROL FACILITY
FROM D.C. FROST ASSOCIATES, INC.

=====

WHEREAS, the function of the Ultra Violet Light equipment (UV) system is to disinfect the tertiary treated wastewater as directed by the California Regional Water Quality Control Board; and

WHEREAS, the UV system at the White Slough Water Pollution Control Facility went online in January 2005 and requires regular maintenance to keep it operating properly; and

WHEREAS, D.C. Frost Associates, Inc., is the local representative for Trojan Technologies, the sole source for the UV equipment; and

WHEREAS, staff recommends approving a purchase order with D.C. Frost Associates, Inc., of Walnut Creek, California, for materials and services needed for annual maintenance, including quarterly service from a certified technician, to maintain optimal operation and to ensure against fines imposed by the State Water Resources Control Board for equipment malfunction; and

WHEREAS, the estimated cost of the purchase order is \$78,000, including tax and freight.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the sole-source purchase from D.C. Frost Associates, Inc., of Walnut Creek, California, in the estimated amount of \$78,000 for materials and services needed to maintain the ultra violet disinfection system at the White Slough Water Pollution Control Facility.

Dated: May 6, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract for Lodi Lake Park – Wading Pool Resurfacing Improvements, to Dave Gross Enterprises, Inc., DBA Adams Pool Specialties, of Sacramento (\$13,385), and Appropriating Funds (\$16,000)

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution awarding contract for Lodi Lake Park – Wading Pool Resurfacing Improvements, to Dave Gross Enterprises Inc. DBA Adams Pool Specialties, of Sacramento, in the amount of \$13,385, and appropriating funds in the amount of \$16,000.

BACKGROUND INFORMATION: This project consists of removal and disposal of the existing plaster pool finish, preparation of the surface of the existing concrete pool shell, application of new white plaster pool finish, installation of new drain grates covers that meet the Virginia Graeme Baker Pool and Spa Safety Act and current pool requirements put forth by San Joaquin County Health and Safety Department and other incidental and related work, as shown on the plans and specifications for the above project.

Plans and specifications for this project were approved on March 4, 2015. The City received the following one bid for this project on April 8, 2015.

Bidder	Location	Bid
Engineer’s Estimate		\$ 13,290
Dave Gross Enterprises, Inc., DBA Adams Pool Specialties	Sacramento	\$ 13,385

FISCAL IMPACT: Repairing the pool will allow Parks, Recreation & Cultural Services to continue receiving revenue from this facility.

FUNDING AVAILABLE: This project will be funded by Parks Donation (140.23702) \$16,000.

Jordan Ayers
Deputy City Manager/Internal Services Director

Jeff Hood
Parks, Recreation & Cultural Services Director

F. Wally Sandelin
Public Works Director

Prepared by Dorothy Kam, Assistant Engineer
FWS/DK/eb
cc: City Engineer/Deputy Public Works Director
Parks, Recreation and Cultural Services Director

APPROVED: _____
Stephen Schwabauer, City Manager

LODI LAKE PARK – WADING POOL RESURFACING IMPROVEMENTS
1101 West Turner Road

CONTRACT

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and DAVE GROSS ENTERPRISES dba ADAMS POOL SPECIALTIES, herein referred to as the "Contractor."

WITNESSETH:

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

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

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

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

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

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

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

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

Perform the work necessary to remove and dispose of the existing plaster pool finish, preparation of the surface of the existing concrete pool shell, application of new white plaster pool finish, installation of new drain grates covers that meet the Virginia Graeme Baker Pool and Spa Safety Act and current pool requirements put forth by San Joaquin County Health and Safety Department and other incidental and related work, all as shown on the plans and specifications for the above project for "Lodi Lake Park – Wading Pool Resurfacing Improvements, 1101 W. Turner Road". Plan Set: 015D003

CONTRACT ITEMS

ITEM NO.	DESCRIPTION	UNIT	EST'D. QTY	UNIT PRICE	TOTAL PRICE
1.	Furnish All Labor, Materials and Equipment to Remove and Dispose of the Existing Pool Plaster Finish	SF	1,175	\$ 2.10	\$ 2,476.00
2.	Furnish All Labor, Materials and Equipment to Prep the Existing Gunite Pool Shell of Plaster	SF	1,175	Included in Plaster Removal	\$ 0
3.	Furnish and Install New "White" Plaster Pool Finish	SF	1,175	\$ 6.14	\$ 7,221.00

ITEM NO.	DESCRIPTION	UNIT	EST'D. QTY	UNIT PRICE	TOTAL PRICE
4.	Furnish All Labor Materials and Equipment to Saw Cut the Existing Concrete Deck and Install, Depth and No Diving Non-Skid Deck Markers	EA	14	\$ 105.50	\$ 1,477.00
5.	Furnish All Labor Materials and Equipment to Repalce All Drain Covers to Meet Current Codes	LS	1	\$ 2,226.00	\$ 2,226.00
				TOTAL	\$13,400.00

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

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

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

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

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

- No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

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

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

CONTRACTOR: CITY OF LODI, a municipal corporation

DAVE GROSS ENTERPRISES
DBA ADAMS POOL SPECIALTIES

By: _____
STEPHEN SCHWABAUER
City Manager

By: _____

Date: _____

Title

Attest:

JENNIFER M. FERRAILO
City Clerk

(CORPORATE SEAL)

Approved As To Form:

JANICE D. MAGDICH
City Attorney 

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division
 3. FROM: Jeff Hood, Director 5. DATE: 04/27/15
 4. DEPARTMENT/DIVISION: PRCS/Parks

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

	FUND #	BUS. UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	140	N/A	23702	Parks & Rec donations balance	\$16,000
B. USE OF FINANCING	432	43299000	77020	Parks capital projects	\$16,000

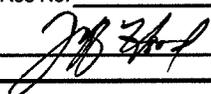
7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

Funding for resurfacing Lodi Lake Park wading pool.

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: _____ Res No: _____ Attach copy of resolution to this form.

Department Head Signature: 

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager _____ Date _____

Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING
AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO
EXECUTE THE CONTRACT FOR LODI LAKE PARK –
WADING POOL RESURFACING IMPROVEMENTS AND
FURTHER APPROPRIATING FUNDS

=====

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 April 8, 2015, at 11:00 a.m., for the Lodi Lake Park – Wading Pool Resurfacing Improvements, 1101 West Turner Road, described in the plans and specifications therefore approved by the City Council on March 4, 2015; and

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

Bidder	Bid
Dave Gross Enterprises, Inc. dba Adams Pool Specialties	\$ 13,385

WHEREAS, staff recommends awarding the contract for the Lodi Lake Park – Wading Pool Resurfacing Improvements, 1101 West Turner Road, to the sole bidder, Dave Gross Enterprises, Inc., dba Adams Pool Specialties, of Sacramento, in the amount of \$13,385.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the Lodi Lake Park – Wading Pool Resurfacing Improvements, 1101 West Turner Road, to Dave Gross Enterprises, Inc., dba Adams Pool Specialties, of Sacramento, California, in the amount of \$13,385; and

BE IT FURTHER RESOLVED that the Public Works Director is hereby authorized to execute the contract on behalf of the City; and

BE IT FURTHER RESOLVED that funds in the amount of \$16,000 be appropriated from the Parks Donation account for this project.

Dated: May 6, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Accept Improvements Under Contract for White Slough Water Pollution Control Facility Control Building Remodel and Addition Project

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept improvements under contract for White Slough Water Pollution Control Facility Control Building Remodel and Addition Project.

BACKGROUND INFORMATION: The project was awarded to Sierra Valley Construction, Inc., of Roseville, on June 18, 2014, in the amount of \$384,918. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

The project included relocation of the maintenance office to comply with current building codes, relocation and expansion of the existing women's locker room, a new conference room and office addition, new flooring throughout the majority of the building, and associated work. The modifications will also bring the Control Building into compliance with American with Disabilities Act requirements.

The contract was completed on February 28, 2015.

The final contract price was \$ 400,272.37. The difference between the contract amount and the final contract price is due to Change Orders totaling \$15,354.37. Change Order #1 (\$12,734.10) includes a new base cabinet in the conference room, additional exterior lighting fixtures, unsuitable soil remediation and other various items. Change Order #2 (\$2,620.27) included additional vinyl floor covering in some lab area rooms and metal closure pieces at some hallway windows.

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

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: This project was funded by Wastewater Capital.

F. Wally Sandelin
Public Works Director

Prepared by: Sean Nathan, Associate Civil Engineer
FWS/SN/smh
cc: Wastewater Plant Superintendent

APPROVED: _____
Stephen Schwabauer, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Service Maintenance Agreement with Sungard Public Sector, Inc., of Lake Mary, Florida (\$143,199.24)

MEETING DATE: May 6, 2015

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute service maintenance agreement with Sungard Public Sector, Inc., of Lake Mary, Florida, in the amount of \$143,199.24.

BACKGROUND INFORMATION: Since 2009 the Lodi Police Department has utilized Sungard Public Sector, Inc. as the provider of our department computer aided dispatch system.

The Sungard OSSI system provides records management, computer-aided dispatching, in-field reporting, mobile computing, and statistical data that enhance the department's ability to function more efficiently. An annual maintenance agreement is required; and provides software and hardware support to address software issues and system malfunctions.

The City extended the agreement from October 2013 through September 2014 at a cost of \$136,201.65. The service contract for October 2014 through September 2015 was increased by 3% to \$143,199.24. The maintenance agreement provides ongoing technical support that will minimize any disruption in the department's ability to provide service to the community.

FISCAL IMPACT: \$143,199.24 is included in the FY 2014/15 budget.

FUNDING AVAILABLE: \$143,199.24 from Account 10031004.72450

Jordan Ayers
Deputy City Manager/Internal Services Director

Mark Helms
Chief of Police

MH:po
cc: City Attorney

APPROVED: _____
Stephen Schwabauer, City Manager

AGREEMENT FOR PROFESSIONAL SERVICES

ARTICLE 1 PARTIES AND PURPOSE

Section 1.1 Parties

THIS AGREEMENT is entered into on October 1, 2014, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY" or "Customer"), and SunGard Public Sector Inc., a Florida Corporation (hereinafter "CONTRACTOR" or "SunGard Public Sector").

Section 1.2 Purpose

CITY selected the CONTRACTOR to provide the services required in accordance with attached Exhibit A - Scope of Services attached hereto and incorporated by this reference.

CITY wishes to enter into an agreement with CONTRACTOR for support and maintenance services (hereinafter "Support") as set forth in the Scope of Services and the related terms and conditions attached here as Exhibit A. CONTRACTOR acknowledges that it is qualified to provide such services to CITY.

ARTICLE 2 SCOPE OF SERVICES

Section 2.1 Scope of Services

CONTRACTOR, for the benefit and at the direction of CITY, shall perform the Scope of Services as set forth in Exhibit A.

Section 2.2 Time For Commencement and Completion of Work

CONTRACTOR shall commence work pursuant to this Agreement on the date set forth in Section 2.6 and shall perform all services in a commercially reasonable manner and complete work under this Agreement as designated in Section 2.6.

CONTRACTOR shall submit to CITY such reports, diagrams, drawings and other work products as may be designated in the Scope of Services.

CONTRACTOR shall not be responsible for delays caused by the failure of CITY staff to provide required data or review documents within the appropriate time frames. The review time by CITY shall not be counted against CONTRACTOR's contract performance period. Also, any delays due to weather, vandalism, acts of God, etc., shall not be counted. CONTRACTOR shall remain in contact with Customer and make commercially reasonable efforts to review and return all comments.

Section 2.3 Meetings

CONTRACTOR and CITY shall attend meetings as may be set forth in the Scope of Services.

Section 2.4 Representations, Indemnification

The Scope of Services shall be performed by CONTRACTOR, unless agreed to otherwise by CITY in writing. CONTRACTOR represents it is prepared to and can perform all services within the Scope of Services (Exhibit A) and is prepared to and can perform all services specified therein.

CONTRACTOR represents that it has, or will have at the time this Agreement is executed, all licenses, permits, qualifications, insurance and approvals of whatsoever nature are legally required for CONTRACTOR to practice its profession, and that CONTRACTOR shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and

approvals. CONTRATOR will defend, indemnify and hold CITY harmless from and against any loss, cost and expense that CITY incurs because of a claim that use of a Licensed Program, as hereinafter defined, infringes any United States copyright of others. CONTRATOR's obligations under this indemnification are expressly conditioned on the following: (i) CITY must promptly notify CONTRATOR of any such claim; (ii) CITY must in writing grant CONTRATOR sole control of the defense of any such claim and of all negotiations for its settlement or compromise (if CITY chooses to represent its own interests in any such action, CITY may do so at its own expense, but such representation must not prejudice CONTRATOR's right to control the defense of the claim and negotiate its settlement or compromise); (iii) CITY must cooperate with CONTRATOR to facilitate the settlement or defense of the claim; (iv) the claim must not arise from modifications or (with the express exception of the other Licensed Programs and third party hardware and software specified by CONTRATOR in writing as necessary for use with the Licensed Program(s) giving rise to the infringement claim) from the use or combination of products provided by CONTRATOR with items provided by CITY or others. If any Licensed Program is, or in CONTRATOR's opinion is likely to become, the subject of a United States copyright infringement claim, then CONTRATOR, at its sole option and expense, will either: (A) obtain for CITY the right to continue using the Licensed Program under the terms of this Agreement; (B) replace the Licensed Program with products that are substantially equivalent in function, or modify the Licensed Program so that it becomes non-infringing and substantially equivalent in function; or (C) refund to CITY the portion of the license fee paid to CONTRATOR for the Licensed Program(s) giving rise to the infringement claim, less a charge for use by CITY based on straight line depreciation assuming a useful life of five (5) years.

Section 2.5 Subcontracts

Unless prior written approval of CITY is obtained, CONTRACTOR shall not enter into any subcontract with any other party for purposes of providing any work or services covered by this Agreement.

Section 2.6 Term

The term of this Agreement commences on October 1, 2014 and concludes on September 30, 2015. The Term is renewable as provided in Exhibit A.

**ARTICLE 3
COMPENSATION**

Section 3.1 Compensation

CONTRACTOR's compensation for all work under this Agreement shall conform to the provisions of Exhibit A as well as the Fee Proposal which is attached hereto as Exhibit B and incorporated by this reference.

CONTRACTOR shall not undertake any work beyond the scope of this Agreement unless such additional work is approved in advance and in writing by CITY.

Section 3.2 Method of Payment

As provided in Exhibit A.

Section 3.3 Costs

As provided in Exhibit A.

Section 3.4 Auditing

CITY reserves the right to periodically audit all charges made by CONTRACTOR to CITY for services under this Agreement. Upon request, CONTRACTOR agrees to furnish CITY, or a designated representative, with reasonably necessary information and assistance needed to conduct such an audit.

CONTRACTOR agrees that CITY or its delegate will have the right to review, obtain and copy all records pertaining to performance of this Agreement. CONTRACTOR agrees to provide CITY or its delegate with any relevant information requested and shall permit CITY or its delegate access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. CONTRACTOR further agrees to maintain such records for a period of three (3) years after final payment under this Agreement.

ARTICLE 4 **MISCELLANEOUS PROVISIONS**

Section 4.1 Nondiscrimination

In performing services under this Agreement, CONTRACTOR shall not discriminate in the employment of its employees or in the engagement of any sub CONTRACTOR on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, or any other criteria prohibited by law.

Section 4.2 ADA Compliance

In performing services under this Agreement, CONTRACTOR shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

Section 4.3 Indemnification and Responsibility for Damage

To the fullest extent permitted by law, and to the extent provided for under this Agreement, for claims related to bodily injury, death and damage to real property and tangible personal property, as well as fines, assessments and penalties imposed by any authority, Contractor shall indemnify and hold harmless the CITY from and against all direct damages and costs of any kind, including but not limited to reasonable attorney fees, arising out of or resulting from any negligent acts, or negligent omissions of Contractor, regardless of whether such claims are caused in part by any party indemnified hereunder, but not to the extent that the CITY is legally liable for such damages and costs. In no event, however, will Contractor be liable for any consequential damages, including lost profits, savings or reprocurement costs, even if Contractor has been advised of their possibility.

Section 4.4 No Personal Liability

Neither the City Council, nor any other officer or authorized assistant or agent or City employee shall be personally responsible for any liability arising under this Agreement.

Section 4.5 Responsibility of CITY

CITY shall not be held responsible for the care or protection of any material or parts of the work described in the Scope of Services, except as expressly provided herein.

Section 4.6 Insurance Requirements for CONTRACTOR

CONTRACTOR shall take out and maintain during the life of this Agreement, insurance coverage as set forth in Exhibit C attached hereto and incorporated by this reference.

Section 4.7 Successors and Assigns

CITY and CONTRACTOR each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONTRACTOR shall not assign or transfer any interest in this Agreement without the prior written consent of CITY. Consent to any such transfer shall be at the sole discretion of CITY. Notwithstanding, CONTRACTOR reserves the right to assignment of this Agreement to CONTRACTOR's successor by merger or consolidation or to any person or entity that acquires all or substantially all of its capital stock or assets

Section 4.8 Notices

Any notice required to be given by the terms of this Agreement shall be in writing signed by an authorized representative of the sender and shall be deemed to have been given when the same is personally served or upon receipt by express or overnight delivery, postage prepaid, or three (3) days from the time of mailing if sent by first class or certified mail, postage prepaid, addressed to the respective parties as follows:

To CITY: City of Lodi
221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910
Attn: Paula O'Keefe

To CONTRACTOR: SunGard Public Sector Inc.
1000 Business Center Drive
Lake Mary, FL 32746
Attn: Vice-President

Section 4.9 Cooperation of CITY

CITY shall cooperate fully and in a timely manner in providing relevant information it has at its disposal relevant to the Scope of Services.

Section 4.10 CONTRACTOR is Not an Employee of CITY

CONTRACTOR agrees that in undertaking the duties to be performed under this Agreement, it shall act as an independent contractor for and on behalf of CITY and not an employee of CITY. CITY shall not direct the work and means for accomplishment of the services and work to be performed hereunder. CITY, however, retains the right to require that work performed by CONTRACTOR meet specific standards without regard to the manner and means of accomplishment thereof.

Section 4.11 Termination

See Exhibit A, Section 9.

Section 4.12 Confidentiality

CONTRACTOR agrees to maintain confidentiality of all work and work products produced under this Agreement, except to the extent otherwise required by law or permitted in writing by CITY. CITY agrees to maintain confidentiality of any documents owned by CONTRACTOR and clearly marked by CONTRACTOR as "Confidential" or "Proprietary", except to the extent otherwise required by law or permitted in writing by CONTRACTOR. CONTRACTOR acknowledges that CITY is subject to the California Public Records Act.

Section 4.13 Applicable Law, Jurisdiction, Severability, and Attorney's Fees

This Agreement shall be governed by the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be venued with the San Joaquin County Superior Court. If any part of this Agreement is found to conflict with applicable laws, such part shall be inoperative, null, and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in force and effect. In the event any dispute between the parties arises under or regarding this Agreement, the prevailing party in any litigation of the dispute shall be entitled to reasonable attorney's fees from the party who does not prevail as determined by the San Joaquin County Superior Court.

Section 4.14 City Business License Requirement

CONTRACTOR acknowledges that Lodi Municipal Code Section 3.01.020 requires CONTRACTOR to have a city business license and CONTRACTOR agrees to secure such license and pay the appropriate fees prior to performing any work hereunder.

Section 4.15 Captions

The captions of the sections and subsections of this Agreement are for convenience only and shall not be deemed to be relevant in resolving any question or interpretation or intent hereunder.

Section 4.16 Integration and Modification

This Agreement represents the entire understanding of CITY and CONTRACTOR as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing, signed by both parties.

Section 4.17 Contract Terms Prevail

All exhibits and this Agreement are intended to be construed as a single document. Should any inconsistency occur between the specific terms of this Agreement and the attached exhibits, the terms of this Agreement shall prevail.

Section 4.18 Severability

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

Section 4.19 Ownership of Documents

All documents, photographs, reports, analyses, audits, computer media, or other material documents or data, and working papers, whether or not in final form, which have been obtained or prepared under this Agreement, shall be deemed the property of CITY. Upon CITY's request, CONTRACTOR shall allow CITY to inspect all such documents during CONTRACTOR's regular business

hours. Upon termination or completion of services under this Agreement, all information collected, work product and documents shall be delivered by CONTRACTOR to CITY within ten (10) calendar days.

CITY agrees to indemnify, defend and hold CONTRACTOR harmless from any liability resulting from CITY's use of such documents for any purpose other than the purpose for which they were intended.

Notwithstanding any contrary terms contained in this Section 4.19, all Vendor Programs are and shall remain the sole property of SunGard Public Sector as provided under Exhibit A, Section 7.

Section 4.20 Authority

The undersigned hereby represent and warrant that they are authorized by the parties to execute this Agreement.

IN WITNESS WHEREOF, CITY and CONTRACTOR have executed this Agreement as of the date first above written.

CITY OF LODI, a municipal corporation

ATTEST:

JENNIFER M. FERRAILOLO
City Clerk

STEPHEN SCHWABAUER, City Manager

APPROVED AS TO FORM:
JANICE D. MAGDICH, City Attorney

CONTRACTOR: SunGard Public Sector Inc.

By: _____


DocuSigned by:

By: _____
0240C20A72094BA...
Name: Chris Coleman
Title: VP & CFO
4/28/15

- Attachments:**
Exhibit A – Scope of Services
Exhibit B – Fee Proposal
Exhibit C – Insurance Requirements

Funding Source: 101032.7335
(Business Unit & Account No.)

**Exhibit A
Scope of Services**

**SUNGARD PUBLIC SECTOR INC.
LICENSED PROGRAM(S) SUPPORT AGREEMENT**

WITNESSETH:

WHEREAS, SunGard Public Sector and Customer entered into that certain SunGard Public Sector Software License Agreement dated September 2, 2008 (the "License Agreement") under which Customer obtained a perpetual, non-exclusive, nontransferable license to use certain computer software in object code form and related user documentation on certain terms and conditions;

WHEREAS, Customer desires to receive the Support, as defined herein, from SunGard Public Sector and SunGard Public Sector desires to render the Support to Customer with respect to the Licensed Program (as hereinafter defined) on the terms and conditions set forth herein;

NOW THEREFORE, in consideration of the premises hereof, and the mutual obligations herein, the parties hereto, intending to be legally bound, hereby agree as follows:

Section 1

DEFINITIONS

For the purposes of this Agreement, the following definitions shall apply to the respective capitalized terms:

- 1.1 "Licensed Program." "Licensed Program" means the software identified in a schedule, supplement or amendment to the License Agreement between the parties (Schedules), including any extracts from such software, derivative works of such software, or collective works constituting such software (such as subsequent Releases) to the extent offered to Customer under this Agreement or License Agreement. This excludes computer software not developed by SunGard Public Sector which might be used in conjunction with the SunGard Public Sector Public Safety Licensed Program, such as word processors, spreadsheets, terminal emulators, etc.
- 1.2 "Modification." "Modification" means a change to the Licensed Program requested by Customer to meet its specific needs and use, adding value, functionality and/or desirability for Customer.
- 1.3 "Agreement Term." An initial period shall commence upon the Maintenance Plan Start Date reflected on Exhibit B and extend for a period of one year. Thereafter, the Agreement Term shall automatically renew for successive periods of one year each unless and until terminated pursuant to Section 9 hereof or otherwise superseded by the execution of a new Licensed Program Support Agreement. In no event, however, shall the Agreement Term extend beyond the prescribed term of the License Agreement.
- 1.4 "Error." Any failure of the Licensed Program to conform in all material respects to the functional specifications for the Licensed Program published from time to time by SunGard Public Sector. However, any nonconformity resulting from Customer's misuse or improper use of the Licensed Program or combining or merging the Licensed Program with any hardware or software not supplied by SunGard Public Sector, or not authorized to be so combined or merged by SunGard Public Sector, shall not be considered an Error.

Nor shall Licensed Program or data file damage resulting from unauthorized software alterations (including problems, errors, or malfunctions caused or created by the operator), customizing of programs, accident, neglect, power surge or failure, lightning, operating environment not in conformance with the manufacturer's specifications (for electric power, air quality, humidity or temperature), operating system errors, or hardware malfunction be considered an Error.

- 1.5 "Error Correction." Either a software modification or addition that, when made or added to the Licensed Program, establishes material conformity of the Licensed Program to the functional

specifications, or a procedure or routine that, when observed in the regular operation of the Licensed Program, eliminates the practical adverse effect on Customer of such nonconformity. Not covered under Error Correction is the responsibility for data file damage due to software or hardware malfunction.

- 1.6 "Enhancement." Any modification or addition that, when made or added to the Licensed Program, materially changes its utility, efficiency, functional capability, or application, but that does not constitute solely an Error Correction. Enhancements may be designated by SunGard Public Sector as minor or major, depending on SunGard Public Sector's assessment of their value and of the function added to the preexisting Licensed Program.
- 1.7 "Coverage Hours." Monday through Friday 7:00 A.M. to 6:00 P.M. Eastern Standard Time excluding holidays for any questions regarding the Licensed Program(s) included in this Agreement. For a Major Application Problem on SunGard Public Sector's Base Computer Aided Dispatch System (Base CAD) only, SunGard Public Sector coverage hours will be 24-hours per day, 7-days per week.
- 1.8 "Response Time." Within Eight (8) hours of the Coverage Hours from the time that SunGard Public Sector verifies that an Error is present, SunGard Public Sector will initiate work toward development of an Error Correction for a Major Application Problem. Minor Application Problems will be fixed with the next scheduled Licensed Program Release.
- 1.9 "Licensed Program Releases." New versions of the Licensed Program, which new versions may include both Error Corrections and Enhancements.
- 1.10 "System Administrator." An agent of Customer with sufficient training and/or experience with the Licensed Program to communicate effectively with the SunGard Public Sector Support personnel.
- 1.11 "Major Application Problem." The Licensed Program is not functioning to the point that the Licensed Program is the cause of the Customer not being able to enter CAD calls, dispatch units, or update unit status in the Base CAD system. Therefore, the Base CAD system is down or non-operational because of the Licensed Program as determined by SunGard Public Sector.
- 1.12 "Minor Application Problem." The Licensed Program functions with inconveniences or programmatic error; however, the Licensed Program has not stopped Customers' daily operations.
- 1.13 "Non-Application Problem" is a problem, which is determined by SunGard Public Sector to have been caused by a source other than the Licensed Program, such as hardware failure, network malfunction, etc.

Section 2

ELIGIBILITY FOR SUPPORT

To be eligible for support for a Licensed Program, Customer must meet the following requirements. Acceptance of this Agreement by SunGard Public Sector is conditioned upon confirmation by SunGard Public Sector that the Licensed Program is eligible for support. Customer agrees that the obligation of SunGard Public Sector to continue to provide Services with respect to a Licensed Program shall terminate if, at any time during the term of this Agreement, these requirements are not met. To be eligible for Support for a Licensed Program, Customer must meet all of the following requirements:

- a. Customer has a valid Software License Agreement for the Licensed Program.
- b. Customer has a System Administrator.
- c. The hardware configuration on which the Licensed Program is to be used is supported by SunGard Public Sector.
- d. Customer is, and remains, in compliance with the schedule of payments.

SunGard Public Sector may require Customer to appoint a new System Administrator if SunGard Public Sector determines that the System Administrator does not have the training or experience necessary to communicate effectively with the SunGard Public Sector support personnel.

Section 3

SCOPE OF SERVICES

3.1 During the Agreement Term, SunGard Public Sector shall render the following services in support of the Licensed Program, during Coverage Hours, subject to the compensation fixed for each type of service in SunGard Public Sector's current rate schedule:

- a. SunGard Public Sector shall maintain a program control center capable of receiving by telephone any operator reports of system irregularities.
- b. SunGard Public Sector shall maintain a telephone hot line that allows Customer to report system problems and seek assistance in use of the Licensed Program.
- c. SunGard Public Sector shall maintain a trained staff capable of rendering the services set forth in this Agreement.
- d. SunGard Public Sector shall be responsible for using all reasonable diligence in correcting verifiable and reproducible Errors when reported to SunGard Public Sector in accordance with SunGard Public Sector's standard reporting procedures. SunGard Public Sector shall, after verifying that such an Error is present, initiate work, within Response Time, in a diligent manner toward development of an Error Correction. Following completion of the Error Correction, SunGard Public Sector shall provide the Error Correction through a "temporary fix" consisting of sufficient programming and operating instructions to implement the Error Correction, and SunGard Public Sector shall include the Error Correction in all subsequent Releases of the Licensed Program. SunGard Public Sector shall not be responsible for correcting Errors in any version of the Licensed Program other than the most recent Release of the Licensed Program, provided that SunGard Public Sector shall continue to support prior Releases superseded by recent Releases for a reasonable period sufficient to allow Customer to implement the newest Release, not to exceed 180 days.
- e. SunGard Public Sector may, from time to time, issue new Releases of the Licensed Program to its customers generally, containing Error Corrections, minor Enhancements, and, in certain instances if SunGard Public Sector so elects, major Enhancements. SunGard Public Sector shall provide Customer with one copy of each new Release, without additional charge. SunGard Public Sector shall provide reasonable assistance to help Customer install and operate each new Release, provided that such assistance, if required to be provided at Customer's facility, shall be subject to the supplemental charges set forth in SunGard Public Sector's current rate schedule.
- f. Subject to space availability and training fees, Customer may enroll its employees in SunGard Public Sector's training classes.
- g. SunGard Public Sector shall consider and evaluate the development of Enhancements for the specific use of Customer and shall respond to Customer's requests for additional services pertaining to the Licensed Program (including, without limitation, data conversion and report-formatting assistance), provided that such assistance, if agreed to be provided, shall be subject to supplemental charges mutually agreed to by SunGard Public Sector and Customer.
- h. SunGard Public Sector's software support is intended exclusively for SunGard Public Sector's Licensed Program(s); however, SunGard Public Sector can optionally provide first line support for selected operating systems where SunGard Public Sector has an agreement with the supplier. When the Customer contracts for this service, SunGard Public Sector will make a good faith effort to find solutions to operating system problems. However, Customer must be aware of the following facts:

1. In some cases, Customer is in a much better position to deal with operating system issues because they are on-site and because of technical expertise they may have. In these cases, SunGard Public Sector recommends that they work directly with the appropriate operating system vendor on these matters. SunGard Public Sector will still be available to provide assistance whenever needed.
2. SunGard Public Sector is required to work with the company that supplied the operating system. If that company fails to provide quality support, SunGard Public Sector will not be able to provide quality support to our customers.
3. Some operating system problems can only be solved on-site. If and when this situation occurs, SunGard Public Sector personnel will travel to Customer's site with Customer's approval. Customer will be billed according to the SunGard Public Sector's professional services fee schedule plus the Customer will be billed for travel expenses and comprehensive per diem.
4. In the event that a bug is identified in the operating system, SunGard Public Sector will immediately report the problem directly to the provider. However, SunGard Public Sector and the Customer will be required to accept their schedule for fixing the problem.
5. If enhancement requests are made to SunGard Public Sector for changes to the operating system, SunGard Public Sector will pass them along to the provider. SunGard Public Sector can make no commitments as to when, or if, the enhancements will be included in future releases.
6. SunGard Public Sector will provide assistance with operating system upgrades via phone but Customer is responsible for obtaining the upgrade from the vendor and paying any required fee.
7. Most operating system upgrades require on-site assistance. The fee for on-site assistance is not included with SunGard Public Sector software support.
8. SunGard Public Sector must approve all operating system upgrades in advance to verify that the upgrade is necessary and compatible with the SunGard Public Sector Licensed Program(s).

3.2 The following items are specifically not covered by this Agreement:

- a. Any hardware failure including, but not limited to, failure caused by wiring, multiplexers, modems, phone lines, power, or connectors. Also, any hardware limitations due to insufficient memory, disk storage or processing power.
- b. Any problems caused by hardware failure.
- c. Any work required to restore or recover the operating system and/or data files.
- d. Any problem caused by an operator.
- e. Configuring, maintaining, and upgrading the operating system including, but not limited to, backups and restores, fixes, and patches.
- f. Any problems caused by incorrectly installed, configured, or maintained operating system, or versions of the operating system not supported by SunGard Public Sector.
- g. Problems with, or caused by any software not supported by SunGard Public Sector, including, but not limited to, SNA, word processors, terminal emulators, etc.
- h. System software installations made by the Customer without authorization of SunGard Public Sector such as installing a new Windows SQL version.

Section 4

OBLIGATION OF CUSTOMER

- 4.1 Customer shall provide, without charge to SunGard Public Sector, access to its facilities in connection with the performance of SunGard Public Sector of its obligations hereunder. It is agreed that prior notification will be given when access is required.
- 4.2 Customer must provide SunGard Public Sector with information sufficient for SunGard Public Sector to duplicate the circumstances under which a Problem in a Licensed Program became apparent.
- 4.3 Customer must maintain a current license of pcAnywhere, the SunGard Public Sector OSSI services workstation, and a 128K internet connection (Cable, DSL or similar) for support of the Licensed Programs. These items will connect to the active OSSI application data set(s) using a Licensed Program maintained by SunGard Public Sector hereunder. If desired, the Customer may install a dedicated 56K modem and phone line as a backup support option via dial-up. The customer shall provide access to a voice grade local telephone line for communication with the SunGard Public Sector support staff. SunGard Public Sector strongly recommends PC Anywhere and modem connection as a backup solution in the event Customer loses the broadband connection. In the event Customer elects not to maintain such, Customer acknowledges that SunGard Public Sector will not be able to provide support and will be relieved from all obligations hereunder for providing support.
- 4.4 A representative of Customer must be present when any on-site support is provided. Customer agrees that if such representative is not present when the SunGard Public Sector representative arrives on site, no work will be performed and Customer will be charged for such SunGard Public Sector representative.
- 4.5 All communications by Customer to SunGard Public Sector must be in the English language.
- 4.6 Customer is responsible for providing one or more qualified System Administrators as described in Section 5. At least one of these System Administrators must be available at all times.
- 4.7 Customer is responsible to support and maintain all system software. Customer shall NOT upgrade the operating system or third party software identified as integral to the operation of SunGard Public Sector's Licensed Programs without approval from SunGard Public Sector.

Section 5

SYSTEM ADMINISTRATOR REQUIREMENTS

- 5.1 Each System Administrator must be certified by SunGard Public Sector by completing the following:
 - a. Operating System training by either SunGard Public Sector or by a certified Microsoft training organization. This course work must include Administrating Windows 2000 Workstation, Administrating Windows 2000 Server, Windows SQL Administration (or the most current version supported by SunGard Public Sector at the time of installation) and other courses determined at the installation planning session based on the experience of the individuals.
 - b. SunGard Public Sector's application administration and code file course for each Licensed Program.
 - c. SunGard Public Sector's application training courses for each Licensed Program.
- 5.2 Each System Administrator must meet with a SunGard Public Sector Project Manager to review and sign on each of SunGard Public Sector's "Licensed Program(s) and/or Services Delivered" list.
- 5.3 Each System Administrator must be identified by Customer to SunGard Public Sector.

- 5.4 Each System Administrator must be qualified to address, without the aid of SunGard Public Sector, all problems relating to any hardware, software or operating system not directly associated with the Licensed Program(s).
- 5.5 Calls received by anyone who has not identified as a System Administrator are not covered by this Agreement and are therefore subject to hourly fees, and are not subject to minimum Response Time.
- 5.6 Each System Administrator must attend all of SunGard Public Sector's Licensed Program training.

Section 6 FEES AND CHARGES

- 6.1 Customer shall pay SunGard Public Sector Support fees and charges as outlined in Exhibit B. Additional Licensed Programs may be added to this Agreement by the Schedules. SunGard Public Sector reserves the right to change its Support fees, provided that no such change will be effective until at least 30 days after SunGard Public Sector has given Customer written notice of such change by means of an invoice. In addition to the foregoing changes in Support Fees, fee changes will also result from changes in (1) Software prices, (2) Increases in the number of modules of a Licensed Program, (3) Increases in the number of users on the system, (4) Changes in the computer hardware or (5) Selection by Customer of different Coverage Hours.
- 6.2 SunGard Public Sector shall invoice Customer at the beginning of each contract year for all Support fees. All reimbursable expenses incurred shall be invoiced at the beginning of the next calendar month. Customer shall pay the invoiced amounts immediately upon receipt of such invoices. Any amount not paid within thirty (30) days after the invoice date shall bear interest at the highest rate allowed by applicable law.
- 6.3 Customer shall be responsible for procuring, installing, and maintaining all equipment, telephone lines, modems, communications interfaces, and other hardware necessary to operate the Licensed Program and to obtain from SunGard Public Sector the Services called for by this Agreement.
- 6.4 Customer agrees to pay additional charges according to the SunGard Public Sector fee schedule for all work performed outside of Coverage Hours. These charges are applicable for any work performed after hours regardless of cause even if it was reported and/or initiated during Coverage Hours. Customer will be required to authorize any work outside of coverage hours that results in additional charges.
- 6.5 On-site assistance will be performed as requested by Customer. However, Customer will be billed according to the SunGard Public Sector fee schedule for travel expenses and comprehensive per diem.
- 6.6 Customer is responsible for paying all taxes (except for taxes based on SunGard Public Sector's net income or capital stock) relating to this Agreement, the Improvements, any services provided or payments made under this Agreement. If Customer is exempt from the payment of any such taxes, Customer must provide SunGard Public Sector with a valid tax exemption certificate; otherwise, absent proof of Customer's direct payment of such tax amounts to the applicable taxing authority, SunGard Public Sector will invoice Customer for and Customer will pay to SunGard Public Sector all such tax amounts.

Section 7 PROPRIETARY RIGHTS

- 7.1 To the extent that SunGard Public Sector may provide Customer with any Error Corrections or Enhancements or any other software, including any new software programs or components, or any compilations or derivative works prepared by SunGard Public Sector (collectively, "Vendor Programs"), Customer may (1) install one set of the Vendor Programs in the most current form provided by SunGard Public Sector, in Customer's own facility; (2) use such Vendor Programs in connection with the Licensed Programs, and in a manner consistent with the requirements of the

License Agreement, for purposes of serving Customer's internal business needs; and (3) make one copy of the Vendor Programs in machine-readable form for nonproductive backup purposes only. Customer may not use, copy, or modify the Vendor Programs, or any copy, adaptation, transcription, or merged portion thereof, except as expressly authorized by SunGard Public Sector. Upon termination of such License Agreement, Customer shall return or destroy the Vendor Programs, and returning the Vendor Programs in the manner required by the License Agreement shall be sufficient for such purposes.

- 7.2 The Vendor Programs are and shall remain the sole property of SunGard Public Sector, regardless of whether Customer, its employees, or contractors may have contributed to the conception of such work, joined in the effort of its development, or paid SunGard Public Sector for the use of the work product. Customer shall from time to time take any further action and execute any further instrument, including documents of assignment or acknowledgment that SunGard Public Sector may reasonably request in order to establish and protect its exclusive ownership rights in such works. Customer shall not assert any right, title, or interest in such works, except for the non-exclusive right of use granted to Customer at the time of its delivery or on-site development.

Section 8

DISCLAIMER OF WARRANTY AND LIMITATION OF LIABILITY

- 8.1 SUNGARD PUBLIC SECTOR DISCLAIMS ALL WARRANTIES EITHER EXPRESSED OR IMPLIED AND REPRESENTATIONS WITH RESPECT TO THE LICENSED PROGRAM, INCLUDING ITS CONDITION, ITS CONFORMITY TO ANY REPRESENTATION OR DESCRIPTION, THE EXISTENCE OF ANY LATENT OR PATENT DEFECTS, AND ITS MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE.
- 8.2 In no event shall SunGard Public Sector's cumulative liability for any claim arising in connection with this Agreement exceed the total fees and charges paid to SunGard Public Sector by Customer within the last twelve (12) months.
- 8.3 No action, whether based on contract, strict liability, or tort, including any action based on negligence, arising out of the performance of services under this Agreement, may be brought by either party more than one (1) year after such cause of action accrued.

Section 9

TERMINATION

- 9.1 This Agreement may be terminated as follows:
- a. This Agreement shall immediately terminate upon the termination of the License Agreement;
 - b. This Agreement may be terminated by Customer upon the expiration of the then-current term of this Agreement, provided that at least ninety (90) days prior written notice is given to SunGard Public Sector. SunGard Public Sector may terminate this Agreement upon the expiration of the second term of this Agreement, provided that at least ninety (90) days prior written notice is given to Customer; or
 - c. This Agreement may be terminated by either party upon thirty (30) days prior written notice if the other party has materially breached the provisions of this Agreement and has not cured such breach within such notice period.
- 9.2 Following termination of this Agreement, SunGard Public Sector shall immediately invoice Customer for all accrued fees and charges and all reimbursable expenses, and Customer shall pay the invoiced amount immediately upon receipt of such invoice. Customer may continue to use any work supplied to Customer by SunGard Public Sector for the remaining term of the License Agreement. Any amount not paid within thirty (30) days after the invoice date shall bear interest at the rate allowed by applicable law.

Exhibit B
Fee Proposal

Per SunGard Public Sector Invoice Document No. 87872 which is dated September 10, 2014 and which is attached hereto and incorporated herein by this reference.

SUNGARD' PUBLIC SECTOR

1000 Business Center Drive
 Lake Mary, FL 32746
 800-727-8088
 www.sungardps.com

Invoice

Company	Document No	Date	Page
LG	87872	10/Sep/2014	1 of 6

Bill To: Lodi Police Department
 215 W. Elm St.
 LODI, CA 95240
 United States
 Attn: ~~Jeanie Biskup~~ 209-333-6864
Paula O'Keefe

Ship To: Lodi Police Department
 215 W. Elm St.
 LODI, CA 95240
 United States
 Attn: ~~Jeanie Biskup~~ 209-333-6864
Paula O'Keefe

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 5858LG	Lodi Police Department		USD	NET30	10/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
Contract No. 080877				
1	OSSI Base Computer Aided Dispatch System Tier 3 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	13,152.46	13,152.46
2	OSSI Additional CAD Console License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	3.00	737.52	2,212.56
3	OSSI Alpha Numeric Paging Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
4	OSSI First CAD Map Display and Map Maintenance Software License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
5	OSSI Additional CAD Map Display Site License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	5.00	376.22	1,891.10
6	OSSI CAD Resource Monitor Display License with Maps Client Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	2.00	283.66	567.32
7	OSSI Rip and Run Printing/Faxing Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
8	OSSI CAD Roster Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
9	OSSI E911 Interface Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
10	OSSI Firehouse RMS interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
11	OSSI Interface to Pagegate Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	189.11	189.11
12	OSSI Station Toning Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
13	OSSI Zetron Model 3030 TDD Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	850.99	850.99
14	OSSI Telestaff Interface	1.00	1,040.09	1,040.09

Page Total 27,184.26

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LG	87872	10/Sep/2014	2 of 6

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Paula O'Keefe

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 5858LG	Lodi Police Department		USD	NET30	10/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
	Maintenance Start: 01/Oct/2014, End: 30/Sep/2015			
15	OSSI Base Mobile Server Software Client - 50 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	3,782.16	3,782.16
16	OSSI CAD Client AVL License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	7.00	378.22	2,647.54
17	OSSI Client AVL Mobile License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	35.00	25.21	882.35
18	OSSI AVL Server Host License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	6,618.78	6,618.78
19	OSSI MCT Client for Digital Dispatch Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	35.00	167.25	5,853.75
20	OSSI Mobile Client Maps Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	35.00	33.62	1,176.70
21	OSSI License of Incident/Offense Field Reporting Module Client Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	35.00	167.25	5,853.75
22	OSSI - MFR Client - Accident Reporting Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	85.00	84.05	7,144.25
23	OSSI Mobile Arrest Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	35.00	50.43	1,765.05
24	OSSI - MFR Client - MOBLAN Version Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	50.00	84.05	4,202.50
25	OSSI - MCT Interface to Firehouse Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,418.31	1,418.31
26	OSSI Review Module for Field Reporting - 50 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,941.68	2,941.68
27	OSSI's Integrated Messaging Software Switch Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	3,782.16	3,782.16
28	OSSI - LAN Client License for Message Switch	30.00	56.73	1,701.90

Page Total **49,770.88**

SUNGARD' PUBLIC SECTOR

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LG	87872	10/Sep/2014	3 of 6

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 215 W. Elm St.
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 Attn: ~~Jeanie Biskup~~ 209-333-6864
Paula O'Keefe

Ship To: Lodi Police Department
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Paula O'Keefe

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1	5858LG Lodi Police Department		USD	NET30	10/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
	Maintenance Start: 01/Oct/2014, End: 30/Sep/2015			
29	OSSI Canine Module in MFR Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	2.00	50.43	100.86
30	OSSI Police to Citizen Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,101.20	2,101.20
31	OSSI Client Base Records Management System - 50 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	13,849.40	13,849.40
32	OSSI Police to Police Internet Data Sharing Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	0.00	0.00
33	OSSI Basic Accident Module - 50 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	924.53	924.53
34	OSSI Accident Wizard Base Server License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	840.48	840.48
35	OSSI Accident Wizard Workstation License Client Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	95.00	25.21	2,394.95
36	OSSI Animal Control Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,260.72	1,260.72
37	OSSI Bar Coding Server License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	420.24	420.24
38	OSSI Bike Registration Module - 10 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	252.14	252.14
39	OSSI Calls for Service Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	336.19	336.19
40	OSSI RMS Canine Tracking Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	924.53	924.53
41	OSSI Crime Analysis Module - Client License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,101.20	2,101.20
42	OSSI Crime Stoppers Management Module	1.00	588.34	588.34

Page Total 25,894.78

SUNGARD PUBLIC SECTOR

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LG	87872	10/Sep/2014	4 of 6

Bill To: Lodi Police Department
 215 W. Elm St.
 LODI, CA 95240
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 Attn: ~~Jeanie Biskup~~ 209-333-6864
Paula O'Keefe

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Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 5858LG	Lodi Police Department		USD	NET30	10/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
	Maintenance Start: 01/Oct/2014, End: 30/Sep/2015			
43	OSSI Document Scanning and Storage Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,680.96	1,680.96
44	OSSI Felony Registration Module -10 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	252.14	252.14
45	OSSI Generic Permit Module - 10 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	504.29	504.29
46	OSSI Bar Coding Hand-Held Client License (Each) Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	2.00	267.90	535.80
47	OSSI - Link Analysis Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,941.68	2,941.68
48	OSSI RMS Map Display and Pin Mapping License - 50 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,680.96	1,680.96
49	OSSI Notification Module - 50 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,386.96	2,386.96
50	OSSI Ordinance Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	252.14	252.14
51	OSSI Probation and Parole Module - 10 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	252.14	252.14
52	OSSI - Problem Oriented Policing Module - 10 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	588.34	588.34
53	OSSI Property and Evidence Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	924.53	924.53
54	OSSI Residential Security Watch - 10Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	252.14	252.14
55	OSSI Sex Offender Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,521.44	2,521.44
56	Gang Profile Module	1.00	1,280.72	1,280.72

Page Total **16,034.24**

SUNGARD' PUBLIC SECTOR

1000 Business Center Drive
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LG	87872	10/Sep/2014	5 of 6

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Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 5858LG	Lodi Police Department		USD	NET30	10/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
	Maintenance Start: 01/Oct/2014, End: 30/Sep/2015			
57	OSSI Professional Standards (Internal Affairs) Module Client Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,941.68	2,941.68
58	OSSI Client Jail Management System Module - 5 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,521.44	2,521.44
59	OSSI Site License Mugshot Display Software License - 75 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	4,412.52	4,412.52
60	OSSI Mugshot Capture Station Software Only Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	924.53	924.53
61	OSSI State Livescan Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,428.82	1,428.82
Contract No. 080877-3				
64	OSSI Concealed Weapons Registration Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	247.20	247.20
Contract No. 090867				
63	OSSI RMS Custom Modification - Dataworks Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	840.48	840.48
Contract No. 130373				
65	OSSI CAD Resource Monitor Display License with Maps - POP Tier 2 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,800.00	2,800.00
Contract No. 2009-2119				
62	OSSI - Lodi Interface to San Joaquin County Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,723.16	2,723.16
Contract No.				
66	Tax (Type - CM)	1.00	0.00	0.00
67	Tax (Type - MA)	1.00	5,475.25	5,475.25
			Page Total	24,315.08

SUNGARD[®] PUBLIC SECTOR

1000 Business Center Drive
Lake Mary, FL 32746
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LG	87872	10/Sep/2014	6 of 6

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Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1	5858LG	Lodi Police Department	USD	NET30	10/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
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Remit Payment To: SunGard Public Sector Inc.
Bank of America
12709 Collection Center Drive
Chicago, IL 60693

Subtotal	137,723.99
Sales Tax	5,475.25
Invoice Total	143,199.24
Payment Received	0.00
Balance Due	143,199.24

Exhibit C
Insurance Requirements

Insurance Requirements for Contractor The Contractor shall maintain during the life of this Agreement, insurance coverage as listed below. These insurance policies shall protect Contractor and any subcontractor performing work covered by this Agreement from claims for damages for personal injury, including accidental death, as well as from claims for property damages, which may arise from Contractors operations under this Agreement, whether such operations be by Contractor, or by any subcontractor, or by anyone directly or indirectly employed by either of them, and the amount of such insurance shall be as follows:

1. **COMMERCIAL GENERAL LIABILITY**
\$1,000,000 Each Occurrence
\$2,000,000 General Aggregate
2. **BUSINESS AUTOMOBILE LIABILITY**
\$1,000,000 Combined Single Limit
Such insurance shall cover liability arising out of any vehicle (including, owned, hired and non-hired vehicles) operated in performing any and all services pursuant to this Agreement. Coverage shall be written on ISO form CA 00 0112 90, or a later version of this form, or an equivalent form providing equivalent liability coverage.

Furthermore, the requirements for coverage and limits shall be the minimum coverage and limits specified in these insurance requirements.

A copy of the certificate(s) of insurance with the following endorsements shall be furnished to the City:

- (a) **Additional Insured Status**
City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers are to be included as additional insureds.
- (b) **Primary and Non-Contributory Insurance Status**
Additional insurance coverage under the Contractor's policy shall be "primary and non-contributory" and will not seek contribution from City's insurance or self-insurance and shall be at least as broad as ISO form CG 20 01 04 13.
- (c) **Limits of Coverage**
The limits of insurance coverage required may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance of Contractor shall apply on a primary and non-contributory basis for the benefit of the City before the City's own insurance or self-insurance shall be called upon to protect the City as a named insured.
- (d) **Separation of Insureds Clause**
A separate of insureds clause shall be included in the Commercial General Liability policy.
- (e) **Notice of Cancellation or Change in Coverage**
Contractor will use commercially reasonable efforts to notify the City 30 days prior to any material change or cancellation which would prevent Contractor from meeting the obligations set forth in this agreement.
- (f) **Continuity of Coverage**
All policies shall be in effect on or before the first day of the Term of this Agreement. At within 30 day of the renewal of each insurance policy, Contractor shall furnish a certificate(s) showing that a new or extended policy has been obtained which meets the minimum requirements of this Agreement. Contractor shall provide proof of continuing insurance on at least an annual basis during the Term. If Contractor's insurance lapses or is discontinued for any reason, Contractor shall immediately notify the City and immediately obtain replacement insurance.
- (g) **Failure to Comply**

Notwithstanding and other provision of this Agreement, if Contractor fails or refuses to obtain or maintain insurance as required by this agreement, or fails to provide proof of insurance, the City may terminate this Agreement upon such breach. Upon such termination, Contractor shall immediately cease use of the Site or facilities and commence and diligently pursue the removal of any and all of its personal property from the site or facilities.

(h) Qualified Insurer(s)

All insurance required by the terms of this Agreement must be provided by insurers authorized to do business in the State of California which are rated at least "A-, VI" by the AM Best Ratings Guide. Non-admitted surplus lines carriers may be accepted provided they are included on the most recent list of California eligible surplus lines insurers (LESLI list) and otherwise meet City requirements.

Workers Compensation Insurance The Contractor shall maintain during the life of this Agreement, Worker's Compensation Insurance for all of Contractor's employees employed at the site of the project and, if any work is sublet, Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
SERVICE MAINTENANCE AGREEMENT WITH
SUNGARD PUBLIC SECTOR, INC.

=====

WHEREAS, in 2009 the Lodi Police Department purchased a new computer system from Sungard Public Sector, Inc.; and

WHEREAS, the new Sungard OSSI system provides records management, computer aided dispatching, field reporting, mobile computing and other functions which allow the department to function more efficiently; and

WHEREAS, the annual service maintenance agreement between the Lodi Police Department and Sungard Public Sector provides for software and hardware support in the event of system malfunctions and minimizes any disruption in the department's ability to provide service to the public.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the City Manager to execute the Service Maintenance Agreement for current police information systems with Sungard Public Sector, Inc., of Lake Mary, Florida; and

BE IT FURTHER RESOLVED, that the City Council authorizes payment in the amount of \$143,199.24 from the 2014/15 Lodi Police Department Operating Budget.

Dated: May 6, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

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

JENNIFER M. FERRIAOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Agreement with County of San Joaquin for Automated Message Switching System and Criminal Justice Information System Access (\$20,038)

MEETING DATE: May 6, 2015

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute agreement with County of San Joaquin for Automated Message Switching System and Criminal Justice Information System access (\$20,038).

BACKGROUND INFORMATION: This is a renewal of the yearly contractual agreement between the City of Lodi Police Department and the County of San Joaquin through its Information Systems Division to provide services which include, but are not limited to, Automated Message Switching System access and Criminal Justice Information System (CJIS) access for Fiscal Year 2015/16.

The data processing service allows the Police Department to access County warrant information and other criminal justice information housed in the County of San Joaquin database. This information is critical to local law enforcement. Without access to the Automated Message Switching/CJIS Systems, the Police Department will be unable to conduct checks on individuals with local warrants, probation status of offenders, and inmate records such as custody status, trial status, adjudications, and sentencing.

FISCAL IMPACT: Estimated cost is \$20,038

FUNDING AVAILABLE: Fiscal Year 2015/16 Budget (10031004.72450)

Jordan Ayers
Deputy City Manager

Mark Helms
Chief of Police

MH/po

APPROVED: _____
Stephen Schwabauer, City Manager

AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July, 2015, by and between the **COUNTY OF SAN JOAQUIN**, a political subdivision of the State of California, through its Information Systems Division, hereinafter referred to as "**COUNTY**" and **CITY OF LODI**, ~~an agency of the Federal Government~~, hereinafter referred to as "**AGENCY**". *a California municipal corporation,*

WHEREAS, **COUNTY** provides services and/or equipment listed in Attachment "A" hereinafter referred to as "**COMPUTER SERVICES**" to **AGENCY**; and

WHEREAS, **COUNTY** has certain computer equipment and is able to provide information services which **AGENCY** desires to use in its operations; and,

WHEREAS, **COUNTY'S** Information Systems Division services offered to **AGENCY** under this Agreement differs from that provided in previous years and it is necessary to set out the understanding of the parties as to the extent of services and liability for provision of access to the **COMPUTER SERVICES** for information.

IT IS HEREBY AGREED between the parties as follows:

1. COMPUTER SERVICES FOR ACCESS TO NON-REDUNDANT, NON-FAULT TOLERANT COMPUTER SYSTEMS

The **COUNTY** shall provide to **AGENCY** the **COMPUTER SERVICES** of **COUNTY'S** Information Systems Division. The parties expressly acknowledge that the Information Systems Division computer systems are non-fault tolerant, non-redundant systems which do not provide continuous access seven (7) days a week and twenty-four (24) hours a day. The computer systems may go down and be unable to provide **COMPUTER SERVICES** at any time of day or night for undeterminable periods of time and also must be scheduled to be taken down for maintenance and repairs from time to time. Therefore, **COUNTY** does not represent that the **COMPUTER SERVICES** provided under this Agreement will enable **AGENCY** to receive information from the computer systems within any specific time period. **AGENCY** has considered the express limitations set forth in this Agreement of the **COMPUTER SERVICES**, together with the needs of **AGENCY**, and has determined that **AGENCY'S** business operations require the use of the services set out in this Agreement.

2. COMPENSATION

- a. **COUNTY** will provide the **COMPUTER SERVICES** for the estimated annual amount of compensation as shown in Attachment "A". **COUNTY** shall bill **AGENCY** only for actual **COMPUTER SERVICES** provided, one month after **COMPUTER SERVICES** are provided. **AGENCY** shall provide full payment to **COUNTY** of the billed amount by the fifteenth day of the date of billing. In the event payment is not timely made, **COUNTY** may, at its option, terminate this Agreement in accordance with the provisions of Clause 5.
- b. In the event that the **AGENCY'S** estimated quantities, as indicated in Attachment "A", are exceeded for any reason, **County** may evaluate and, if necessary, increase the quantities indicated in Attachment "A", which may also result in the estimated annual amount of compensation provided herein to be increased. **County** will notify **AGENCY**, in writing, no less than thirty (30) calendar days in advance of any intended increase of estimated annual amount of compensation. **AGENCY** shall be allowed the option to terminate this Agreement in

6. INDEMNIFICATION AND HOLD HARMLESS

The Parties acknowledge that Title 31, United States Code, Section 1341 and Title 41, United States Code, Section 11 prohibit Federal agencies from entering any agreement that requires a Federal agency to indemnify and/or hold harmless another party where the amount of the Government's liability is indefinite, indeterminate, or potentially unlimited. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF or Agency) is a component of the United States Department of Justice, and as such, it is a self-insured entity supported by the United States Government. Under the Federal Tort Claims Act, Title 28 U.S.C. 1346 et seq., the United States Government accepts liability for the loss or destruction of property or personal injury or death caused by the negligent or wrongful acts or omissions of any employee of the Government while acting within the scope of his or her office or employment.

7. LIMITATIONS OF LIABILITY

In no event shall COUNTY be responsible for any damage, compensatory, consequential, punitive, or special in the event that the AGENCY is unable to access and/or obtain information from COMPUTER SERVICES of COUNTY. This Agreement shall not be construed to be either a representation or a warranty to AGENCY that it will be able to access and obtain information from the COMPUTER SERVICES at any particular time or within any particular response time. COUNTY does not grant any warranty as to the validity, completeness or usefulness of any information received by AGENCY from the COMPUTER SERVICES. COUNTY shall not be responsible nor liable for the costs to AGENCY to procure alternative services to the services provided for under this Agreement or upon termination of this Agreement by either party.

In the event of errors in COMPUTER SERVICES due to the failure of COUNTY'S equipment, software, circumstances beyond the control of COUNTY, or the failure of COUNTY'S employee(s) to operate the equipment in accordance with COUNTY'S standard operating procedures, or COUNTY'S inability to provide COMPUTER SERVICES due to circumstances beyond its control, COUNTY'S liability shall be limited to either subparagraph (a) or (b) below, either of which will be considered to be AGENCY exclusive remedy:

- a. The correction of errors of which COUNTY has received written notice and proof or the performance of the service, whichever is the situation; or
- b. Where such correction or performance of service is not practicable, AGENCY shall be entitled to an equitable credit, not to exceed the charges invoiced to AGENCY for that portion of the service which produced the erroneous result or for that portion of the service which could not be performed, whichever is the situation.

COUNTY shall be liable for the loss, destruction or damage to AGENCY supplied materials only if such loss, destruction, or damages was due to the negligence of COUNTY and AGENCY'S sole remedy shall be COUNTY restoring the same, provided such restoration can be reasonably performed by COUNTY and provided that AGENCY provides COUNTY with all source data necessary for such restoration in similar form to that normally presented to COUNTY under this Agreement.

8. INDEPENDENT CONTRACTOR

The AGENCY, and the agents and employees of AGENCY, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of COUNTY.

9. ASSIGNMENT

Without the written consent of COUNTY, this agreement is not assignable by AGENCY either in whole or in part.

10. TIME OF THE ESSENCE

Time is the essence of this Agreement.

11. MODIFICATIONS

No alteration, variation, or modification of the terms of this contract shall be valid unless made in writing prior to the effective date and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.

12. COMPLIANCE WITH LAWS

AGENCY shall comply with the California Fair Employment Practices Act (Labor Code Section 1410, et seq.) and any amendments thereto.

This Agreement may, at the option of COUNTY, be terminated or suspended in whole or in part in the event AGENCY fails to comply with the nondiscrimination clause of the contract. In the event of termination under this clause, COUNTY shall be compensated for goods and services provided to the date of termination. Termination or suspension shall be effective upon receipt of written notice thereof.

13. CONFIDENTIALITY

AGENCY, its employees, officers, and agents shall protect and keep all information and materials obtained through the services of this agreement confidential and from unauthorized use and disclosure. This clause shall not apply to that information which is or becomes a public record subject to the disclosure requirements of the Public Records Act.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first written above.

COUNTY OF SAN JOAQUIN, a political subdivision of the State of California

By 
JERRY BECKER
Information Systems Director
"COUNTY"

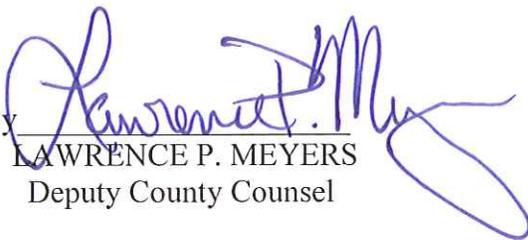
CITY OF LODI

By _____

Title _____

"AGENCY"

APPROVED AS TO FORM:

By 
LAWRENCE P. MEYERS
Deputy County Counsel

Approved as to form _____
City Attorney 

**Rate Schedule
Fiscal Year 2015-2016**

Computer Services

Automated Message Switching System Access
CJIS System Access

Service	Estimated Quantity	Type	Estimated Rate	Estimated Annual Cost	Estimated Total
Special Processing Request	8	Hours	\$ 129.80	\$ 1,038.40	
Transactions	250,000	Each	\$ 0.08	\$ 20,000.00	
Total Estimated Annual Cost					\$ 21,038.40

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE AN
AGREEMENT FOR AUTOMATED MESSAGE SWITCHING
AND CRIMINAL JUSTICE INFORMATION SYSTEMS
ACCESS FOR FISCAL YEAR 2015/16

=====

WHEREAS, San Joaquin County provides to the City of Lodi access to Automated Message Switching and Criminal Justice Information Systems (CJIS); and

WHEREAS, San Joaquin County has certain data processing equipment and is able to provide data processing services, which the City of Lodi desires to use in its operations; and

WHEREAS, without access to the Automated Message Switching/CJIS Systems, the Lodi Police Department would not be able to access County warrant information and other criminal justice information housed in the County database.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute an Agreement for Automated Message Switching and Criminal Justice Information Systems Access with the County of San Joaquin Information System Division, of Stockton, California, in the amount of \$20,038.

Dated: May 6, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

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

JENNIFER M. FERRIAOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Lease Agreement Renewal for Fire Station No. 2 with Design Space Modular Buildings, Inc., of Dixon (\$46,506)

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute lease agreement renewal for Fire Station No. 2 with Design Space Modular Building, Inc., of Dixon, in the amount of \$46,506.

BACKGROUND INFORMATION: City Council, on March 6, 2013, adopted Resolution No. 2013-32 authorizing the City Manager to execute a 24-month lease agreement (Exhibit A) for a temporary modular building to replace the Fire Station No. 2 living quarters during the construction of the new fire station. This lease will expire on May 14, 2015.

The new estimated completion date of the Fire Station No. 2 construction project is now December of 2015 requiring a renewal of the existing modular building lease agreement in order to retain the current lease rate.

Design Space Modular Building, Inc. has agreed to a seven month extension (Exhibit B) that will retain the existing monthly lease rate of \$3,506 plus applicable taxes. While the construction project is moving ahead as planned, there is a chance the modular building may be needed beyond December of 2015 requiring month-to-month extensions.

Staff recommends executing the seven-month lease extension to lock in the current rate until December 2015; and to authorize up to five month-to-month extensions as needed at a lease rate not to exceed \$4,000 per month.

FISCAL IMPACT: Funds are included in the FY 14/15 budget for the Fire Station 2 project. By not exercising an option to extend the current lease agreement, the monthly lease rate will increase.

FUNDING AVAILABLE: General Fund Capital (43199000.77020).

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Rebecca Areida-Yadav, Public Works Management Analyst

FWS/RAY/eb
Attachments
cc: Larry Rooney, Fire Chief

APPROVED: _____
Stephen Schwabauer, City Manager



LEASE AGREEMENT NO: V-001178

CUSTOMER NUMBER: _____

CUSTOMER PO/REF. NUMBER: _____

RETURN EQUIPMENT TO DSMBI:
2725 Fitzgerald Drive
Dixon, CA 95620
Phone: 707-678-6100

Equipment Located At	Contact
705 E Lodi Ave Lodi, CA 95240	Name: Larry Rooney Phone: 209-333-6735 E-mail: lrooney@lodi.gov

DESIGN SPACE MODULAR BUILDINGS, INC. (DSMBI) hereby leases the equipment specified below (the "Equipment") to:

Lessee Name (Customer) & Address
Lodi Fire Department 25 East Pine Street Lodi, CA 95240 Billing Contact:

Customer hereby leases Equipment from DSMBI for a minimum period of 24 months (the "Minimum Lease Period") from the start of the lease term in accordance with the terms and conditions of this Lease Agreement including the terms and conditions set forth on the attached page (this "Lease"). Rental month is defined as a thirty-day period. Customer agrees to pay DSMBI without demand and in advance the monthly rental and other charges on the due dates set forth in this Lease. The anticipated delivery date for the Equipment, subject to Section 3(c) on the attached page, will be on or about the 11th day of March, 2013.

Unit No.	Serial No.	Width	Length	Monthly	Weekly	Daily	Insurance Value
4743-46	19902-05	48	60	\$ 3,506	\$ 1,169	\$ 234	\$125,000.00

ONE TIME CHARGES	AMOUNT	MONTHLY CHARGES	AMOUNT
<i>Billed At Time Of Delivery</i>		BUILDING	\$ 3,506.00
• DELIVERY	Included	ADDITIONAL LEASE COSTS	
• BLOCK AND LEVEL/SET-UP	Included	OTHER -	
• ANCHORS	Included	INSURANCE WAIVER @ 1.00/day per floor	
• SKIRTING	Included	STEPS Quantity: 1	Included
• FOUNDATION AND RAMP PLANS	\$1,000.00	RAMPS Size: (2) 36ft	Included
<i>Billed At Time Of Return</i>			
• RETURN DELIVERY	Included		
• UNBLOCK/TEARDOWN	Included		
• ANCHOR REMOVAL	Included		
		TOTAL MONTHLY (Excl Tax)	\$ 3,506.00
		DOH/DMV/PPT Tax	Included

*** Customer has option to renew for one year at the same rates.

Advance Payments	Description of Charges / Payment to be Applied	Amount
Applied to 1 st Invoice(s)		
Applied to Final Invoice(s)		

No agent, employee or representative of DSMBI has any authority to make any representation or warranty concerning the Equipment that is not specifically included in this Lease. Unless specifically identified in this Lease, this Lease supersedes all prior negotiations, proposals and documents. This Lease will not be subject to any additional provision that may be contained in the Customer's purchase order, although the parties may use Customer's purchase order number as a convenient reference for invoicing purposes. Steps not returned are billed at \$479.00/each. Keys not returned are billed at \$50.00/each.

Signed by duly authorized agents, with the intent to be legally bound, this 27 day of March, 2013.

By: [Signature]
DESIGN SPACE MODULAR BUILDINGS INC.

By: [Signature]
CUSTOMER OR AUTHORIZED AGENT

Name: BRENT HOFFMAN

Name: Konradt Baetlam
(Please print)

ATTEST:

[Signature]
RANDI JOHL
City Clerk

Approved as to form

[Signature]
City Attorney



Advance Notice of Lease Expiration

Lodi Fire Department
Attn: Rebecca Areida-Yadav
25 East Pine Street
Lodi, CA 95240

Re: Customer Number: 04-LODIFD
Expired Lease Number: V-001178
Unit Number: 4743-46
P. O. Number: N/A
Location of Unit: 705 E. Lodi Ave

Dear Customer:

Your lease with Design Space Modular Buildings will expire on 5/14/15. Per our conversation, Lodi Fire Department wishes to extend the lease for seven (7) months. Please sign this renewal letter as an authorized agent for your company. The terms & conditions of your current lease agreement will remain.

Option 1. Please renew our lease as indicated below.

Lease Term	("✓")	Number of Months	Monthly Lease Rate*
7 Month Rate	<input checked="" type="checkbox"/>	# 7	\$ 3,506.00

*Effective from expiration date. Excludes optional equipment and applicable taxes

Authorized signature **X** _____

Please Print Name and Phone# _____

New Purchase Order# (If Applicable) _____

Option 2. _____ If you are interested in purchasing your mobile/modular office please call the number below to speak to a sales representative. **N/A**

Option 3. _____ I will call 1-866-889-7777 to have my mobile/modular office to be picked up within the next 30 days. **N/A**

Please respond by May 7th or your lease rate may be subject to an increased month-to-month rate.

You may return this renewal letter by fax, mail, or email to: Brent Hoffman (brent@dsmbi.com)
Design Space Modular Buildings
2725 Fitzgerald Drive, Dixon, CA 95620
(PH) 707-678-6100
(FX) 707-678-6111

Approved as to form

City Attorney

Thank you for your continued business with Design Space Modular Buildings.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT RENEWAL AND UP TO FIVE MONTH-TO-MONTH EXTENSIONS (AS NEEDED) FOR FIRE STATION NO. 2 WITH DESIGN SPACE MODULAR BUILDINGS, INC.

WHEREAS, on March 6, 2013, the City Council adopted Resolution No. 2013-32 authorizing the City Manager to execute a 24-month lease agreement for a temporary modular building to replace the Fire Station No. 2 living quarters during the construction of the new fire station; and

WHEREAS, the current lease agreement will expire on May 14, 2015; and

WHEREAS, the new estimated completion date of the Fire Station No. 2 construction project is now December 2015; and

WHEREAS, staff recommends executing a seven-month renewal of the existing modular building lease agreement, in order to retain the current lease rate of \$3,506 plus applicable taxes with Design Space Modular Building, Inc., of Dixon, California; and

WHEREAS, while the construction project is moving ahead as planned, a possibility exists that the modular building may be needed beyond December 2015, and staff recommends that the City Council authorize up to five month-to-month extensions, as needed, at a rate not to exceed \$4,000 per month.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve: 1) a seven-month Lease Agreement Renewal for the temporary modular building for Fire Station No. 2 with Design Space Modular Buildings, Inc., of Dixon, California; and 2) up to five month-to-month extensions, as needed, at the lease rate not to exceed \$4,000 per month; and

BE IT FURTHER RESOLVED that the total amount for the seven-month lease and five month-to-month extensions shall not exceed \$46,506; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute the Lease Agreement Renewal and month-to-month extensions on behalf of the City.

Dated: May 6, 2015

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Grant Funding Request for the White Slough Water Pollution Control Facility Storage Expansion Project

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution approving grant funding request for the White Slough Water Pollution Control Facility storage expansion project.

BACKGROUND INFORMATION: State of California Proposition 84 provides up to \$130 million for matching grants to implement Delta water quality improvement projects that protect drinking water supplies. The subject grant request will provide funding for feasibility analysis, design and construction of a 90-acre storage pond/groundwater recharge basin. The project budget is estimate \$5.6 million including a City funding match of \$1.9 million.

The grant funding request was prepared in partnership by City staff and Petralogix Engineering, a local geophysical and geological consulting firm. The request was submitted on April 9, 2015 and a copy is provided in Attachment A. Included in the request was a statement of intent to have the City Council approve the grant funding request.

The project would function as a groundwater recharge facility by storing Title 22 treated water in an unlined 90-acre storage basin. Multiple benefits are provided by the project including:

1. Create a salinity intrusion barrier
2. Improve groundwater quality
3. Provide plant operational storage and diminish discharges to the Delta
4. Establish option to provide Title 22 water for irrigation in the region instead of pumping groundwater

Staff recommends approval of the grant funding request. If Council does not approve the request, the application can be withdrawn.

If the City grant funding request is approved by the Department of Water Resources the funds will be available next fiscal year. At that time and following a consultant selection process, Council will be asked to approve the feasibility analysis and design agreement(s) and appropriate funds.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Name/Title
FWS/smh
Attachment

APPROVED: _____
Stephen Schwabauer, City Manager

Proposal Packet for Group II Franks Tracts and Other Delta Region Projects

City of Lodi – Department of Public Works

White Slough Water Pollution Control Facility Storage Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project



PROJECT BENEFITS

mokeWISE Assessment



Municipal Recycled Wastewater Recharge Program

City of Lodi

Overview

The concept involves using treated, disinfected wastewater to recharge, either direct or in-lieu, Valley groundwater aquifers. Based on findings from the MokeWISE Water Availability Analysis, the City currently treats 7,095 AFY of wastewater. Of this, 1,642 AFY is used as recycled water. Assuming the 3,700 AFY agricultural reuse project is implemented, the City of Lodi could currently treat and reuse roughly 1,700 AFY of wastewater. This number will grow to 3,050 AFY in the future, accounting for population growth. The concept includes developing a feasibility study to identify nearby areas potentially feasible for recharge and document potential downstream impacts of diverting wastewater. Uses including consumptive use and seawater intrusion barriers will be considered. After the feasibility study is published, study recommendations will be implemented.

Sponsor(s): City of Lodi

Estimated Costs: unknown

Funding Source(s): State grants, City of Lodi Utility Rates, Regional Groundwater Extraction Fee

Concept location: San Joaquin County, west of Davis Road, south of SR 12 and north of Eight Mile Road

Assessment

<i>Objective</i>	●○○	<i>Justification</i>
● <i>Fully addressed</i> ◐ <i>Partially addressed</i> ○ <i>Not addressed</i>		
WS-1: Promote demand-side management strategies	○	The concept does not have elements that promote demand-side management strategies.

Objective	●●○	Justification
WS-2: Increase supply reliability	●	The concept would increase supply reliability by reusing treated wastewater, which would likely offset Mokelumne River water and groundwater that is currently used by the City of Lodi. As a supply, recycled water is more reliable than Mokelumne River water and groundwater. Because of this, the City of Lodi and its customers could become more resilient against changes in the Mokelumne River system and changes in groundwater levels.
WS-3: Increase amount of stored water	●	The purpose of the concept is to use treated recycled water to recharge the groundwater basin, which would increase the amount of stored water.
WS-4: Promote smart, responsible development	○	While the concept does not prohibit or preclude smart, responsible development, it does not directly promote it.
WS-5: Reduce reliance on groundwater for irrigation	○	The concept would not reduce reliance on groundwater for irrigation, as the purpose of the concept is to recharge the groundwater basin and does not offset groundwater use for irrigation.
WS-6: Promote a long-term groundwater balance	●	The purpose of the concept is to recharge the groundwater basin, which would help promote a long-term groundwater balance.
WS-7: Maximize water resource availability for all beneficial uses	●	The concept would maximize water resource availability for all beneficial uses by reusing treated wastewater for either consumptive uses or as a seawater intrusion barrier (use as a seawater intrusion barrier would help protect current supplies).

Objective	●▷○	Justification
WS-8: Decrease the need to import water	○	The City does not currently import water, as its supply portfolio is groundwater and Mokelumne River water. As such, the concept would not decrease the need to import water.
WD-9: Review and understand existing agency demand estimates	○	The concept does not include reviewing and understanding existing agency demand estimates.
WD-10: Identify water demand issues for timely consideration by the water agencies during their UWMP update	○	The concept does not include identifying water demand issues for consideration in the upcoming UWMP update.
WQ-11: Protect and improve surface and groundwater quality	●	The concept would protect and improve groundwater quality by increasing the amount of stored water, which would help dilute pollutants in the groundwater. If the recycled water is used as a seawater intrusion barrier, it would protect groundwater quality.
WQ-12: Match delivered water quality use	○	While the concept involves treating water, it does not involve increasing the level of treatment for use in groundwater recharge. Additionally, the concept does not involve delivering treated water, aside from continuing to pump groundwater.
WQ-13: Use water purification technology as a tool to maximize beneficial uses	●	The concept would treat wastewater to be used for recharge, which maximizes beneficial use of the wastewater.
R-14: Increase access for water-based recreation	○	The concept does not include elements that would increase access to the Mokelumne River from Highway 12 to the headwaters.

Objective	●)○	Justification
R-15: Increase angling and other recreational opportunities (increase spawning habitat, etc.)	○	The concept would not contribute to increasing spawning habitat, designating sections of the river for hatchery and wild species, or designating environmental flows.
R-16: Increase angling and other recreational opportunities (stock hatchery-raised fish)	○	The concept does not involve stocking hatchery-raised trout in designated areas on the upper Mokelumne, nor does it involve designating and managing wild trout sections.
R-17: Increase angling and other recreational opportunities (reintroduce salmon in upper Moke)	○	The concept does not include reintroducing salmon into the upper Mokelumne.
R-18: Increase angling and other recreational opportunities (increase opportunities)	○	While the concept would decrease the likelihood of fish entrainment by removing an unscreened diversion, the extent to which this would increase angling opportunities is likely negligible.
WR-19: Resolve existing water rights conflicts in the watershed	○	The concept is not focused on resolving existing water rights protests to achieve a common understanding of the application of relevant water rights law in the watershed.
F-20: Enhance flood protection and management	○	The concept does not include elements that would enhance flood protection and/or flood management, nor would the concept enhance ecosystem function in a way that would provide flood protection.
D-21: Use sound, agreed-upon data to evaluate program alternatives (hydrology dataset)	○	The concept does not involve producing an agreed-upon hydrology dataset and Water Availability Analysis.

Objective	●●○	Justification
D-22: Use sound, agreed-upon data to evaluate program alternatives (describe in sufficient detail)	●	The concept has some quantitative information available, including an estimated amount of water available for groundwater recharge.
D-23: Promote the contribution of sound scientific data to current body of knowledge	●	The concept would contribute data to the current body of knowledge by collecting and reporting program information, including information on groundwater recharge and recovery and water quality.
O-24: Increase investment in forest management	○	The concept does not include elements that would promote forest management, nor would it help reduce the economic impact of wildfires and other natural disasters.
O-25: Maximize socio-economic, cultural, recreational, public health, and public safety benefits with a particular emphasis on DACs	●	The concept would be located in the San Joaquin Valley and would serve the City of Lodi. Portions of the City and a number of areas within the Valley are DACs and would benefit from this concept.
O-26: Achieve equity	●	The benefits realized from implementing the concept would not be limited to a narrow group; rather, project benefits would be spread across regions, cultures, incomes, and time.
E-27: Protect and enhance natural environment (enhance natural envt)	○	The concept does not incorporate elements that would protect and enhance the natural environment.
E-28: Protect and enhance natural environment (wild & scenic designation)	○	The concept does not incorporate or seek a wild and scenic designation.

Objective	●●○	Justification
E-29: Protect and restore fisheries	○	While the concept could reduce the use of Mokelumne River water, this amount would be negligible and likely not help to protect and restore fisheries.
A-30: Enhance or maintain the water supply for the beneficial use in ag practices	●	The concept maintains and provides a more reliable water supply for agricultural uses by using recycled water instead of Mokelumne River water and groundwater.
C-31: Foster long-term regional relationships and avoid unnecessary conflict and litigation	●	The concept would help foster regional relationships by requiring long-term coordination between the City and other entities participating in groundwater recharge within the Valley.
C-32: Promote broadly-supported outcomes that benefit a wide range of interests	●	The concept would protect supplies for agricultural users and contribute to groundwater recharge. These outcomes are supported by a wide range of interests within the watershed, including farmers, water agencies, and non-governmental organizations.
C-33: Promote broadly-supported outcomes that benefit a wide range of interests (least controversial projects)	●	The concept has passed the preliminary four screening criteria, including the beneficial and compatible screens.
C-34: Promote broadly-supported outcomes that benefit a wide range of interests (agreements that reduce conflict)	○	The concept would serve recycled water for irrigation and groundwater recharge; its implementation would not directly address any current watershed conflicts.

Objective	●●○	Justification
C-35: Develop a program consistent with all existing licenses, permits, and agreements affecting the River	●	As a condition of implementation, the concept would be consistent with all existing licenses, permits, and agreements affecting the Mokelumne River. As such, the concept would not interfere with any entity exercising a water right.
C-36: Develop a program consistent with all existing licenses, permits, and agreements affecting the River (CEQA/NEPA)	●	As a condition of implementation, the concept would be required to adhere to all applicable regulatory requirements, including applicable CEQA/NEPA regulations documentation, etc.
CA-37: Avoid basing decisions on incomplete or inaccurate information	●	Prior to implementation, the concept would undergo a planning phase that would collect and analyze data that is considered, at the time, to be the most complete and accurate.
CA-38: Avoid demand for new or larger on-stream dams	●	The concept would not result in construction of a new or larger on-stream dam.
CA-39: Avoid harmful impacts to fisheries and other wildlife	●	The concept would not create harmful impacts to fisheries and other wildlife.
CA-40: Avoid conversion of agricultural lands to developed uses	●	The concept does not include elements that would convert agricultural lands to developed uses.
CA-41: Avoid shifting environmental impacts from one area to another	●	The concept does not include elements that would shift environmental impacts from one area to another.
CA-42: No diminishment of the benefits of existing in-stream flow	●	The concept does not include elements that would alter existing in-stream flows.

Objective	●●○	Justification
CA-43: Avoid closing the process to the public	●	As a condition of planning and implementation, the concept would include public involvement to the extent appropriate.
CA-44: Avoid dependency on potentially unreliable supply	●	The concept does not include elements that would facilitate downstream users becoming dependent on an unreliable supply. On the contrary, the concept increases the reliability of a supply.
CA-45: Minimize adverse socio-economic and public health and safety impacts	●	Use of recycled water mandates protections of public health and safety. As a condition of implementation, the concept would be required to follow regulations mandating health and safety impacts. Additionally, the concept does not include elements that would create adverse socio-economic impacts.
CA-46: Avoid end use harm	●	The concept does not allocate water in ways that create end use harm.
CA-47: Avoid violating procedural or substantive laws	●	As a condition of implementation, the concept would be required to complete relevant CEQA/NEPA analysis prior to implementation.
CA-48: Avoid interregional inequity	●	Implementation of the concept would not create interregional inequity, either in realized benefits or in costs.

ATTACHMENT #1

Authorizing Resolution – NOI Letter



CITY COUNCIL

BOB JOHNSON, Mayor
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CITY OF LODI

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Public Works Director

April 7, 2015

Department of Water Resources
Bay-Delta Office
South Delta Management
1416 Ninth Street, Room 215-30
P.O. Box 942836
Sacramento, CA 94236-0001

**Letter of Intent to Adopt a Council Resolution for
City of Lodi – White Slough Water Pollution Control Facility
Storage Expansion and Surface, Agricultural, and Groundwater Supply Improvement
Project**

On behalf of the City of Lodi, and in conjunction with my capacity to approve and denote public works efforts for the betterment and proper responsibilities for the White Slough Water Pollution Control Facility;

- I act to certify herein by signing this document an intent to adopt a Council resolution to approve a grant fund request for the **Storage Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project**.
- I also act to certify herein by signing this document an intent to adopt a Council resolution to approve the use of funds for the final design, construction and ongoing feasibility studies (as discussed in the grant application request) for the **Storage Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project**.

A motion to adopt the official Council resolution has been placed on the City of Lodi Council meeting agenda, and will be discussed on May 6, 2015. After completion of the review and adoption of the Council Resolution, a copy of the official documentation will be issued to DWR.

We thank you for your consideration and allowance of a Letter of Intent in place of the official Council resolution at this time. If there are any questions, please feel free to contact me any time at 209-333-6706.

Sincerely,

Wally Sandelin
Director of Public Works
City of Lodi

FWS/smh

ATTACHMENT #2

WORK PLAN & WORK PLAN – PLATES

**City of Lodi – Dept. Of Public Works
&
Petralogix Engineering**



PROJECT WORK PLAN

Proposal Package Work Plan for Group II – Franks Tracts and Other Delta Region Projects

City of Lodi – Department of Public Works

White Slough Water Pollution Control Facility Storage Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project

Proposal Objective:

The objective of this proposal is to receive sufficient grant funding to provide a Water Pollution Control Facility (WPCF) Expansion Pond that will allow for a long-term decrease in surface water discharge to the Delta. Instead, this tertiary treated effluent will be used to irrigate crops, reduce salinity intrusion potential, improve down gradient water quality, and increase long-term groundwater storage. This 90 acre expansion pond would be unlined, and incorporates infiltration through trenches and spreading basin dynamics. The waters held within would be tertiary treated, and could aid in staving off intrusive saline waters during lowered groundwater levels from onset drought events. The position of the WPCF and the pond is right on the saline/brackish/freshwater mixing horizon, and therefore, this is an ideal location for saline barrier attempts.

Sufficient study^{1,2} has been provided to illustrate the need and design basis for a storage expansion area to the existing WPCF facility (See Attached **Plates 1 and 2**). The intended expansion area is being considered for use as a preliminary holding area, not a treatment or evaporation pond. The additional area (approximately 90 acres in size) would allow for treated waters to be stored and used for surface water irrigation and groundwater recharge. This would decrease the discharge into the Delta waters, proving to provide an immediate biological benefit. A secondary benefit would include a reduction of pumped groundwater to irrigate the agricultural areas surrounding the facility. The required pipeline and pump infrastructure to distribute the water from the pond holding area (as scoped in the expansion study) is comparable to costs that would be incurred from development of an open channel distribution system that could act as a means for agricultural water conveyance, additional surface water storage when needed, and groundwater recharge.

Already conducted studies suggest that in order for the facility to be able to handle long-term projected flows that either more acreage needs to be acquired and irrigated by these waters, or expanded storage area is needed. Regardless, as the facility moves from 5.5 million gallons a day (MGD) up to a projected potential of 8.5 MGD, more holding areas will need to be constructed. By combining the need to increase storage and facility capacity with the need to reduce surface water discharge and groundwater pumping, a project such as proposed here could have a multitude of benefits that are both local and regional in nature.

¹ West Yost Associates, 2014, Technical Memorandum, Land Application Area Expansion Study for the City of Lodi White Slough Water Pollution Control Facility.

² West Yost Associates, 2015, Draft-City of Lodi, White Slough, Water Pollution Control Facility, Best Practice Treatment Control (BPTC) Evaluation Report).





The exact design of the conveyance system and internal recharge galleries are a secondary portion of this project that could be performed in conjunction with the actual expansion pond construction (which is nearly ready for construction). Final pond designs are pending and being considered, with CEQA and NEPA compliance being covered under the overall general master expansion plan for the City³, and being streamlined due to Executive Order B-29-15⁴. The conveyance and recharge gallery would require the finalization of a groundwater recharge feasibility study to confirm injection dynamics, water quality influences, storage performance, and gallery design dimensions. This study is already being considered by the City of Lodi, and a portion of the matching funds for compliance on this proposal would be used for the recharge feasibility and design. Final construction of this would fall outside the scope of these funds and would likely be provided to the City by additional grant funding, or by internal land acquisition funds that would be saved by being able to put water back into the ground, rather than needing to buy more farm acreage to use for water distribution. In effect, the additional construction costs could be shifted from the projected property acquisition needs that are discussed in the associated plant expansion study mentioned earlier.

Some of the benefits associated with the proposed project include an increase in quality and quantity for commercial and agricultural grade water supply, as well as salinity reductions. The simple fact that less water will be pumped will assist in the decreased potential for saline intrusions to occur in the area. Secondly, fresh water discharges to the fields (as well as deeper soil zones and aquifers) will continue to potentially improve saline barriers. Organic Loading studies⁵ have been conducted which help to demonstrate that the water quality of the treated waste streams is effectively lower than delta water levels in salt content. This use of treated “fresh” water as an application to land and groundwater, rather than as a surface water distribution to brackish delta waters, is likely more effective at keeping a barrier present which promotes saline-sweet water separation (instead of mixing).

The water quantity and quality around the area is well studied and this adds to the favorability of this site as a potential grant recipient. Long-term studies of the area including groundwater and surface water makes this site a great building block to test the impacts of in-lieu storage by not discharging to the delta surface waters, and by also using these waters to inject (long-term) into degraded aquifers. The areas to the south and east of the site are in a state of overdraft and both depth to groundwater and electrical conductivity are negatively impacted in that direction. Groundwater depths quickly increase (likely due to over pumping of the area), with EC increasing as well indicating saline intrusion potential (likely due to over pumping as well)⁶.

³ RMC, 2008, Regional Water Recycled Water Master Plan, Agricultural Reuse Project.

⁴ 2015, Executive Department, State of California, Executive Order B-29-15

⁵ West Yost Associates, 2009, White Slough WPCF, Organic Loading Study Technical Report.

⁶ West Yost Associates, 2014, City of Lodi White Slough Water Pollution Control Facility, 2014 Annual Ground



Proposal for the White Slough Water Pollution Control Facility Storage Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project

The need for additional storage pond area at the White Slough WPCF is well documented. Long-term there are no justifiable alternatives. Current discharge is above the stated capacity for the site as designed, and overages are released to the Delta. There are a variety of potential options which would allow for sufficient on-site storage. However, only one single approach would accomplish a maximum benefit which allows for minimized transport assembly costs (piping), minimized land acquisition costs and impacts, minimized environmental impacts, and maximized water reuse and recharge strategies.

We have identified the installation of a 90 acre storage pond (as documented and modified from the West Yost Associates Expansion Area Study), in combination with a long-term recharge and on-site storage pond and gallery system. The detailed approach of the project is described in both schedule and costs below. Following the description of the pond and storage area, a detailed recharge feasibility study is discussed which would ultimately aid in the configuration of an appropriate water infiltration and recharge process. This would help to act as a saline intrusion barrier, as well as a groundwater recharge zone, and finally assist in providing in-lieu recharge by holding waters onsite for irrigation practice (rather than discharging to the Delta).

System Layout - 90 Acre Storage Pond Final Design and Construction

The 90-acre pond layout has a rough dimension of 1990 feet by 1975 feet. The general location is shown on the attached **Plate 3**. A rough mock-up showing the cross-section of the pond is shown in **Plate 4**. Illustrated are optional gravel trenches for additional infiltration, if found to be effective during final pond design study. The current pond is planned to be unlined with roughly 8 foot high berms that allow for a total of 6 feet of water storage by height and 2 additional feet of freeboard. The total estimated volume is detailed below in Table 1.

Table 1. Size of Area - Phase I - Expansion Pond							
Section No.	Width	Length	Depth	Cubic Feet	Equivalent Volume (gallons)	Equivalent Square Feet	Equiv. Acreage
1	1,990	1,975	6	23,581,500	176,389,620	3,930,250	90.2

Table 2 shows the Potential storage in the pond (in days of average flow) based on various projected flows. A maximum expected storage of 35 Days of Average Daily Flow is anticipated for current use rates at the WPCF.



Table 2. Storage Potential	
Effective Storage - Days	
Gallons Day	Total Storage - Days
5,500,000	32.1
6,000,000	29.4
7,000,000	25.2
8,500,000	20.8

The proposed use of funding would include final design and construction for this project. We are suggesting that some additional funds be allowed to flow forward to the second phase feasibility study as discussed below. However, the majority of the funding would go directly to construction of the 90 acre pond. In total, one preliminary design study and several master level planning studies have been made for this expansion pond project. The remaining effort to bring this project to a construction ready level is a final pond civil design and layout, limited field testing, environmental/legal processing (which will be streamlined), and general administrative and project management items. For all practical purposes this is a construction ready project.

System Layout - Recharge Conveyance

The additional secondary phases that could be associated with this initial project include a long-term groundwater recharge conveyance system that can essentially double as a flow channel for surface water irrigation practices, and a shallow/deep infiltration gallery for saline barrier establishment and groundwater replenishment. **Plate 5** show mock-up examples that allow for a significant amount of storage and an extended distribution across the site. Significant infiltration of waters could be expected. However, a larger feasibility study for the determination of impacts from such recharge and/or the exact dynamics has yet to be studied. **Plate 6** is a mock-up example for anecdotal review of how freshwater recharge in the area could modify saline intrusion and benefit the neighboring water well users.

As part of the proposed 90 Acre expansion design (and in conjunction with grant funding) a larger feasibility study should be performed. The addition of a system such as we have presented here for discussion purposes (but that is based on a true feasibility study) will be very beneficial to the community long-term. Below are example estimates of storage which are based off of the configuration found in the above mentioned plates.



Table 3. Size of Area - Potential Recharge Zone							
Section No.	Width	Length	Depth	Cubic Feet	Equivalent Volume (gallons)	Equivalent Square Feet	Equiv. Acreage
1	60	2,950	6	1,062,000	7,943,760	177,000	4.1
2	60	700	6	252,000	1,884,960	42,000	1.0
3	60	4,150	6	1,494,000	11,175,120	249,000	5.7
4	60	3,460	6	1,245,600	9,317,088	207,600	4.8
5	60	3,860	6	1,389,600	10,394,208	231,600	5.3
6	60	2,600	6	936,000	7,001,280	156,000	3.6
7	60	4,150	6	1,494,000	11,175,120	249,000	5.7
8	60	1,700	6	612,000	4,577,760	102,000	2.3
				8,485,200	63,469,296	1,414,200	32.5

Table 4. Storage Potential	
Effective Storage - Days	
MGD	Total Storage - Days
5,500,000	11.5
6,000,000	10.6
7,000,000	9.1
8,500,000	7.5

Estimated Benefit

The estimated costs associated with this project are relatively low when compared against other alternatives, and the beneficial impacts posed by the project. Monetary costs in and of themselves (in terms of savings) would be significant if expansion and storage can be integrated with irrigation practice, saline intrusion protection, and groundwater recharge. Just in-lieu groundwater storage (by not pumping) would be an observable benefit for this facility long-term.

The current practice of sending tertiary treated water (Title 22-Standard⁷) is a waste of resource (although required at this time to operate). The attached final budgets show a price that is far below alternative approaches that have been reviewed in the last decade for the region and site. In all of the linked and referenced studies, all other options have been considered cost prohibitive. This option

⁷ 2008, California Code of Regulations, Title 22, Chapter 15, Article 2., General Requirements, Classification of Water Treatment Facilities.



allows for a staged strategy that could create immediate storage, reduce surface water discharge, and increase groundwater benefits by helping to establish a front-line salinity encroachment barrier. Secondary stages that could come after this grant fund project would include the final installation of recharge systems and conveyances that allow for reuse in other areas to the east by means of stored water transfers.

Schedule of Tasks

Primary tasks include the development of a final design level civil plan set for the 90 acre expansion, of which the City of Lodi is already actively engaging. During this stage, additional recharge feasibility would be provided for later recharge gallery expansion, and to assist in developing an expansion area groundwater monitoring scheme. The City of Lodi is actively seeking feasibility study engagement, of which is part of this document (beginning on the following pages). The second stage of work would include environmental and legislative processing (streamlined) that would be performed in conjunction with the final design study. The California Environmental Quality Act (CEQA) process would be streamlined due to the fact that this is already covered through master plans previously noted, and due to recent executive directives. The third stage would be construction of the project, which would include installed monitoring mechanisms to model impacts from surface water recharge in the vicinity of the expansion. Final stages would include the development of a long-term plan and preliminary design level document for recharge gallery and conveyance systems in a manner that would be similar to what has already been suggested. Below is a shortened timeline for the process.



Table 5. Example Timeline			
Task No.	Task Description	Start Date	End Date
1	Finalize Design of Expansion - Includes advanced infield percolation testing, soils testing, lab analysis, and civil design practices. Review time is also included.	6/20/2015	9/25/2015
2	Groundwater Recharge Feasibility Study - Includes advanced site characterization through field investigation (physical and inferred methods), water modeling, and chemical review	6/20/2015	5/20/2016
3	CEQA Evaluation and Legal - Includes all aspects for the City driven Notice of Exemption to be performed, public outreach, legal documentation and review, city management processing, etc.	7/1/2015	10/25/2015
4	Construction Services - Includes scarify, grading, berm construction, any associated piping, and final closure of permits.	2/1/2016	11/30/2016
5	Monitoring Groundwater Device Install - Includes placement and installation of monitorign wells, and time variant/transient remote systems.	10/15/2016	11/30/2015
6	Long-term Recharge Gallery Design - Includes all design level documents based on a completed feasibility study to provide recharge mechanisms to accommodate max daily flows from between 7.0 and 8.5 mgd	5/30/2016	12/31/2016
7	Final Completion fo Services	12/31/2016	

Final Budget

The preliminary budgets include all of the above mentioned tasks (1-6) and are based on projected bids for services including feasibility study (groundwater and design), and from previous expansion study reports performed by West Yost Associates. The chart below is a summary of the anticipated fees and cost sharing projections by the City of Lodi.



Table 6. Estimated Costs				
Task No.	Task Description	Estimate Cost	Contingency	Total
1	Finalize Design of Expansion - Includes advanced infield percolation testing, soils testing, lab analysis, and civil design practices. Review time is also included.	\$ 213,560.00	\$ 32,034.00	\$ 245,594.00
2	Groundwater Recharge Feasibility Study - Includes advanced site characterization through field investigation (physical and inferred methods), water modeling, and chemical review	\$ 280,275.00	\$ 42,041.25	\$ 322,316.25
3	CEQA Evaluation and Legal - Includes all aspects for the City driven NOE, legal requirements, public outreach, administrative control, QA/QC, etc..	\$ 139,450.00	\$ 13,945.00	\$ 153,395.00
4	Construction Services - Includes scarify, grading, berm construction, any associated piping, and final closure of permits.	\$ 5,204,394.93	\$ 1,040,878.99	\$ 6,245,273.91
5	Monitoring Groundwater Device Install - Includes placement and installation of monitorign wells, and time variant/transient remote systems.	\$ 135,900.00	\$ 27,180.00	\$ 163,080.00
6	Long-term Recharge Gallery Design - Includes all design level documents based on a completed feasibility study to provide recharge mechanisms to accomadte max daily flows from between 7.0 and 8.5 mgd	\$ 289,000.00	\$ 72,250.00	\$ 361,250.00
Total Cost of Project		\$ 7,490,909.16		
City of Lodi		\$ 1,872,727.29		
Department of Water Resources (DWR)		\$ 5,618,181.87		

Additional Off-Site Usage Discussion (Neighboring Winery/Vineyards⁸)

In addition to the uses previously noted, the City is actively engaged in negotiations to transfer waste water from a local winery, and supply sufficient treated water in return. The application of the treated water would occupy a 50+ acre vineyard for flood recharge, as well as irrigation during the summer months. A branch line for additional water allocations during the wet season would be part of this effort which could not only be used on the site in question, but for many other farms as well (long-term). These vineyards are to the east of the site where groundwater is heavily pumped as the primary irrigation source. By increasing the holding capacity at the WPCF this becomes a very useable feature and means to conserve water supply for agriculture and domestic uses. This fits in well with the City of Lodi Recycled Water Master Plan of 2008, which shows a very large region around this site ultimately using this type of water for surface water irrigation and in-lieu groundwater recharge.

⁸ 2014, Public Draft Review, Initial Study/Mitigated Negative Declaration for the City of Lodi Industrial Wastewater Pipeline Extension.



Lodi Water Pollution Control Facility Groundwater Recharge Feasibility Study
PetraLogix Engineering, Inc & Genesis Engineering and Redevelopment

Study Concept Introduction

As mentioned above, the Lodi Water Pollution Control Facility (Lodi WPCF) faces several challenges in the relatively near future. The biggest single challenge is that the plant is expected to increase the amount of treated waste water discharged produced at the plant to increase from 5.5 MGD to 8.5 MGD. At present, about one half of the discharge is used to irrigate crops and with some recharge of shallow groundwater. The increase of the amount of waste water would have to be accommodated now, under the present operational methods, would be merely discharged into the Delta Region of the San Joaquin River.

That increase and the water now discharged to surface water could be used to meet the needs for water in general area. Those demands include that needed for irrigated agriculture to the east of Lodi and west of the Lodi WPCF and for drinking water. Agricultural needs do not have access to surface water and have been met by pumping groundwater at rates greater than natural groundwater recharge. While Lodi has recently tapped into a large surface water source for drinking water, local needs for drinking water in the area around the Lodi WPCF and in Lodi proper are expected to increase. To enhance groundwater quantity, artificial recharge to groundwater is needed. This enhanced recharge could be the waste water from the water treatment facility west of town.

Furthermore, the area immediately surrounding the WPCF also could experience a salinity increase. This increase in salinity most likely would be attributed to decreased surface flows and groundwater pumping. Increasing artificial recharge in the area of the Lodi WPCF could be used to create a hydrologic barrier to the inflow from surficial water to the west. Recharge operations run and managed properly, and maintained over time, will provide a barrier to the inflow of saline water from the west while allowing for increased use in the immediate area of the Lodi WPCF and further to the east.

Most of the water recharged to the surficial aquifer will move to the east and some will go to the west, entering the Delta. Minimizing the water lost to the west while maximizing the water sent to the east is the major goal of a properly managed recharge system. That said, the capture of all of the water expected to move to the east will not occur. But the increase in available water to the east will be noticed over a significant area. Artificial recharge, thus, should be thought of as a regional good and operational criteria should be assessed over a wider area than where specific enhanced recharge is operational and where use is observed.

The Existing Project Just South of the Lodi WPCF

Stockton has an ongoing artificial recharge project of special interest to this proposed work. Various good summaries of the experience which has been made public are available for public review As



part of the beginning tasks of this project, our team would meet informally/formally with the Stockton Department of Public Works and the US Geological Survey in order to gather information and practical advice.

Geology, Hydrology, and Soils in the Area of Interest

The City of Lodi to the east, the agricultural area in between, and the Lodi WPCF to the west rest on a sequence of coalescing alluvial (by rivers) fans derived from major rivers and ephemeral streams flowing from the Sierra Nevada. These rivers and streams meander and have meandered, leaving "thread" stream deposits that reflect this history. The fan deposits, at the City of Lodi (closer to the Sierra) are mainly sands which are well sorted. These well sorted sand deposits provide higher well yields and sandier soils than to the west. They have many targets for enhanced recharge. The more distal fan deposits, at the Lodi WPCF, are dominated by flood plain fines and confining clays which merge, to the west of the treatment facility, into deltaic sediments of the San Joaquin River. These deposits yield lower amounts of groundwater and have "heavier" clay soils than to the east. They have fewer targets for enhanced recharge. Under the agricultural land in between, the deposits are intermediate in groundwater yields and in the nature of the soils. In short, the deposits in the area of interest for artificial recharge grade from sandy, high water-yielding ones in the east to more clayey, less water-yielding ones in the west.

Selecting Targets for Enhanced Recharge

Site selection metrics should be guided by the geology and hydrology. Traditional methods include but are not limited to interpreting soil survey maps, geologic maps, water table contour maps, and aerial photos. These methods can locate surficial and near surficial features, such as old stream channels, where releasing treated effluent to the surface can achieve effective, relatively cheap recharge. Traditional methods include interpreting existing groundwater head maps, including water table maps and maps of confined aquifers, along with well logs and water level records to find buried subsurface features, such as buried stream channels, which are also favorable for recharge, probably by injection wells. More active methods such as shallow seismic surveys, electrical resistivity measurements, and E-logs or other geophysical logs of wells are also helpful in delineating the subsurface stratigraphy. Finally, test borings and wells at locations selected on less invasive techniques above will result in complete subsurface information. The borings will supplement the likely connection and extent of layers, both clay-rich which can limit effective recharge and sand-rich which could be targets for artificial recharge. The wells will provide additional information related to quantitative aspects of the hydrology, such as conductance and storativity. Lastly, the sites for wells will be selected so that these ports to the system can be maintained to provide data essential to the physical and chemical behavior of the system once enhanced recharge is initiated.

Types of Enhanced Recharge

Surface application of waste water for crop irrigation may be done to enhance natural recharge. The careful and measured application of irrigation water may be done so that a portion of the applied



water is expected to continue past the rooting zone of the crop and eventually recharge the groundwater. This method requires more extensive land holdings than the other methods below. In conjunction with other methods, however, it can be a cost effective means of enhanced recharge. The amount of water needed only for irrigation might be charged to the owner of the crop land to help cover expenses.

Surface spreading of water through recharge basins or ponds is the most common type of groundwater recharge and is generally the most cost effective. This process needs permeable sediments in the surface and near surface sediments with the best sites found in the medial portions of alluvial fans. This method typically requires somewhat extensive land requirements.

Surface spreading in basin locations where less permeable surface sediment is found, such as in more distal fan locations, as seen at the treatment facility, may be accomplished by removing/excavating overlying less permeable soil accessing more permeable sediment in near surface (10-30' below surface). Typically this process would be used on land already owned by the facility which has less permeable surface sediment but has permeable sediment in the near subsurface.

Linear trenches that are filled with highly permeable materials can be used for enhanced recharge. The area of the recharge to the system is limited by the length, width, and depth, especially with respect to the water table, of the trench. Enhanced recharge with a trench is not a cost effective method for quantity of water added. However, for controlling the precise location of a hydraulic high point/line, trenches may be the best method.

Recharge wells, that is, wells recharging above a deep water table or even below the water table also may form a part of an enhanced recharge system. These wells need a geological unit that can take the water recharged. The land needs are restricted to an area around the well head for needed surface installations and access.

Recharge wells may need surface ponds with a subsurface water collector system. See Bianchi and others, 1978 and Nightingale and others, 1981 for more examples on this. The collector system may be situated within surface recharge facilities or along canal banks (land already owned or that has an easement by the city or on adjacent irrigation district land) on medial (City of Lodi) or distal (near the WPCF) fan locations. The need for these types of systems is discussed in both of the potential hydraulic and geochemical restrictions that make just simple ponds mentioned above not workable. These are discussed in the next sections below.

Constraints on Artificial Recharge in the General Area of Interest

There are two major constraints on recharge with Lodi waste treatment effluent in the areas of interest. The first derives from the depth of water table.



The water table is relatively shallow in the area of the Lodi WPCF. A shallow water table obviously restricts the amount of water that may be recharged because of the reduced volume of unsaturated soil available. Even unsaturated soil contains some water (related to field capacity reported in soil surveys), further lowering the amount that may be recharged. The other restriction may derive because the water presently used to irrigate crops and presumably also to be recharged in the future is secondarily treated sewage. The Lodi WPCF presently treats other discharge water with the tertiary techniques of ultrafiltration and UV (ultraviolet) exposure, and this water most likely would not need to be subject to the further treatment described below.

To meet water quality requirements, assuming an input of secondarily treated effluent, it may be necessary to pre-treat the effluent by passage through a soil zone for biologic pre-treatment and remediation of the secondary treated waste water. This may be accomplished by utilization of a collector system below the soil zone as mentioned above before being recharged. Clearly the thickness of soil above the water table would be important to the utilization of this method of pre-recharging treatment. Finally, energy costs could constrain the viability of such pretreatment if pumping would be needed to get the waste water to the treatment area, to the place of injection, or both.

Hydraulic Constraints

Beyond the simple depth to the top of the water table, other hydraulic constraints exist. The simplest to understand is the capability of the target for enhanced recharge to accept the water delivered. The most fundamental variable to begin to quantify this restriction is the hydraulic conductance. The conductance lets us quantify the amount of water that can move away from the recharge. The second variable is the storativity of the target materials. This variable is often unappreciated, as it is related to conductance, but tells us about the ability to take in the recharge on a per unit volume basis. Two sands may have the same conductance but different storativities. Quantifying both variables before actually starting recharge is needed for prediction of the rate and the quantity of recharge that can be taken. Even after quantifying both variables to the best ability, only actual measurements of water levels can give secure knowledge of the practical rates and quantities of recharge that will be achieved. Hence, one of the values of early placement of wells, which become monitoring points in the system for water levels (hydraulic head).

Another hydraulic constraint relates to the stratigraphy (layering) of the deposits selected for enhanced recharge. An example of the potential hydraulic restriction of this type would be a clay layer (low conductance) that extends below the level of the recharge. For instance, such a clay between the bottom of a pond emplaced to further treat waste water and the collection system would impair the passage of water. Similarly a clay layer below the injection and the water table restricts the flow downward and then away. Finally, a clay layer not found in the mapping of the detailed stratigraphy of the zone of injection would restrict the amount of water accepted by the system.

When a sufficient number of measurements of hydraulic parameters have been made and when the stratigraphy is understood to a reasonable degree, a preliminary estimate of the maximum amount of recharge possible over the area occupied by the Lodi WPCF itself will be made. This will be made



by methods chosen in consultation with the Lodi Department of Public Works from an array of methodologies ranging from simple calculations to mathematical models available for such calculations. Those models would include finite difference models, such as MODFLO, finite element models which are available, and analytical element models.

Water Quality Constraints

A simple water quality constraint is the actual quality of the waste water, which has been already discussed. A more insidious constraint might result from the reaction of the recharged water meeting all regulatory standards with the sediments in the subsurface. Arsenic is the most probable resultant contaminant, but not the only, of these constituents which may be released. Although enhanced recharge to the south nearer Stockton has shown arsenic released from sediments, it was not to a level above the regulatory limits. Any system suggested for the area of interest should be pre-tested for the likelihood of the release of arsenic and other constituents because of enhanced recharge. A sophisticated level of understanding of the geochemistry extant in the system and likely changes caused by recharge is needed. In addition, site specific knowledge of the chemistry of the sediments which will contain the recharged waters is needed before recharge occurs. This site specific knowledge will need to be gained from two sources, existing data and some data collected from the actual areas. In the end, no one should trust the conclusions gleaned before the actual recharge has been started. That is another reason for the wells placed for knowledge needed in site selection, which will be turned into monitoring wells for water quality.

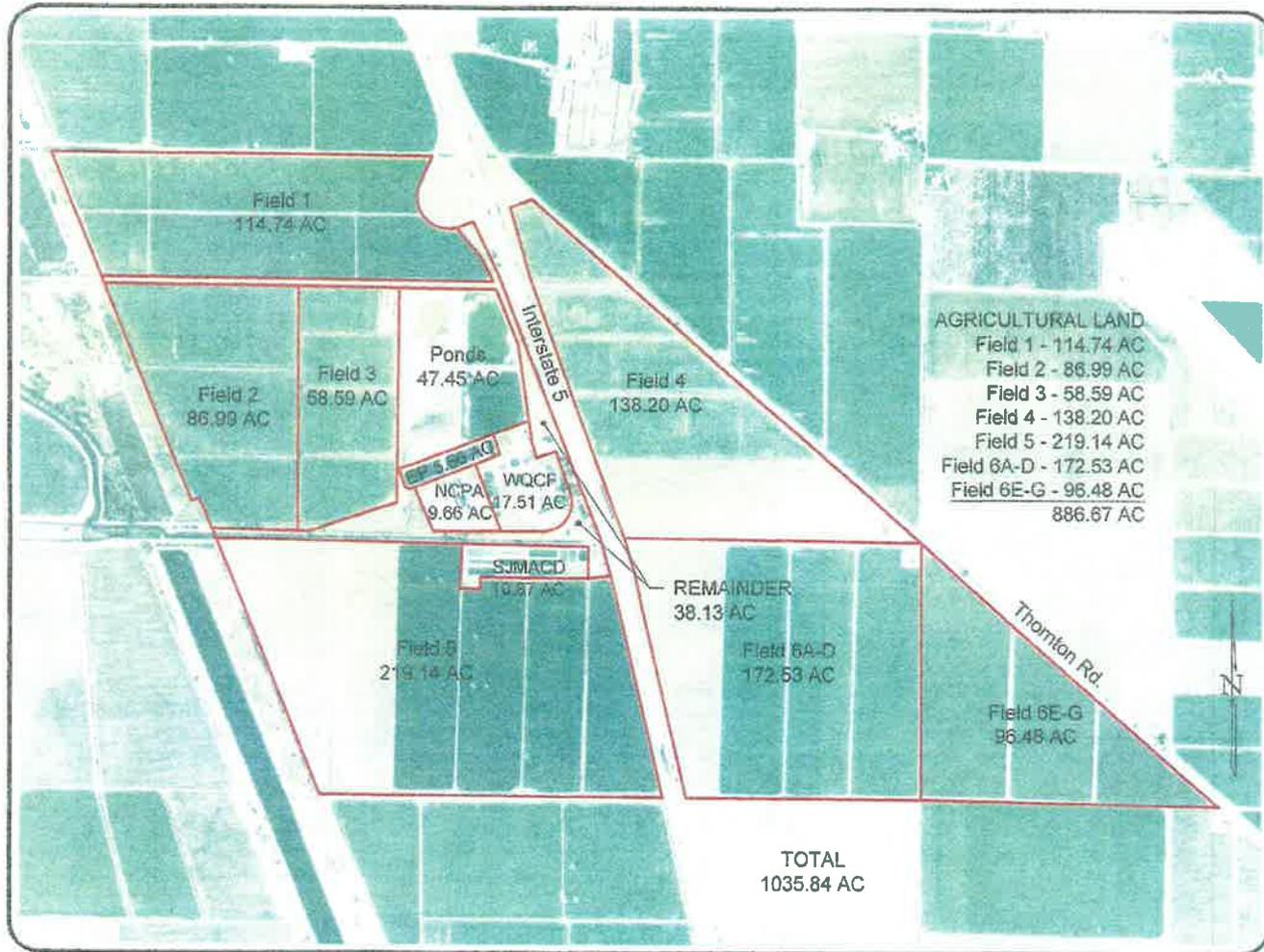
Final Recharge Gallery Design

The final step in this project will consist of a compiled data set which will be used for a conveyance and groundwater recharge gallery. The idea is that groundwater recharge would act as a form of storage to minimize future build out of storage ponds. The final design would be similar to our associated mock up plates. However, exactitudes cannot be established without the completion of the study.

Size of Areas - WWTP Facility



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Project Name: City of Lodi - Prop 84 Grant Application
 Project No.: 2015-00009
 Date: 04/01/15
 Plate No.: Plate # 1

General Site Layout - Aerial



Project Name: City of Lodi - Prop 84 Grant Application
Project No.: 2015-00009
Date: 04/01/15
Plate No.: Plate # 2

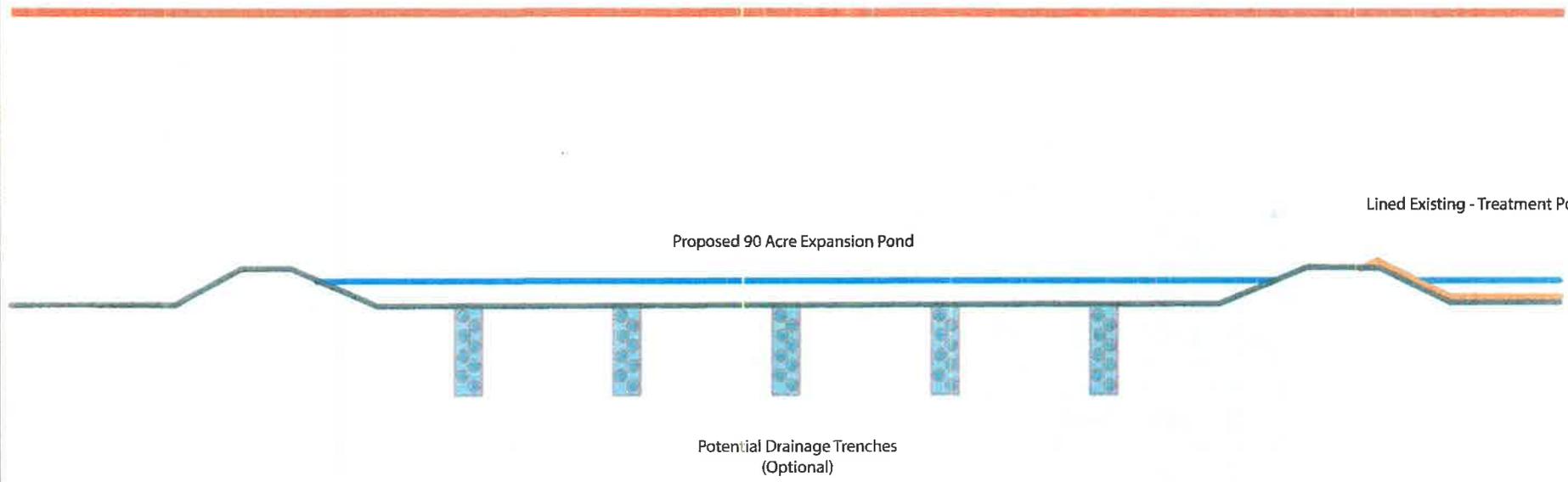
First Phase - Location of 90 Acre Expansion Pond



Project Name: City of Lodi - Prop 84 Grant Application
Project No.: 2015-00009
Date: 04/01/15
Plate No.: Plate # 3

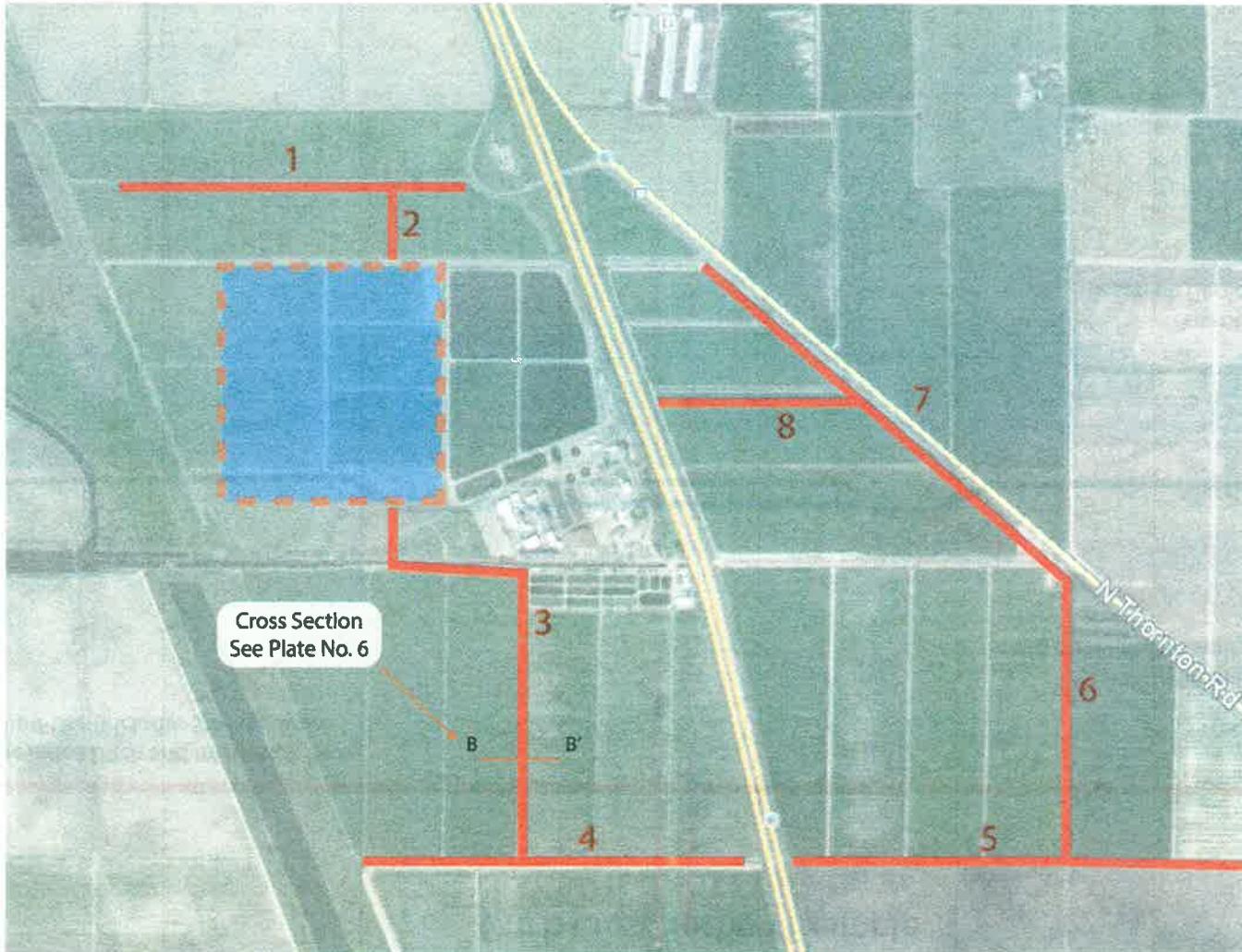
A

A'



Project Name: City of Lodi - Prop 84 Grant Application
Project No.: 2015-00009
Date: 04/01/15
Plate No.: Plate # 4

Second Phase (Long-Term) - Groundwater Recharge Gallery



Project Name: City of Lodi - Prop 84 Grant Application
Project No.: 2015-00009
Date: 04/01/15
Plate No.: Plate # 5

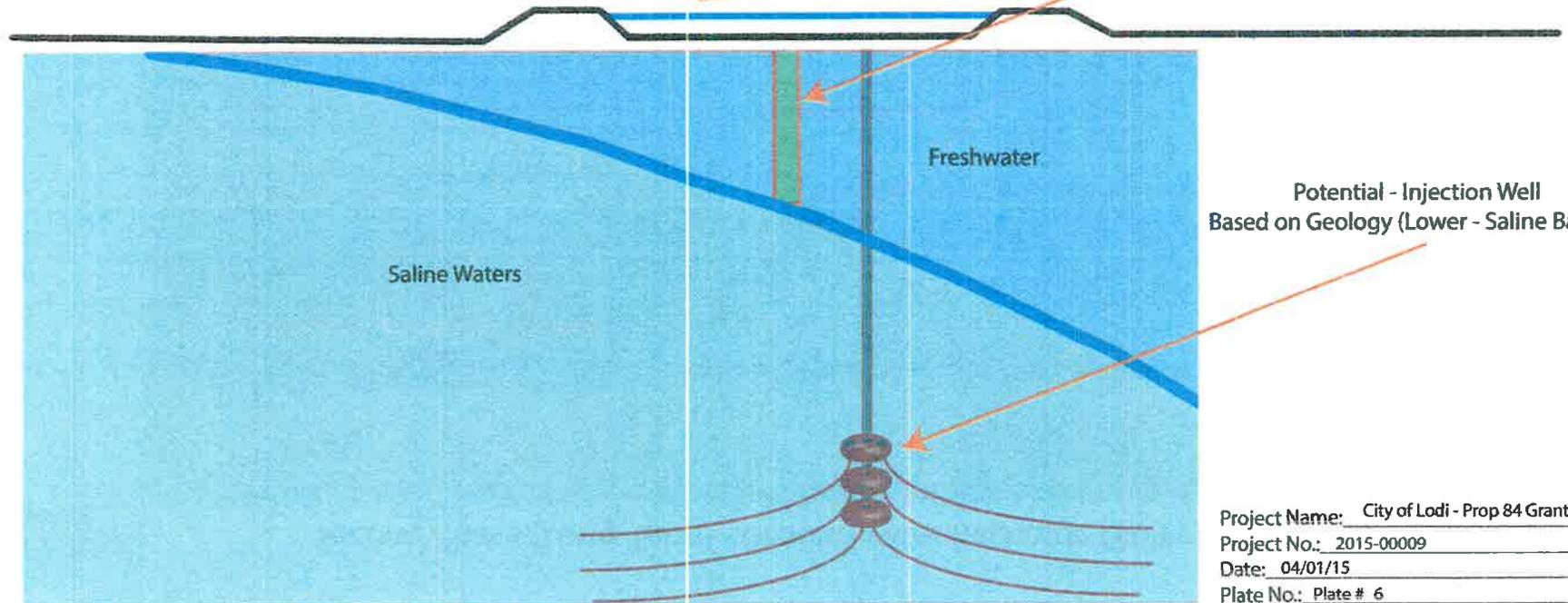
Second Phase (Long-Term) - Groundwater Recharge Gallery Ditch Cross Section Example

B

B'

Conveyance Ditch and Infiltration Basin
Multi-Use (Includes Storage Area)

Potential - Drainage Well (Gravity)
Based on HydroDynamics (Upper - Saline Barrier)



Potential - Injection Well
Based on Geology (Lower - Saline Barrier)

Project Name: City of Lodi - Prop 84 Grant Application
Project No.: 2015-00009
Date: 04/01/15
Plate No.: Plate # 6



ATTACHMENT #3

Budget



Table 6. Estimated Costs

Task No.	Task Description	Estimate Cost	Contingency	Total
1	Finalize Design of Expansion - Includes advanced infield percolation testing, soils testing, lab analysis, and civil design practices. Review time is also included.	\$ 213,560.00	\$ 32,034.00	\$ 245,594.00
2	Groundwater Recharge Feasibility Study - Includes advanced site characterization through field investigation (physical and inferred methods), water modeling, and chemical review	\$ 280,275.00	\$ 42,041.25	\$ 322,316.25
3	CEQA Evaluation and Legal - Includes all aspects for the City driven Initial Study/Mitigated Negative Declaration to be performed. Underlying required studies should be minimal since this area is part of a master plan and has already had setbacks established for wildlife. Major identifiers may include biological impacts, and farmland as the most important components.	\$ 191,450.00	\$ 19,145.00	\$ 210,595.00
4	Construction Services - Includes scarify, grading, berm construction, any associated piping, and final closure of permits.	\$ 5,204,394.93	\$ 1,040,878.99	\$ 6,245,273.91
5	Monitoring Groundwater Device Install - Includes placement and installation of monitorign wells, and time variant/transient remote systems.	\$ 135,900.00	\$ 27,180.00	\$ 163,080.00
6	Long-term Recharge Gallery Design - Includes all design level documents based on a completed feasibility study to provide recharge mechanisms to accomadte max daily flows from between 7.0 and 8.5 mgd	\$ 289,000.00	\$ 72,250.00	\$ 361,250.00
Final Completion fo Services		\$ 7,548,109.16		
City of Lodi		\$ 1,887,027.29		
Department of Water Resources (DWR)		\$ 5,661,081.87		

90 Acre Expansion Pond -Final Design Cost Estimate

Assumptions

General

Design is competitively bid

Design occurs in 2015

Contingencies

Consultant overhead and profit is 15%

Estimating contingency is 15% total cost

Description	Quantity	Unit	Unit Price	Cost
		Final Design		
Civil Design (30%) - Work Plan	200	HR	\$ 165.00	\$ 33,000.00
Field Percolation Tests	15	EA	\$ 2,400.00	\$ 36,000.00
Soil Analysis Lab				
<u>Gradations</u>	20	EA	\$ 80.00	\$ 1,600.00
<u>Organic Content</u>	20	EA	\$ 60.00	\$ 1,200.00
<u>Hydrometer</u>	10	EA	\$ 150.00	\$ 1,500.00
<u>Compaction</u>	8	EA	\$ 120.00	\$ 960.00
<u>Shear Strength</u>	15	EA	\$ 120.00	\$ 1,800.00
Civil Design (70%)	300	HR	\$ 165.00	\$ 49,500.00
CAD Design (70%)	450	HR	\$ 95.00	\$ 42,750.00
Civil Review	150	HR	\$ 165.00	\$ 24,750.00
Stability Analysis Berms	200	HR	\$ 185.00	\$ 37,000.00
Seepage Analysis Berms	150	HR	\$ 185.00	\$ 27,750.00
Final Design (100%)	150	HR	\$ 165.00	\$ 24,750.00
Total				\$ 213,560.00

Recharge Feasibility - Cost Estimate

Assumptions

General

Study is competitively bid

Study occurs in 2015

Contingencies

Consultant overhead and profit is 15%

Estimating contingency is 15% total cost

Description	Quantity	Unit	Unit Price	Cost
Recharge Design				
Collection of Data				
Percolation Testing	8	EA	\$ 2,800.00	\$ 22,400.00
Geophysical - Resistivity	15	EA	\$ 1,850.00	\$ 27,750.00
Geophysical - Seismic	2	EA	\$ 12,500.00	\$ 25,000.00
Well Yield Tests	4	EA	\$ 3,500.00	\$ 14,000.00
Geologic Report Review	150	HR	\$ 185.00	\$ 27,750.00
Identification of Target Zones	80	HR	\$ 225.00	\$ 18,000.00
Groudwater Modeling	150	HR	\$ 225.00	\$ 33,750.00
Geochemcial Quantificaiton	150	HR	\$ 225.00	\$ 33,750.00
Evaluation of Recharge Options	150	HR	\$ 185.00	\$ 27,750.00
Preliminary Design Options	125	HR	\$ 185.00	\$ 23,125.00
Project Oversight	100	HR	\$ 145.00	\$ 14,500.00
Public Outreach	100	HR	\$ 125.00	\$ 12,500.00
Total				\$ 280,275.00

CEQA/LEGAL - Cost Estimate

Assumptions	General	<u>Study is provided by City</u>
		<u>Study occurs in 2015</u>
	Contingencies	<u>Estimating contingency is 15% total cost</u>

Description	Quantity	<u>Unit</u>	Unit Price	Cost
FCEQA-Legal				
CEQA Planning				
IS-MND	1	EA	\$ 35,000.00	\$ 35,000.00
Sub-Studies - Biology	1	EA	\$ 10,000.00	\$ 10,000.00
Sub-Studies - Hydrology	1	EA	\$ 7,500.00	\$ 7,500.00
Public Outreach	80	HR	\$ 125.00	\$ 10,000.00
Final Documents	80	HR	\$ 165.00	\$ 13,200.00
Legal	350	HR	\$ 225.00	\$ 78,750.00
Agency Oversight - City of Los Angeles	200	HR	\$ 185.00	\$ 37,000.00
Total				\$ 191,450.00

90 Acre Expansion Site - Cost Estimate

Assumptions	General	Construction project is competitively bid
		Construction occurs in 2015
		Excavation is based on \$10 per cubic yard
	Contingencies	Contractor overhead and profit is 15%
		Estimating contingency is 30% total cost
		Construction contingency is 10% total cost

Description	Quantity	Unit	Unit Price	Cost
Division 1. General				
Mobilization/Demob	5	PCT	\$ 4,100.00	\$ 20,500.00
SubTotal				\$ 20,500.00
Division 2. Sitework				
Clearing and Grub	50	SY	\$ 20.00	\$ 1,000.00
Dewater during Const.	1	LS	\$ 10,000.00	\$ 10,000.00
Structural Excavation	100	CY	\$ 10.00	\$ 1,000.00
Sheeting/Shoring	720	SF	\$ 40.00	\$ 28,800.00
Structural AB (Import)	11	CY	\$ 25.00	\$ 275.00
Structural Backfill (Native)	70	CY	\$ 15.00	\$ 1,050.00
Spoil Disposal	30	CY	\$ 25.00	\$ 750.00
Ditch Excavation	1296	CY	\$ 10.00	\$ 12,960.00
Berm Construction	1778	CY	\$ 15.00	\$ 26,670.00
Concrete Lining	395	CY	\$ 285.00	\$ 112,575.00
SubTotal				\$ 195,080.00
Division 3. Concrete				
Base Slab	5	CY	\$ 1,000.00	\$ 5,000.00
Outer Slab	14	CY	\$ 1,200.00	\$ 16,800.00
Top Slab	3	CY	\$ 1,500.00	\$ 4,500.00
SubTotal				\$ 26,300.00
Division 5. Metals				
Handrails	1	LS	\$ 3,000.00	\$ 3,000.00
SubTotal				\$ 3,000.00
Division 9. Finishing				
Painting	1	LS	\$ 3,500.00	\$ 3,500.00
SubTotal				\$ 3,500.00
Division 11. Equipment				
Pumps, 675 gpm @30ft	2	EA	\$ 24,000.00	\$ 48,000.00
SubTotal				\$ 48,000.00
Division 15. Mechanical				
8" Water Check Valve	2	EA	\$ 825.00	\$ 1,650.00
8" Butterfly Valve, Manual Op	2	EA	\$ 650.00	\$ 1,300.00
ARV	1	EA	\$ 2,000.00	\$ 2,000.00
Pipe Supports	1	LS	\$ 1,500.00	\$ 1,500.00
DI pipe fittings 12"	20	LF	\$ 300.00	\$ 6,000.00
Trash Rack	1	LS	\$ 2,000.00	\$ 2,000.00
SubTotal				\$ 14,450.00
Division 16. Electrical				
Electrical	1	LS	\$ 75,000.00	\$ 75,000.00
SubTotal				\$ 75,000.00
Ponds for 6.0 mgd ADWF (as quote in expansion report)*				
Total Excavated Volume	174,455	CU-YD	\$ 18.00	\$ 3,140,186.40
Rip Rap Area	21,146	TON	\$ 65.00	\$ 1,374,486.10
Misc Structure	1	EA	\$ 75,000.00	\$ 75,000.00
Gravel Top	2,024	TON	\$ 45.00	\$ 91,059.30
Asphalt Concrete Paving	29,018	SF	\$ 4.75	\$ 137,833.13
SubTotal				\$ 4,818,564.93
Total				\$ 5,204,394.93

Notes

* = area discussed is for a 90 acre pond increase. The actual report focused on a pond area increase of 170 acres. Our estimates herein are based on 53% of the original engineering estimate and is shown in size and location as a portion of the original feasibility. This area is within the zone of preliminary design for the 6.0 mgd option, but is more well suited to the project goals at this time. Our attached workplan better identifies this area. The cost reductions are based on a 53% total of the original cost as projected by West Yost Associates.

Post Monitoring Services - Cost Estimate

Assumptions

General

Services are competitively bid

Services occurs in 2016

Contingencies

Consultant overhead and profit is 15%

Estimating contingency is 15% total cost

Description	Quantity	Unit	Unit Price	Cost
		Post Monitor		
Instruments				
Monitor Well	4	EA	\$ 8,500.00	\$ 34,000.00
Geophysical - Resistivity	8	EA	\$ 1,850.00	\$ 14,800.00
Sample Analysis - Water	80	EA	\$ 650.00	\$ 52,000.00
Public Outreach	40	HR	\$ 125.00	\$ 5,000.00
Annual Report (2 Years)	2	EA	\$ 3,800.00	\$ 7,600.00
Recommendations Activity	100	HR	\$ 225.00	\$ 22,500.00
Total				\$ 135,900.00

Recharge Gallery Design - Cost Estimate

Assumptions

General

Study is competitively bid

Study occurs in 2015

Contingencies

Consultant overhead and profit is 15%

Estimating contingency is 15% total cost

Description	Quantity	Unit	Unit Price	Cost
		Recharge Design		
Civil Design (30%)	150	HR	\$ 165.00	\$ 24,750.00
CAD Design (70%)	800	HR	\$ 95.00	\$ 76,000.00
Civil Review	200	HR	\$ 165.00	\$ 33,000.00
Stability Analysis Berms	400	HR	\$ 185.00	\$ 74,000.00
Seepage Analysis Berms	350	HR	\$ 185.00	\$ 64,750.00
Final Design (100%)	250	HR	\$ 165.00	\$ 41,250.00
Total				\$ 289,000.00

ATTACHMENT #4

Schedule



Schedule

Task No.	Task Description	Start Date	End Date
1	Finalize Design of Expansion - Includes advanced infield percolation testing, soils testing, lab analysis, and civil design practices. Review time is also included.	6/20/2015	9/25/2015
2	Groundwater Recharge Feasibility Study - Includes advanced site characterization through field investigation (physical and inferred methods), water modeling, and chemical review	6/20/2015	5/20/2016
3	CEQA Evaluation and Legal - Includes all aspects for the City driven Notice of Exemption to be performed, public outreach, legal documentation and review, city management processing, etc.	7/1/2015	10/25/2015
4	Construction Services - Includes scarify, grading, berm construction, any associated piping, and final closure of permits.	2/1/2016	11/30/2016
5	Monitoring Groundwater Device Install - Includes placement and installation of monitorign wells, and time variant/transient remote systems.	10/15/2016	11/30/2015
6	Long-term Recharge Gallery Design - Includes all design level documents based on a completed feasibility study to provide recharge mechanisms to accommodate max daily flows from between 7.0 and 8.5 mgd	5/30/2016	12/31/2016
7	Final Completion fo Services	12/31/2016	

ATTACHMENT #5

**DWR Environmental Information Forms
and CEQA Documentation**



Exhibit B - DWR Environmental Information Form

Grantees are responsible for complying with all applicable laws and regulations for their projects, including the California Environmental Quality Act (CEQA). Work that is subject to the CEQA shall not proceed under an Agreement until documents that satisfy the CEQA process are received by the Department of Water Resources and the Department has completed its CEQA compliance. Work that is subject to a CEQA document shall not proceed until and unless approved by the Department. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation.

Grant Recipient: CITY OF LODI

Project Manager: WALLY SANDELLIN

Phone Number: 209-333-6706

Address: 221 W. PINE STREET, P.O. BOX 3006, LODI, CA 95241

1. List the source of any other grants or funds received from the Department of Water Resources to implement a portion of this project.

NONE

2. Is this project exempt from CEQA compliance? Yes No (if no – skip to #3)

If “yes”, provide reasons for exemption. Cite the CEQA Article, Section and Title of the CEQA exemption, if appropriate.

CEQA statutory exemptions: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html

CEQA categorical exemptions: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html

Check appropriate box below:

- Lead Agency has already filed a Notice of Exemption (NOE) with the State Clearinghouse and/or County Clerk.
(Attach copy of NOE, receipt of payment of CDFW fees, and, if applicable, a copy of Board Resolution)
- Lead Agency will file a NOE with the State Clearinghouse and/or County Clerk.
Provide estimated date:
- Lead Agency will NOT file a NOE with the State Clearinghouse and/or County Clerk.

If Lead Agency chooses not to file a NOE, sufficient documentation and information must be submitted to the Project Director, along with this form, to allow DWR to make its own CEQA findings.

3. If the project will require CEQA compliance, identify the Lead Agency.

CEQA Lead Agency: _____

4. Please check types of CEQA documents to be prepared:

- Initial Study
- Negative Declaration / Mitigated Negative Declaration
- Environmental Impact Report

5. Please describe the status of the CEQA documents, expected date of completion, and estimated cost, if requesting DWR funds relating to CEQA compliance:

Status: COMPLETED NOE
Date of Completion: APRIL 1, 2015
Estimated Costs: \$500

6. If the CEQA document has been completed, please provide the name of the document and the State Clearinghouse number if available. Submit hard copy of the document and include an electronic copy with the online DWR GRanTS application if available.

NOTICE OF EXEMPTION NOT APPLICABLE

7. Please list all environmental permits you must obtain to complete the project:
(attach additional pages as necessary)

<u>Type of Permit Required</u>	<u>Permitting Agency</u>
<u>TEST WELLS</u>	<u>SAN JOAQUIN COUNTY</u>
<u>SOIL BORINGS</u>	<u>SAN JOAQUIN COUNTY</u>
_____	_____
_____	_____

8. This form was completed by:

Craig Hoffman
Print or Type Name
[Signature]
Signature

209-333-6800 x 2649
Phone Number
4/1/2015
Date

White Slough Waste Water Treatment Plant

Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project

Scope of Project

This project includes construction of a 90 acre expansion pond within the City of Lodi's White Slough Waste Water Treatment Plant.

Project Description

The White Slough WWTP facility is projected to move from 5.5 million gallons a day (MGD) up to 8.5 MGD over the next 30 to 50 years. More treated water holding areas need to be constructed to handle this increase. Sufficient study has been performed to demonstrate the need for an expansion area to the existing WWTP facility. The intended expansion area is being considered for use as a preliminary holding area and percolation pond. The expansion area (90 acres in size) would allow for treated waters to be stored and used for surface water irrigation, which would increase agricultural supply and decreasing groundwater pumping.

This project would decrease current waste water discharge into the Delta, proving to provide an immediate benefit. A secondary benefit would include a reduction of pumped groundwater to irrigate the agricultural areas surrounding the facility. The expansion pond would be unlined and would allow for percolation of waters to deeper soils. This could improve long-term water quality and quantity. Existing long-term studies of the area (including groundwater and surface water) make this site a great study area for testing the impacts of in-lieu storage by not discharging to the delta surface waters, and by further using waters to inject (long-term) into degraded aquifers.

Immediately to the south and east of the site, aquifers waters are in a state of overdraft. Both depth to groundwater and electrical conductivity are negatively impacted to the east. Already conducted studies suggest that in order for the facility to be able to handle long-term projected flows that either more acreage needs to be bought and irrigated by these waters, or that more discharge to surface waters of the delta will occur in a greater volume.

Project Objective

By combining the need to increase on-site storage and overall capacity with the need to reduce surface water discharge and groundwater pumping, an expansion pond project (as proposed) could have a multitude of benefits that are both local and regional in scope. Some of the major benefits include increased agricultural supply, increased surface water quality in the Delta, and provided means to allow increase in groundwater recharge.

Project Need and Environmental Review

On April 1, 2015 the Governor signed Executive Order B-29-15 in order to mitigate and reduce impacts from the California Drought. Specifically, the order identifies areas to save water, reduce water waste, invest in new technologies, and streamline governance.

Items 19 and 20 specifically identify:

19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalinization plants, stormwater capture and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and Department of Fish and Wildlife at locations within Sacramento- San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and 2016 and in the future.

California State Water Resources Control Board
California Department of Water Resources
California Department of Public Health



**CERTIFICATION FOR
COMPLIANCE WITH WATER METERING REQUIREMENTS
FOR FUNDING APPLICATIONS**

Funding Agency name: Department of Water Resources, Bay-Delta Office
Funding Program name: Group 2 Franks Tract and Other Delta Region Project
Applicant (Agency name): City of Lodi
Project Title (as shown on application form): City of Lodi - White Slough Water Pollution Control Facility
Storage Expansion and Surface, Agriculture, and Groundwater Supply Improvement Project

Please check one of the boxes below and sign and date this form.

As the authorized representative for the applicant agency, I certify under penalty of perjury under the laws of the State of California, that the agency is not an urban water supplier, as that term is understood pursuant to the provisions of section 529.5 of the Water Code.

As the authorized representative for the applicant agency, I certify under penalty of perjury under the laws of the State of California, that the applicant agency has fully complied with the provisions of Division 1, Chapter 8, Article 3.5 of the California Water Code (sections 525 through 529.7 inclusive) and that ordinances, rules, or regulations have been duly adopted and are in effect as of this date.

I understand that the Funding Agency will rely on this signed certification in order to approve funding and that false and/or inaccurate representations in this Certification Statement may result in loss of all funds awarded to the applicant for its project. Additionally, for the aforementioned reasons, the Funding Agency may withhold disbursement of project funds, and/or pursue any other applicable legal remedy.

F. Wally Sandelin

Name of Authorized Representative


Signature

Public Works Director

Title

April 8, 2015

Date

BMPs required for Wholesale Supplier	BMPs required for Retail Supplier	BMPs	BMP Implemented by Retailers and/or Wholesalers / BMP			Compliance Options/Alternative Conservation Approaches (1)			BMP Is Exempt (2)			BMP Implementation Requirements Met				
			Retailer Yes/No	Wholesaler Yes/No	Regional Yes/No	BMP Checklist	Flex Track	Gallons Per Capita Per Day GPCD	Not Cost Effective	Lack of Funding	Lack of Legal Authority	CUWCC MOU Requirement Met: Retailer Yes/No	CUWCC MOU Requirement Met: Wholesaler Yes/No	Date of BMP Submitted to CUWCC for (2007-2008) (MOU Signatories)	Date BMP Implementation Data Submitted to DWR in CUWCC Format (Non MOU Signatories) (3)	All Supporting Documents have been Submitted Yes/No
	✓	BMP 5 Large Landscape Conservation Programs and Incentives	No						X							
	✓	BMP 6 High-Efficiency Washing Machine Rebate Programs	Yes													
✓	✓	BMP 7 Public Information	Yes													
✓	✓	BMP 8 School Education	Yes													
	✓	BMP 9 Conservation programs for Commercial, Industrial, and Institutional (CII) Accounts	Yes													
✓		BMP 10 Wholesale Agency Assistance Programs	No									X				
	✓	BMP 11 Conservation Pricing	Yes													
✓	✓	BMP 12 Conservation Coordinator	Yes													
	✓	BMP 13 Water Waste Prohibitions	Yes													
	✓	BMP 14 Residential ULFT Replacement Programs	Yes													

*C6: Wholesaler may also be a retailer (supplying water to end water users)

**C8, **C9, **C10: Agencies choosing an alternative conservation approach are responsible for achieving water savings equal or greater than that which they would have achieved using only BMP list.

(1) For details, please see: <http://www.cuwcc.org/mou/exhibit-1-bmp-definitions-schedules-requirements.aspx>.

(2) BMP is exempt based on cost-effectiveness, lack of funding, and lack of legal authority criteria as detailed in the CUWCC MOU

(3) Non MOU signatories must submit to DWR reports and supporting documents in the same format as CUWCC.

ONLINE SUBMISSION PACKET

GRanTs Website





City of Lodi
Proposal Package – Copy of Online Submission

required to develop an open channel distribution system that could act as both a means for agricultural water conveyance and groundwater recharge.

Already conducted studies suggest that in order for the facility to be able to handle long-term projected flows that either more acreage needs to be acquired and irrigated by these waters, or that more discharge to surface waters of the Delta will occur. Regardless, as the facility moves from 5.5 million gallons a day (MGD) up to a projected potential of 8.5 MGD, more holding areas will need to be constructed. By combining the need to increase storage and facility capacity with the need to reduce surface water discharge and groundwater pumping, a project such as this proposed effort could have a multitude of benefits that are both local and regional in scope.

The exact design of the conveyance system and internal recharge galleries are a secondary portion of this project that could be performed in conjunction with the actual expansion pond construction (which is nearly ready for construction). Final pond designs are pending and being considered. The conveyance and recharge gallery would require the finalization of a groundwater recharge feasibility study to confirm injection dynamics, water quality influences, storage performance, and gallery design dimensions. This study is already being considered by the City of Lodi, and a portion of the matching funds for compliance on this proposal would be used for the recharge feasibility study and design.

Some of the benefits associated with the proposed project include both an increase in quality for commercially and agriculturally useable waters, as well as salinity reduction. The simple fact that less water will be pumped will assist in the decreased potential for saline intrusions to occur in the area. Secondly, fresh water discharges to the fields as well as lower soil zones and aquifers will continue to potentially improve saline build-up barriers. Organic Loading studies have been conducted which help to demonstrate that the water quality of the treated waste streams is lower than groundwater levels in salts. This use of fresh water as an application to land and groundwater, rather than as a surface water distribution to brackish Delta waters, is likely more effective at keeping a barrier present which promotes saline/sweet water separation (instead of mixing).

Q2. Project Director

Provide the name and details of the person responsible for executing the grant agreement for the applicant. Persons that are subcontractors to be paid by the grant cannot be listed as the Project Director.

Maximum Character Limit: 4000

Wally Sandelin (Public Works Director) will provide review and oversight for this project/proposal. He acts as the Project Director and will be assisted by Charles Swimley as the Project Manager.

His contact is as follows - email: wsandelin@lodi.gov, Phone: 209-333-6706, Address: 221 West Pine Street, P.O. Box 3006, Lodi, CA 95241



City of Lodi
Proposal Package – Copy of Online Submission

Q3. Project Manager

Provide the name and contact information of the Project Manager from the applicant agency or organization that will be the day-to-day contact on this application.

Maximum Character Limit: 4000

Mr. Charles Swimley (Deputy Public Works Director) is the lead responsible Project Manager on this project. He would be considered the day-to-day contact for all items associated with the grant application and verification of items required, paperwork, financials, etc. During construction (if awarded grant funds), Mr. Swimley would be in charge of developing project management, working with contractors, and crews, and providing daily oversight of the tasks and funds.

His contact is as follows - email: cswimley@lodi.gov, Phone: 209-333-6706, Address: 221 West Pine Street, P.O. Box 3006, Lodi, CA 95241

Daniel Kramer (Petralogix Engineering - Consultant) is assisting the City in this application process through the GRanTs and Prop 84 funding, and has/will assist in bid and proposal preparation for various task items associated with the proposed work.

His contact is as follows - email: dkramer@petralogix.com, Phone: 209-400-5729, Address: 212 West Pine Street, Suite 2, Lodi, CA 95240

Q4. Applicant Information

Provide the agency name, address, city, state and zip code of the applicant submitting the application.

Maximum Character Limit: 4000

City of Lodi, Department of Public Works
221 West Pine Street
P.O. Box 3006
Lodi, CA 95241
209-333-6706

Q5. Eligibility

Please specify whether the applicant is a local public agency as defined in II.A. Primary Terms of the Guidelines. Describe the legal authority of the applicant (and partners) to conduct the work and to receive and spend State grant funds. The applicant must also describe any legal agreements among partners, if applicable, that ensure project performance and tracking of funds.

Maximum Character Limit: 4000

The City of Lodi - Department of Public Works is a local public agency as defined in II.A of the Primary Terms of the Guidelines. The City acts within this department as its own legal authority and is the Lead Agency for matters which are located at the proposed project site (White Slough WPCF). The WPCF is a City owned and operated facility. The City and department are authorized to conduct work and to receive funds to use (from the State) on the facility.



City of Lodi
Proposal Package – Copy of Online Submission

There currently are agreements which are in place with the local onsite power plant and vector control district to use a portioned amount of recycled waters. However, none of the water and construction as proposed in this grant application would affect, modify, or be subject to use/agreement with the aforementioned groups. There are no other legal agreements to discuss or which would affect the performance or tracking of funds.

Q6. Eligibility

Explain how this project will reduce salinity or other pollutants at agricultural and drinking water intakes.

Maximum Character Limit: 4000

Currently, a major portion of the WPCF's (Title 22) tertiary treated water is released/discharged directly to the Delta. As an alternative, this recycled water could be used for agricultural and preserving drinking water storage in the form of un-pumped groundwater and groundwater recharge.

Instead, this "high-quality" treated water is sent into the Delta where it is mixed with brackish water. This otherwise high quality recycled water (which in effect has undergone extensive cleaning and processing) is immediately downgraded through mixing with raw-saline waters of the Delta. Furthermore, because the farms around the site do not have access to this water, the use of pumped groundwater for irrigation is still required. This pumped groundwater could otherwise be used for drinking water supply and long-term storage.

The immediate onsite use of this recycled water and to neighboring sites (long-term) could improve the supply of surface and piped water for agriculture. This in turn would preserve the local groundwater as a longer lasting drinking water supply.

This 90 acre expansion pond project would decrease the outflow of the tertiary treated water by adding a significant amount of holding capacity to the facility. The expansion pond would also double as an onsite recharge infiltration basin, which could further improve a long-term salinity barrier and improve groundwater supply security.

Ultimately, (as groundwater supplies continue to dwindle) a project which provides a means to utilize already pumped waters through recycled use instead of additional pumping is not only very logical, but meets sustainability goals as established by various codes and laws. In addition, the fact that overdraft exists in the project vicinity, and that continued pumping for agriculture will lead to significant saline intrusion into the groundwater system makes this an appealing project to fund.

Q7. Eligibility

Is this project located in the legal Delta? The legal Delta is defined in the California Water Code, Division 6, Part 4.5, Chapter 2, Section 12220.

<http://bayDeltaoffice.water.ca.gov/DeltaAtlas/02-General.pdf>

YES



City of Lodi
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Q8. Eligibility

List the urban water suppliers that will receive funding from the proposed grant. Please provide the agency name, a contact phone number and e-mail address. Those listed must submit self-certification of compliance with CWC §525 et seq. and AB 1420, see Attachment 6 (See Attachment Instructions [Page 16], Attachment 6 of the PSP). If there are none, so indicate and go to Q11. Maximum Character Limit: 4000

City of Lodi
Department of Public Works
221 West Pine Street
P.O. Box 3006
Lodi, CA 95241

Wally Sandelin
Email: wsandelin@lodi.gov
Phone: 209-333-6706

Q9. Eligibility

Have all of the urban water suppliers, listed in Q8 above, submitted Urban Water Management Plans (UWMPs), to DWR? Have those plans been verified as meeting the requirements of the law by DWR? If not, explain and provide the anticipated date for having submitting an UWMP. This question is not applicable if "none" is indicated under Q8.

Maximum Character Limit: 4000

Yes the UWMP was last updated in 2005 and then again in 2010. It has been submitted to and approved by DWR and is on file. The 2010 UWMP is attached to this grant proposal, and is compliant with law as stated.

Q10. Eligibility

Have any urban water suppliers, listed in Q8 above, submitted AB 1420 compliance tables and supporting documentation to DWR for a different grant program on or after January 1, 2013? If so, list each urban water supplier and the grant program. An urban water supplier must submit AB 1420 compliance documentation to DWR. If the urban water supplier has not submitted AB 1420 documentation, or that documentation was determined by DWR as not meeting the requirements of the law, the urban water supplier's projects will not be considered eligible for grant funding. Refer to Section IV.F of the Guidelines for additional information. This question is not applicable if "none" is indicated under Q8.

Maximum Character Limit: 4000

The AB1420 compliance table is attached for review and has been submitted to DWR for consideration.



City of Lodi
Proposal Package – Copy of Online Submission

Q11. Eligibility

List the agricultural water suppliers that will receive funding from the proposed grant. Please provide the agency/organization name, a contact phone number and e-mail address. If there are none, please indicate so and go to Q13.

Maximum Character Limit: 4000

None.

Q12. Eligibility

Have all of the agricultural water suppliers, listed in Q11 above, submitted complete Agricultural Water Management Plans to DWR? Have those plans been verified as complete by DWR? If the plan has not been submitted, please indicate the anticipated submittal date. This question is not applicable if "none" is indicated under Q11.

Maximum Character Limit: 4000

Not Applicable

Q13. Eligibility

List the surface water diverters that will receive funding from the proposed grant. Please provide the agency/organization name, a contact phone number and e-mail address. If there are none, please indicate so and go to Q15.

Maximum Character Limit: 4000

None.

Q14. Eligibility

Have all of the surface water diverters, listed in Q13 above, submitted to the State Water Resources Control Board surface water diversion reports in compliance with requirements outlined in Part 5.1 (commencing with §5100) of Division 2 of the CWC? If not, explain and provide the anticipated date for meeting the requirements. This question is not applicable if "none" is indicated under Q13.

Maximum Character Limit: 4000

Not Applicable

Q15. Eligibility

List the groundwater users that will receive funding from the proposed grant. Please provide the agency/organization name, a contact phone number and e-mail address. If there are none, please indicate so and go to Q17.

Maximum Character Limit: 4000

City of Lodi
Department of Public Works
221 West Pine Street,



City of Lodi
Proposal Package – Copy of Online Submission

P.O. Box 3006
Lodi, CA 95241

Wally Sandelin
Email: wsandelin@lodi.gov
Phone: 209-333-6676

Q16. Eligibility

Have all of the groundwater users, listed in Q15 above, met the requirements of DWR's CASGEM Program: <http://www.water.ca.gov/groundwater/casgem/>? If not, explain and provide the anticipated date for meeting the requirements. This question is not applicable if "none" is indicated under Q15.
Maximum Character Limit: 4000

The San Joaquin region is currently not certified under CASGEM. We have spoken with both DWR and San Joaquin County about this, and compliance under CASGEM will be issued sometime in May and prior to funding. See attached copy of most recent map of San Joaquin County CASGEM well locations. We will also be working to develop a MOU for CASGEM certification of a smaller sub region that is directly around the facility and the City of Lodi, if the CASGEM certification is not met within this time frame.

Q17. Objectives

Describe the objectives for the proposed project to address the major water-related issues within the project region, including, at a minimum, all relevant water quality elements.
Maximum Character Limit: 4000

The objective of the proposed project is to increase surface water holding and onsite groundwater recharge. The water to be used in this expansion pond is tertiary treated water that currently is discharge to the Delta. Some of the major water related issues which the local region faces include; salinity intrusion, groundwater depletion, surface and ground water contamination from storm and waste sources, surface water shortages, agricultural water shortages, water shortage for energy uses, and biological water quality reduction.

This proposed project's immediate benefits address many of these issues. Benefits associated with the proposed project include both an improvement in quality for commercially and agriculturally usable waters, as well as salinity reduction. The simple fact that less groundwater will be pumped will assist in the decreased potential for saline intrusions to occur in the area. Secondly, fresh water discharges to the fields as well as lower soil zones and aquifers will continue to potentially improve saline build-up barriers.

Organic loading studies have been conducted which help to demonstrate that the water quality of the treated waste streams is effectively lower than groundwater levels in salts. This use of fresh water as an application to land and groundwater, rather than as a surface water distribution to brackish Delta waters, is likely more effective at keeping a barrier present which promotes saline/sweet water separation (instead of mixing).



City of Lodi
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planned water reuse zone could potentially bring water as far east as the City of Lodi, where groundwater levels are as low as 90 feet below ground surface. In this area in particular, the alternative surface water could potentially offset major groundwater withdrawal.

The need is projected at 3,000 acre feet per year of water for the planned recycle use area. With potential treated water amounts from the WPCF totaling twice to three times that volume, remaining water could be used for additional recharge activities. As discussed by the Mokelumne Watershed Interregional Sustainability Evaluation (MokeWISE) Program a top priority is a recycled wastewater recharge effort. As a project, this represents a lower Mokelumne River watershed benefit. As a concept and when combined with its impact as an agricultural and urban conservation effort, it represents a regional benefit. In addition, the San Joaquin County Flood Control and Water Conservation District (SJCFCWCD) and the Groundwater Basin Authority (GBA) have a stated priority to improve both water quality and quantity through recharge efforts. As such, this project is well suited to fit the need of a variety of planned efforts throughout the community and greater region.

A separate item of consideration is the local objective of keeping a green belt that focuses on preserving prime farmlands and waterways which are currently in between Lodi and Stockton. With increased pressures on farmers to farm with less water, and more difficulty surrounding keeping viable tracts of farm land available, this potential additional supply of water could assist maintaining this important greenbelt and prime farm land goal.

In terms, of salt management, this site is situated in a prime location to provide saline barriers which could benefit both the green belt, the City of Lodi, and the City of Stockton. The fact that Stockton is feeling the effects of such saline intrusion is reason to begin early attempts to thwart early development of a saline curtain in the Lodi region.

The general objective to preserve the Mokelumne River and associated tributaries is related to nearby water use and pumping allowances, including surface water allocations. By introducing this idea of Title 22 tertiary treated water as an acceptable means, and in a substantial enough volume to be significant for farming, this project could lay the groundwork for long-term benefits of this methodology for the region.

Q21. Stakeholder Involvement

Discuss how the proposed project will incorporate stakeholder involvement via existing or planned activities or work. Describe specific outreach activities and the target groups. The proposal should include a list of proposed stakeholders, how stakeholders were/will be identified, how they participate in the planning and implementation, and how they influence decisions made regarding water quality. Discuss a process by which additional stakeholders may be identified and included during plan development or implementation. Discuss efforts to address environmental justice concerns. If any water related entities within the project area are not included in the planning process, discuss why they were omitted.

Maximum Character Limit: 4000

The project will incorporate existing plans and environmental concepts that have been under review and scrutiny (at both the public and private level) for nearly a decade. The rigors of the California



City of Lodi
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Environmental Quality Act (CEQA) has assisted the public and all local agencies to be aware of the general ideas set forth here in this proposal.

Specific ideas have been discussed at length within the local planning agency, and have recently been reintroduced as an idea for grant funding at the more public level. The City of Lodi is part of MokeWISE and the various local/regional San Joaquin Groundwater Management Districts. Additional effort is currently underway to discuss and begin more thorough negotiations and partnering with the Woodbridge Irrigation District, North San Joaquin Water Conservation District (NSJWCD), and the San Joaquin County Flood Control and Water Conservation District (SJFCWCD). All discussions here are focused on use of additional supply and long-term conjunctive groundwater recharge efforts.

Public stakeholders are well informed via outreach that the City of Lodi provides. The City has an aggressive campaign to reduce and reuse water within the City. A major water-meter program, in combination with stormwater management efforts, has been a major community wide outreach effort for the last three years. Agricultural outreach is something that will be part of this project and it will begin during the feasibility phase, and follow on after groundwater recharge feasibility has been better assessed. The objective and planned outreach would be a focused public effort at the GBA, and MokeWISE to inform and direct comments for on-going progress. The use of the SJFCWCD and NSJWCD public board meetings will be critical for informative interactions with community members throughout the life of the project. The proposal has time for meeting attendance and project performance updates throughout the life of the pond expansion, and long-term feasibility study.

All local water entities which are not discussed at this point are outside the bounds of the local jurisdiction. The City's objective is first to its surrounding neighbors and internal users, and secondary to the greater regional communities. However, the City recognizes that the upper watershed affects the lower (of which Lodi is in), and finally the Delta itself. Its interconnected nature requires an integrated approach of which the City has demonstrated in the associated base documents and planning performed for the project so far.

Q22. Relation to Local Planning

The proposal must identify existing local planning documents that will be considered during development of the project. Discuss how these local planning documents relate to the project.
Maximum Character Limit: 4000

The City is responsible for the local planning and is in effect the owner of this project. As a project, this has been developed first and foremost to benefit and address the long-term need of the local planning agency. The City has developed multiple plans including the Recycled Water Master Plan (2008, RMC), Urban Water Management Plan (2010, RMC), Best Practicable Treatment Control Evaluation Report (2015, West Yost Associates), the Land Application Area Expansion Study for City of Lodi White Slough Water Pollution Control Facility (2014, West Yost Associates), the Organic Loading Study Technical Report (2009, West Yost Associates), and all ongoing monitoring efforts (annual and quarterly) to the Regional Water Quality Control Board (RWQCB) for discharge permit compliance. All of these documents build off of the idea that water conservation and water management meet at the WPCF.



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The intent of constructing an expansion pond for holding treated waters, recharging the groundwater and then sending it along for agricultural uses, is paramount to most of these plans and studies. The idea that groundwater could therefore be conserved for drinking water supply and that saline intrusion will be reduced, is something that an associated groundwater feasibility study (as proposed) would attempt to better define. Overall, the City planners and regional planning agencies are aware of this project, and have been for some time.

Q23. Environmental Compliance

The proposal must include a plan for compliance with all applicable environmental review requirements including any California Environmental Quality Act (CEQA) and/or, if applicable, National Environmental Policy Act (NEPA) obligations. DWR will be a responsible agency on these projects and will need to make findings as required by CEQA. The proposal should also address compliance with local, county, State, and federal permitting requirements. The Appendix in the PSP provides web links to CEQA information, the State Clearinghouse Handbook and NEPA information.

Maximum Character Limit: 4000

Final pond designs are pending and being considered, with CEQA and NEPA compliance being covered under the overall general master expansion plan for the City, and being streamlined due to Executive Order B-29-15. Under this order, projects such as this may be simplified. Regardless, a standard streamlined CEQA notice of exemption (NOE) has been drafted.

There have been associated CEQA documents that include pipeline transport of tertiary treated waters to eastern properties along the Recycled Water Master Plan corridor, which have been approved already. Therefore, the actual expansion pond plan is scheduled to run through the course of CEQA within a short period of one to two months. Plans to begin the process prior to grant awards for this and final civil design are already underway. Attached documentation is part of this proposal for DWR's review. NEPA funding requirements are not anticipated for this project based on the use of state and local funds. No federal funding is being requested.

Q24. Scientific and Technical Merit

Scientific and Technical Merit: The applicant will be required to demonstrate the scientific and technical merit of the proposal, including, but not limited to: submittal of a copy of all reports and studies prepared for the proposal that form the basis for or include information pertaining to the project; a brief summary of the types of information in each reference; if feasibility and pilot studies have not been completed for the proposed implementation project, an explanation regarding what has been done to determine the project's feasibility; and provide copies of the most complete design plans and specifications for the proposed project.

Maximum Character Limit: 4000

The City of Lodi has performed well over \$500,000 in investigation and preliminary feasibility, engineering, and has prepared detailed cost estimates for the proposed expansion pond. When combined with the decade plus of environmental permitting compliance at the site (including monitoring wells, surface water sampling, soil analysis, permeability and percolation testing, ongoing stormwater review, ongoing RWQCB monitoring, etc.) the City has spent well over \$2,000,000 in preparing for, and planning to perform the



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proposed expansion. The following studies are considered to be the most pertinent to the project at this time and are as follows:

West Yost Associates, 2014, Technical Memorandum, Land Application Area Expansion Study for the City of Lodi White Slough Water Pollution Control Facility.

West Yost Associates, 2015, Draft-City of Lodi, White Slough, Water Pollution Control Facility, Best Practice Treatment Control (BPTC) Evaluation Report).

RMC, 2010, City of Lodi, Urban Water Management Plan.

RMC, 2008, Regional Water Recycled Water Master Plan, Agricultural Reuse Project.

2015, Executive Department, State of California, Executive Order B-29-15

West Yost Associates, 2009, White Slough WPCF, Organic Loading Study Technical Report.

West Yost Associates, 2014, City of Lodi White Slough Water Pollution Control Facility, 2014 Annual Groundwater Report.

California Code of Regulations, 2008, Title 22, Chapter 15, Article 2., General Requirements, Classification of Water Treatment Facilities.

City of Lodi, 2014, Public Draft Review, Initial Study/Mitigated Negative Declaration for the City of Lodi Industrial Wastewater Pipeline Extension.

These studies are attached for further review by the proposal committee. The final planning required to bring this project into construction would include civil design of the pond, and long-term feasibility study for recharge. Both of these items are better described in the associated (and attached) work plan, however, they are relatively straightforward. The civil plans are basic design drawings associated with the planned location and already scoped sizing and basic design criteria as identified in the Land Application Area Expansion Study.

Q25. Implementability/Feasibility

Identify specific actions, projects, and studies, ongoing or planned, by which the project will be implemented. Identify the responsible parties for project implementation and, if applicable, clearly identify linkages or interdependencies with other projects. Demonstrate economic and technical feasibility at a programmatic level. Identify the current status of each element of the project, such as existing infrastructure, feasibility, pilot or demonstration project, design completed, etc. Include timelines for all active or planned projects and identify the institutional structure that will ensure successful project implementation.

Maximum Character Limit: 4000

There are no new studies that are ongoing at this moment. For this project to be completed a final design will need to be developed and rendered by a civil/geotechnical engineer. The required feasibility study of the pond will include percolation testing and determination of the potential for infiltration. As discussed in the associated work plan, a secondary portion of the project will include the initial study of an advanced recharge gallery, which doubles as a surface water conveyance system. The initial steps of field simulated testing, soils analysis, and design of pond embankments are relatively simple. The proposal to perform this work is under consideration at this time. Plans to begin this portion of the work prior to the award of grant funding are possible.



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obvious impact occurs as either a negative or positive, variations in the design of the expansion pond will follow. For example, as planned if the pond is effective in storage and infiltration, than further ponds and conveyance design will likely mimic it. However, if infiltration and hydraulic gradients are too difficult to overcome for percolation to occur correctly, then redesign using trench and pit wells maybe implemented. Likewise, if surface water negatively begins to impact the groundwater chemistry during the ongoing feasibility study then a pond lining may be retrofit to change the pond to allow for only holding, rather than recharge/infiltration.

Water samples will be taken as per standard quarterly requirement from a variety of local monitoring wells. Additional shallow wells, and geophysical surface analysis will be used to supplement where no data points currently exist. Surface water sample protocols will remain the same and may even increase based on the increase in storable water. All of these tests are well described in the attached annual monitoring report of waste discharge that is addressed to the RWQCB. For a more detailed review please see this attachment. The project already complies with section IV.E Surface Water Monitoring Requirements.

Q28. Impacts and Benefits

Provide an overview of the impacts and benefits from the project implementation. Include an evaluation of expected impacts and benefits within the project area and in adjacent areas, including the Delta. Benefits should be focused primarily on, but not limited to, improvements to local and Delta water quality, including projected seasonal and year-round variations and contribution to local/regional long-term water quality objectives for the Delta. Include an evaluation of impacts and benefits to other applicable resources, such as air quality, energy, etc. If applicable, discuss any environmental justice concerns and considerations. Include a discussion of how future conditions, such as climate change, could change the project impacts or benefits, the potential impacts of climate change on the project and how the project performance would be affected by sea level rise(SLR) , and changes in hydrology expected from climate change.

Maximum Character Limit: 4000

As noted in various forms already stated, the benefits of this project include a host of topics which range from salinity reduction to agricultural water supply improvement, minimized groundwater pumping and in-lieu recharge, and improved water quality for sensitive receptors in the Delta waters from decreased surface waste discharge. The long-term significance of this project is based on an educated assumption that by using more recycled water that less pumping and use of prized and limited groundwater will occur.

The projected seasonal and year round impacts from this project on the Delta waters would be improved quality (year-round), more stable saline and groundwater level rises/falls in the area, and a more secure source of onsite water for stabilized power production, mosquito abatement district processes, and farmer's crops.

Environmental justice concerns are something that this project would hopefully alleviate. Rather than use the waste water as a direct discharge to the Delta, it could be used in a farm environment. Rather than use precious pumped groundwater near the Mokelumne River (and depleting/changing its hyporheic environment), water that is already pumped can be cycled back into the system. To alleviate concerns



City of Lodi
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about impacts to the groundwater from the source water, ongoing monitoring would be established, and a comparison of the Title 22 Standards to drinking water and yielded well water samples will be performed for verification of impact.

Sea level impacts could ultimately affect the site and the project, however, this site is poised to be at the location of a great divide between saline and fresh waters for the next 50 years. Therefore, the action and requirement of sea-level rise consideration may make this project (in this location) even more justifiable than otherwise. The impact of a saline barrier in this particular location may be very substantial as sea level rise occurs. However, this is speculative in nature, and the biggest beneficial impacts seem to outweigh any negative impacts at this time.

Q29. Finance Plan

Applicants are required to provide a finance plan for their proposed project, including an enumeration of all the costs of planning, design, implementation, long term operation and maintenance of the proposed project, and the economic benefits related to water quality expected to be derived directly from the project. The economic benefits may be quantified in monetary terms. When economic values cannot be assigned to the benefit the applicants may quantify the benefits in physical terms. This finance plan shall demonstrate to DWR's satisfaction the applicant's ability to finance the initial and long term project costs.

Maximum Character Limit: 4000

All applicable costs and benefits (both monetary and physical) are best shown in the attached work plan and budget/values tables. Please see those for more information. This project is highly beneficial and for the benefit versus cost, it is likely to be of higher value than other slated and/or proposed projects at this time. We look forward to discussing and justifying costs and values should questions arise about the detailed breakdown that is attached within.

RESOLUTION NO. 2015-____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING SUBMITTAL OF THE GRANT REQUEST
WITH THE STATE OF CALIFORNIA FOR THE WHITE
SLOUGH WATER POLLUTION CONTROL FACILITY
STORAGE EXPANSION PROJECT

=====

WHEREAS, the City of Lodi is an eligible project sponsor and may receive state funding for Delta Water Quality Improvement projects; and

WHEREAS, State of California Proposition 84 provides up to \$130 million for matching grants to implement Delta Water Quality Improvement projects; and

WHEREAS, the application was submitted on April 9, 2015; and

WHEREAS, the project budget estimate is \$5.6 million, including a City funding match of \$1.9 million; and

WHEREAS, the subject grant will provide funding for feasibility analysis, design, and construction of a 90-acre storage pond/groundwater recharge basin; and

WHEREAS, the project will function as a groundwater recharge facility by storing Title 22 treated water in an unlined storage basin.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the submittal of the grant request with the State of California for the White Slough Water Pollution Control Facility Storage Expansion Project.

Dated: May 6, 2015

=====

I hereby certify that Resolution No. 2015-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAILOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2
MEETING DATE: May 6, 2015
PREPARED BY: Public Works Director

RECOMMENDED ACTION: Receive update on emergency condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2.

BACKGROUND INFORMATION: White Slough Water Pollution Control Facility (WSWPCF) has four covered anaerobic digesters that serve the purpose of breaking down sewage sludge that enters the plant. On July 16, 2014, Council declared an emergency condition in response to concurrent roof failures on Digesters No. 1 and No. 2. Public contract code requires Council to review the emergency action at its next regularly-scheduled meeting and each regularly-scheduled meeting thereafter until the emergency is terminated.

The completed Digester No. 2 became operational on April 6, 2015 (slightly ahead of schedule). The old roof for Digester No. 1 was removed on April 17, 2015 and work to remove the solids inside the structure began on April 21, 2015.

The new roof for Digester No. 1 has been fabricated, coated and set aside until it is time for installation.

The procurement and construction schedule reflecting project milestones is provided below. The work is progressing on the original schedule, and there is no substantial change from last report.

Project Definition Meeting	July 21, 2014
Issue Final Contract Documents	August 1, 2014
Receive GMP Proposals	August 20, 2014
Issue Notice to Proceed	September 15, 2014
Complete Digester No. 2 Improvements	April 2, 2015
Complete Digester No. 1 Improvements	August 27, 2015

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Charlie Swimley, City Engineer / Deputy Public Works Director
FWS/CES/smh

cc: Associate Civil Engineer Nathan
Wastewater Plant Superintendent

Charlie Swimley, City Engineer / Deputy Public Works Director
Construction Project Manager

APPROVED: _____
Stephen Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Opposition for SB 608 – The Right to Rest Act (Liu)

MEETING DATE: May 6, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Authorize the mayor, on behalf of the City Council, to send a letter of opposition for SB 608 – The Right to Rest Act (Liu).

BACKGROUND INFORMATION: On April 8, 2015, the City received correspondence from the League of California Cities to oppose SB 608 (Liu), legislation pertaining to homelessness.

SB 608 contains no solutions for homelessness and has no new programs, no funding for housing, and no effort to improve services. Instead, it creates a special set of exemptions and privileges for one group of people and undermines the equal applicability of laws. State and federal governments have either withdrawn resources previously dedicated for housing and for treating chronic conditions such as mental health and alcohol and drug addictions, or have mismanaged available funding through disorganized bureaucracies. This leaves cities and counties with the difficult challenge of maintaining civil order, public safety, and sanitary conditions, responding to the impacts on private property, and the economic viability of local businesses.

The League believes that addressing the root causes of homelessness requires working with State, federal, and other local entities to provide more affordable housing and resources to do so. State efforts to help the homeless should be led by offering the funding to build affordable housing and augment services to treat related underlying issues. Instead of offering resources, SB 608 focuses on limiting local enforcement authority on public and private property.

For the reasons stated above and in the attached draft correspondence, it is recommended that the City Council authorize the execution and delivery of the proposed correspondence.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

APPROVED: _____
Stephen Schwabauer, City Manager

Jennifer Ferraiolo

From: Stephen R. Qualls <squalls@cacities.org>
Sent: Wednesday, April 08, 2015 8:33 PM
Subject: Letters Needed OPPOSE SB 608
Attachments: Action Alert SB 608 (Liu) Right to Rest Act.docx; Talking Points SB 608.pdf; Background Information SB 608.pdf; SAMPLE SB 608 (Liu) city letter 4.1.15.docx

SB 608 is titled the "The Right to Rest Act". But unfortunately the state's dissolution of redevelopment took funding away from local governments that helped to build affordable housing for those that needed it.

SB 608 does nothing to remedy this problem. It provides no new funding for support services or housing.

Please send the attached oppose letter to the author Senator Liu and your legislators and ask them to vote no on SB 608.

If you could please send me copies of your letters I would appreciate it.

Thank you,

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

209-614-0118
Fax 209-883-0653
squalls@cacities.org<<mailto:squalls@cacities.org>>

[Description: Description: LCC_Logo_SM] [X]
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<<http://www.cacities.org/AC>>

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ACTION ALERT!!

SB 608 (Liu). The Right to Rest Act

OPPOSE

Background for SB 608 (Liu):

Despite this bill being well-intended, SB 608 (Liu) would not solve the challenges of homelessness in our state and within our communities.

SB 608 contains no solutions for homelessness. It contains no new programs, no funding for housing, and no effort to improve services. Instead, it creates a special set of exemptions and privileges for one group of people and undermines the equal applicability of laws.

To make matters worse, the State and federal governments have either withdrawn resources previously dedicated for housing and for treating chronic conditions such as mental health and alcohol and drug addictions, or have mismanaged available funding through disorganized bureaucracies. This leaves cities and counties with the difficult challenge of maintaining civil order, public safety and sanitary conditions, responding to the impacts on private property, and the economic viability of local businesses.

The League believes that addressing the root causes of homelessness requires working with State, federal, and other local entities to provide more affordable housing and resources to do so. State efforts to help the homeless should be led by offering the funding to build affordable housing and augment services to treat related underlying issues. Instead of offering resources, SB 608 focuses on limiting local enforcement authority on public and private property.

- **WE SUPPORT ALTERNATIVE LEGISLATION:** *Although we oppose the approach of SB 608 (Liu), we are supporting AB 35 (Chiu and Atkins) which increases affordable housing tax credits by \$300 million and AB 1335 (Atkins) which would provide a permanent source of funding for affordable housing.*

What does SB 608 (Liu) do?

- **Exempts a homeless person from being guilty of a misdemeanor** if they lodge in any building, structure, vehicle or place without permission of the owner or person entitled to the possession and control of it.
- **Authorizes fines of \$1000 and attorney's fees for "harassment" conducted by law enforcement**, public or private security personnel, or a business improvement district (BID) agent that "a reasonable person would consider alarming, threatening, tormenting or terrorizing."
- **Establishes a right to move freely in public spaces without time limitations** based upon housing status. Such a change would give anyone meeting the definitions in SB 608 an exemption from time, place and manner" laws and regulations that apply to all others.
- **Defines "public space" to include property owned, in whole or in part, by any state or local public entity** or any property on which there is an easement for public use and that is held open to the public, including but not limited to plazas, courtyards, parking lots, sidewalks, public transportation facilities and services, public buildings, shopping centers and parks.
- **Provides that "civil and human rights that are amply protected in the home and in other private places be extended to the public areas in which homeless persons live."** Such a provision could have expansive interpretations.
- **Defines "homeless persons" in the broadest manner, including many types of people who are actually housed:** individuals sharing housing of other persons; people living in motels, hotels and trailer parks; individuals who have moved within the preceding 36 months to obtain temporary or seasonal employment...to a temporary residence."

- Declares that the “decriminalization of rest allows municipal government to redirect resources from local enforcement activities to activities that address the root causes of homelessness and poverty.” This statement reveals a **fundamental misunderstanding of the role and function of cities in California**. In California, cities provide “municipal services” such as police, fire, water, refuse collection, public works, parks and recreation, and libraries. Social service programs are funded and operated by federal, state and county government, not cities.

ACTION:

SB 608 is scheduled to be heard in Senate Transportation and Housing Committee on April 7. If you have a Senator on the Senate Transportation and Housing Committee, please send letters of **OPPOSITION** via fax (fax numbers included below) or letters may be sent through the League’s [Action Center](#). **Letters are needed ASAP but no later than Monday, April 6** (sample letter attached).

SENATE TRANSPORTATION AND HOUSING MEMBERS			
Member	District	Room	Fax
Allen, Ben	26	2054	916 651 4926
Bates, Patricia	36	4048	916 651 4936
Beall, Jim (Chair)	15	5066	916 651 4915
Cannella, Anthony (Vice Chair)	12	5082	916 651 4912
Gaines, Ted	1	3070	916 651 4901
Galgiani, Cathleen	5	2059	916 651 4905
Leyva, Connie	20	4061	916 651 4920
McGuire, Mike	2	5064	916 651 4902
Mendoza, Tony	32	5061	916 651 4932
Roth, Richard	31	4034	916 651 4931
Wieckowski, Bob	10	3086	916 651 4910

Legislator addresses and fax numbers can be searched [online](#) by address.

Talking Points:

- 1) This bill exempts a homeless person, as expansively defined in the bill, from being guilty of a misdemeanor if they lodge in any building, structure, vehicle or place without permission of the owner or person entitled to the possession and control of it.
 - It also repeals language in existing law that clarifies this anti-trespassing law applies to both public and private property. This is a major change.
 - Respecting laws and property rights are the foundation of our social order.
- 2) This measure authorizes fines of \$1000 and attorney’s fees for “harassment” conducted by law enforcement, public or private security personnel, or a business improvement district (BID) agent that “a reasonable person would consider alarming, threatening, tormenting or terrorizing.”
 - This provision does not apply equally to all citizenry.
 - Besides having a chilling effect on those who are charged with enforcing laws and protecting private property, this definition does not apply should the same conduct by a homeless person have such effects on other members of the public.

- Cities may incur significant costs if such actions are brought by homeless persons alleging violation of these new rights.
- 3) SB 608 establishes a right to move freely in public spaces without time limitations based upon housing status.
- Such a change would give anyone meeting the definitions in SB 608 an exemption from time, place and manner” laws and regulations that apply to all others.
 - This bill appears to allow a homeless person to live in any public space for as long as they wish.
- 4) This measure defines “public space” to include property owned, in whole or in part, by any state or local public entity or any property on which there is an easement for public use and that is held open to the public, including but not limited to plazas, courtyards, parking lots, sidewalks, public transportation facilities and services, public buildings, shopping centers and parks.
- This definition, combined with other provisions appear to allow a homeless person to assert that they can live in a public building, on a beach, on a sidewalk in front of a business, in a shopping mall, or on a bus for as long as they wish.
- 5) SB 608 provides that “civil and human rights that are amply protected in the home and in other private places be extended to the public areas in which homeless persons live.”
- Such a provision could have expansive interpretations, including the right to protect one’s “home” under the Second Amendment with a firearm (D.C v. Heller, 554 US 570), and raise questions about the ability to enforce other laws which regulate behavior in public as opposed to the home.
- 6) This bill defines “homeless persons” in the broadest manner, including many types of people who are actually housed.
- This includes individuals sharing housing of other persons; people living in motels, hotels and trailer parks; individuals who have moved within the preceding 36 months to obtain temporary or seasonal employment to a temporary residence.
- 7) SB 608 declares that the “decriminalization of rest allows municipal government to redirect resources from local enforcement activities to activities that address the root causes of homelessness and poverty.”
- This statement reveals a fundamental misunderstanding of the role and function of cities in California.
 - In California, cities provide “municipal services” such as police, fire, water, refuse collection, public works, parks and recreation, and libraries.
 - Since the state eliminated redevelopment agencies in 2011, cities also no longer have resources to dedicate to affordable housing.
 - Social service programs are funded and operated by federal, state and county government, not cities.

CITY COUNCIL

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

CITY OF LODI

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

May 7, 2015

The Honorable Senator Carol Liu
California State Senate
State Capitol, Room 5097
Sacramento, CA 95814
FAX: (916) 651-4925

RE: **SB 608 (Liu) The Right to Rest Act**
 Notice of Opposition

On behalf of the City of Lodi, I write to inform you of our opposition to your SB 608. While the measure is well-intended, we do not believe it would make a positive contribution to combatting homelessness in our state and within our communities.

SB 608 would enact The Right to Rest Act, which would provide homeless persons the right to use public space without discrimination based on their housing status. It would describe basic human and civil rights that may be exercised without being subject to criminal or civil sanctions or harassment, including the right to:

- Use and to move freely in public spaces...without time limitations that discriminate based on housing status;
- Rest in public spaces* and to protect oneself from the elements in a non-obstructive manner;
- Eat, share, accept, or give food in any public space in which having food is not prohibited;
- Perform religious observances in public spaces without discrimination based on housing status; and
- Occupy a motor vehicle or a recreational vehicle legally parked or parked with the permission of the property owner.

The bill defines public spaces as “any property that is owned, in whole or in part, by any state or local government entity of any property upon which there is an easement for public use and that is held open to the public including, but not limited to, plazas, courtyards, parking lots, sidewalks, public transportation facilities and services, public buildings, shopping centers, and parks.”

SB 608 would exempt conduct that is protected by the bill, as described above, from the definition of the crime of disorderly conduct. Finally it would authorize a person whose rights have been violated pursuant to these provisions to enforce those rights in a civil action in which the court may award the prevailing party injunctive and declaratory relief, restitution, damages, statutory damages of \$1,000 per violation, and attorney’s fees and costs.

SB 608 contains no solutions for homelessness. It contains no new programs, no funding for housing, and no effort to improve services. It creates a special set of exemptions and privileges for one group of people and undermines the equal applicability of laws.

We believe that real solutions lie in providing resources for affordable housing and for treating underlying problems, not creating a special set of exemptions, privileges and rights for the homeless to occupy public and private property without complying with laws that apply to all others in society. Such an approach would create social disorder and undermine the ability of all others to access clean and non-threatening public spaces, while jeopardizing property rights and the economic viability of local businesses.

While we oppose the approach of SB 608 we share your desire to address the root causes of homelessness. To do so we must work together to provide more resources for affordable housing such as those proposed by AB 35 (Chiu and Atkins) which increases affordable housing tax credits by \$300 million and AB 1335 (Atkins) which would provide a permanent source of funding for affordable housing. These bills represent more constructive approaches to solving this chronic problem.

Sincerely,

Bob Johnson
Mayor, City of Lodi

cc: Senator Cathleen Galgiani, Fax: 916-651-4905
Assemblymember Jim Cooper, Fax: 916-262-0995
Senator Jim Beall, Chair, Senate Committee on Transportation and Housing, Fax: 916-651-4915
Senator Hannah-Beth Jackson, Chair, Senate Judiciary Committee, Fax: 916-651-4919
Dan Carrigg, Legislative Representative, League of California Cities, Fax: 916-658-8240
Stephen Qualls, Central Valley Regional Public Affairs Manager, League of California Cities



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Authorize the Mayor, on Behalf of the City Council, to Send Letters of Support for AB 1335 – Building Homes and Jobs Act (Atkins) – and AB 35 – Low-Income Housing Tax Credits (Chiu and Atkins)

MEETING DATE: May 6, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Authorize the mayor, on behalf of the City Council, to send letters of support for AB 1335 – Building Homes and Jobs Act (Atkins) – and AB 35 – Low-Income Housing Tax Credits (Chiu and Atkins).

BACKGROUND INFORMATION: On April 9, 2015, the City received correspondence from the League of California Cities to support AB 1335 (Atkins) and AB 35 (Chiu and Atkins), legislation pertaining to housing.

AB 1335 would generate up to \$700 million per year for affordable rental or ownership housing, supportive housing, emergency shelters, transitional housing, and other housing needs via a \$75 recordation fee on real estate transactions, with the exception of home sales. This bill would provide an ongoing, permanent state source of funding which would allow the state to fund existing programs at dependable levels. This is a more reliable and efficient mechanism than occasional housing bonds. Further, the Building Homes and Jobs Act will help to leverage additional federal, local, and private investment.

AB 35 would increase the state's Low Income Housing Tax Credit by \$300 million to build and rehabilitate affordable housing. Increasing the available tax credits for low-income housing will leverage additional federal tax credits and tax exempt bond authority. Building more affordable housing will not only help to mitigate our low income housing crisis, but will increase construction jobs and tax revenues.

For the reasons stated above and in the attached draft correspondence, it is recommended that the City Council authorize the execution and delivery of the proposed correspondence.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

APPROVED: _____
Stephen Schwabauer, City Manager

Jennifer Ferraiolo

From: Stephen R. Qualls <squalls@cacities.org>
Sent: Thursday, April 09, 2015 12:14 PM
Subject: CVD SB 608 Oppose Letter and AB 35 & 1335 Support Letters
Attachments: CVD SB 608 (Liu) letter B 4.9.15.docx.doc; CVD SB 608 (Liu) letter 4.9.15.docx.doc

The Central Valley Division will be sending a letter opposing SB 608 The Right to Rest Act.

We are also sending letters in support of AB 35 & 1335 which provide funding for affordable housing.

I previously sent out backup materials for all of the attached bills. If you would like me to resend them, please contact me.

If your city would prefer to have it's name removed from the letter head please let me know by COB Monday April 13th.

Division President JoAnne Mounce will sign the letters unless a majority of the member cities oppose sending all or any of the letters.

If you have any questions, please contact me.

Thank you,

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

209-614-0118
Fax 209-883-0653
squalls@cacities.org<<mailto:squalls@cacities.org>>

[Description: Description: LCC_Logo_SM] [X]
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<<http://www.cacities.org/AC>>

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resources. You may however forward this message to your non-public e-mail account for distribution on non-public time. If you have questions about the event or need additional information, please contact Mike Egan at (916) 658-8271 or egan@cacities.org

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1335

Introduced by Assembly Member Atkins
(Principal coauthors: Assembly Members Chau, Chiu, and Gordon)
(Coauthors: Assembly Members Alejo, Bloom, Bonilla, Bonta,
Cooper, Gonzalez, Lopez, Low, McCarty, Mullin, Rendon,
Santiago, Mark Stone, Ting, and Weber)

February 27, 2015

An act to add Section 27388.1 to the Government Code, and to add Chapter 2.5 (commencing with Section 50470) to Part 2 of Division 31 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1335, as amended, Atkins. Building Homes and Jobs Act.

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time homebuyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law. Existing law requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.

This bill would enact the Building Homes and Jobs Act. The bill would make legislative findings and declarations relating to the need for establishing permanent, ongoing sources of funding dedicated to

affordable housing development. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, *per each single transaction per single parcel of real property, not to exceed \$225*. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. The bill would require that revenues from this fee, after deduction of any actual and necessary administrative costs incurred by the county recorder, be sent quarterly to the Department of Housing and Community Development for deposit in the Building Homes and Jobs Fund, which the bill would create within the State Treasury. The bill would ~~provide that~~, *upon appropriation by the Legislature, require that 20% of the moneys in the fund be expended for affordable homeownership activities and authorize the remainder of the moneys in the fund may* to be expended for supporting affordable housing, home ownership opportunities, and other housing-related program, as specified. The bill would impose certain auditing and reporting requirements.

This bill would state the intent of the Legislature to enact legislation that would create the Secretary of Housing within state government to oversee all activities related to housing in the state.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

- 1 SECTION 1. This act shall be known as the Building Homes
- 2 and Jobs Act.
- 3 SEC. 2. (a) The Legislature finds and declares that having a
- 4 healthy housing market that provides an adequate supply of homes
- 5 affordable to Californians at all income levels is critical to the
- 6 economic prosperity and quality of life in the state.

1 (b) The Legislature further finds and declares all of the
2 following:

3 (1) Funding approved by the state’s voters in 2002 and 2006,
4 as of June 2014, has financed the construction, rehabilitation, and
5 preservation of over 14,000 shelter spaces and 149,000 affordable
6 homes. These numbers include thousands of supportive homes for
7 people experiencing homelessness. In addition, these funds have
8 helped tens of thousands of families become or remain
9 homeowners. Nearly all of the voter-approved funding for
10 affordable housing was awarded by the beginning of 2015.

11 (2) The requirement in the Community Redevelopment Law
12 that redevelopment agencies set aside 20 percent of tax increment
13 for affordable housing generated roughly \$1 billion per year. With
14 the elimination of redevelopment agencies, this funding stream
15 has disappeared.

16 (3) In 2014, the Legislature committed 10 percent of ongoing
17 cap-and-trade funds for affordable housing that reduces greenhouse
18 gas emissions and dedicated \$100 million in one-time funding for
19 affordable multifamily and permanent supportive housing. In
20 addition, the people of California thoughtfully approved the
21 repurposing of \$600 million in already committed bond funds for
22 the creation of affordable rental and permanent supportive housing
23 for veterans through the passage of Proposition 41.

24 (4) Despite these investments, the need in the state of California
25 greatly exceeds the available resources, considering 36.2 percent
26 of mortgaged homeowners and 47.7 percent of all renters are
27 spending more than 35 percent of their household incomes on
28 housing.

29 (5) California has 12 percent of the United States population,
30 but 20 percent of its homeless population. California has the highest
31 percentage of unsheltered homeless in the nation, with 63 percent
32 of homeless Californians not having shelter. California has 24
33 percent of the nation’s homeless veterans population and one-third
34 of the nations’ chronically homeless population. California also
35 has the largest populations of unaccompanied homeless children
36 and youth, with 30 percent of the national total.

37 (6) Furthermore, four of the top 10 metropolitan areas in the
38 country ~~for homeless~~ *with the highest rate of homelessness* are in
39 the following metropolitan areas in California: San

1 Jose-Sunnyvale-Santa Clara, Los Angeles-Long Beach-Santa Ana,
2 Fresno, and Stockton.

3 (7) California continues to have the second lowest
4 homeownership rate in the nation, and the Los Angeles
5 metropolitan area is now a majority renter area. In fact, five of the
6 eight lowest homeownership rates are in metropolitan areas in
7 California.

8 (8) Los Angeles and Orange Counties have been identified as
9 the epicenter of overcrowded housing, and numerous studies have
10 shown that children in crowded homes have poorer health, worse
11 scores on mathematics and reading tests, and higher rates of
12 depression and behavioral problems—even when poverty is taken
13 into account.

14 (9) Millions of Californians are affected by the state’s chronic
15 housing shortage, including seniors, veterans, people experiencing
16 chronic homelessness, working families, people with mental,
17 physical, or developmental disabilities, agricultural workers, people
18 exiting jails, prisons, and other state institutions, survivors of
19 domestic violence, and former foster and transition-aged youth.

20 (10) Eight of the top 10 hardest hit cities by the foreclosure
21 crisis in the nation were in California. They include the Cities of
22 Stockton, Modesto, Vallejo, Riverside, San Bernardino, Merced,
23 Bakersfield, and Sacramento.

24 (11) California’s workforce continues to experience longer
25 commute times as persons in the workforce seek affordable housing
26 outside the areas in which they work. If California is unable to
27 support the construction of affordable housing in these areas,
28 congestion problems will strain the state’s transportation system
29 and exacerbate greenhouse gas emissions.

30 (12) Many economists agree that the state’s higher than average
31 unemployment rate is due in large part to massive shrinkage in the
32 construction industry from 2005 to 2009, including losses of nearly
33 700,000 construction-related jobs, a 60-percent decline in
34 construction spending, and an 83-percent reduction in residential
35 permits. Restoration of a healthy construction sector will
36 significantly reduce the state’s unemployment rate.

37 (13) The lack of sufficient housing impedes economic growth
38 and development by making it difficult for California employers
39 to attract and retain employees.

1 (14) To keep pace with continuing demand, the state should
2 identify and establish a permanent, ongoing source or sources of
3 funding dedicated to affordable housing development. Without a
4 reliable source of funding for housing affordable to the state's
5 workforce and most vulnerable residents, the state and its local
6 and private housing development partners will not be able to
7 continue increasing the supply of housing after existing housing
8 bond resources are depleted.

9 (15) The investment will leverage billions of dollars in private
10 investment, lessen demands on law enforcement and dwindling
11 health care resources as fewer people are forced to live on the
12 streets or in dangerous substandard buildings, and increase
13 businesses' ability to attract and retain skilled workers.

14 (16) In order to promote housing and homeownership
15 opportunities, the recording fee imposed by this act shall not be
16 applied to any recording made in connection with a sale of real
17 property. Purchasing a home is likely the largest purchase made
18 by Californians, and it is the intent of this act to not increase
19 transaction costs associated with these transfers.

20 SEC. 3. Section 27388.1 is added to the Government Code, to
21 read:

22 27388.1. (a) (1) Commencing January 1, 2016, and except as
23 provided in ~~paragraphs (2) and (3), paragraph (2)~~, in addition to
24 any other recording fees specified in this code, a fee of seventy-five
25 dollars (\$75) shall be paid at the time of recording of every real
26 estate instrument, paper, or notice required or permitted by law to
27 be recorded, except those expressly exempted from payment of
28 recording fees, *per each single transaction per parcel of real*
29 *property. The fee imposed by this section shall not exceed two*
30 *hundred twenty-five dollars (\$225). "Real estate instrument, paper,*
31 *or notice" means a document relating to real property, including,*
32 ~~but not limited to,~~ *including* the following: deed, grant deed,
33 trustee's deed, deed of trust, reconveyance, quit claim deed,
34 fictitious deed of trust, assignment of deed of trust, request for
35 notice of default, abstract of judgment, subordination agreement,
36 declaration of homestead, abandonment of homestead, notice of
37 default, release or discharge, easement, notice of trustee sale, notice
38 of completion, UCC financing statement, mechanic's lien, maps,
39 and covenants, conditions, and restrictions.

1 (2) The fee described in paragraph (1) shall not be imposed on
 2 any real estate instrument, paper, or notice recorded in connection
 3 with a transfer subject to the imposition of a documentary transfer
 4 tax as defined in Section 11911 of the Revenue and Taxation Code
 5 or on any real estate instrument, paper, or notice recorded in
 6 connection with a transfer of real property that is a residential
 7 dwelling to an owner-occupier.

8 ~~(3) The fee described in paragraph (1) shall be reduced so that~~
 9 ~~the fee, together with any charges or recording fees that are in~~
 10 ~~effect on or before the effective date of the act adding this section,~~
 11 ~~shall not exceed a per parcel maximum charge of two hundred~~
 12 ~~twenty-five dollars (\$225).~~

13 (b) The fees, after deduction of any actual and necessary
 14 administrative costs incurred by the county recorder in carrying
 15 out this section, shall be remitted quarterly, on or before the last
 16 day of the month next succeeding each calendar quarterly period,
 17 to the Department of Housing and Community Development for
 18 deposit in the California Homes and Jobs Trust Fund established
 19 by Section 50470 of the Health and Safety Code, to be expended
 20 for the purposes set forth in that section. In addition, the county
 21 shall pay to the Department of Housing and Community
 22 Development interest, at the legal rate, on any funds not paid to
 23 the Controller before the last day of the month next succeeding
 24 each quarterly period.

25 SEC. 4. Chapter 2.5 (commencing with Section 50470) is added
 26 to Part 2 of Division 31 of the Health and Safety Code, to read:

27
 28 CHAPTER 2.5. BUILDING HOMES AND JOBS ACT

29
 30 Article 1. General Provisions

31
 32 50470. (a) (1) There is hereby created in the State Treasury
 33 the Building Homes and Jobs Trust Fund. All interest or other
 34 increments resulting from the investment of moneys in the fund
 35 shall be deposited in the fund, notwithstanding Section 16305.7
 36 of the Government Code.

37 (2) Moneys in the Building Homes and Jobs Trust Fund shall
 38 not be subject to transfer to any other fund pursuant to any
 39 provision of Part 2 (commencing with Section 16300) of Division
 40 4 of Title 2 of the Government Code, except to the Surplus Money

1 Investment Fund. Upon appropriation by the Legislature, moneys
2 in the fund may be expended for the following purposes:

3 *Legislature:*

4 (A) *Twenty percent of moneys in the fund shall be expended for*
5 *affordable homeownership activities.*

6 (B) *The remainder of the moneys in the fund may be expended*
7 *for the following purposes:*

8 ~~(A)~~

9 (i) The development, acquisition, rehabilitation, and preservation
10 of rental housing that is affordable to extremely low, very low,
11 ~~low-~~ low-, and moderate-income households, including necessary
12 operating subsidies.

13 ~~(B)~~

14 (ii) Affordable rental and ownership housing that meets the
15 needs of a growing workforce up to 120 percent of area median
16 income.

17 ~~(C)~~

18 (iii) Matching portions of funds placed into local or regional
19 housing trust funds.

20 ~~(D)~~

21 (iv) Matching portions of funds available through the Low and
22 Moderate Income Housing Asset Fund pursuant to subdivision (d)
23 of Section 34176 of the Health and Safety Code.

24 ~~(E)~~

25 (v) Capitalized reserves for services connected to the creation
26 of new permanent supportive housing, including, but not limited
27 to, developments funded through the Veterans Housing and
28 Homelessness Prevention Program.

29 ~~(F)~~

30 (vi) Emergency shelters, transitional housing, and rapid
31 rehousing.

32 ~~(G)~~

33 (vii) Accessibility modifications.

34 ~~(H)~~

35 (viii) Efforts to acquire and rehabilitate foreclosed or vacant
36 homes.

37 ~~(I)~~

38 (xi) Homeownership opportunities, including, but not limited
39 to, down payment assistance.

1 (b) Both of the following shall be paid and deposited in the
2 fund:

3 (1) Any moneys appropriated and made available by the
4 Legislature for purposes of the fund.

5 (2) Any other moneys that may be made available to the
6 department for the purposes of the fund from any other source or
7 sources.

8 *50470.5. For purposes of this chapter, “department” means*
9 *the Department of Housing and Community Development.*

10 50471. (a) In order to maximize efficiency and address
11 comprehensive needs, the department, in consultation with the
12 California Housing Finance Agency, the California Tax Credit
13 Allocation Committee, and the California Debt Limit Allocation
14 Committee, shall develop and submit to the Legislature, at the time
15 of the Department of Finance’s adjustments to the proposed
16 2015–16 fiscal year budget pursuant to subdivision (e) of Section
17 13308 of the Government Code, the Building Homes and Jobs
18 Investment Strategy. Notwithstanding Section 10231.5 of the
19 Government Code, commencing with the 2020–21 fiscal year, and
20 every five years thereafter, concurrent with the release of the
21 Governor’s proposed budget, the department shall update the
22 investment strategy and submit it to the Legislature. The investment
23 strategy shall do all of the following:

24 (1) Identify the statewide needs, goals, objectives, and outcomes
25 for housing for a five-year time period. Goals should include targets
26 of the total number of affordable homes created and preserved
27 with the funds.

28 (2) Promote a geographically balanced distribution of funds
29 including consideration of a direct allocation of funds to local
30 governments.

31 (3) Emphasize investments that serve households that are at or
32 below 60 percent of area median income.

33 (4) Meet the following minimum objectives:

34 (A) Encourage economic development and job creation by
35 helping to meet the housing needs of a growing workforce up to
36 120 percent of area median income.

37 (B) Identify opportunities for coordination among state
38 departments and agencies to achieve greater efficiencies, increase
39 the amount of federal investment in production, services, and

1 operating costs of housing, and promote energy efficiency in
2 housing produced.

3 (C) Incentivize the use and coordination of nontraditional
4 funding sources including philanthropic funds, local realignment
5 funds, nonhousing tax increment, *the* federal Patient Protection
6 and Affordable Care Act, and other resources.

7 (D) Incentivize innovative approaches that produce cost savings
8 to local and state services by reducing the instability of housing
9 for frequent, high-cost users of hospitals, jails, detoxification
10 facilities, psychiatric hospitals, and emergency shelters.

11 (b) Before submitting the Building Homes and Jobs Investment
12 Strategy to the Legislature, the department shall hold at least four
13 public workshops in different regions of the state to further inform
14 the development of the investment strategy.

15 (c) The department shall form an advisory body of experts and
16 stakeholders to help develop the Building Homes and Jobs
17 Investment Strategy, including, but not limited to, representatives
18 from the banking and financial sector, real estate sector, real estate
19 and housing developers, and homeless service providers.

20 (d) Expenditure requests contained in the Governor’s proposed
21 budget shall be consistent with the Building Homes and Jobs
22 Investment Strategy developed and submitted pursuant to this part.
23 Moneys in the Building Homes and Jobs Act Fund shall be
24 appropriated through the annual Budget Act.

25 (e) The Building Homes and Jobs Investment Strategy and
26 updates required by this section shall be submitted pursuant to
27 Section 9795 of the Government Code.

28

29

Article 2. Audits and Reporting

30

31 50475. The California State Auditor’s Office shall conduct
32 periodic audits to ensure that the annual allocation to individual
33 programs is awarded by the department in a timely fashion
34 consistent with the requirements of this chapter. The first audit
35 shall be conducted no later than 24 months from the effective date
36 of this section.

37 50476. (a) In its annual report to the Legislature pursuant to
38 Section 50408, the department shall report how funds that were
39 made available pursuant to this chapter and allocated in the prior
40 year were expended, including efforts to promote a geographically

1 balanced distribution of funds. The report shall also assess the
2 impact of the investment on job creation and the economy. With
3 respect to any awards made specifically to house or support persons
4 who are homeless or at-risk of homelessness, the report shall
5 include an analysis of the effectiveness of the funding in allowing
6 these households to retain permanent housing. The department
7 shall make the report available to the public on its Internet Web
8 site.

9 (b) (1) In the report, the department shall make a determination
10 of whether any of the moneys derived from fees collected pursuant
11 to Section 27388.1 of the Government Code are being allocated
12 by the state for any purpose not authorized by Section 50470 and
13 shall share the information with the county recorders.

14 (2) If the department determines that any moneys derived from
15 fees collected pursuant to Section 27388.1 of the Government
16 Code are being allocated by the state for a purpose not authorized
17 by Section 50470, the county recorders shall, upon notice of the
18 determination, immediately cease collection of the fees imposed
19 by Section 27388.1 of the Government Code, and shall resume
20 collection of those fees only upon notice that the moneys derived
21 from fees collected pursuant to Section 23788.1 of the Government
22 Code are being allocated by the state only for a purpose authorized
23 by Section 50470.

24 *SEC. 5. (a) The Legislature finds and declares that the housing*
25 *market plays a critical role in the functioning of the California*
26 *economy.*

27 *(b) The Legislature further finds and declares all of the*
28 *following:*

29 *(1) The need for housing is something every Californian*
30 *encounters.*

31 *(2) Adequate and stable housing is a crucial component of all*
32 *Californians' quality of life.*

33 *(3) The expenditure for housing is one of the largest expenses*
34 *all Californians undertake in their day-to-day lives.*

35 *(4) Housing and housing-related activities are of such significant*
36 *importance to the state that it warrants a clear and unified voice*
37 *in state government.*

38 *(c) It is the intent of the Legislature to enact legislation that*
39 *would create a Secretary of Housing within state government to*
40 *oversee all activities related to housing in the state. In creating*

1 *this position, it is the intent of the Legislature that all professional*
2 *entities that play a role in the housing market would be authorized*
3 *to be incorporated in order to have a clearer and more unified*
4 *approach to housing in California.*

5 ~~SEC. 5.~~

6 SEC. 6. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 a local agency or school district has the authority to levy service
9 charges, fees, or assessments sufficient to pay for the program or
10 level of service mandated by this act, within the meaning of Section
11 17556 of the Government Code.

12 ~~SEC. 6.~~

13 SEC. 7. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety within
15 the meaning of Article IV of the Constitution and shall go into
16 immediate effect. The facts constituting the necessity are:

17 In order to provide affordable housing opportunities at the earliest
18 possible time, it is necessary for this act to take effect immediately.

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

AMENDED IN ASSEMBLY MARCH 2, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 35

**Introduced by Assembly Members Chiu and Atkins
(Principal coauthor: Assembly Member Wilk)
(~~Coauthor: Coauthors: Assembly Member Members Chau and Steinorth~~)**

December 1, 2014

An act to amend Sections 12206, 17058, and 23610.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 35, as amended, Chiu. Income taxes: credits: low-income housing: allocation increase.

Existing law establishes a low-income housing tax credit program pursuant to which the California Tax Credit Allocation Committee provides procedures and requirements for the allocation of state insurance, personal income, and corporation income tax credit amounts among low-income housing projects based on federal law. Existing law, in modified conformity to federal income tax law, allows the credit based upon the applicable percentage, as defined, of the qualified basis of each qualified low-income building. Existing law limits the total annual amount of the credit that the committee may allocate to \$70 million per year, as specified.

This bill, for calendar years beginning 2015, would increase the aggregate housing credit dollar amount that may be allocated among low-income housing projects by \$300,000,000, as specified. The bill, under the insurance taxation law, the Personal Income Tax Law, and the Corporation Tax Law, would modify the definition of applicable percentage relating to qualified low-income buildings that meet specified criteria.

This bill would take effect immediately as a tax levy.

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

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

- P2 1 SECTION 1.
2 Section 12206 of the *Revenue and Taxation Code*
3 is amended to read:
4 12206.
5 (a) (1) There shall be allowed as a credit against the
6 "tax," as described by Section 12201, a state low-income housing
tax credit in an amount equal to the amount determined in
subdivision (c), computed in accordance with Section 42 of the

7 Internal Revenue Code except as otherwise provided in this section.

8 (2) "Taxpayer," for purposes of this section, means the sole
9 owner in the case of a "C" corporation, the partners in the case of
10 a partnership, members in the case of a limited liability company,
11 and the shareholders in the case of an "S" corporation.

12 (3) "Housing sponsor," for purposes of this section, means the
13 sole owner in the case of a "C" corporation, the partnership in the
14 case of a partnership, the limited liability company in the case of
15 a limited liability company, and the "S" corporation in the case of
16 an "S" corporation.

17 (4) "Extremely low-income" has the same meaning as in Section
18 50053 of the Health and Safety Code.

19 (5) "Rural area" means a rural area as defined in Section
20 50199.21 of the Health and Safety Code.

21 (6) "Special needs housing" has the meaning as in paragraph
22 (4) of subdivision (g) of Section 10325 of Title 4 of the California
23 Code of Regulations.

24 (7) "SRO" means single room occupancy.

25 (8) "Very low-income" has the same meaning as in Section
26 50053 of the Health and Safety Code."

P3 1 (b) (1) The amount of the credit allocated to any housing
2 sponsor shall be authorized by the California Tax Credit Allocation
3 Committee, or any successor thereof, based on a project's need
4 for the credit for economic feasibility in accordance with the
5 requirements of this section.

6 (A) Except for projects to provide farmworker housing, as
7 defined in subdivision (h) of Section 50199.7 of the Health and
8 Safety Code, that are allocated credits solely under the set-aside
9 described in subdivision (c) of Section 50199.20 of the Health and
10 Safety Code, the low-income housing project shall be located in
11 California and shall meet either of the following requirements:

12 (i) The project's housing sponsor has been allocated by the
13 California Tax Credit Allocation Committee a credit for federal
14 income tax purposes under Section 42 of the Internal Revenue
15 Code.

16 (ii) It qualifies for a credit under Section 42(h)(4)(B) of the
17 Internal Revenue Code.

18 (B) The California Tax Credit Allocation Committee shall not
19 require fees for the credit under this section in addition to those
20 fees required for applications for the tax credit pursuant to Section
21 42 of the Internal Revenue Code. The committee may require a
22 fee if the application for the credit under this section is submitted
23 in a calendar year after the year the application is submitted for
24 the federal tax credit.

25 (C) (i) For a project that receives a preliminary reservation of
26 the state low-income housing tax credit, allowed pursuant to
27 subdivision (a), on or after January 1, 2009, and before January 1,
28 2016, the credit shall be allocated to the partners of a partnership
29 owning the project in accordance with the partnership agreement,
30 regardless of how the federal low-income housing tax credit with
31 respect to the project is allocated to the partners, or whether the
32 allocation of the credit under the terms of the agreement has
33 substantial economic effect, within the meaning of Section 704(b)
34 of the Internal Revenue Code.

35 (ii) This subparagraph shall not apply to a project that receives
36 a preliminary reservation of state low-income housing tax credits

37 under the set-aside described in subdivision (c) of Section 50199.20
38 of the Health and Safety Code unless the project also receives a
39 preliminary reservation of federal low-income housing tax credits.

P4 1 (iii) This subparagraph shall cease to be operative with respect
2 to any project that receives a preliminary reservation of a credit
3 on or after January 1, 2016.

4 (2) (A) The California Tax Credit Allocation Committee shall
5 certify to the housing sponsor the amount of tax credit under this
6 section allocated to the housing sponsor for each credit period.

7 (B) In the case of a partnership or an "S" corporation, the
8 housing sponsor shall provide a copy of the California Tax Credit
9 Allocation Committee certification to the taxpayer.

10 (C) The taxpayer shall attach a copy of the certification to any
11 return upon which a tax credit is claimed under this section.

12 (D) In the case of a failure to attach a copy of the certification
13 for the year to the return in which a tax credit is claimed under this
14 section, no credit under this section shall be allowed for that year
15 until a copy of that certification is provided.

16 (E) All elections made by the taxpayer pursuant to Section 42
17 of the Internal Revenue Code shall apply to this section.

18 (F) (i) The California Tax Credit Allocation Committee may
19 allocate a credit under this section in exchange for a credit allocated
20 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code in
21 amounts up to 30 percent of the eligible basis of a building if the
22 credits allowed under Section 42 of the Internal Revenue Code are
23 reduced by an equivalent amount.

24 (ii) An equivalent amount shall be determined by the California
25 Tax Credit Allocation Committee based upon the relative amount
26 required to produce an equivalent state tax credit to the taxpayer.

27 (c) Section 42(b) of the Internal Revenue Code shall be modified
28 as follows:

29 (1) In the case of any qualified low-income building that is a
30 new building not federally subsidized, the term "applicable
31 percentage" means the following:

32 (A) For each of the first three years, the percentage prescribed
33 by the Secretary of the Treasury for new buildings that are not
34 federally subsidized for the taxable year, determined in accordance
35 with the requirements of Section 42(b)(1) of the Internal Revenue
36 Code in lieu of the percentage prescribed in Section 42(b)(1)(A)
37 of the Internal Revenue Code.

38 (B) For the fourth year, the difference between 30 percent and
39 the sum of the applicable percentages for the first three years.

P5 1 (2) In the case of any qualified low-income building that (i) is
2 a new building, (ii) not located in designated difficult development
3 areas (DDAs) or qualified census tracts (QCTs), as defined in
4 Section ~~45(d)(5)(B)~~ 42(d)(5)(B) of the Internal Revenue Code,
5 and (iii) is federally subsidized, the term "applicable percentage"
6 means for the first three years, 15 percent of the qualified basis of
7 the building, and for the fourth year, 5 percent of the qualified
8 basis of the building.

9 (3) In the case of any qualified low-income building that is (i)
10 an existing building, (ii) not located in designated difficult
11 development areas (DDAs) or qualified census tracts (QCTs), as
12 defined in Section ~~45(d)(5)(B)~~ 42(d)(5)(B) of the Internal Revenue
13 Code, and (iii) is federally subsidized, the term applicable
14 percentage means the following:

15 (A) For each of the first three years, the percentage prescribed
16 by the Secretary of the Treasury for new buildings that are federally
17 subsidized for the taxable year.

18 (B) For the fourth year, the difference between 13 percent and
19 the sum of the applicable percentages for the first three years.

20 (4) In the case of any qualified low-income building that is (i)
21 a new or an existing building, (ii) located in designated difficult
22 development areas (DDAs) or qualified census tracts (QCTs) as
23 defined in Section 42(d)(5)(B) of the Internal Revenue Code, and
24 (iii) federally subsidized, the California Tax Credit Allocation
25 Committee shall determine the amount of credit to be allocated
26 under subparagraph (F) of paragraph (2) of subdivision (b) required
27 to produce an equivalent state tax credit to the taxpayer, as
28 produced in paragraph (2), taking into account the basis boost
29 provided under Section 42(d)(5)(B) of the Internal Revenue Code.

30 (5) In the case of any qualified low-income building that meets
31 all of the requirements of subparagraphs (A) through (D), inclusive,
32 the term "applicable percentage" means 30 percent for each of the
33 first three years and 5 percent for the fourth year.

34 (A) The qualified low-income building is at least 15 years old.

35 (B) The qualified low-income building is a SRO, special needs
36 housing, is in a rural area, or serves households with very
37 low-income or extremely low-income residents.

38 (C) The qualified low-income building is serving households
39 of very low-income or extremely low-income provided that the
40 average income at time admission is not more than 45 percent of
P6 1 the median gross income, as determined under Section 42 of the
2 Internal Revenue Code, adjusted by household size.

3 (D) The qualified low-income building would have insufficient
4 credits under paragraphs (1) and (2) to complete substantial
5 rehabilitation due to a low appraised value.

6 (d) The term "qualified low-income housing project" as defined
7 in Section 42(c)(2) of the Internal Revenue Code is modified by
8 adding the following requirements:

9 (1) The taxpayer shall be entitled to receive a cash distribution
10 from the operations of the project, after funding required reserves,
11 that, at the election of the taxpayer, is equal to:

12 (A) An amount not to exceed 8 percent of the lesser of:

13 (i) The owner equity that shall include the amount of the capital
14 contributions actually paid to the housing sponsor and shall not
15 include any amounts until they are paid on an investor note.

16 (ii) Twenty percent of the adjusted basis of the building as of
17 the close of the first taxable year of the credit period.

18 (B) The amount of the cashflow from those units in the building
19 that are not low-income units. For purposes of computing cashflow
20 under this subparagraph, operating costs shall be allocated to the
21 low-income units using the "floor space fraction," as defined in
22 Section 42 of the Internal Revenue Code.

23 (C) Any amount allowed to be distributed under subparagraph
24 (A) that is not available for distribution during the first five years
25 of the compliance period may be accumulated and distributed any
26 time during the first 15 years of the compliance period but not
27 thereafter.

28 (2) The limitation on return shall apply in the aggregate to the
29 partners if the housing sponsor is a partnership and in the aggregate
30 to the shareholders if the housing sponsor is an "S" corporation.

31 (3) The housing sponsor shall apply any cash available for
32 distribution in excess of the amount eligible to be distributed under
33 paragraph (1) to reduce the rent on rent-restricted units or to
34 increase the number of rent-restricted units subject to the tests of
35 Section 42(g)(1) of the Internal Revenue Code.

36 (e) The provisions of Section 42(f) of the Internal Revenue Code
37 shall be modified as follows:

38 (1) The term "credit period" as defined in Section 42(f)(1) of
39 the Internal Revenue Code is modified by substituting "four taxable
40 years" for "10 taxable years."

P7 1 (2) The special rule for the first taxable year of the credit period
2 under Section 42(f)(2) of the Internal Revenue Code shall not apply
3 to the tax credit under this section.

4 (3) Section 42(f)(3) of the Internal Revenue Code is modified
5 to read:

6 If, as of the close of any taxable year in the compliance period,
7 after the first year of the credit period, the qualified basis of any
8 building exceeds the qualified basis of that building as of the close
9 of the first year of the credit period, the housing sponsor, to the
10 extent of its tax credit allocation, shall be eligible for a credit on
11 the excess in an amount equal to the applicable percentage
12 determined pursuant to subdivision (c) for the four-year period
13 beginning with the the taxable year in which the increase in
14 qualified basis occurs.

15 (f) The provisions of Section 42(h) of the Internal Revenue
16 Code shall be modified as follows:

17 (1) Section 42(h)(2) of the Internal Revenue Code shall not be
18 applicable and instead the following provisions shall be applicable:

19 The total amount for the four-year credit period of the housing
20 credit dollars allocated in a calendar year to any building shall
21 reduce the aggregate housing credit dollar amount of the California
22 Tax Credit Allocation Committee for the calendar year in which
23 the allocation is made.

24 (2) Paragraphs (3), (4), (5), (6)(E)(i)(II), (6)(F), (6)(G), (6)(I),
25 (7), and (8) of Section 42(h) of the Internal Revenue Code shall
26 not be applicable.

27 (g) The aggregate housing credit dollar amount that may be
28 allocated annually by the California Tax Credit Allocation
29 Committee pursuant to this section, Section 17058, and Section
30 23610.5 shall be an amount equal to the sum of all the following:

31 (1) (A) Seventy million dollars (\$70,000,000) for the 2001
32 calendar year, and, for the 2002 calendar year and each calendar
33 year thereafter, seventy million dollars (\$70,000,000) increased
34 by the percentage, if any, by which the Consumer Price Index for
35 the preceding calendar year exceeds the Consumer Price Index for
36 the 2001 calendar year. For the purposes of this paragraph, the
37 term "Consumer Price Index" means the last Consumer Price Index
38 for All Urban Consumers published by the federal Department of
39 Labor.

P8 1 (B) An additional three hundred million dollars (\$300,000,000)
2 for the 2015 calendar year, and, for the 2016 calendar year and
3 each calendar year thereafter, three hundred million dollars
4 (\$300,000,000) increased by the percentage, if any, by which the
5 Consumer Price Index for the preceding calendar year exceeds the
6 Consumer Price Index for the 2015 calendar year. For the purposes
7 of this paragraph, the term "Consumer Price Index" means the last

8 Consumer Price Index for All Urban Consumers published by the
9 federal Department of Labor. A housing sponsor receiving an
10 allocation under paragraph (1) of subdivision (c) shall not be
11 eligible for receipt of the housing credit allocated from the
12 increased amount under this subparagraph. A housing sponsor
13 receiving an allocation under paragraph (1) of subdivision (c) shall
14 remain eligible for receipt of the housing credit allocated from the
15 credit ceiling amount under subparagraph (A).

16 (2) The unused housing credit ceiling, if any, for the preceding
17 calendar years.

18 (3) The amount of housing credit ceiling returned in the calendar
19 year. For purposes of this paragraph, the amount of housing credit
20 dollar amount returned in the calendar year equals the housing
21 credit dollar amount previously allocated to any project that does
22 not become a qualified low-income housing project within the
23 period required by this section or to any project with respect to
24 which an allocation is canceled by mutual consent of the California
25 Tax Credit Allocation Committee and the allocation recipient.

26 (4) Five hundred thousand dollars (\$500,000) per calendar year
27 for projects to provide farmworker housing, as defined in
28 subdivision (h) of Section 50199.7 of the Health and Safety Code.

29 (5) The amount of any unallocated or returned credits under
30 former Sections 17053.14, 23608.2, and 23608.3, as those sections
31 read prior to January 1, 2009, until fully exhausted for projects to
32 provide farmworker housing, as defined in subdivision (h) of
33 Section 50199.7 of the Health and Safety Code.

34 (h) The term "compliance period" as defined in Section 42(i)(1)
35 of the Internal Revenue Code is modified to mean, with respect to
36 any building, the period of 30 consecutive taxable years beginning
37 with the first taxable year of the credit period with respect thereto.

38 (i) (1) Section 42(j) of the Internal Revenue Code shall not be
39 applicable and the provisions in paragraph (2) shall be substituted
40 in its place.

P9 1 (2) The requirements of this section shall be set forth in a
2 regulatory agreement between the California Tax Credit Allocation
3 Committee and the housing sponsor, and the regulatory agreement
4 shall be subordinated, when required, to any lien or encumbrance
5 of any banks or other institutional lenders to the project. The
6 regulatory agreement entered into pursuant to subdivision (f) of
7 Section 50199.14 of the Health and Safety Code, shall apply,
8 provided that the agreement includes all of the following
9 provisions:

10 (A) A term not less than the compliance period.

11 (B) A requirement that the agreement be recorded in the official
12 records of the county in which the qualified low-income housing
13 project is located.

14 (C) A provision stating which state and local agencies can
15 enforce the regulatory agreement in the event the housing sponsor
16 fails to satisfy any of the requirements of this section.

17 (D) A provision that the regulatory agreement shall be deemed
18 a contract enforceable by tenants as third-party beneficiaries thereto
19 and that allows individuals, whether prospective, present, or former
20 occupants of the building, who meet the income limitation
21 applicable to the building, the right to enforce the regulatory
22 agreement in any state court.

23 (E) A provision incorporating the requirements of Section 42

24 of the Internal Revenue Code as modified by this section.

25 (F) A requirement that the housing sponsor notify the California
26 Tax Credit Allocation Committee or its designee and the local
27 agency that can enforce the regulatory agreement if there is a
28 determination by the Internal Revenue Service that the project is
29 not in compliance with Section 42(g) of the Internal Revenue Code.

30 (G) A requirement that the housing sponsor, as security for the
31 performance of the housing sponsor's obligations under the
32 regulatory agreement, assign the housing sponsor's interest in rents
33 that it receives from the project, provided that until there is a
34 default under the regulatory agreement, the housing sponsor is
35 entitled to collect and retain the rents.

36 (H) The remedies available in the event of a default under the
37 regulatory agreement that is not cured within a reasonable cure
38 period, include, but are not limited to, allowing any of the parties
39 designated to enforce the regulatory agreement to collect all rents
40 with respect to the project; taking possession of the project and
P10 1 operating the project in accordance with the regulatory agreement
2 until the enforcer determines the housing sponsor is in a position
3 to operate the project in accordance with the regulatory agreement;
4 applying to any court for specific performance; securing the
5 appointment of a receiver to operate the project; or any other relief
6 as may be appropriate.

7 (j) (1) The committee shall allocate the housing credit on a
8 regular basis consisting of two or more periods in each calendar
9 year during which applications may be filed and considered. The
10 committee shall establish application filing deadlines, the maximum
11 percentage of federal and state low-income housing tax credit
12 ceiling that may be allocated by the committee in that period, and
13 the approximate date on which allocations shall be made. If the
14 enactment of federal or state law, the adoption of rules or
15 regulations, or other similar events prevent the use of two allocation
16 periods, the committee may reduce the number of periods and
17 adjust the filing deadlines, maximum percentage of credit allocated,
18 and allocation dates.

19 (2) The committee shall adopt a qualified allocation plan, as
20 provided in Section 42(m)(1) of the Internal Revenue Code. In
21 adopting this plan, the committee shall comply with the provisions
22 of Sections 42(m)(1)(B) and 42(m)(1)(C) of the Internal Revenue
23 Code, respectively.

24 (3) Notwithstanding Section 42(m) of the Internal Revenue
25 Code the California Tax Credit Allocation Committee shall allocate
26 housing credits in accordance with the qualified allocation plan
27 and regulations, which shall include the following provisions:

28 (A) All housing sponsors, as defined by paragraph (3) of
29 subdivision (a), shall demonstrate at the time the application is
30 filed with the committee that the project meets the following
31 threshold requirements:

32 (i) The housing sponsor shall demonstrate there is a need and
33 demand for low-income housing in the community or region for
34 which it is proposed.

35 (ii) The project's proposed financing, including tax credit
36 proceeds, shall be sufficient to complete the project and that the
37 proposed operating income shall be adequate to operate the project
38 for the extended use period.

P11 1 (iii) The project shall have enforceable financing commitments,

2 either construction or permanent financing, for at least 50 percent
3 of the total estimated financing of the project.

4 (iv) The housing sponsor shall have and maintain control of the
5 site for the project.

6 (v) The housing sponsor shall demonstrate that the project
7 complies with all applicable local land use and zoning ordinances.

8 (vi) The housing sponsor shall demonstrate that the project
9 development team has the experience and the financial capacity
10 to ensure project completion and operation for the extended use
11 period.

12 (vii) The housing sponsor shall demonstrate the amount of tax
13 credit that is necessary for the financial feasibility of the project
14 and its viability as a qualified low-income housing project
15 throughout the extended use period, taking into account operating
16 expenses, a supportable debt service, reserves, funds set aside for
17 rental subsidies, and required equity, and a development fee that
18 does not exceed a specified percentage of the eligible basis of the
19 project prior to inclusion of the development fee in the eligible
20 basis, as determined by the committee.

21 (B) The committee shall give a preference to those projects
22 satisfying all of the threshold requirements of subparagraph (A)
23 if both of the following apply:

24 (i) The project serves the lowest income tenants at rents
25 affordable to those tenants.

26 (ii) The project is obligated to serve qualified tenants for the
27 longest period.

28 (C) In addition to the provisions of subparagraphs (A) and (B),
29 the committee shall use the following criteria in allocating housing
30 credits:

31 (i) Projects serving large families in which a substantial number,
32 as defined by the committee, of all residential units are low-income
33 units with three and more bedrooms.

34 (ii) Projects providing single-room occupancy units serving
35 very low income tenants.

36 (iii) (I) Existing projects that are "at risk of conversion."

37 (II) For purposes of this section, the term "at risk of conversion,"
38 with respect to an existing property means a property that satisfies
39 all of the following criteria:

P12 1 (ia) The property is a multifamily rental housing development
2 in which at least 50 percent of the units receive governmental
3 assistance pursuant to any of the following:

4 (Ia) New construction, substantial rehabilitation, moderate
5 rehabilitation, property disposition, and loan management set-aside
6 programs, or any other program providing project-based assistance
7 pursuant to Section 8 of the United States Housing Act of 1937,
8 Section 1437f of Title 42 of the United States Code, as amended.

9 (Ib) The Below-Market-Interest-Rate Program pursuant to
10 Section 221(d)(3) of the National Housing Act, Sections
11 1715l(d)(3) and (5) of Title 12 of the United States Code.

12 (Ic) Section 236 of the National Housing Act, Section 1715z-1
13 of Title 12 of the United States Code.

14 (Id) Programs for rent supplement assistance pursuant to Section
15 18 101 of the Housing and Urban Development Act of 1965,
16 Section 1701s of Title 12 of the United States Code, as amended.

17 (Ie) Programs pursuant to Section 515 of the Housing Act of
18 1949, Section 1485 of Title 42 of the United States Code, as

19 amended.

20 (If) The low-income housing credit program set forth in Section
21 42 of the Internal Revenue Code.

22 (ib) The restrictions on rent and income levels will terminate
23 or the federal insured mortgage on the property is eligible for
24 prepayment any time within five years before or after the date of
25 application to the California Tax Credit Allocation Committee.

26 (ic) The entity acquiring the property enters into a regulatory
27 agreement that requires the property to be operated in accordance
28 with the requirements of this section for a period equal to the
29 greater of 55 years or the life of the property.

30 (id) The property satisfies the requirements of Section 42(e) of
31 the Internal Revenue Code, regarding rehabilitation expenditures
32 except that the provisions of Section 42(e)(3)(A)(ii)(I) shall not
33 apply.

34 (iv) Projects for which a public agency provides direct or indirect
35 long-term financial support for at least 15 percent of the total
36 project development costs or projects for which the owner's equity
37 constitutes at least 30 percent of the total project development
38 costs.

39 (v) Projects that provide tenant amenities not generally available
40 to residents of low-income housing projects.

P13 1 (4) For purposes of allocating credits pursuant to this section,
2 the committee shall not give preference to any project by virtue
3 of the date of submission of its application except to break a tie
4 when two or more of the projects have an equal rating.

5 (k) Section 42(l) of the Internal Revenue Code shall be modified
6 as follows:

7 The term "secretary" shall be replaced by the term "California
8 Franchise Tax Board."

9 (l) In the case where the credit allowed under this section
10 exceeds the "tax," the excess may be carried over to reduce the
11 "tax" in the following year, and succeeding years if necessary,
12 until the credit has been exhausted.

13 (m) The provisions of Section 11407(a) of Public Law 101-508,
14 relating to the effective date of the extension of the low-income
15 housing credit, shall apply to calendar years after 1993.

16 (n) The provisions of Section 11407(c) of Public Law 101-508,
17 relating to election to accelerate credit, shall not apply.

18 (o) This section shall remain in effect for as long as Section 42
19 of the Internal Revenue Code, relating to low-income housing
20 credit, remains in effect.

21 SEC. 2.

22 Section 17058 of the *Revenue and Taxation Code* is
23 amended to read:

23 17058.

24 (a) (1) There shall be allowed as a credit against the
25 "net tax," as defined in Section 17039, a state low-income housing
26 tax credit in an amount equal to the amount determined in
27 subdivision (c), computed in accordance with Section 42 of the
28 Internal Revenue Code except as otherwise provided in this section.

29 (2) "Taxpayer" for purposes of this section means the sole owner
30 in the case of an individual, the partners in the case of a partnership,
31 members in the case of a limited liability company, and the
32 shareholders in the case of an "S" corporation.

(3) "Housing sponsor" for purposes of this section means the

33 sole owner in the case of an individual, the partnership in the case
34 of a partnership, the limited liability company in the case of a
35 limited liability company, and the "S" corporation in the case of
36 an "S" corporation.

37 (4) "Extremely low-income" has the same meaning as in Section
38 50053 of the Health and Safety Code.

39 (5) "Rural area" means a rural area as defined in Section
40 50199.21 of the Health and Safety Code.

P14 1 (6) "Special needs housing" has the meaning as in paragraph
2 (4) of subdivision (g) of Section 10325 of Title 4 of the California
3 Code of Regulations.

4 (7) "SRO" means single room occupancy.

5 (8) "Very low-income" has the same meaning as in Section
6 50053 of the Health and Safety Code."

7 (b) (1) The amount of the credit allocated to any housing
8 sponsor shall be authorized by the California Tax Credit Allocation
9 Committee, or any successor thereof, based on a project's need
10 for the credit for economic feasibility in accordance with the
11 requirements of this section.

12 (A) The low-income housing project shall be located in
13 California and shall meet either of the following requirements:

14 (i) Except for projects to provide farmworker housing, as defined
15 in subdivision (h) of Section 50199.7 of the Health and Safety
16 Code, that are allocated credits solely under the set-aside described
17 in subdivision (c) of Section 50199.20 of the Health and Safety
18 Code, the project's housing sponsor has been allocated by the
19 California Tax Credit Allocation Committee a credit for federal
20 income tax purposes under Section 42 of the Internal Revenue
21 Code.

22 (ii) It qualifies for a credit under Section 42(h)(4)(B) of the
23 Internal Revenue Code.

24 (B) The California Tax Credit Allocation Committee shall not
25 require fees for the credit under this section in addition to those
26 fees required for applications for the tax credit pursuant to Section
27 42 of the Internal Revenue Code. The committee may require a
28 fee if the application for the credit under this section is submitted
29 in a calendar year after the year the application is submitted for
30 the federal tax credit.

31 (C) (i) For a project that receives a preliminary reservation of
32 the state low-income housing tax credit, allowed pursuant to
33 subdivision (a), on or after January 1, 2009, and before January 1,
34 2016, the credit shall be allocated to the partners of a partnership
35 owning the project in accordance with the partnership agreement,
36 regardless of how the federal low-income housing tax credit with
37 respect to the project is allocated to the partners, or whether the
38 allocation of the credit under the terms of the agreement has
39 substantial economic effect, within the meaning of Section 704(b)
40 of the Internal Revenue Code.

P15 1 (ii) To the extent the allocation of the credit to a partner under
2 this section lacks substantial economic effect, any loss or deduction
3 otherwise allowable under this part that is attributable to the sale
4 or other disposition of that partner's partnership interest made prior
5 to the expiration of the federal credit shall not be allowed in the
6 taxable year in which the sale or other disposition occurs, but shall
7 instead be deferred until and treated as if it occurred in the first
8 taxable year immediately following the taxable year in which the

9 federal credit period expires for the project described in clause (i).
10 (iii) This subparagraph shall not apply to a project that receives
11 a preliminary reservation of state low-income housing tax credits
12 under the set-aside described in subdivision (c) of Section 50199.20
13 of the Health and Safety Code unless the project also receives a
14 preliminary reservation of federal low-income housing tax credits.
15 (iv) This subparagraph shall cease to be operative with respect
16 to any project that receives a preliminary reservation of a credit
17 on or after January 1, 2016.

18 (2) (A) The California Tax Credit Allocation Committee shall
19 certify to the housing sponsor the amount of tax credit under this
20 section allocated to the housing sponsor for each credit period.

21 (B) In the case of a partnership, limited liability company, or
22 an "S" corporation, the housing sponsor shall provide a copy of
23 the California Tax Credit Allocation Committee certification to
24 the taxpayer.

25 (C) The taxpayer shall, upon request, provide a copy of the
26 certification to the Franchise Tax Board.

27 (D) All elections made by the taxpayer pursuant to Section 42
28 of the Internal Revenue Code shall apply to this section.

29 (E) (i) The California Tax Credit Allocation Committee may
30 allocate a credit under this section in exchange for a credit allocated
31 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code in
32 amounts up to 30 percent of the eligible basis of a building if the
33 credits allowed under Section 42 of the Internal Revenue Code are
34 reduced by an equivalent amount.

35 (ii) An equivalent amount shall be determined by the California
36 Tax Credit Allocation Committee based upon the relative amount
37 required to produce an equivalent state tax credit to the taxpayer.

38 (c) Section 42(b) of the Internal Revenue Code shall be modified
39 as follows:

P16 1 (1) In the case of any qualified low-income building that is a
2 new building not federally subsidized, the term "applicable
3 percentage" means the following:

4 (A) For each of the first three years, the percentage prescribed
5 by the Secretary of the Treasury for new buildings that are not
6 federally subsidized for the taxable year, determined in accordance
7 with the requirements of Section 42(b)(1) of the Internal Revenue
8 Code in lieu of the percentage prescribed in Section 42(b)(1)(A)
9 of the Internal Revenue Code.

10 (B) For the fourth year, the difference between 30 percent and
11 the sum of the applicable percentages for the first three years.

12 (2) In the case of any qualified low-income building that (i) is
13 a new building, (ii) not located in designated difficult development
14 areas (DDAs) or qualified census tracts (QCTs), as defined in
15 Section ~~45(d)(5)(B)~~ 42(d)(5)(B) of the Internal Revenue Code,
16 and (iii) is federally subsidized, the term "applicable percentage"
17 means for the first three years, 15 percent of the qualified basis of
18 the building, and for the fourth year, 5 percent of the qualified
19 basis of the building.

20 (3) In the case of any qualified low-income building that is (i)
21 an existing building, (ii) not located in designated difficult
22 development areas (DDAs) or qualified census tracts (QCTs), as
23 defined in Section ~~45(d)(5)(B)~~ 42(d)(5)(B) of the Internal Revenue
24 Code, and (iii) is federally subsidized, the term applicable
25 percentage means the following:

26 (A) For each of the first three years, the percentage prescribed
27 by the Secretary of the Treasury for new buildings that are federally
28 subsidized for the taxable year.

29 (B) For the fourth year, the difference between 13 percent and
30 the sum of the applicable percentages for the first three years.

31 (4) In the case of any qualified low-income building that is (i)
32 a new or an existing building, (ii) located in designated difficult
33 development areas (DDAs) or qualified census tracts (QCTs) as
34 defined in Section 42(d)(5)(B) of the Internal Revenue Code, and
35 (iii) federally subsidized, the California Tax Credit Allocation
36 Committee shall determine the amount of credit to be allocated
37 under subparagraph (E) of paragraph (2) of subdivision (b) required
38 to produce an equivalent state tax credit to the taxpayer, as
39 produced in paragraph (2), taking into account the basis boost
40 provided under Section 42(d)(5)(B) of the Internal Revenue Code.

P17 1 (5) In the case of any qualified low-income building that meets
2 all of the requirements of subparagraphs (A) through (D), inclusive,
3 the term "applicable percentage" means 30 percent for each of the
4 first three years and 5 percent for the fourth year.

5 (A) The qualified low-income building is at least 15 years old.

6 (B) The qualified low-income building is a SRO, special needs
7 housing, is in a rural area, or serves households with very
8 low-income or extremely low-income residents.

9 (C) The qualified low-income building is serving households
10 of very low-income or extremely low-income provided that the
11 average income at time admission is not more than 45 percent of
12 the median gross income, as determined under Section 42 of the
13 Internal Revenue Code, adjusted by household size.

14 (D) The qualified low-income building would have insufficient
15 credits under paragraphs (1) and (2) to complete substantial
16 rehabilitation due to a low appraised value.

17 (d) The term "qualified low-income housing project" as defined
18 in Section 42(c)(2) of the Internal Revenue Code is modified by
19 adding the following requirements:

20 (1) The taxpayer shall be entitled to receive a cash distribution
21 from the operations of the project, after funding required reserves,
22 that, at the election of the taxpayer, is equal to:

23 (A) An amount not to exceed 8 percent of the lesser of:

24 (i) The owner equity that shall include the amount of the capital
25 contributions actually paid to the housing sponsor and shall not
26 include any amounts until they are paid on an investor note.

27 (ii) Twenty percent of the adjusted basis of the building as of
28 the close of the first taxable year of the credit period.

29 (B) The amount of the cashflow from those units in the building
30 that are not low-income units. For purposes of computing cashflow
31 under this subparagraph, operating costs shall be allocated to the
32 low-income units using the "floor space fraction," as defined in
33 Section 42 of the Internal Revenue Code.

34 (C) Any amount allowed to be distributed under subparagraph
35 (A) that is not available for distribution during the first five years
36 of the compliance period may be accumulated and distributed any
37 time during the first 15 years of the compliance period but not
38 thereafter.

P18 1 (2) The limitation on return shall apply in the aggregate to the
2 partners if the housing sponsor is a partnership and in the aggregate
3 to the shareholders if the housing sponsor is an "S" corporation.

4 (3) The housing sponsor shall apply any cash available for
5 distribution in excess of the amount eligible to be distributed under
6 paragraph (1) to reduce the rent on rent-restricted units or to
7 increase the number of rent-restricted units subject to the tests of
8 Section 42(g)(1) of the Internal Revenue Code.

9 (e) The provisions of Section 42(f) of the Internal Revenue Code
10 shall be modified as follows:

11 (1) The term "credit period" as defined in Section 42(f)(1) of
12 the Internal Revenue Code is modified by substituting "four taxable
13 years" for "10 taxable years."

14 (2) The special rule for the first taxable year of the credit period
15 under Section 42(f)(2) of the Internal Revenue Code shall not apply
16 to the tax credit under this section.

17 (3) Section 42(f)(3) of the Internal Revenue Code is modified
18 to read:

19 If, as of the close of any taxable year in the compliance period,
20 after the first year of the credit period, the qualified basis of any
21 building exceeds the qualified basis of that building as of the close
22 of the first year of the credit period, the housing sponsor, to the
23 extent of its tax credit allocation, shall be eligible for a credit on
24 the excess in an amount equal to the applicable percentage
25 determined pursuant to subdivision (c) for the four-year period
26 beginning with the taxable year in which the increase in qualified
27 basis occurs.

28 (f) The provisions of Section 42(h) of the Internal Revenue
29 Code shall be modified as follows:

30 (1) Section 42(h)(2) of the Internal Revenue Code shall not be
31 applicable and instead the following provisions shall be applicable:

32 The total amount for the four-year credit period of the housing
33 credit dollars allocated in a calendar year to any building shall
34 reduce the aggregate housing credit dollar amount of the California
35 Tax Credit Allocation Committee for the calendar year in which
36 the allocation is made.

37 (2) Paragraphs (3), (4), (5), (6)(E)(i)(II), (6)(F), (6)(G), (6)(I),
38 (7), and (8) of Section 42(h) of the Internal Revenue Code shall
39 not be applicable.

P19 1 (g) The aggregate housing credit dollar amount that may be
2 allocated annually by the California Tax Credit Allocation
3 Committee pursuant to this section, Section 12206, and Section
4 23610.5 shall be an amount equal to the sum of all the following:

5 (1) (A) Seventy million dollars (\$70,000,000) for the 2001
6 calendar year, and, for the 2002 calendar year and each calendar
7 year thereafter, seventy million dollars (\$70,000,000) increased
8 by the percentage, if any, by which the Consumer Price Index for
9 the preceding calendar year exceeds the Consumer Price Index for
10 the 2001 calendar year. For the purposes of this paragraph, the
11 term "Consumer Price Index" means the last Consumer Price Index
12 for All Urban Consumers published by the federal Department of
13 Labor.

14 (B) An additional three hundred million dollars (\$300,000,000)
15 for the 2015 calendar year, and, for the 2016 calendar year and
16 each calendar year thereafter, three hundred million dollars
17 (\$300,000,000) increased by the percentage, if any, by which the
18 Consumer Price Index for the preceding calendar year exceeds the
19 Consumer Price Index for the 2015 calendar year. For the purposes
20 of this paragraph, the term "Consumer Price Index" means the last

21 Consumer Price Index for All Urban Consumers published by the
22 federal Department of Labor. A housing sponsor receiving an
23 allocation under paragraph (1) of subdivision (c) shall not be
24 eligible for receipt of the housing credit allocated from the
25 increased amount under this subparagraph. A housing sponsor
26 receiving an allocation under paragraph (1) of subdivision (c) shall
27 remain eligible for receipt of the housing credit allocated from the
28 credit ceiling amount under subparagraph (A).

29 (2) The unused housing credit ceiling, if any, for the preceding
30 calendar years.

31 (3) The amount of housing credit ceiling returned in the calendar
32 year. For purposes of this paragraph, the amount of housing credit
33 dollar amount returned in the calendar year equals the housing
34 credit dollar amount previously allocated to any project that does
35 not become a qualified low-income housing project within the
36 period required by this section or to any project with respect to
37 which an allocation is canceled by mutual consent of the California
38 Tax Credit Allocation Committee and the allocation recipient.

P20 1 (4) Five hundred thousand dollars (\$500,000) per calendar year
2 for projects to provide farmworker housing, as defined in
3 subdivision (h) of Section 50199.7 of the Health and Safety Code.

4 (5) The amount of any unallocated or returned credits under
5 former Sections 17053.14, 23608.2, and 23608.3, as those sections
6 read prior to January 1, 2009, until fully exhausted for projects to
7 provide farmworker housing, as defined in subdivision (h) of
8 Section 50199.7 of the Health and Safety Code.

9 (h) The term "compliance period" as defined in Section 42(i)(1)
10 of the Internal Revenue Code is modified to mean, with respect to
11 any building, the period of 30 consecutive taxable years beginning
12 with the first taxable year of the credit period with respect thereto.

13 (i) Section 42(j) of the Internal Revenue Code shall not be
14 applicable and the following requirements of this section shall be
15 set forth in a regulatory agreement between the California Tax
16 Credit Allocation Committee and the housing sponsor, and the
17 regulatory agreement shall be subordinated, when required, to any
18 lien or encumbrance of any banks or other institutional lenders to
19 the project. The regulatory agreement entered into pursuant to
20 subdivision (f) of Section 50199.14 of the Health and Safety Code
21 shall apply, provided that the agreement includes all of the
22 following provisions:

23 (1) A term not less than the compliance period.

24 (2) A requirement that the agreement be recorded in the official
25 records of the county in which the qualified low-income housing
26 project is located.

27 (3) A provision stating which state and local agencies can
28 enforce the regulatory agreement in the event the housing sponsor
29 fails to satisfy any of the requirements of this section.

30 (4) A provision that the regulatory agreement shall be deemed
31 a contract enforceable by tenants as third-party beneficiaries thereto
32 and that allows individuals, whether prospective, present, or former
33 occupants of the building, who meet the income limitation
34 applicable to the building, the right to enforce the regulatory
35 agreement in any state court.

36 (5) A provision incorporating the requirements of Section 42
37 of the Internal Revenue Code as modified by this section.

38 (6) A requirement that the housing sponsor notify the California

39 Tax Credit Allocation Committee or its designee if there is a
P21 1 determination by the Internal Revenue Service that the project is
2 not in compliance with Section 42(g) of the Internal Revenue Code.

3 (7) A requirement that the housing sponsor, as security for the
4 performance of the housing sponsor's obligations under the
5 regulatory agreement, assign the housing sponsor's interest in rents
6 that it receives from the project, provided that until there is a
7 default under the regulatory agreement, the housing sponsor is
8 entitled to collect and retain the rents.

9 (8) The remedies available in the event of a default under the
10 regulatory agreement that is not cured within a reasonable cure
11 period, include, but are not limited to, allowing any of the parties
12 designated to enforce the regulatory agreement to collect all rents
13 with respect to the project; taking possession of the project and
14 operating the project in accordance with the regulatory agreement
15 until the enforcer determines the housing sponsor is in a position
16 to operate the project in accordance with the regulatory agreement;
17 applying to any court for specific performance; securing the
18 appointment of a receiver to operate the project; or any other relief
19 as may be appropriate.

20 (j) (1) The committee shall allocate the housing credit on a
21 regular basis consisting of two or more periods in each calendar
22 year during which applications may be filed and considered. The
23 committee shall establish application filing deadlines, the maximum
24 percentage of federal and state low-income housing tax credit
25 ceiling that may be allocated by the committee in that period, and
26 the approximate date on which allocations shall be made. If the
27 enactment of federal or state law, the adoption of rules or
28 regulations, or other similar events prevent the use of two allocation
29 periods, the committee may reduce the number of periods and
30 adjust the filing deadlines, maximum percentage of credit allocated,
31 and allocation dates.

32 (2) The committee shall adopt a qualified allocation plan, as
33 provided in Section 42(m)(1) of the Internal Revenue Code. In
34 adopting this plan, the committee shall comply with the provisions
35 of Sections 42(m)(1)(B) and 42(m)(1)(C) of the Internal Revenue
36 Code, respectively.

37 (3) Notwithstanding Section 42(m) of the Internal Revenue
38 Code the California Tax Credit Allocation Committee shall allocate
39 housing credits in accordance with the qualified allocation plan
40 and regulations, which shall include the following provisions:

P22 1 (A) All housing sponsors, as defined by paragraph (3) of
2 subdivision (a), shall demonstrate at the time the application is
3 filed with the committee that the project meets the following
4 threshold requirements:

5 (i) The housing sponsor shall demonstrate there is a need and
6 demand for low-income housing in the community or region for
7 which it is proposed.

8 (ii) The project's proposed financing, including tax credit
9 proceeds, shall be sufficient to complete the project and that the
10 proposed operating income shall be adequate to operate the project
11 for the extended use period.

12 (iii) The project shall have enforceable financing commitments,
13 either construction or permanent financing, for at least 50 percent
14 of the total estimated financing of the project.

15 (iv) The housing sponsor shall have and maintain control of the

16 site for the project.

17 (v) The housing sponsor shall demonstrate that the project
18 complies with all applicable local land use and zoning ordinances.

19 (vi) The housing sponsor shall demonstrate that the project
20 development team has the experience and the financial capacity
21 to ensure project completion and operation for the extended use
22 period.

23 (vii) The housing sponsor shall demonstrate the amount of tax
24 credit that is necessary for the financial feasibility of the project
25 and its viability as a qualified low-income housing project
26 throughout the extended use period, taking into account operating
27 expenses, a supportable debt service, reserves, funds set aside for
28 rental subsidies and required equity, and a development fee that
29 does not exceed a specified percentage of the eligible basis of the
30 project prior to inclusion of the development fee in the eligible
31 basis, as determined by the committee.

32 (B) The committee shall give a preference to those projects
33 satisfying all of the threshold requirements of subparagraph (A)
34 if both of the following apply:

35 (i) The project serves the lowest income tenants at rents
36 affordable to those tenants.

37 (ii) The project is obligated to serve qualified tenants for the
38 longest period.

P23 1 (C) In addition to the provisions of subparagraphs (A) and (B),
2 the committee shall use the following criteria in allocating housing
3 credits:

4 (i) Projects serving large families in which a substantial number,
5 as defined by the committee, of all residential units are low-income
6 units with three and more bedrooms.

7 (ii) Projects providing single-room occupancy units serving
8 very low income tenants.

9 (iii) (I) Existing projects that are "at risk of conversion."

10 (II) For purposes of this section, the term "at risk of conversion,"
11 with respect to an existing property means a property that satisfies
12 all of the following criteria:

13 (ia) The property is a multifamily rental housing development
14 in which at least 50 percent of the units receive governmental
15 assistance pursuant to any of the following:

16 (Ia) New construction, substantial rehabilitation, moderate
17 rehabilitation, property disposition, and loan management set-aside
18 programs, or any other program providing project-based assistance
19 pursuant to Section 8 of the United States Housing Act of 1937,
20 Section 1437f of Title 42 of the United States Code, as amended.

21 (Ib) The Below-Market-Interest-Rate Program pursuant to
22 Section 221(d)(3) of the National Housing Act, Sections
23 1715l(d)(3) and (5) of Title 12 of the United States Code.

24 (Ic) Section 236 of the National Housing Act, Section 1715z-1
25 of Title 12 of the United States Code.

26 (Id) Programs for rent supplement assistance pursuant to Section
27 18 101 of the Housing and Urban Development Act of 1965,
28 Section 1701s of Title 12 of the United States Code, as amended.

29 (Ie) Programs pursuant to Section 515 of the Housing Act of
30 1949, Section 1485 of Title 42 of the United States Code, as
31 amended.

32 (If) The low-income housing credit program set forth in Section
33 42 of the Internal Revenue Code.

34 (ib) The restrictions on rent and income levels will terminate
35 or the federal insured mortgage on the property is eligible for
36 prepayment any time within five years before or after the date of
37 application to the California Tax Credit Allocation Committee.

38 (ic) The entity acquiring the property enters into a regulatory
39 agreement that requires the property to be operated in accordance
P24 1 with the requirements of this section for a period equal to the
2 greater of 55 years or the life of the property.

3 (id) The property satisfies the requirements of Section 42(e) of
4 the Internal Revenue Code, regarding rehabilitation expenditures
5 except that the provisions of Section 42(e)(3)(A)(ii)(I) shall not
6 apply.

7 (iv) Projects for which a public agency provides direct or indirect
8 long-term financial support for at least 15 percent of the total
9 project development costs or projects for which the owner's equity
10 constitutes at least 30 percent of the total project development
11 costs.

12 (v) Projects that provide tenant amenities not generally available
13 to residents of low-income housing projects.

14 (4) For purposes of allocating credits pursuant to this section,
15 the committee shall not give preference to any project by virtue
16 of the date of submission of its application.

17 (k) Section 42(l) of the Internal Revenue Code shall be modified
18 as follows:

19 The term "secretary" shall be replaced by the term "California
20 Franchise Tax Board."

21 (l) In the case where the credit allowed under this section
22 exceeds the net tax, the excess may be carried over to reduce the
23 net tax in the following year, and succeeding taxable years, if
24 necessary, until the credit has been exhausted.

25 (m) A project that received an allocation of a 1989 federal
26 housing credit dollar amount shall be eligible to receive an
27 allocation of a 1990 state housing credit dollar amount, subject to
28 all of the following conditions:

29 (1) The project was not placed in service prior to 1990.

30 (2) To the extent the amendments made to this section by the
31 Statutes of 1990 conflict with any provisions existing in this section
32 prior to those amendments, the prior provisions of law shall prevail.

33 (3) Notwithstanding paragraph (2), a project applying for an
34 allocation under this subdivision shall be subject to the
35 requirements of paragraph (3) of subdivision (j).

36 (n) The credit period with respect to an allocation of credit in
37 1989 by the California Tax Credit Allocation Committee of which
38 any amount is attributable to unallocated credit from 1987 or 1988
39 shall not begin until after December 31, 1989.

P25 1 (o) The provisions of Section 11407(a) of Public Law 101-508,
2 relating to the effective date of the extension of the low-income
3 housing credit, shall apply to calendar years after 1989.

4 (p) The provisions of Section 11407(c) of Public Law 101-508,
5 relating to election to accelerate credit, shall not apply.

6 (q) Any unused credit may continue to be carried forward, as
7 provided in subdivision (l), until the credit has been exhausted.

8 (r) This section shall remain in effect on and after December 1,
9 1990, for as long as Section 42 of the Internal Revenue Code,
10 relating to low-income housing credit, remains in effect.

11 (s) The amendments to this section made by Chapter 1222 of

12 the Statutes of 1993 shall apply only to taxable years beginning
13 on or after January 1, 1994.

14 SEC. 3.

15 Section 23610.5 of the *Revenue and Taxation Code*
16 is amended to read:

23610.5.

17 (a) (1) There shall be allowed as a credit against the
18 "tax," as defined by Section 23036, a state low-income housing
19 tax credit in an amount equal to the amount determined in
20 subdivision (c), computed in accordance with Section 42 of the
Internal Revenue Code except as otherwise provided in this section.

21 (2) "Taxpayer," for purposes of this section, means the sole
22 owner in the case of a "C" corporation, the partners in the case of
23 a partnership, members in the case of a limited liability company,
24 and the shareholders in the case of an "S" corporation.

25 (3) "Housing sponsor," for purposes of this section, means the
26 sole owner in the case of a "C" corporation, the partnership in the
27 case of a partnership, the limited liability company in the case of
28 a limited liability company, and the "S" corporation in the case of
29 an "S" corporation.

30 (4) "Extremely low-income" has the same meaning as in Section
31 50053 of the Health and Safety Code.

32 (5) "Rural area" means a rural area as defined in Section
33 50199.21 of the Health and Safety Code.

34 (6) "Special needs housing" has the meaning as in paragraph
35 (4) of subdivision (g) of Section 10325 of Title 4 of the California
36 Code of Regulations.

37 (7) "SRO" means single room occupancy.

38 (8) "Very low-income" has the same meaning as in Section
39 50053 of the Health and Safety Code."

P26 1 (b) (1) The amount of the credit allocated to any housing
2 sponsor shall be authorized by the California Tax Credit Allocation
3 Committee, or any successor thereof, based on a project's need
4 for the credit for economic feasibility in accordance with the
5 requirements of this section.

6 (A) The low-income housing project shall be located in
7 California and shall meet either of the following requirements:

8 (i) Except for projects to provide farmworker housing, as defined
9 in subdivision (h) of Section 50199.7 of the Health and Safety
10 Code, that are allocated credits solely under the set-aside described
11 in subdivision (c) of Section 50199.20 of the Health and Safety
12 Code, the project's housing sponsor has been allocated by the
13 California Tax Credit Allocation Committee a credit for federal
14 income tax purposes under Section 42 of the Internal Revenue
15 Code.

16 (ii) It qualifies for a credit under Section 42(h)(4)(B) of the
17 Internal Revenue Code.

18 (B) The California Tax Credit Allocation Committee shall not
19 require fees for the credit under this section in addition to those
20 fees required for applications for the tax credit pursuant to Section
21 42 of the Internal Revenue Code. The committee may require a
22 fee if the application for the credit under this section is submitted
23 in a calendar year after the year the application is submitted for
24 the federal tax credit.

25 (C) (i) For a project that receives a preliminary reservation of
26 the state low-income housing tax credit, allowed pursuant to

27 subdivision (a), on or after January 1, 2009, and before January 1,
28 2016, the credit shall be allocated to the partners of a partnership
29 owning the project in accordance with the partnership agreement,
30 regardless of how the federal low-income housing tax credit with
31 respect to the project is allocated to the partners, or whether the
32 allocation of the credit under the terms of the agreement has
33 substantial economic effect, within the meaning of Section 704(b)
34 of the Internal Revenue Code.

35 (ii) To the extent the allocation of the credit to a partner under
36 this section lacks substantial economic effect, any loss or deduction
37 otherwise allowable under this part that is attributable to the sale
38 or other disposition of that partner's partnership interest made prior
39 to the expiration of the federal credit shall not be allowed in the
40 taxable year in which the sale or other disposition occurs, but shall
P27 1 instead be deferred until and treated as if it occurred in the first
2 taxable year immediately following the taxable year in which the
3 federal credit period expires for the project described in clause (i).

4 (iii) This subparagraph shall not apply to a project that receives
5 a preliminary reservation of state low-income housing tax credits
6 under the set-aside described in subdivision (c) of Section 50199.20
7 of the Health and Safety Code unless the project also receives a
8 preliminary reservation of federal low-income housing tax credits.

9 (iv) This subparagraph shall cease to be operative with respect
10 to any project that receives a preliminary reservation of a credit
11 on or after January 1, 2016.

12 (2) (A) The California Tax Credit Allocation Committee shall
13 certify to the housing sponsor the amount of tax credit under this
14 section allocated to the housing sponsor for each credit period.

15 (B) In the case of a partnership, limited liability company, or
16 an "S" corporation, the housing sponsor shall provide a copy of
17 the California Tax Credit Allocation Committee certification to
18 the taxpayer.

19 (C) The taxpayer shall, upon request, provide a copy of the
20 certification to the Franchise Tax Board.

21 (D) All elections made by the taxpayer pursuant to Section 42
22 of the Internal Revenue Code shall apply to this section.

23 (E) (i) The California Tax Credit Allocation Committee may
24 allocate a credit under this section in exchange for a credit allocated
25 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code in
26 amounts up to 30 percent of the eligible basis of a building if the
27 credits allowed under Section 42 of the Internal Revenue Code are
28 reduced by an equivalent amount.

29 (ii) An equivalent amount shall be determined by the California
30 Tax Credit Allocation Committee based upon the relative amount
31 required to produce an equivalent state tax credit to the taxpayer.

32 (c) Section 42(b) of the Internal Revenue Code shall be modified
33 as follows:

34 (1) In the case of any qualified low-income building that is a
35 new building not federally subsidized, the term "applicable
36 percentage" means the following:

37 (A) For each of the first three years, the percentage prescribed
38 by the Secretary of the Treasury for new buildings that are not
39 federally subsidized for the taxable year, determined in accordance
40 with the requirements of Section 42(b)(1) of the Internal Revenue
P28 1 Code in lieu of the percentage prescribed in Section 42(b)(1)(A)
2 of the Internal Revenue Code.

3 (B) For the fourth year, the difference between 30 percent and
4 the sum of the applicable percentages for the first three years.

5 (2) In the case of any qualified low-income building that (i) is
6 a new building, (ii) not located in designated difficult development
7 areas (DDAs) or qualified census tracts (QCTs), as defined in
8 Section ~~45(d)(5)(B)~~ 42(d)(5)(B) of the Internal Revenue Code,
9 and (iii) is federally subsidized, the term "applicable percentage"
10 means for the first three years, 15 percent of the qualified basis of
11 the building, and for the fourth year, 5 percent of the qualified
12 basis of the building.

13 (3) In the case of any qualified low-income building that is (i)
14 an existing building, (ii) not located in designated difficult
15 development areas (DDAs) or qualified census tracts (QCTs), as
16 defined in Section ~~45(d)(5)(B)~~ 42(d)(5)(B) of the Internal Revenue
17 Code, and (iii) is federally subsidized, the term applicable
18 percentage means the following:

19 (A) For each of the first three years, the percentage prescribed
20 by the Secretary of the Treasury for new buildings that are federally
21 subsidized for the taxable year.

22 (B) For the fourth year, the difference between 13 percent and
23 the sum of the applicable percentages for the first three years.

24 (4) In the case of any qualified low-income building that is (i)
25 a new or an existing building, (ii) located in designated difficult
26 development areas (DDAs) or qualified census tracts (QCTs) as
27 defined in Section 42(d)(5)(B) of the Internal Revenue Code, and
28 (iii) federally subsidized, the California Tax Credit Allocation
29 Committee shall determine the amount of credit to be allocated
30 under subparagraph (E) of paragraph (2) of subdivision (b) required
31 to produce an equivalent state tax credit to the taxpayer, as
32 produced in paragraph (2), taking into account the basis boost
33 provided under Section 42(d)(5)(B) of the Internal Revenue Code.

34 (5) In the case of any qualified low-income building that meets
35 all of the requirements of subparagraphs (A) through (D), inclusive,
36 the term "applicable percentage" means 30 percent for each of the
37 first three years and 5 percent for the fourth year.

38 (A) The qualified low-income building is at least 15 years old.

P29 1 (B) The qualified low-income building is a SRO, special needs
2 housing, is in a rural area, or serves households with very
3 low-income or extremely low-income residents.

4 (C) The qualified low-income building is serving households
5 of very low-income or extremely low-income provided that the
6 average income at time admission is not more than 45 percent of
7 the median gross income, as determined under Section 42 of the
8 Internal Revenue Code, adjusted by household size.

9 (D) The qualified low-income building would have insufficient
10 credits under paragraphs (1) and (2) to complete substantial
11 rehabilitation due to a low appraised value.

12 (d) The term "qualified low-income housing project" as defined
13 in Section 42(c)(2) of the Internal Revenue Code is modified by
14 adding the following requirements:

15 (1) The taxpayer shall be entitled to receive a cash distribution
16 from the operations of the project, after funding required reserves,
17 that at the election of the taxpayer, is equal to:

18 (A) An amount not to exceed 8 percent of the lesser of:

19 (i) The owner equity, that shall include the amount of the capital
20 contributions actually paid to the housing sponsor and shall not

21 include any amounts until they are paid on an investor note.

22 (ii) Twenty percent of the adjusted basis of the building as of
23 the close of the first taxable year of the credit period.

24 (B) The amount of the cashflow from those units in the building
25 that are not low-income units. For purposes of computing cashflow
26 under this subparagraph, operating costs shall be allocated to the
27 low-income units using the "floor space fraction," as defined in
28 Section 42 of the Internal Revenue Code.

29 (C) Any amount allowed to be distributed under subparagraph
30 (A) that is not available for distribution during the first five years
31 of the compliance period may be accumulated and distributed any
32 time during the first 15 years of the compliance period but not
33 thereafter.

34 (2) The limitation on return shall apply in the aggregate to the
35 partners if the housing sponsor is a partnership and in the aggregate
36 to the shareholders if the housing sponsor is an "S" corporation.

37 (3) The housing sponsor shall apply any cash available for
38 distribution in excess of the amount eligible to be distributed under
39 paragraph (1) to reduce the rent on rent-restricted units or to
P30 1 increase the number of rent-restricted units subject to the tests of
2 Section 42(g)(1) of the Internal Revenue Code.

3 (e) The provisions of Section 42(f) of the Internal Revenue Code
4 shall be modified as follows:

5 (1) The term "credit period" as defined in Section 42(f)(1) of
6 the Internal Revenue Code is modified by substituting "four taxable
7 years" for "10 taxable years."

8 (2) The special rule for the first taxable year of the credit period
9 under Section 42(f)(2) of the Internal Revenue Code shall not apply
10 to the tax credit under this section.

11 (3) Section 42(f)(3) of the Internal Revenue Code is modified
12 to read:

13 If, as of the close of any taxable year in the compliance period,
14 after the first year of the credit period, the qualified basis of any
15 building exceeds the qualified basis of that building as of the close
16 of the first year of the credit period, the housing sponsor, to the
17 extent of its tax credit allocation, shall be eligible for a credit on
18 the excess in an amount equal to the applicable percentage
19 determined pursuant to subdivision (c) for the four-year period
20 beginning with the later of the taxable years in which the increase
21 in qualified basis occurs.

22 (f) The provisions of Section 42(h) of the Internal Revenue
23 Code shall be modified as follows:

24 (1) Section 42(h)(2) of the Internal Revenue Code shall not be
25 applicable and instead the following provisions shall be applicable:

26 The total amount for the four-year credit period of the housing
27 credit dollars allocated in a calendar year to any building shall
28 reduce the aggregate housing credit dollar amount of the California
29 Tax Credit Allocation Committee for the calendar year in which
30 the allocation is made.

31 (2) Paragraphs (3), (4), (5), (6)(E)(i)(II), (6)(F), (6)(G), (6)(I),
32 (7), and (8) of Section 42(h) of the Internal Revenue Code shall
33 not be applicable.

34 (g) The aggregate housing credit dollar amount that may be
35 allocated annually by the California Tax Credit Allocation
36 Committee pursuant to this section, Section 12206, and Section
37 17058 shall be an amount equal to the sum of all the following:

38 (1) (A) Seventy million dollars (\$70,000,000) for the 2001
39 calendar year, and, for the 2002 calendar year and each calendar
40 year thereafter, seventy million dollars (\$70,000,000) increased
P31 1 by the percentage, if any, by which the Consumer Price Index for
2 the preceding calendar year exceeds the Consumer Price Index for
3 the 2001 calendar year. For the purposes of this paragraph, the
4 term "Consumer Price Index" means the last Consumer Price Index
5 for All Urban Consumers published by the federal Department of
6 Labor.

7 (B) An additional three hundred million dollars (\$300,000,000)
8 for the 2015 calendar year, and, for the 2016 calendar year and
9 each calendar year thereafter, three hundred million dollars
10 (\$300,000,000) increased by the percentage, if any, by which the
11 Consumer Price Index for the preceding calendar year exceeds the
12 Consumer Price Index for the 2015 calendar year. For the purposes
13 of this paragraph, the term "Consumer Price Index" means the last
14 Consumer Price Index for All Urban Consumers published by the
15 federal Department of Labor. A housing sponsor receiving an
16 allocation under paragraph (1) of subdivision (c) shall not be
17 eligible for receipt of the housing credit allocated from the
18 increased amount under this subparagraph. A housing sponsor
19 receiving an allocation under paragraph (1) of subdivision (c) shall
20 remain eligible for receipt of the housing credit allocated from the
21 credit ceiling amount under subparagraph (A).

22 (2) The unused housing credit ceiling, if any, for the preceding
23 calendar years.

24 (3) The amount of housing credit ceiling returned in the calendar
25 year. For purposes of this paragraph, the amount of housing credit
26 dollar amount returned in the calendar year equals the housing
27 credit dollar amount previously allocated to any project that does
28 not become a qualified low-income housing project within the
29 period required by this section or to any project with respect to
30 which an allocation is canceled by mutual consent of the California
31 Tax Credit Allocation Committee and the allocation recipient.

32 (4) Five hundred thousand dollars (\$500,000) per calendar year
33 for projects to provide farmworker housing, as defined in
34 subdivision (h) of Section 50199.7 of the Health and Safety Code.

35 (5) The amount of any unallocated or returned credits under
36 former Sections 17053.14, 23608.2, and 23608.3, as those sections
37 read prior to January 1, 2009, until fully exhausted for projects to
38 provide farmworker housing, as defined in subdivision (h) of
39 Section 50199.7 of the Health and Safety Code.

P32 1 (h) The term "compliance period" as defined in Section 42(i)(1)
2 of the Internal Revenue Code is modified to mean, with respect to
3 any building, the period of 30 consecutive taxable years beginning
4 with the first taxable year of the credit period with respect thereto.

5 (i) Section 42(j) of the Internal Revenue Code shall not be
6 applicable and the following shall be substituted in its place:

7 The requirements of this section shall be set forth in a regulatory
8 agreement between the California Tax Credit Allocation Committee
9 and the housing sponsor, and the regulatory agreement shall be
10 subordinated, when required, to any lien or encumbrance of any
11 banks or other institutional lenders to the project. The regulatory
12 agreement entered into pursuant to subdivision (f) of Section
13 50199.14 of the Health and Safety Code shall apply, provided that
14 the agreement includes all of the following provisions:

15 (1) A term not less than the compliance period.

16 (2) A requirement that the agreement be recorded in the official
17 records of the county in which the qualified low-income housing
18 project is located.

19 (3) A provision stating which state and local agencies can
20 enforce the regulatory agreement in the event the housing sponsor
21 fails to satisfy any of the requirements of this section.

22 (4) A provision that the regulatory agreement shall be deemed
23 a contract enforceable by tenants as third-party beneficiaries
24 thereto, and that allows individuals, whether prospective, present,
25 or former occupants of the building, who meet the income
26 limitation applicable to the building, the right to enforce the
27 regulatory agreement in any state court.

28 (5) A provision incorporating the requirements of Section 42
29 of the Internal Revenue Code as modified by this section.

30 (6) A requirement that the housing sponsor notify the California
31 Tax Credit Allocation Committee or its designee if there is a
32 determination by the Internal Revenue Service that the project is
33 not in compliance with Section 42(g) of the Internal Revenue Code.

34 (7) A requirement that the housing sponsor, as security for the
35 performance of the housing sponsor's obligations under the
36 regulatory agreement, assign the housing sponsor's interest in rents
37 that it receives from the project, provided that until there is a
38 default under the regulatory agreement, the housing sponsor is
39 entitled to collect and retain the rents.

P33 1 (8) The remedies available in the event of a default under the
2 regulatory agreement that is not cured within a reasonable cure
3 period include, but are not limited to, allowing any of the parties
4 designated to enforce the regulatory agreement to collect all rents
5 with respect to the project; taking possession of the project and
6 operating the project in accordance with the regulatory agreement
7 until the enforcer determines the housing sponsor is in a position
8 to operate the project in accordance with the regulatory agreement;
9 applying to any court for specific performance; securing the
10 appointment of a receiver to operate the project; or any other relief
11 as may be appropriate.

12 (j) (1) The committee shall allocate the housing credit on a
13 regular basis consisting of two or more periods in each calendar
14 year during which applications may be filed and considered. The
15 committee shall establish application filing deadlines, the maximum
16 percentage of federal and state low-income housing tax credit
17 ceiling that may be allocated by the committee in that period, and
18 the approximate date on which allocations shall be made. If the
19 enactment of federal or state law, the adoption of rules or
20 regulations, or other similar events prevent the use of two allocation
21 periods, the committee may reduce the number of periods and
22 adjust the filing deadlines, maximum percentage of credit allocated,
23 and allocation dates.

24 (2) The committee shall adopt a qualified allocation plan, as
25 provided in Section 42(m)(1) of the Internal Revenue Code. In
26 adopting this plan, the committee shall comply with the provisions
27 of Sections 42(m)(1)(B) and 42(m)(1)(C) of the Internal Revenue
28 Code, respectively.

29 (3) Notwithstanding Section 42(m) of the Internal Revenue
30 Code the California Tax Credit Allocation Committee shall allocate
31 housing credits in accordance with the qualified allocation plan

32 and regulations, which shall include the following provisions:

33 (A) All housing sponsors, as defined by paragraph (3) of
34 subdivision (a), shall demonstrate at the time the application is
35 filed with the committee that the project meets the following
36 threshold requirements:

37 (i) The housing sponsor shall demonstrate there is a need for
38 low-income housing in the community or region for which it is
39 proposed.

P34 1 (ii) The project's proposed financing, including tax credit
2 proceeds, shall be sufficient to complete the project and shall be
3 adequate to operate the project for the extended use period.

4 (iii) The project shall have enforceable financing commitments,
5 either construction or permanent financing, for at least 50 percent
6 of the total estimated financing of the project.

7 (iv) The housing sponsor shall have and maintain control of the
8 site for the project.

9 (v) The housing sponsor shall demonstrate that the project
10 complies with all applicable local land use and zoning ordinances.

11 (vi) The housing sponsor shall demonstrate that the project
12 development team has the experience and the financial capacity
13 to ensure project completion and operation for the extended use
14 period.

15 (vii) The housing sponsor shall demonstrate the amount of tax
16 credit that is necessary for the financial feasibility of the project
17 and its viability as a qualified low-income housing project
18 throughout the extended use period, taking into account operating
19 expenses, a supportable debt service, reserves, funds set aside for
20 rental subsidies and required equity, and a development fee that
21 does not exceed a specified percentage of the eligible basis of the
22 project prior to inclusion of the development fee in the eligible
23 basis, as determined by the committee.

24 (B) The committee shall give a preference to those projects
25 satisfying all of the threshold requirements of subparagraph (A)
26 if both of the following apply:

27 (i) The project serves the lowest income tenants at rents
28 affordable to those tenants.

29 (ii) The project is obligated to serve qualified tenants for the
30 longest period.

31 (C) In addition to the provisions of subparagraphs (A) and (B),
32 the committee shall use the following criteria in allocating housing
33 credits:

34 (i) Projects serving large families in which a substantial number,
35 as defined by the committee, of all residential units are low-income
36 units with three and more bedrooms.

37 (ii) Projects providing single-room occupancy units serving
38 very low income tenants.

39 (iii) (I) Existing projects that are "at risk of conversion."

P35 1 (II) For purposes of this section, the term "at risk of conversion,"
2 with respect to an existing property means a property that satisfies
3 all of the following criteria:

4 (ia) The property is a multifamily rental housing development
5 in which at least 50 percent of the units receive governmental
6 assistance pursuant to any of the following:

7 (Ia) New construction, substantial rehabilitation, moderate
8 rehabilitation, property disposition, and loan management set-aside
9 programs, or any other program providing project-based assistance

10 pursuant to Section 8 of the United States Housing Act of 1937,
11 Section 1437f of Title 42 of the United States Code, as amended.

12 (Ib) The Below-Market-Interest-Rate Program pursuant to
13 Section 221(d)(3) of the National Housing Act, Sections
14 1715l(d)(3) and (5) of Title 12 of the United States Code.

15 (Ic) Section 236 of the National Housing Act, Section 1715z-1
16 of Title 12 of the United States Code.

17 (Id) Programs for rent supplement assistance pursuant to Section
18 18 101 of the Housing and Urban Development Act of 1965,
19 Section 1701s of Title 12 of the United States Code, as amended.

20 (Ie) Programs pursuant to Section 515 of the Housing Act of
21 1949, Section 1485 of Title 42 of the United States Code, as
22 amended.

23 (If) The low-income housing credit program set forth in Section
24 42 of the Internal Revenue Code.

25 (ib) The restrictions on rent and income levels will terminate
26 or the federal insured mortgage on the property is eligible for
27 prepayment any time within five years before or after the date of
28 application to the California Tax Credit Allocation Committee.

29 (ic) The entity acquiring the property enters into a regulatory
30 agreement that requires the property to be operated in accordance
31 with the requirements of this section for a period equal to the
32 greater of 55 years or the life of the property.

33 (id) The property satisfies the requirements of Section 42(e) of
34 the Internal Revenue Code, regarding rehabilitation expenditures
35 except that the provisions of Section 42(e)(3)(A)(ii)(I) shall not
36 apply.

37 (iv) Projects for which a public agency provides direct or indirect
38 long-term financial support for at least 15 percent of the total
39 project development costs or projects for which the owner's equity
P36 1 constitutes at least 30 percent of the total project development
2 costs.

3 (v) Projects that provide tenant amenities not generally available
4 to residents of low-income housing projects.

5 (4) For purposes of allocating credits pursuant to this section,
6 the committee shall not give preference to any project by virtue
7 of the date of submission of its application except to break a tie
8 when two or more of the projects have an equal rating.

9 (5) Not less than 20 percent of the low-income housing tax
10 credits available annually under this section, Section 12206, and
11 Section 17058 shall be set aside for allocation to rural areas as
12 defined in Section 50199.21 of the Health and Safety Code. Any
13 amount of credit set aside for rural areas remaining on or after
14 October 31 of any calendar year shall be available for allocation
15 to any eligible project. No amount of credit set aside for rural areas
16 shall be considered available for any eligible project so long as
17 there are eligible rural applications pending on October 31.

18 (k) Section 42(l) of the Internal Revenue Code shall be modified
19 as follows:

20 The term "secretary" shall be replaced by the term "California
21 Franchise Tax Board."

22 (l) In the case where the credit allowed under this section
23 exceeds the "tax," the excess may be carried over to reduce the
24 "tax" in the following year, and succeeding taxable years if
25 necessary, until the credit has been exhausted.

26 (m) A project that received an allocation of a 1989 federal

27 housing credit dollar amount shall be eligible to receive an
28 allocation of a 1990 state housing credit dollar amount, subject to
29 all of the following conditions:

30 (1) The project was not placed in service prior to 1990.

31 (2) To the extent the amendments made to this section by the
32 Statutes of 1990 conflict with any provisions existing in this section
33 prior to those amendments, the prior provisions of law shall prevail.

34 (3) Notwithstanding paragraph (2), a project applying for an
35 allocation under this subdivision shall be subject to the
36 requirements of paragraph (3) of subdivision (j).

37 (n) The credit period with respect to an allocation of credit in
38 1989 by the California Tax Credit Allocation Committee of which
39 any amount is attributable to unallocated credit from 1987 or 1988
40 shall not begin until after December 31, 1989.

P37 1 (o) The provisions of Section 11407(a) of Public Law 101-508,
2 relating to the effective date of the extension of the low-income
3 housing credit, shall apply to calendar years after 1989.

4 (p) The provisions of Section 11407(c) of Public Law 101-508,
5 relating to election to accelerate credit, shall not apply.

6 (q) (1) A corporation may elect to assign any portion of any
7 credit allowed under this section to one or more affiliated
8 corporations for each taxable year in which the credit is allowed.
9 For purposes of this subdivision, "affiliated corporation" has the
10 meaning provided in subdivision (b) of Section 25110, as that
11 section was amended by Chapter 881 of the Statutes of 1993, as
12 of the last day of the taxable year in which the credit is allowed,
13 except that "100 percent" is substituted for "more than 50 percent"
14 wherever it appears in the section, as that section was amended by
15 Chapter 881 of the Statutes of 1993, and "voting common stock"
16 is substituted for "voting stock" wherever it appears in the section,
17 as that section was amended by Chapter 881 of the Statutes of
18 1993.

19 (2) The election provided in paragraph (1):

20 (A) May be based on any method selected by the corporation
21 that originally receives the credit.

22 (B) Shall be irrevocable for the taxable year the credit is allowed,
23 once made.

24 (C) May be changed for any subsequent taxable year if the
25 election to make the assignment is expressly shown on each of the
26 returns of the affiliated corporations that assign and receive the
27 credits.

28 (r) Any unused credit may continue to be carried forward, as
29 provided in subdivision (l), until the credit has been exhausted.

30 (s) This section shall remain in effect on and after December 1,
31 1990, for as long as Section 42 of the Internal Revenue Code,
32 relating to low-income housing credit, remains in effect.

33 (t) The amendments to this section made by Chapter 1222 of
34 the Statutes of 1993 shall apply only to taxable years beginning
35 on or after January 1, 1994, except that paragraph (1) of subdivision
36 (q), as amended, shall apply to taxable years beginning on or after
37 January 1, 1993.

P38 1 SEC. 4.

2 This act provides for a tax levy within the meaning of
Article IV of the Constitution and shall go into immediate effect.

CITY COUNCIL

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

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
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www.lodi.gov cityclerk@lodi.gov

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

May 7, 2015

The Honorable Toni G. Atkins
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, CA 95814
FAX: 916-319-2178

**RE: AB 1335 (Atkins) Building Homes and Jobs Act
NOTICE OF SUPPORT**

On behalf of the City of Lodi, I am pleased to convey our support for your AB 1335. This bill would generate up to \$700 million per year for affordable rental or ownership housing, supportive housing, emergency shelters, transitional housing, and other housing needs via a \$75 recordation fee on real estate transactions with the exception of home sales.

Our city is eager to provide affordable housing but we lack the resources to do so.

AB 1335 would provide an ongoing, permanent state source of funding which would allow the state to fund existing programs at dependable levels. This is a more reliable and efficient mechanism than occasional housing bonds. Further, the Building Homes and Jobs Act will help to leverage additional federal, local, and private investment.

We appreciate your leadership on this critical issue.

Sincerely,

Bob Johnson
Mayor, City of Lodi

cc: Senator Cathleen Galgiani, Fax: 916-651-4905
Assemblymember Jim Cooper, Fax: 916-262-0995
Assemblymember Ed Chau, Chair, Assembly Housing and Community Development
Committee, FAX: 916-319-2149
Stephen Qualls, Central Valley Regional Public Affairs Manager, League of California Cities

CITY COUNCIL

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

CITY OF LODI

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

May 7, 2015

The Honorable David Chiu
California State Assembly
State Capitol, Room 2196
Sacramento, CA 95814
FAX: 916-319-2117

**RE: AB 35 (Chiu and Atkins). Low-income Housing Tax credits
NOTICE OF SUPPORT**

On behalf of the City of Lodi, I write to inform you of our support for AB 35, which would increase the state's Low Income Housing Tax Credit by \$300 million to build and rehabilitate affordable housing.

We are eager to provide affordable housing but with the loss of redevelopment housing funds we lack the resources to do so. Increasing the available tax credits for low-income housing will leverage additional federal tax credits and tax exempt bond authority. Building more affordable housing will not only help to mitigate our low income housing crisis, but will increase construction jobs and tax revenues.

Thank you for your leadership on this important issue.

Sincerely,

Bob Johnson
Mayor, City of Lodi

cc: Senator Cathleen Galgiani, Fax: 916-651-4905
Assemblymember Jim Cooper, Fax: 916-262-0995
Assemblymember Ed Chau, Chair, Assembly Housing and Community Development
Committee, FAX: 916-319-2149
Stephen Qualls, Central Valley Regional Public Affairs Manager, League of California Cities



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Receive Report Regarding Final Costs for the November 4, 2014, General Municipal Election

MEETING DATE: May 6, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Receive report regarding final costs for the November 4, 2014, General Municipal Election.

BACKGROUND INFORMATION: On June 4, 2014, the City Council approved entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services for the November 4, 2014, General Municipal Election.

Preliminary estimates from the Registrar's Office projected the election costs at approximately \$85,000. The actual cost totaled \$46,140.66, as detailed on the attached invoice marked Exhibit A. The cost for candidates' statements of qualifications was billed directly to the candidates.

FISCAL IMPACT: \$85,000 was budgeted for the November 4, 2014, General Municipal Election, which resulted in a savings to the City of approximately \$38,860.

FUNDING AVAILABLE: \$46,140.66 – Election Account (10005000.72450)

Jordan Ayers, Deputy City Manager

Jennifer M. Ferraiolo
City Clerk

JMF/pmf

Attachment

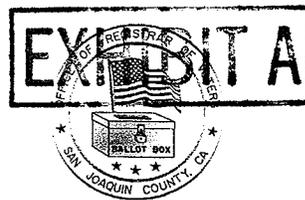
APPROVED: _____
Stephen Schwabauer, City Manager



AUSTIN G. ERDMAN
REGISTRAR OF VOTERS
(209) 468-3194
aerdman@sjgov.org

**COUNTY OF SAN JOAQUIN
REGISTRAR OF VOTERS OFFICE**

44 NORTH SAN JOAQUIN ST., SUITE 350
P.O. BOX 810
STOCKTON CA 95201



PHONE (209) 468-2885
FAX (209) 468-2889
www.sjcrov.org

April 9, 2015

Jennifer M. Robison, CMC
City Clerk
City of Lodi
P.O. Box 3006
Lodi, CA 95241

Re: Invoice No. 3507 - Amended

Dear Ms. Robison:

This is an updated billing invoice. The previous invoice sent to you has been amended. I apologize for any inconvenience this has caused.

The cost for conducting the City of Lodi Election, consolidated with the General Election held on November 4, 2014, is **\$46,140.66**.

The attached invoice gives you the breakdown of costs.

If you have any questions regarding this billing, please call the Registrar of Voters, Austin Erdman, at (209) 468-3194.

Sincerely,

AUSTIN G. ERDMAN
Registrar of Voters

ITEMIZED COST

INVOICE NO. 3507 - Amended

AGENCY/DISTRICT: CITY OF LODI

DATE OF ELECTION: NOVEMBER 4, 2014 REGISTERED VOTERS: 28,343

NUMBER OF BALLOT TYPES: 5

COST PER REGISTERED VOTER: \$1.63

<u>ITEM</u>	<u>AMOUNT</u>
SAMPLE BALLOT BOOKLETS – SPECIFIC TO AGENCY	\$ 3,034.51
SAMPLE BALLOT BOOKLETS – BALANCE OF COST	\$ 8,251.82
OFFICIAL PAPER BALLOTS	\$ 772.87
OTHER CHARGES	\$ 2,776.47
POLLING PLACE RENTAL	\$ 319.56
POSTAGE	\$ 462.34
PUBLICATIONS	\$ 155.62
TRANSPORTATION	\$ 410.95
COMPUTER RUN TIME	\$ 51.08
ELECTION OFFICERS/FIELD INSPECTORS PAYROLL	\$ 5,908.03
ELECTION NIGHT WORKERS PAYROLL	\$ 158.13
OFFICE SALARIES (PERMANENT EMPLOYEES)	\$ 1,922.82
OFFICE SALARIES (TEMP EMPLOYEES)	\$ 4,209.20
EMPLOYMENT AGENCY/CONTRACT EMPLOYEES	\$ 696.19
FRINGE BENEFITS (FY 2012-13) 91.95%	\$ 1,353.47
UTILITY & EQUIPMENT (FY 2012-13) 46.08%	\$ 2,626.95

ITEMIZED COST – Page 2

DUPLICATING SERVICES	\$ 6.09
SECURITY SERVICES (SHERIFF'S OFFICE)	\$ 66.03
PRECINCT SUPPLIES	\$ 1,545.43
MILEAGE (MOTOR POOL)	\$ 79.73
STORAGE WAREHOUSE RENTAL	\$ 2,454.84
ABSENTEE COSTS	\$ 4,125.76
COST OF BELL AND HOWELL LEASE VBM	\$ 508.72
CANDIDATE'S STMT OF QUALIFICATIONS	\$ 4,244.06
TOTAL AMOUNT:	\$ 46,140.66



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Set Public Hearing for June 17, 2015, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Wastewater Rates for Residential, Commercial and Industrial Customers

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set public hearing for June 17, 2015, to consider adopting resolution setting pre-approved Engineering News Record adjustment index for wastewater rates for residential, commercial and industrial customers.

BACKGROUND INFORMATION: City Council, on May 7, 2014, approved a program of future wastewater and water rate increases using an Engineering News Record – 20 Cities Average (ENR) based indexing, capped at 3 percent maximum. A Proposition 218 procedure was conducted that validated these actions.

Staff has regularly updated the Wastewater Utility Financial Plan, and a copy of the current Financial Plan is attached as Exhibit A. The recommended rate adjustments in the Financial Plan are 2.8 percent beginning July 1, 2015. The rates for this next year, attached as Exhibit B, reflect an increase of 2.8 percent, which is lower than the 3 percent capped maximum. The table below reflects the history and future cap on wastewater rate adjustments.

	Cap	ENR Index	Approved/ Recommended
July 2012	5.0%	2.9%	3.0%
July 2013	2.8%	2.8%	2.5%
July 2014	3.0%	2.6%	2.5%
July 2015	3.0%	2.8%	2.8%
July 2016	3.0%		
July 2017	3.0%		
July 2018	3.0%		

FISCAL IMPACT: Increased revenues to the wastewater utility are required to keep up with cost of service increases and new mandated costs.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/RAY/eb
Attachments
cc: Information Systems Manager

APPROVED: _____
Stephen Schwabauer, City Manager

Exhibit A

**City of Lodi -- Wastewater Utility
Financial Plan Summary**

	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	
	2.5%	2.8%	3%	3%	2%	
WASTEWATER OPERATING FUND (170)						
Beginning Balance	1,029,408	5,252,978	4,656,953	5,588,953	4,076,853	
Revenues						
Wastewater Sales	14,691,000	15,132,000	15,616,000	16,116,000	16,470,000	
Infrastructure Replacement	-	-	-	-	-	
Interest Earnings	15,000	58,000	103,000	122,000	92,000	
Other Revenues	209,000	215,000	221,000	228,100	235,300	
Transfer In for Debt Service (172)	31,000	31,000	63,000	63,000	63,000	
Transfer In for Debt Service (173)	65,000	150,000	150,000	152,000	152,000	
Transfer From/(To) Rate Stabilization Fund (174)	-	-	-	-	-	
Total Revenues	15,011,000	15,586,000	16,153,000	16,681,100	17,012,300	
Expenditures						
Operating Transfers Out (to GF)	-	-	-	-	-	
Transfer Out to Gen'l Fund (Cost of Services)	1,068,000	1,068,000	1,068,000	1,068,000	1,068,000	
Transfer Out to WW Capital Outlay (171)	-	5,000,000	3,800,000	6,500,000	2,500,000	
Transfer Out To WW Cap. Rsrv. (172)	-	-	-	-	-	
Administration & Other	1,229,370	1,261,685	1,309,000	1,358,200	1,409,400	
Plant Maintenance	3,989,580	4,116,440	4,281,000	4,452,000	4,630,000	
Sanitary System Maintenance	381,780	542,540	563,000	583,000	605,000	
Storm Drainage Maintenance	422,680	511,600	533,000	555,000	577,000	
Industrial System Maintenance	25,020	15,760	16,000	16,000	16,000	
2003 Wastewater COP Debt Service	-	-	-	-	-	
2004 Wastewater COP Debt Service	98,000	98,000	98,000	98,000	98,000	
2007 Wastewater COP Debt Service	1,603,000	1,607,000	1,606,000	1,614,000	1,617,000	
2012 Wastewater Refinancing	1,970,000	1,961,000	1,947,000	1,949,000	1,949,000	
Total Expenditures	10,787,430	16,182,025	15,221,000	18,193,200	14,469,400	
Ending Balance	5,252,978	4,656,953	5,588,953	4,076,853	6,619,753	
Operating Reserve (25%)	2,204,000	2,305,000	2,369,000	2,436,000	2,505,000	25%
Available Balance	3,048,978	2,351,953	3,219,953	1,640,853	4,114,753	
Debt Service Coverage (min. = 1.20)	2.17	2.20	2.30	2.36	2.38	
without COST	2.46	2.49	2.59	2.65	2.67	

WASTEWATER CAPITAL OUTLAY (171)

Beginning Balance	11,628,493	3,404,921	1,511,350	1,848,778	1,183,207	
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Exhibit A

	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
Revenues					
Transfer In (from 170)	-	5,000,000	3,800,000	6,500,000	2,500,000
Transfer In (from 170-Deprec.)	-	-	-	-	-
Other Revenue	96,429	96,429	96,429	96,429	96,429
Investment Earnings	-	-	-	-	-
Total Revenues	96,429	5,096,429	3,896,429	6,596,429	2,596,429
Expenditures					
Financial System Replacement	250,000	-	-	-	-
Storm Imprv	72,000	-	-	-	-
Elm to Pine Alley Sewer/Laurel Storm Project	33,000	-	-	-	-
Misc. System Relocations	35,000	35,000	36,000	38,000	39,000
Misc. Wastewater Taps	40,000	40,000	42,000	43,000	45,000
Collect. System Capac. Enhanc. Projects	-	200,000	21,000	216,000	22,000
Wastewater Main Replac./Lining Proj.	2,000,000	-	-	-	-
City Hall Annex	580,000	-	-	-	-
Storm Drain Trash Handling System	-	700,000	-	-	-
Shady Acres/Vinewood Storm Water Pump Rehab	-	400,000	-	-	-
Lodi Lake Outfall Line	-	100,000	-	-	-
Realignment of Domestic & Industrial pipe	-	1,100,000	-	-	-
Domestic Trunk Assessment and Rehab	-	-	200,000	2,000,000	-
Vehicles /Equipment	545,000	660,000	156,000	162,000	169,000
White Slough Compliance Studies & Rpts	-	-	-	-	-
Plant Maintenance	270,000	300,000	-	-	-
Structural Corrosion Repair/UV Upgrade Feasibility Studies/Pre-desig	-	1,500,000	-	-	-
Influent Screening Replacement	-	800,000	2,500,000	2,500,000	-
Aeration Diffuser Replacement	-	-	500,000	-	-
Cloth Filter Media Replacement	-	30,000	-	32,000	-
Electrical Upgrades/SCADA Upgrades	50,000	-	-	2,163,000	2,250,000
Admin/Ops Building Improvements	750,000	-	-	-	-
Primary Chain & Flights	45,000	-	-	-	-
Dewatering screwpress	-	1,000,000	-	-	-
Irrigation Conveyance & Pumping Construction	450,000	-	-	-	-
Fence Repairs/Upgrades	-	25,000	-	-	28,000
Digester #1 & #2 Roof Repairs	3,100,000	-	-	-	-
Miscellaneous Future Projects	100,000	100,000	104,000	108,000	112,000
Total Expenditures	8,320,000	6,990,000	3,559,000	7,262,000	2,665,000
Ending Balance	3,404,921	1,511,350	1,848,778	1,183,207	1,114,636

Exhibit A

	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
WASTEWATER CAPITAL RESERVE (172)					
Beginning Balance	3,134,509	3,134,509	3,134,509	3,134,509	3,134,509
Revenues					
Interest Earnings	31,000	31,000	63,000	63,000	63,000
Total Revenues	31,000	31,000	63,000	63,000	63,000
Expenditures					
Capital Projects	-	-	-	-	-
Transfer Out to 170 (for Debt Service)	31,000	31,000	63,000	63,000	63,000
Total Expenditures	31,000	31,000	63,000	63,000	63,000
Ending Balance	3,134,509	3,134,509	3,134,509	3,134,509	3,134,509
Restricted Debt Service Reserve	2,378,506	2,378,506	2,378,506	2,378,506	2,378,506
2007 COP Proceeds (w/ fiscal agent)	756,003	756,003	756,003	756,003	756,003
Cash Deficit (amt. owed for past DS)	-	-	-	-	-
IMF WASTEWATER FACILITIES (173)					
Beginning Balance	64,653	149,653	149,653	151,653	151,653
Revenues					
Wastewater IMF	149,000	149,000	149,000	149,000	149,000
Wastewater IMF from PCE/TCE & WTP					
Interest Earnings	1,000	1,000	3,000	3,000	3,000
Total Revenues	150,000	150,000	152,000	152,000	152,000
Expenditures					
Transfer Out (to 170 for Debt Service)	65,000	150,000	150,000	152,000	152,000
Capital Projects	-	-	-	-	-
Total Expenditures	65,000	150,000	150,000	152,000	152,000
Ending Balance	149,653	149,653	151,653	151,653	151,653
Owed to Fund 170 for Debt Service	3,173,000	3,986,000	4,798,000	5,613,000	6,430,000
WW Rate Stabilization Fund (174)					
Beginning Balance	500,000	500,000	500,000	500,000	500,000
Transfer In from 170	-	-	-	-	-
Total Revenues	-	-	-	-	-
Expenditures					
Transfer Out to 170	-	-	-	-	-
Total Expenditures	-	-	-	-	-
Ending Balance	500,000	500,000	500,000	500,000	500,000

Exhibit A

	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
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Aggregate End-of-Year Balance	12,442,000	9,952,000	11,224,000	9,046,000	11,521,000
Operating Reserve (25%)	2,204,000	2,305,000	2,369,000	2,436,000	2,505,000
Restricted DS Reserve	2,378,506	2,378,506	2,378,506	2,378,506	2,378,506
2007 COP Proceeds	756,003	756,003	756,003	756,003	756,003
Rate Stabilization Fund	500,000	500,000	500,000	500,000	500,000
Net Available for Capital Projects	6,603,491	4,012,491	5,220,491	2,975,491	5,381,491

City of Lodi -- Wastewater Utility Financial Plan Assumptions					
	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
Financial Assumptions					
General Inflation	3.0%	3.0%	3.0%	3.0%	3.0%
Labor Inflation	3.4%	3.4%	3.4%	3.4%	3.4%
Material/Energy Inflation	4.5%	4.5%	4.5%	4.5%	4.5%
Construction Inflation	4.0%	4.0%	4.0%	4.0%	4.0%
Interest Earnings	1.0%	1.0%	2.0%	2.0%	2.0%
Cust. Growth (SSUs)	50	50	50	50	50
Wastewater Mitigation Impact Fee					
Residential 3/4"	\$ 1,720	\$ 1,720	\$ 1,720	\$ 1,720	\$ 1,720
Non-Residential 3/4"	4,225	4,225	4,225	4,225	4,225

Exhibit B

City of Lodi -- Wastewater Utility

Current and Proposed Wastewater Rates

	Current	July 2015
Residential		
Percent Increase		2.8
Flat Rates (\$/month)		
1 Bedroom	\$ 26.48	\$ 27.22
2 Bedroom	\$ 35.30	\$ 36.29
3 Bedroom	\$ 44.13	\$ 45.36
4 Bedroom	\$ 52.95	\$ 54.43
5 Bedroom	\$ 61.78	\$ 63.51
6 Bedroom	\$ 70.60	\$ 72.58
7 Bedroom	\$ 79.43	\$ 81.65
Mobile Homes		
Any Size	\$ 26.48	\$ 27.22
Usage-Based Rates (1)		
Service Charge (\$/month for 3/4" water meter)	\$ 24.11	\$ 24.78
Usage Charge (\$/CCF) (1)	\$ 2.75	\$ 2.82
Non-Residential (\$/month) (2)		
Moderate Strength (per SSU)	\$ 35.30	\$ 36.29
High Strength		
Flow (per MG, annual basis)	\$ 3,574.60	\$ 3,674.68
BOD (per 1,000 lbs, annual basis)	\$ 589.90	\$ 606.41
SS (per 1,000 lbs, annual basis)	\$ 368.85	\$ 379.17
Grease Interceptor & Septic Holding Tank		
Waste within City Limits (per 1,000 gal.)	\$ 312.34	\$ 321.08
Septic (only) Holding Tank Waste		
Outside City Limits (per 1,000 gal.)	\$ 663.06	\$ 681.63
Disposal to Storm Drain System (per MG)	\$ 328.09	\$ 337.28

Notes:

- (1) Winter water usage determined as average monthly usage from December through February.
- (2) Flat wastewater rates for schools are to be determined on the basis of 18 students per SSU.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Rejecting All Bids, Approving Specifications and Authorizing Re-Advertisement for Bids for 2015-2016 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1 and 2015-2016 Transit Station Landscape Maintenance

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution rejecting all bids, approving specifications and authorizing re-advertisement for bids for 2015-2016 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1 and 2015-2016 Transit Station Landscape Maintenance.

BACKGROUND INFORMATION: Council approved the original specifications and authorized the advertisement for bids on April 1, 2015. This project included the continued maintenance of landscaped areas in the public right-of-way, public buildings, parking lots, White Slough Water Pollution Control Facility, various landscape assessment zones; and the Lodi Transit Station and Parking Structure.

The Transit Station and Parking Structure are operated in part with federal funding and accounted for approximately 0.8% of the total area of landscaping being maintained in the original project.

Including the federally funded areas in the original project scope inadvertently applied federal wage rate requirements to the entire project, drastically increasing the project cost. The City received the following three bids April 29, 2015:

Bidder	Location	Proposal
Engineer's Estimate		\$197,307.00
* New Image Landscape Company	Fremont	\$193,712.00
* Dominguez Landscape	Sacramento	\$206,487.92
** Marina Landscape Maintenance	Livermore	\$695,240.00

Note

* Did not utilize the Federal Wage Rates

** Non-Responsive, did not submit the Receipt of Addendum No. 1 or the Receipt of Addendum No. 2, but utilized the Federal Wage Rates

Staff has separated the project into two different projects. The first project keeps the original title and includes all of the non-federally funded locations (approximately 1,930,000 square feet). The second project is titled 2015-2016 Transit Station Landscape Maintenance and includes the Lodi Transit Station and the Parking Structure (approximately 15,500 square feet). The federal wage rates apply to the second project only. The two projects will be bid and contracted separately upon approval of this Council Action.

APPROVED: _____
 Stephen Schwabauer, City Manager

The specifications are on file in the Public Works Department. The planned bid opening date is May 28, 2015. The contract estimates are \$188,000 and \$15,500 respectively.

FISCAL IMPACT: Staff anticipates a slight increase in bid prices associated with separating the projects.

FUNDING AVAILABLE: Funding is separated into multiple sources (by area) that will be identified at project award.

F. Wally Sandelin
Public Works Director

Prepared by Sean Nathan, Associate Civil Engineer
FWS/SN/eb

cc: Deputy Public Works Director

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL REJECTING ALL BIDS, APPROVING SPECIFICATIONS AND AUTHORIZING RE-ADVERTISEMENT FOR BIDS FOR 2015-2016 LANDSCAPE MAINTENANCE OF MISCELLANEOUS AREAS AND LODI CONSOLIDATED LANDSCAPE ASSESSMENT DISTRICT NO. 2003-1; AND THE 2015-2016 TRANSIT STATION LANDSCAPE MAINTENANCE

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of the City Council, sealed bids were received and publicly opened on April 29, 2015, at 11:00 a.m., for 2015-2016 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1, described in the plans and specifications therefore approved by the City Council on April 1, 2015, and

WHEREAS, said bids have been checked and tabulated as follows:

Bidder	Proposal
<u>Engineer's Estimate</u>	<u>\$197,307.00</u>
* New Image Landscape Company	\$193,712.00
* Dominguez Landscape	\$206,487.92
** Marina Landscape Maintenance	\$695,240.00

Note: * Bid submitted did not utilize Federal Wage Rates
** Bid Non-Responsive, Receipt of Addendum No. 1 or No. 2 not submitted

WHEREAS, the original specifications included maintenance at the Lodi Transit Station and Parking Structure, which are operated in part with federal funding; and

WHEREAS, including the federally-funded areas in the project scope inadvertently applied federal wage rate requirements to the entire project, drastically increasing the project cost; and

WHEREAS, staff recommends that the City Council reject the bids, approve specifications, and re-advertise the projects as: 1) 2015-2016 Landscape Maintenance of Miscellaneous Areas, and the Lodi Consolidated Landscape Assessment District No. 2003-1; and 2) 2015-2016 Transit Station Landscape Maintenance.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reject all bids for the 2015-2016 Landscape Maintenance of Miscellaneous Areas, and the Lodi Consolidated Landscape Assessment District No. 2003-1; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby approves the specifications and authorizes re-advertisement of bids for the 2015-2016 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1; and the 2015-2016 Transit Station Landscape Maintenance.

Dated: May 6, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAIOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Public Hearing to Consider Adopting a Resolution Approving the 2015-16 Annual Action Plan for the Community Development Block Grant Program

MEETING DATE: May 6, 2015

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Public Hearing to consider a Resolution approving the 2015-16 Annual Action Plan for the Community Development Block Grant (CDBG) Program.

BACKGROUND INFORMATION: The Action Plan is the annual implementing document for the 2014-2018 Consolidated Plan and provides a detailed description of each activity proposed for the fiscal year, as well as the City's CDBG budget and goals for the fiscal year.

Funding Allocation

The City will receive \$613,405 in CDBG funds for Fiscal Year 2015/16. The City Council has a policy of allocating 40 percent of the annual CDBG award (net of administrative costs) to community-based organizations (CBOs), with the remainder going to City projects. There is a 15-percent Public Service Cap on the overall allocation for 2015/16.

For 2015/16, the distribution of funds will be as follows:

City projects/services	\$387,943
CBO projects/services	\$102,781
Administration	\$122,681 <i>(20% of the 2015/16 Annual allocation)</i>
TOTAL	\$613,405
15% Service Cap	\$92,011.00

At the completion of an application period that ran from December 17, 2014 to February 9, 2015, the City received a total of 10 applications from community-based organizations (CBO's) requesting a total of \$185,270. A detail of those CBO funding requests is attached as Exhibit A.

APPROVED: _____
Stephen Schwabauer, City Manager

Using a combination of CDBG, State HOME and other funding sources, the City's key objectives for the 2015-16 funding period include the following:

- Improve the ability of elderly and disabled residents to access the City's public facilities;
- Increase the supply of affordable housing;
- Improve the condition of the City's housing stock;
- Improve public facilities benefiting low-income areas and targeted low-income populations.
- Remove blighting influences in low-income areas;
- Support community organizations to make improvements to their facilities;
- Assist community-based organizations to provide fair housing and basic needs programs to target-income residents;
- Provide supportive assistance to at-risk youth and their families that have been impacted by gang violence in the community; and
- Expand financial opportunities for lower-income individuals and families.

CDBG Funding Recommendations

For planning and administrative activities, an allocation of \$122,681 (20 percent of the CDBG allocation) is recommended to cover the costs of managing the CDBG Program and provide fair housing counseling services provided by San Joaquin Fair Housing. Remaining funding recommendations are grouped into the following categories: City projects, City service programs, CBO projects, CBO Economic Development and CBO service programs.

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

PROGRAM ADMINISTRATION \$122,681

CITY CAPITAL PROJECTS (\$347,943)

- Hutchins Street Square – North Entrance ADA Improvements – Phase II (\$143,000)
- Zupo Field ADA Bleacher Project – Phase I (\$75,000)
- Blakely Park Restroom Demolition (\$25,000)
- Cherokee Lane – ADA Improvements (\$75,000)
- Church Street Parking Lot – ADA Improvements (\$29,943)

CBO ECONOMIC DEVELOPMENT (\$10,000)

- SBDC – Small Business Assistance (\$10,000)

CITY SERVICE PROGRAMS (\$40,000)

- Graffiti Abatement (\$40,000)

CBO CAPITAL PROJECTS (\$40,770)

- Housing Authority - 719 S. Washington Project – Phase III (\$40,770)

CBO SERVICE PROGRAMS (\$52,011)

- Salvation Army – Tutoring and Mentoring Program (\$15,000)
- Second Harvest Food Bank - Food Assistance Programs (\$7,500)
- LodiGRIP Program Supportive Services (\$28,011)
- Emergency Food Bank – Mobile Farmer's Market (\$1,500)

Staff recommends that the three activities supporting the LodiGRIP Program be grouped and funded as one allocation, with the individual organizations having funds set-aside within that allocation for their specific activities.

Special Projects/Activities

An additional element of the 2015/16 Annual Action Plan is for Council to authorize the City to pursue the following special projects and/or activities to address priority needs identified in the Consolidated Plan:

- Establish Neighborhood Revitalization Strategy Area – A tool for neighborhood revitalization that provides benefits for administering CDBG funding in targeted areas, encourages public and private investment in the community, and builds stronger relationships with neighborhood stakeholders including residents, businesses, nonprofit organizations, elected officials, law enforcement, and faith organizations that have a chance to find out that their individual interests often coincide; and
- Pursue applications to the Section 108 Loan Guarantee Program for the following projects:
 - Partnership with Habitat for Humanity and F&M Bank for an Acquisition-Rehabilitation-Resale program for affordable housing development;
 - Additional funding to Eden Housing for the Tienda Drive Senior Housing Project;
 - Economic development incentives for the repurpose of the General Mills facility.

Section 108 is the loan guarantee provision of the CDBG program that provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects. Section 108 loans are not risk-free, however; local governments borrowing funds guaranteed by Section 108 must pledge their current and future CDBG allocations to cover the loan amount as security for the loan. Additional security will also be required to assure repayment of guaranteed obligations. The additional security requirements will be determined on a case-by-case basis, but could include assets financed by the guaranteed loan. The maximum repayment period for a Section 108 loan is 20 years. However, when previously considered, the City Council voiced a preference for a loan term of no more than 15 years.

Each of these special projects and/or activities would be brought back to Council with more specific detail before they are submitted to HUD for consideration, but they need to be referenced within the Annual Action Plan.

Public Comment Period

The draft Annual Action Plan document has been available for public review and comment since April 6, 2015. The only comments received to date have been from the Lodi Improvement Committee (LIC), which voiced support for the Annual Action Plan, especially the concept of establishing a Neighborhood Revitalization Strategy Area. Their letter offering support and assistance in the development and oversight of the plan is attached as Exhibit D and will be incorporated into the final Action Plan document.

Next Steps

The approved Annual Action Plan document must be submitted to HUD no later than May 15, 2015 in order for the City to receive funding beginning July 1, 2015.

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

FUNDING AVAILABLE: \$613,405 – 2015/16 Community Development Block Grant allocation.

Jordan Ayers, Deputy City Manager

Stephen Schwabauer
Community Development Director

Attachments

SUMMARY AND RANKING OF 2015/16 CBO APPLICATIONS

Applicant	Project/Program	Base Score	Bonus Score	Total Score	Amount Requested	Public Service	Capital Improvement	Economic Development	Program Administration
COMMUNITY-BASED ORGANIZATION APPLICATIONS									
Second Harvest	Hunger Relief Programs - Funding for the operation of the Food Assistance Program, the Senior Brown Bag Program, and the Food 4 Thought Program.	105	18	123	10,000.00	7,500.00			
Community Partnership for Families	LodiGRIP - Youth and Family Supportive Services A Service Integration Program that supports the youth and families that are referred from the LodiGRIP Program, focusing mainly on the youth that have participated in the Juvenile Diversion Program at Mule Creek State Prison.	100	20	120	25,000.00	15,000.00			
San Joaquin Fair Housing	Fair Housing Services - HUD-mandated counseling services and outreach to tenants, property owners and property managers to satisfy HUD/CDBG requirement for affirmatively furthering fair housing.	101	18	119	18,000.00	-			18,000.00
Salvation Army	Tutoring and Mentoring Program - An after-school program during the school year and a Summer Day Camp program during summer break that is run out of the Salvation Army Lockeford Street facility. The program will focus on tutoring, mentoring, character building, crafts and sports/recreational activities. The program is expanding to offer English Language Development to non-English speaking individuals within the community.	97	20	117	30,000.00	15,000.00			
Emergency Food Bank and Family Services	Mobile Farmers' Market program - The MFM is an existing program that provides access to fresh fruits and vegetables, healthy cooking demonstrations and health and nutrition-related information to low-income residents.	101	14	115	1,500.00	1,500.00			
Human Services Agency (SJ County)	Home-Delivered Meals - Elderly recipients have a package of five frozen meals delivered once a week.	97	14	111	5,000.00	-			
One-Eighty Youth Programs	LodiGRIP - Why Try Program An evidence-based program operated on the high school campuses that helps identify high-risk students and teaches them self-awareness, self-discipline, self-motivation and how to find healthy support systems.	89	20	109	35,000.00	10,600.00			
Grace & Mercy Charitable Foundation	Food Pantry and Meals Service - Funding for the operation of a food pantry and hot meals service.	85	14	99	10,000.00	-			
Small Business Development Center (Delta College)	Small Business Assistance - Provides confidential, individual and free business consulting to existing and prospective Lodi business owners, and monthly small business start up workshops.	82	14	96	10,000.00			10,000.00	
Housing Authority of the County of San Joaquin	719 S. Washington - Phase III Site Improvements - Continuation of project at 719 S. Washington, a six-unit apartment complex owned and operated by the Housing Authority. Phases I & II included the installation of new HVAC, new windows and sliding glass doors. Phase III will use funds to install new energy efficient water heaters, install shutters at the exterior windows and stucco the entire exterior of the apartment building.	78	0	78	40,770.00		40,770.00		

2015/16 INTERNAL FUNDING REQUESTS

Applicant	Project/Program	Amount	Public Service	Capital Improvement
CITY APPLICATIONS				
Public Works Dept.	Hutchins Street Square - North Entrance ADA The final phase of funding necessary to provide a path of travel and to remove barriers to accessibility.	143,000.00	-	143,000.00
Public Works Dept.	Zupo Field ADA Bleachers - First of two allocations necessary to make ADA improvements to provide path of travel and remove barriers to accessibility.	75,000.00		75,000.00
Public Works Dept.	Blakely Park Restroom Demolition - Demolish the restroom building at the south side of Blakely Park that has been out of service due to extensive and repeated vandalism.	25,000.00		25,000.00
Public Works Dept.	ADA Improvements - Cherokee Lane Handicap ramp and sidewalk improvements along Cherokee Lane corridor to provide path of travel and to remove barriers to accessibility.	75,000.00		75,000.00
Public Works Dept.	ADA Improvements - Church Street Park Lot ADA improvements in the next phase of parking lot reconstruction projects to provide a path of travel and to remove barriers to accessibility	29,943.00		29,943.00
Public Works Dept.	Graffiti Abatement - The Public Works Department will abate graffiti on public and private property that is viewable from the public right-of-way and within the CDBG Target Area.	42,000.00	40,000.00	
Community Development	LodiGRIP Program - Funding to cover expenses for referrals of at-risk youth and their families to counseling for anger management, substance abuse and gang recognition, for tattoo removal and other eligible expenses.	5,000.00	2,411.00	
Total requests		\$ 394,943.00	\$ 42,411.00	\$ 347,943.00

**2015/16
CITY MANAGER'S RECOMMENDATIONS FOR CDBG FUNDING**

2015/16 CDBG Allocation

\$613,405

Program Administration (20%)

Adjusted Balance

Total Funding Available

City Projects

- HSS - North Entrance ADA - Phase II
- Zupo Field ADA Bleachers - Phase 1
- Blakely Park Restroom Demolition
- ADA Improvements - Cherokee Lane
- ADA Improvements - Church Street Parking Lots

City Service Programs

- Graffiti Abatement
- LodiGRIP

CBO Projects

- Housing Authority - 719 S. Washington Phase III (78)

CBO Economic Development

- SBDC - Small Business Assistance (94)

CBO Service Programs

- Second Harvest Food Bank (123)
- Community Partnership - LodiGRIP Support (120)
- Fair Housing (119)
- SA - Tutoring-Mentoring Program (117)
- EFB - Mobile Farmer's Market (115)
- HSA - Home Delivered Meals (111)
- One-Eighty Teen - LodiGRIP Why Try Program (109)
- Grace & Mercy Foundation - Pantry/Meals (99)

	2015/16 CDBG Allocation		Cap Distribution	
	60% City Set-Aside	40% CBO Set-Aside	15% Public Services	
\$613,405				
(\$122,681)				
\$490,724	\$294,434	\$196,290	\$92,011	
\$125,000	\$143,000			
\$75,000	\$75,000			
\$25,000	\$25,000			
\$150,000	\$75,000			
\$100,000	\$29,943			
\$42,000	\$40,000		\$40,000	
\$5,000	\$2,411		\$2,411	
\$40,770		\$40,770		
\$10,000		\$10,000		
\$10,000		\$7,500	\$7,500	
\$25,000		\$15,000	\$15,000	
\$18,000		\$0	\$0	
\$30,000		\$15,000	\$15,000	
\$1,500		\$1,500	\$1,500	
\$5,000		\$0	\$0	
\$35,000		\$10,600	\$10,600	
\$10,000		\$0	\$0	
\$490,724	\$390,354	\$100,370	\$92,011	
	(\$95,920)	\$95,920	\$0	

The following services identified in the table above will be grouped and funded as one allocation.

LodiGRIP	\$5,000	\$2,411		\$2,411	
Community Partnership - LodiGRIP Support (120)	\$25,000		\$15,000	\$15,000	
One-Eighty Teen - LodiGRIP Why Try Program (109)	\$35,000		\$10,600	\$10,600	

LodiGRIP Program - Supportive Services

\$28,011

COMMITTEE MEMBERS

SUNIL YADAV, Chairperson

CURT JURAN, Vice Chair

FRAN FORKAS

MARIA ROSADO

CITY OF LODI

LODI IMPROVEMENT COMMITTEE

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 368-8848

FAX (209) 333-6842

STAFF REPRESENTATIVE

JOSEPH WOOD, Neighborhood
Services Manager

April 20, 2015

Lodi City Council
c/o City Clerk's Office

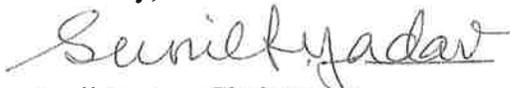
Honorable Mayor and Councilmembers,

The Lodi Improvement Committee is asking for your support in pursuing the establishment and implementation a Neighborhood Revitalization Strategy Area (NRSA) as referenced in the 2015/16 Annual Action Plan. The creation of a Neighborhood Revitalization Strategy Area could be a tool for revitalization that would provide benefits for administering Community Development Block Grant funds in targeted areas, as well as encourage public and private investment in the community. This would build stronger relationships with neighborhood stakeholders such as residents, businesses, nonprofit organizations, elected officials, law enforcement and faith organizations.

The Lodi Improvement Committee would be prepared to be a fundamental part of the development of a Neighborhood Revitalization Strategy Area providing outreach and engagement with the community. Once the Neighborhood Revitalization Strategy Area is established the Lodi Improvement Committee would be a willing partner and provide guidance with the administration of funds allocated to the Neighborhood Revitalization Strategy Area.

Thank you for your consideration in this matter.

Sincerely,



Sunil Yadav, Chairperson

Curtis Juran, Vice Chairperson

Fran Forkas, Member

Maria Rosado, Member

EXHIBIT D



2015-16 *DRAFT* Annual Action Plan Community Development Block Grant Program

PUBLIC REVIEW & COMMENT PERIOD – APRIL 6, 2015 – MAY 6, 2015



City of Lodi
Community Development Dept.
Neighborhood Services
Division





TABLE OF CONTENTS	
	Page
<input type="checkbox"/> Executive Summary 91.220(b)	2
<input type="checkbox"/> Lead & Responsible Agencies 91.200(b)	6
<input type="checkbox"/> Consultation 91.100, 91.220(b) and 91.215(l)	7
<input type="checkbox"/> Citizen Participation 91.105 and 91.200(c)	15
<input type="checkbox"/> Resources 91.220(c)(1) and (c)(2)	16
<input type="checkbox"/> Annual Objectives 91.220(c)(3)&(e)	19
<input type="checkbox"/> Description of Activities/Projects 91.220(d)	23
<input type="checkbox"/> Geographic Distribution/Allocation Priorities 91.220(f)	36
<input type="checkbox"/> Annual Affordable Housing Goals 91.220(g)	37
<input type="checkbox"/> Public Housing 91.220(h)	38
<input type="checkbox"/> Homeless and Special Needs 91.220(i)	39
<input type="checkbox"/> Barriers to Affordable Housing 91.220(j)	41
<input type="checkbox"/> Other Actions 91.220(k)	42
<input type="checkbox"/> Program Specific Requirements	44
<input type="checkbox"/> CDBG 91.220(l)(1)	

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

In order to be eligible to receive Community Development Block Grant (CDBG) funds, the City of Lodi must submit a Consolidated Plan to the Department of Housing and Urban Development (HUD) every five years, and is required to update that plan annually. The Consolidated Plan is an assessment and analysis of local conditions and issues related to housing, homelessness, community development, and economic development. Utilizing a comprehensive outreach and citizen participation process, the Consolidated Plan describes priority needs facing the community and develops strategies to address those needs. This 2015 Annual Action Plan is the second of five required annual updates to the 2014-2018 Consolidated Plan.

The annual Plan also identifies funding priorities and details the projects proposed to receive Federal funds under the CDBG Program, the State HOME Investment Partnership (HOME) Program and the Section 108 Loan Guarantee Program.

2. Summarize the objectives and outcomes identified in the Plan

The Needs Assessment within the 2014-2018 Consolidated Plan identified several target populations:

- Extremely low-income and very low-income households;
- Seniors;
- Youth, primarily ages 6 – 17;
- Persons with disabilities; and
- Foster youth.

The Needs Assessment also identified several types of projects and services that are needed in the community, including the following:

- Public facilities (either new or upgrades/expansions to existing facilities), including community centers, youth facilities, community gardens and one-stop service centers;
- Affordable housing programs for new housing construction, the preservation and rehabilitation of existing rental housing, emergency housing repairs, down-payment assistance and tenant-based rental assistance;
- Crime prevention activities to provide resources to support law enforcement and crime prevention programming in designated neighborhoods;
- Public improvements, especially those focused on increasing accessibility, such as ADA curbs ramps and sidewalk infill, and storm drainage and flooding improvements;

- Public services for a wide range of populations, including seniors, youth, disabled persons, homeless households, foster youth, displaced workers, and households with fair housing issues;
- Employment development services to provide training and to support job creation.

Through the full five year term of the Consolidated Plan, the City of Lodi anticipates funding projects related to all of these needs, although available funding resources, community-based organization partnerships, and market conditions may ultimately limit the City's ability to fund some project types.

Given the City's relatively small CDBG allocation, funds for affordable housing or other large capital improvement projects will need to come from other sources such as the State HOME Program and HUD's Section 108 Loan Guarantee Program.

3. Evaluation of past performance

The City of Lodi received \$602,382 in CDBG entitlement funds In FY 2014/15. The City funded 5 public service programs. The funding for these programs encompassed a variety of services to benefit youth, needy families, seniors, homeless persons, and other special needs groups. Award amounts ranged from \$1,500 to \$42,000.

The City also supported community development projects based on clearly identified needs. Among these initiatives were programs that focused on handicap accessibility projects and public infrastructure improvements in low-income neighborhoods. Both the public service programs and the community development projects were based on priorities identified in the Consolidated Plan.

4. Summary of Citizen Participation Process and consultation process

Two of the formal objectives of the Plan are to: 1) promote citizen participation in the development of local priority needs and objectives; and 2) encourage consultation with public and private agencies to identify shared needs and solutions to persistent community problems.

The Neighborhood Services Division of the Community Development Department invites the community to provide input on the way grant funds from the HUD are spent. This Citizen's Participation Plan outlines the way the City communicates with residents regarding the use and expenditure of HUD funds.

Community and neighborhood meetings are organized by City staff and/or by local community-based organizations to seek community input and identify community needs. These meetings serve several purposes:

- Obtains community input about funds should be spent;
- Solicits information about neighborhood needs;
- Builds a sense of community among neighborhood residents;
- Encourages community empowerment and greater community voice;
- Provides neighborhoods with information about city services.

The City continues to address potential gaps in the delivery system. The following are a few examples of efforts to overcome gaps in the institutional structure and to enhance coordination include:

- The Neighborhood Services Division staff work with the City's Finance, Parks Planning, and Public Works Departments to ensure that capital improvement projects are on schedule, and that invoices are paid in a timely manner.
- The Neighborhood Services Manager participates in the following the community/collaborative committees on a regular basis:
 - San Joaquin County Emergency Food and Shelter Board
 - "Hand Up" Homeless Outreach Group
 - City of Lodi ADA Committee/Citizen Advisory Panel
 - Lodi Improvement Committee
- The Neighborhood Services Manager is involved in the update of the City's Housing Element, particularly in the discussions surrounding multi-family and affordable housing, and a review of existing HUD-funded housing programs and an evaluation of their effectiveness.
- The Neighborhood Services Manager is leading the development of an Analysis of Impediments to Fair Housing Choice.

5. Summary of public comments

At the first City Council Public Hearing on April 1, 2015, a total of five people spoke in support of the various organizations and proposed projects and activities. One comment was received prior to the opening of the Public Hearing in regards to one of the applicants that was not being recommended for funding.

6. Summary of comments or views not accepted and the reasons for not accepting them

The City has not received any public comments that were not accepted.

7. Summary

The City Council was supportive of the recommendations for allocation of CDBG funding that were presented to them at the Public Hearing. All but one member of the public spoke in favor of the various recommendations. One applicant that was not being recommended for funding spoke about the services that her organization provides to needy families and individuals within the community and commented that this is the second year in a row that she has not been awarded funding. City staff reiterated to the City Council that this was due, primarily, to the CDBG regulations that places a 15 percent cap on funding for public service activities and not the validity of the applicant's request for funding. Staff went on to explain that the impact of the public services cap on funding recommendations that can address the priority needs within the community is one of the primary reasons why the 2015/16 Action Plan includes the authorization for staff to pursue the creation of a Neighborhood Revitalization Strategy Area.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	City of Lodi	Community Development Department – Neighborhood Services Division

Table 1 – Responsible Agencies

Narrative (optional)

The Community Development Department – Neighborhood Services Division is responsible for overseeing the administration of the City’s CDBG funding, including the preparation of the Consolidated Plan. The Neighborhood Services Division Manager over-see the day-to-day administration of the CDBG program.

Consolidated Plan Public Contact Information

City of Lodi
21 W. Pine Street
Lodi, CA 95240
Attn: Neighborhood Services Manager
209-333-6800 x2467
jwood@lodi.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

Introduction

In preparing the Action Plan, the City consulted with a variety of agencies, including local and regional community-based organizations, the Housing Authority of the County of San Joaquin, and many others.

The goal of the consultation process was to provide detail of the priority needs identified in the Consolidated Plan and how those agencies best could focus their programs and activities to help address those priority needs and to explore opportunities for coordination to improve availability and access to services.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

City staff has been meeting with several local health, mental health and service agencies to explore opportunities to increase service delivery through mobile and fixed locations in or at least closer to the neighborhoods where the clientele reside.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Lodi will continue to work as part of the San Joaquin County Continuum of Care (CoC) in 2015-16. The CoC is currently administered by the San Joaquin County Community Development Department, with several local agencies and organizations receiving funding.

The City’s efforts to address the needs of homeless persons have included participation and support of “A Hand Up”, a local homeless advocacy and outreach group made up of social service providers and faith-based organizations that meet monthly to discuss homeless issues and effective ways of addressing them.

The City has also been working with a Homeless Task Force made up of key City staff, representatives from the Salvation Army and local faith-based organizations, and the Lodi Community Foundation, a local philanthropic organization. Led by the Lodi Police Department, this task force has built consensus and support to explore a number of short- and long-range solutions to reduce homelessness and mitigate its effect on the community.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Lodi does not have sufficient population to receive Emergency Shelter Grant (ESG) funding directly. The San Joaquin County Neighborhood Preservation Division administers several federal grant programs that provide direct assistance to homeless individuals and families. They include several Supportive Housing Programs (SHP) and a Shelter Plus Care (SPC) Program. The SPC program provides rent assistance for disabled homeless individuals. Supportive Housing Programs provide rent assistance and supportive services to homeless families and individuals to assist them in making a successful transition from homelessness to independent living. Funds for these programs are received through HUD's Continuum of Care Homeless Assistance Grant Application process.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities

1.	Agency/Group/Organization	CALIFORNIA HUMAN DEVELOPMENT CORPORATION (CHD)
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Health Services-Education Services-Employment Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Non-Homeless Special Needs Economic Development Anti-poverty Strategy Leadership Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff routinely meets with CHD and the local Hispanic and Pakistani community through meetings facilitated by CHD as a means of providing information on what is being done to address needs identified in the Consolidated Plan and to receive feedback from that community on those and other issues. Information from those meetings had a direct bearing on some of the projects recommended for funding.

2.	Agency/Group/Organization	HOUSING AUTHORITY OF THE COUNTY OF SAN JOAQUIN
	Agency/Group/Organization Type	Housing PHA Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with the Housing Authority to review opportunities to provide new affordable housing or the rehabilitation of existing affordable housing. An application for CDBG funding was prepared and submitted to address the needs identified in those discussions.
3.	Agency/Group/Organization	LOEL FOUNDATION
	Agency/Group/Organization Type	Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with the LOEL Foundation in regards to various needs and issues that were related to their role within the community.

4.	Agency/Group/Organization	SECOND HARVEST FOOD BANK
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Homeless Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with Second Harvest in regards to various needs and issues that were related emergency food. An application for CDBG funding was prepared and submitted to address the priority needs.
5.	Agency/Group/Organization	THE SALVATION ARMY, A CALIFORNIA CORPORATION
	Agency/Group/Organization Type	Housing Services-Homeless Services-Health Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with the Salvation Army - Lodi Corp in regards to various needs and issues that were related emergency food and shelter, housing and supportive services. An application for CDBG funding was prepared and submitted to address the priority needs.

6.	Agency/Group/Organization	COMMUNITY PARTNERSHIP FOR FAMILIES OF SAN JOAQUIN COUNTY
	Agency/Group/Organization Type	Services-Children Services-Health Services-Education Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with the Community Partnership regarding the development of programs/services designed to address priority needs related to at-risk youth and their families associated with gang prevention/intervention. An application for CDBG funding was prepared and submitted to address the priority needs.

7.	Agency/Group/Organization	ONE-EIGHTY TEEN CENTER – YOUTH SERVICES
	Agency/Group/Organization Type	Services-Children Services-Health Services-Education Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with the One-Eighty Youth Services regarding the development of programs/services designed to address priority needs related to at-risk youth and their families associated with gang prevention/intervention. An application for CDBG funding was prepared and submitted to address the priority needs.
8.	Agency/Group/Organization	EMERGENCY FOOD BANK
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Homeless Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with the Emergency Food Bank in regards to various needs and issues that were related to emergency food. An application for funding was prepared ad submitted.

9.	Agency/Group/Organization	SJC HUMAN SERVICES AGENCY (HSA)
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with HSA regarding services that they provide to homebound senior citizens. Staff determined that funding should be directed toward better alternatives than what is being proposed by HSA.
10.	Agency/Group/Organization	SAN JOAQUIN FAIR HOUSING ASSOCIATION
	Agency/Group/Organization Type	Housing Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with Fair Housing in regards to various needs and issues that were related housing and discrimination.

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

The City consulted a variety of agencies serving Lodi residents and the region. No agency types were specifically left out of the consultation process.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	San Joaquin County	Both address issues pertaining to homelessness and special needs housing.

Table 3 – Other local / regional / federal planning efforts

AP-12 Participation – 91.105, 91.200(c)

- 1. Summary of citizen participation process/Efforts made to broaden citizen participation**
Summarize citizen participation process and how it impacted goal-setting.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1.	NOFA/Application Workshop	Community-Based Organizations	About a dozen people attended the December 10, 2014 meeting. Most represented a nonprofit organization.	Many organizations would like to expand services, but Public Service funding is limited.	All comments were accepted.	
2.	Community Meeting	Non-targeted/ broad community.	About nine people attended the January 13, 2015 Lodi Improvement Committee meeting.	Public Works staff sought input on priorities for Cherokee Lane corridor projects.	All comments were accepted.	
3.	Public Hearing	Non-targeted/ broad community.	Over twenty people attended the City Council meeting on April 1, 2015 specifically for the CDBG Public Hearing.	A summary of the comments at that meeting are detailed in the Executive Summary.	All comments were accepted.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

The City of Lodi will have a total of \$613,405 in new CDBG funds for program year 2015-2016. Allocation of funds and assignment of priorities for funding are based upon the national goals set forth by HUD regulations, and local goals for housing and community development. Local goals, consistent with HUD regulations, focus on building up and improving the City's residents and neighborhoods.

In addition to the CDBG funding that Lodi receives as an Entitlement community, Lodi has been awarded State HOME funding for a First Time Home Buyer Program. The allocation of State HOME funds (\$700,000) will be available from 2013-2016. The City intends on pursuing additional funding through the State HOME Program, Cal-Home, and other state and federal resources as may be appropriate

In 2015-16, the City plans to pursue funding through the Section 108 Loan Guarantee program. The specific amount and use of the loan proceeds will be determined during the plan year. The City will amend the annual Action Plan to document the use. Possible uses being considered are: single-family acquisition/rehabilitation/resale program, multi-family housing, and/or economic development (job creation).

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	613,405	0	492,000	1,105,405	1,800,000	City of Lodi is a CDBG Entitlement community that expects an average allocation of \$600,000 per year for planning purposes.
Section 108	public - federal	Acquisition Economic Development Housing	1,000,000	0	0	1,000,000	1,000,000	In 2015-16, the City plans to pursue funding through the Section 108 Loan Guarantee Program. Possible uses: single-family acquisition/rehabilitation/resale program, multi-family housing, or economic development (job creation).
Other	public - state	Acquisition Housing	250,000	0	0	250,000	250,000	The City of Lodi was awarded \$700,000 on State HOME Program funding for a First Time Home Buyer acquisition-only and acquisition-with rehab activities.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied.

The CDBG program does not have a matching requirement. However, in evaluating the proposals for CDBG funding each year, the City uses match funds as a factor in determining recommended allocations.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan.

As of the writing of this Plan, there was not anticipated to be any publicly-owned land or property within the City that would be used to address identified needs. The City may use some CDBG funding to acquire such land over the course of the planning period.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Each activity being funded in the 2015-16 Plan will correspond to one of the following two priorities:

- Build Healthy Communities; and
- Expand Economic Opportunities.

Those priorities align closely with the City's Mission Statement which reads, "The City of Lodi's purpose is to enhance the quality of life for Lodi residents, reflecting our high community standards" and the overall objective to provide the citizenry a better, more attractive, and healthier place in which to live.

In addition, each activity includes a goal that best reflects what the City of Lodi is seeking to achieve through the Consolidated Plan. The goals to be addressed in 2015-16 are:

- Improve Accessibility
- Construct/Upgrade Public Facilities
- Address Blight and Nuisance
- Improve Access to Public Services
- Preserve Existing Affordable Housing
- Expand Financial Opportunities
- Produce New Affordable Housing

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improve Accessibility	2014	2018	Non-Housing Community Development	CDBG Target Area RCAP/ECAP 43.02	Public Facilities Public Improvements	CDBG: \$322,943	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 9999 Persons Assisted
2	Construct or Upgrade Public Facilities	2014	2018	Non-Housing Community Development	CDBG Target Area RCAP/ECAP 43.02	Public Facilities Public Improvements	CDBG: \$25,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 9999 Persons Assisted
3	Address Blight and Nuisance	2014	2018	Non-Housing Community Development	CDBG Target Area RCAP/ECAP 43.02	Public Services	CDBG: \$40,000	Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted
4	Access to Social Services	2014	2018	Non-Housing Community Development	RCAP/ECAP 43.02 City-Wide Activity	Public Services	CDBG: \$52,011	Public service activities other than Low/Moderate Income Housing Benefit: 9999 Persons Assisted
5	Preserve Existing Affordable Housing	2014	2018	Affordable Housing Public Housing	City-Wide Activity	Preservation of Existing Affordable Housing	CDBG: \$40,770	Public service activities for Low/Moderate Income Housing Benefit: 6 Households Assisted
6	Expand Financial Opportunities	2014	2018	Economic Development	City-Wide Activity	Public Services	CDBG: \$10,000	Businesses assisted: 99 Businesses Assisted
7	Produce New Affordable Housing	2014	2018	Affordable Housing	City-Wide Activity	Homebuyer Assistance	HOME: \$250,000	Direct Financial Assistance to Homebuyers: 5 Households Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Improve Accessibility
	Goal Description	Improve the accessibility of public facilities and remove barriers to accessibility throughout the community.
2	Goal Name	Construct or Upgrade Public Facilities
	Goal Description	Construct new or upgrade existing public facilities.
3	Goal Name	Address Blight and Nuisance
	Goal Description	Address existing blighted areas of the City and nuisance conditions that will lead to blight.
4	Goal Name	Access to Social Services
	Goal Description	Improve access to social services.
5	Goal Name	Preserve Existing Affordable Housing
	Goal Description	Foster the preservation of fair and quality housing choices for residents of all income levels throughout the entire community through the preservation of existing affordable housing.
6	Goal Name	Expand Financial Opportunities
	Goal Description	Expand financial opportunities for lower-income individuals and families.
7	Goal Name	Produce New Affordable Housing
	Goal Description	Foster the development and preservation of fair and quality housing choices for residents of all income levels throughout the entire community through the production of new housing units.

Table 7 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

None

AP-35 Projects – 91.220(d)

Introduction

The activities to be undertaken during 2015-2016 are summarized below. All of the Public Service activities identified are expected to be completed no later than June 30, 2016.

#	Project Name
1	Program Administration
2	Hutchins Street Square – North Entrance ADA Phase II
3	Zupo Field ADA Bleachers – Phase I
4	Blakely Park Restroom Demolition
5	Cherokee Lane ADA Improvements – Phase I
6	Church Street Parking Lot ADA Improvements – Phase II
7	Graffiti Abatement
8	LodiGRIP Program
9	Housing Authority – 719 S. Washington Street Improvements – Phase III
10	SBDC Economic Development - 2
11	Emergency Food Bank – Mobile Farmer’s Market
12	Salvation Army – Tutoring and Mentoring Program
13	Second Harvest Food Bank – Hunger Relief Programs

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

In making project recommendations, consideration was given to a variety of thresholds that projects must meet to comply with CDBG objectives, including meeting one of the national objectives and addressing one of the community priorities set out in the Consolidated Plan. Staff also took into account activity need and justification, cost reasonableness and effectiveness, activity management and implementation, experience with similar activities, past performance, leveraged funds, and completeness of the application.

In addition, the City looked at three supplemental factors that could increase the score for certain applications. The first was whether the applicant requested funding from the City of Lodi in the prior year and was not awarded. The second was whether the program/project provide specific benefit to aid the residents in the neighborhoods the City has identified as Racially/Ethnically Concentrated Areas of Poverty (RCAP/ECAP). The third was whether the program/project meet any of the high priority goals identified in the 2014-2018 Consolidated Plan.

Project recommendations are for those projects determined most likely to be successful and maintain compliance with CDBG regulations.

While there are several constraints to meeting the needs of low-income residents, the primary obstacle is that there is a lack of funding to fully address all needs. The economic challenges facing the nation

have forced many nonprofits to cut services at a time when governmental entities and others are least able to provide them.

A second obstacle to meeting underserved needs is that the location of many available services is in the City of Stockton. Lodi works closely with the regional transit agencies to improve access, and there are several daily public transportation linkages between Lodi and downtown Stockton. The City has also encouraged nonprofit agencies to operate satellite offices within Lodi.

Another obstacle is the number of nonprofits that need assistance with basic management and fiscal policies. New nonprofits have formed in Lodi and throughout the region, and they have small but passionate staffs and volunteers devoted to a variety of issues. Unfortunately, most new nonprofits do not have the capacity to meet the financial and reporting requirements of CDBG and other grant programs, and may need basic assistance securing tax-exempt status, setting up bookkeeping systems, and applying for grants.

Projects

AP-38 Projects Summary

Project Summary Information

Table 9 – Project Summary

1	Project Name	Planning and Administration
	Target Area	
	Goals Supported	Produce New Affordable Housing Access to Social Services Improve Accessibility Construct or Upgrade Public Facilities Address Blight and Nuisance
	Needs Addressed	Public Services
	Funding	CDBG: \$122,681
	Description	The planning and administration funding is intended to provide funding for general staff administration of CDBG programs and activities, including Integrated Disbursement and Information System (IDIS) training, program set-up, reporting, planning, and subrecipient training and monitoring. Planning and admin will now include funding for San Joaquin Fair Housing to provide fair housing services, such as housing discrimination and tenant/landlord law hotline, complaint investigation, and outreach and education through public forums.

	Target Date	6/30/16
	Estimate the number and type of families that will benefit from the proposed activities.	2796 individuals. 832 low-income households.
	Location Description	City Hall - 221 W. Pine St, Lodi CA 95240 Far Housing: City-wide
	Planned Activities	The planning and administration funding is intended to provide funding for general staff administration of CDBG programs and activities, including Integrated Disbursement and Information System (IDIS) training, program set-up, reporting, planning, and subrecipient training and monitoring. Funding will also be provided for San Joaquin Fair Housing to provide fair housing services, such as housing discrimination and tenant/landlord law hotline, complaint investigation, and outreach and education through public forums.
2	Project Name	Hutchins Street Square – North Entrance ADA Improvements – Phase II
	Target Area	
	Goals Supported	Improve Accessibility
	Needs Addressed	Public Improvements. Public Facilities.
	Funding	CDBG: \$143,000
	Description	Improvements to community recreation and performing arts facility to remove accessibility barriers.
	Target Date	June 30, 2016

	Estimate the number and type of families that will benefit from the proposed activities.	100
	Location Description	125 S. Hutchins Street, Lodi, CA 95240
	Planned Activities	Reconstruction of entrance to public facility to remove barriers to accessibility.
3	Project Name	Zupo Field ADA Bleachers – Phase I
	Target Area	
	Goals Supported	Improve Accessibility
	Needs Addressed	Public Improvements
	Funding	CDBG: \$75,000
	Description	Improvements to community recreation to remove accessibility barriers. This is the first of two phased allocations to fund this project.
	Target Date	6/30/17
	Estimate the number and type of families that will benefit from the proposed activities.	100
	Location Description	350 N. Washington Street, Lodi, CA 95240
	Planned Activities	Improvements to public facility to remove barriers to accessibility.

4	Project Name	Blakely Park Restroom Demolition
	Target Area	
	Goals Supported	Address Blight and Nuisance
	Needs Addressed	Public Improvements
	Funding	CDBG: \$25,000
	Description	Demolish the restroom building at the south side of Blakely Park that has been out of service due to extensive and repeated vandalism.
	Target Date	6/30/2016
	Estimate the number and type of families that will benefit from the proposed activities.	
	Location Description	1050 S. Stockton Street, Lodi, CA 95240
	Planned Activities	Demolition and clearing of existing, unused restroom/storage building.
5	Project Name	Cherokee Lane ADA Improvements – Phase I
	Target Area	CDBG Target Area
	Goals Supported	Improve Accessibility
	Needs Addressed	Public Improvements
	Funding	CDBG: \$75,000

	Description	Handicap ramp and sidewalk improvements along Cherokee Lane corridor to provide path of travel and to remove barriers to accessibility.
	Target Date	12/31/16
	Estimate the number and type of families that will benefit from the proposed activities.	100
	Location Description	To be determined within CDBG Target Area
	Planned Activities	Installation of ADA compliant handicap ramps and sidewalks at various locations along Cherokee Lane corridor to remove barriers to accessibility.
6	Project Name	Church Street Parking Lot ADA Improvements – Phase II
	Target Area	
	Goals Supported	Improve Accessibility
	Needs Addressed	Public Improvements
	Funding	CDBG: \$29,943
	Description	ADA improvements in the next phase of parking lot reconstruction projects to provide a path of travel and to remove barriers to accessibility.
	Target Date	6/30/16
	Estimate the number and type of families that will benefit from the proposed activities.	100

	Location Description	114 W. Oak Street; 117 W. Walnut Street; 140 S. Church Street.
	Planned Activities	Installation of ADA compliant parking stalls and path of travel at a public facility.
7	Project Name	Graffiti Abatement
	Target Area	RCAP/ECAP#1
	Goals Supported	Address Blight and Nuisance
	Needs Addressed	Public Services Crime Prevention
	Funding	CDBG: \$40,000
	Description	The Graffiti Abatement Program will remove graffiti on public and private properties located in target areas. The goal of the program is to preserve neighborhood property values and maintain the housing stock in target areas.
	Target Date	6/30/16
	Estimate the number and type of families that will benefit from the proposed activities.	Graffiti abatement from low-income neighborhoods. 100 households served.
	Location Description	Citywide low-income areas. CT/BGs: 41.02 (BG 2), 42.03 (BG 3), 42.04 (BG 1) 43.06 (BG 1), 44.01 (BG 2, 3, 4, 5, 6), and 45.00 (BG 1,3,4)
	Planned Activities	The Graffiti Abatement Program will remove graffiti on public and private properties located in target areas. Staff will remove graffiti by pressure-washing the structure or by painting over it.

8	Project Name	LodiGRIP Program – Supportive Services
	Target Area	RCAP/ECAP#1 / CDBG Target Area
	Goals Supported	Access to Social Services
	Needs Addressed	Public Services Crime Prevention
	Funding	CDBG: \$28,011
	Description	Funding to a variety of community-based organizations that support the Lodi Gang Reduction Intervention Prevention (LodiGRIP) Program through referrals of at-risk youth and their families to counseling for anger management, substance abuse and gang recognition, for tattoo removal and other eligible expenses .
	Target Date	6/30/16
	Estimate the number and type of families that will benefit from the proposed activities.	Community Partnership for Families: 25 LMI Households One-Eighty Teen – Why Try Program – 40 LMI Youth LodiGRIP – 10 LMI Youth
	Location Description	City-Wide Low Income Neighborhoods
	Planned Activities	Community Partnership for Families - A Service Integration Program that supports the youth and families that are referred from the LodiGRIP Program, focusing mainly on the youth that have participated in the Juvenile Diversion Program at Mule Creek State Prison. One-Eighty Teen - Why Try Program - An evidence-based program operated on the high school

		campuses that helps identify high-risk students and teaches them self-awareness, self-discipline, self-motivation and how to find healthy support systems. LodiGRIP – Referrals of at-risk youth and their families to other agencies and organizations that can provide supportive services.
9	Project Name	Housing Authority – 719 S. Washington Street Improvements – Phase III
	Target Area	
	Goals Supported	Preserve Existing Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$40,770
	Description	Continuation of project at 719 S. Washington, a six-unit apartment complex owned and operated by the Housing Authority. Phase III will use funds to install new energy efficient water heaters, install shutters at the exterior windows and stucco the entire exterior of the apartment building.
	Target Date	6/30/16
	Estimate the number and type of families that will benefit from the proposed activities.	6 LMI Households, 25 individuals.
	Location Description	719 S. Washington Street, Lodi, CA 95240
	Planned Activities	Installation of new energy efficient water heaters, install shutters at the exterior windows and stucco the entire exterior of the apartment building structure.

10	Project Name	SBDC Economic Development
	Target Area	City-Wide
	Goals Supported	Expand Financial Opportunities
	Needs Addressed	Employment Development
	Funding	CDBG: \$10,000
	Description	Provides confidential, individual and free business consulting to existing and prospective Lodi business owners, and monthly small business startup workshops.
	Target Date	6/30/16
	Estimate the number and type of families that will benefit from the proposed activities.	31 LMI Individuals 10 jobs created.
	Location Description	City-Wide
	Planned Activities	Provide confidential, individual and free business consulting to existing and prospective Lodi business owners, and monthly small business start up workshops.
11	Project Name	Emergency Food Bank – Mobile Farmer’s Market
	Target Area	RCAP/ECAP#1 / CDBG Target Area
	Goals Supported	Access to Social Services
	Needs Addressed	Public Services
	Funding	CDBG: \$1,500

	Description	Nutrition and food assistance programs.
	Target Date	6/30/16
	Estimate the number and type of families that will benefit from the proposed activities.	3000 LMI individuals.
	Location Description	City-Wide Low Income Neighborhoods
	Planned Activities	This will fund the Mobile Farmers' Market program (MFM). The MFM is an existing program that provides access to fresh fruits and vegetables, healthy cooking demonstrations and health and nutrition-related information to low-income residents.
12	Project Name	Salvation Army – Tutoring and Mentoring Program
	Target Area	RCAP/ECAP#1 / CDBG Target Area
	Goals Supported	Access to Social Services
	Needs Addressed	Public Services
	Funding	CDBG: \$15,000
	Description	An after-school program during the school year and a Summer Day Camp program during summer break that is run out of the Salvation Army Lockeford Street facility. The program will focus on tutoring, mentoring, character building, crafts and sports/recreational activities. The program is expanding to offer English Language Development to non-English speaking individuals within the community.
	Target Date	6/30/16
	Estimate the number and type of	27 LMI Youth

	families that will benefit from the proposed activities.	13 LMI Adults
	Location Description	525 W. Lockeford Street, Lodi, CA 95240
	Planned Activities	Tutoring, mentoring, character building, crafts and sports/recreational activities. English Language Development to non-English speaking individuals within the community.
13	Project Name	Second Harvest Food Bank of San Joaquin County – Hunger Relief Programs
	Target Area	City-Wide Low Income Neighborhoods / RCAP/ECAP#1
	Goals Supported	Access to Social Services
	Needs Addressed	Public Services
	Funding	CDBG: \$7,500
	Description	Provide funding to Second Harvest Food Bank to purchase foods that are not typically donated to the food bank (e.g., meat and dairy products).
	Target Date	6/30/16
	Estimate the number and type of families that will benefit from the proposed activities.	The Food Assistance Programs serve individuals, children, and seniors including disabled, veterans, female head of household, and elderly. By the end of the fiscal year 2014-2015 Second Harvest estimates providing supplemental groceries to 590 unduplicated people, totaling 9,588 units of service in the City of Lodi.
	Location Description	City-Wide Low Income Neighborhoods
	Planned Activities	Funding for the operation of the Food Assistance Program, the Senior Brown Bag Program, and the Food 4 Thought Program.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

While Lodi has used a need-based strategy for selection of projects and activities, the greatest need has historically been identified to be within the low-income Target Area. Specific attention will be focused on one Census Tract within our Target Area (45.02) that was recently identified as a Racially Concentrated Area of Poverty (RCAP) and an Economically Concentrated Area of Poverty (ECAP).

Geographic Distribution

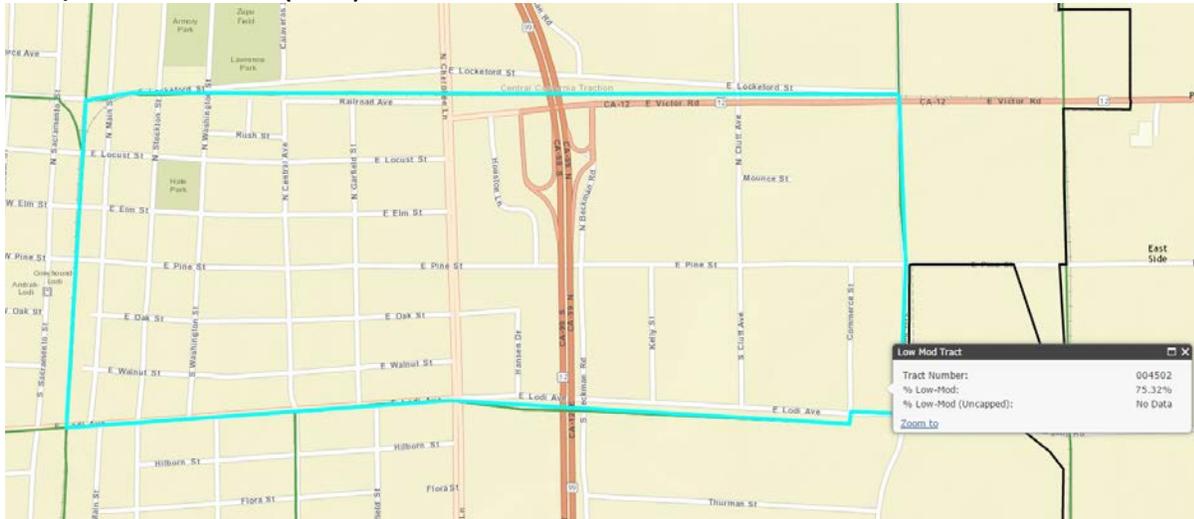
Target Area	Percentage of Funds
RCAP/ECAP Census Tract (45.02)	30%

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Areas of concentrated poverty generally have less private investment from financial institutions, grocery stores and other retail outlets. With less competition, businesses like convenience marts and check cashing companies are able to charge more for goods and services and low-income people end up paying more for basic necessities.

RCAP/ECAP Census Tract (45.02)



Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Although the Consolidated Plan and Action Plan focus on affordable housing, the City's only HUD funding source is CDBG, which limits the amount of funding that can be spent on affordable housing by prohibiting new construction of housing. (Other HUD programs, such as HOME, are specifically targeted to affordable housing.) The City's strategies related to CDBG-funded affordable housing efforts relate to maintaining affordability for homeowners. Other funding sources are provided to support affordable housing as available.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	4
Special-Needs	0
Total	4

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	4
Acquisition of Existing Units	4
Total	8

Table 12 - One Year Goals for Affordable Housing by Support Type

Discussion

For 2015-16, the aforementioned number of households assisted relies strictly on the ability for the City to get the FTHB Acquisition/FTHB Acquisition with Rehab activities, and the partnership with Habitat for Humanity up and running in the Program Year.

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of the County of San Joaquin (HACSJ) is the public housing agency serving the City of Lodi. HACSJ is independent of the City of Lodi, and the City retains no control over their funding or implementation of programs.

Actions planned during the next year to address the needs to public housing

Please refer to the HACSJ Public Housing Authority Annual Plan for information on the ways that HACSJ plans to address public housing needs.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

HACSJ encourages public housing residents to participate in policy, procedure, and program implementation and development through its Resident Advisory Board. HACSJ also distributes a newsletter to all residents, which contains relevant news, information on training and employment opportunities, and other community resources available to public housing residents. Public housing residents also participate in the development of the HACSJ's five-year and annual plans. The Resident Services Division distributes a survey to prioritize resident needs and schedule short- and long-term improvements.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

HACSJ is not designated as "troubled."

Discussion

A wealth of information on HACSJ and their programs, housing resources, budgets, and financial planning and reporting is available on their website at www.HACSJ.org.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City's strategy related to the needs of the homeless, those at risk of homelessness, and other special needs populations is focused on funding supportive services in Lodi.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City will remain involved in the County Emergency Food and Shelter Program Board and will continue participation in monthly meetings with the local homeless outreach group, "A Hand Up" that works directly with the unsheltered homeless population.

The City will also remain involved in the planning and execution of the County-wide Point-in-Time Homeless Count that will take place in 2015 and 2017.

Additionally, the City is participating in a collaborative effort along with local service providers and faith-based organizations to better coordinate the variety of activities and services that are targeted to the homeless community.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City will maintain current levels of support in homeless transitional and permanent housing programs.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City will attempt to create additional beds for chronically homeless persons through two primary strategies:

- (1) having the CoC apply for additional new Shelter Plus Care funding that will target the chronically homeless, and
- (2) increasing the number of beds for the chronically homeless by modifying existing Shelter Plus Care programs that do not specifically target chronically homeless persons. This second strategy would be achieved by providing chronically homeless persons with a priority when filling vacancies in non-targeted Shelter Plus Care programs as they occur.

The City will work closely with the CoC toward meeting this goal.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City plans to pursue funding for Tenant-Based Rental Assistance Program in future years to ease the cost-burden for the most impacted households in the extremely low-income and the very low-income range and to continue to support service providers that serve that population.

Foster Care programs in San Joaquin County are overseen by the Human Services Agency. In California, state law requires public foster care programs to provide an Independent Living Program and that a transition plan be formulated for all youth preparing for emancipation. The City will continue to work with the Human Services Agency and the CoC members directly impacted by discharges, toward developing and implementing written protocols designed to codify current practices that prevent persons leaving foster care directly to homelessness.

Discussion

The City does not administer the Housing Opportunities for Persons With AIDS (HOPWA) Program, but there is coordination and contact with the San Joaquin AIDS Foundation and the Continuum of Care that administers those funds for the County.

One year goals for the number of households to be provided housing through the use of HOPWA for:	
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family	0
Tenant-based rental assistance	0
Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated	0
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds	0
Total	0

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

The City identified public policy factors that are barriers to affordable housing in the process of drafting its 2010-2016 Housing Element update. Notable barriers included:

- Land use controls. Zoning designations affect the availability of land suitable for multi-family development.
- Residential development standards, which control the type, location, and density of residential development in Lodi. Parking requirements, building setbacks, height limits, and open space requirements are essential to ensuring that Lodi remains a safe and enjoyable place to live, but may constrain the density at which land is developed.
- Design guidelines, which control the appearance of new development. The requirements of design guidelines may slightly increase the cost of building new housing.
- Site improvement, development impact, and processing fees. These fees can add significant cost to developing new housing. Developers must often pay for new roadway, sewer, water, and park facilities, along with miscellaneous other fees. There are also costs associated with getting projects approved by the City and other agencies.
- Permit and approval process. In addition to the cost of fees on new projects, the amount of time required to process them varies by project, and the developer generally must pay holding costs, such as property taxes, during this time.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In 2015-16, the City will complete the process to review and update the Housing Element again, and develop an Analysis of Impediments to Fair Housing Choice. Any barriers to affordable housing identified through those documents will be addressed within the period of this Consolidated Plan.

Discussion

AP-85 Other Actions – 91.220(k)

Introduction

While there are several constraints to meeting the needs of low-income residents, the primary obstacle is that there is a lack of funding to fully address all needs. The economic challenges facing the nation have forced many nonprofits to cut services at a time when governmental entities and others are least able to provide them. In response to the level of need, the City has maintained its commitment to providing local funding to nonprofits; even though budget cuts have been required in a number of areas. The City also supports nonprofits' efforts to raise private funds, in part through providing direct funding and in-kind services to special events, including fundraisers.

Another obstacle to meeting underserved needs is that the location of many available services is in the City of Stockton. Lodi works closely with the regional transit agencies to improve access, and there are several daily public transportation linkages between Lodi and downtown Stockton. The City has also encouraged nonprofit agencies to operate satellite offices within Lodi

Actions planned to address obstacles to meeting underserved needs

In 2015-16, the City will support the following programs to address underserved needs:

- The Salvation Army's Tutoring and Mentoring Program that serves the low-income, predominantly Hispanic population from the RCAP/ECAP area.
- San Joaquin Fair Housing's housing counseling services.
- Second Harvest Food Banks services to the needy families within the Target Area.
- Emergency Food Bank's Mobile Farmer's Market that serves the low-income, predominantly Hispanic population from the RCAP/ECAP area.
- Lodi Gang Reduction Intervention Prevention (LodiGRIP) Program that serves predominantly Hispanic youth and their families that are at-risk of gang influence and activities.

Actions planned to foster and maintain affordable housing

In 2015-16, the City will offer the following programs to foster and maintain affordable housing:

- The City's HOME grants will provide first-time homebuyer assistance in the form of a downpayment loan to an anticipated 3 households.
- The City is pursuing a partnership with Habitat for Humanity for an Acquisition and Rehab Program that will allow at least 10 vacant and/or foreclosed properties to be purchased and rehabilitated as affordable housing.

Actions planned to reduce lead-based paint hazards

In 2015-16, the City will offer the following programs to reduce lead-based paint hazards:

- The City will continue to provide lead-based paint testing as a component of its housing repair and rehabilitation programs when required by HUD regulations. Given the age and condition of Lodi's housing stock, there are a significant number of homes where lead-based paint testing is needed.

Actions planned to reduce the number of poverty-level families

In 2015-16, the City will offer the following programs to reduce the number of poverty-level families:

- Lodi's goals include several that align with the goal of reducing poverty, including creating new affordable housing, expanding housing and services for the homeless, creating new local jobs, and providing social services. The City plans to fund specific activities that address each of these goals during the Consolidated Plan timeframe. For 2015-16, the City will provide assistance to first-time home buyers to acquire and rehabilitate affordable housing through a grant of State HOME Program funding and through a partnership with Habitat for Humanity.

Actions planned to develop institutional structure

In 2015-16, the City will continue to support and assist the service providers within our jurisdiction and to assess changes in needs on an on-going annual basis.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to participate in regional coordination of services through the Emergency Food and Shelter Program Board and other networking opportunities.

Discussion

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction

The program-specific requirements that apply to the City are those for the CDBG program.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1.	The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed;	0
2.	The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0
3.	The amount of surplus funds from urban renewal settlements	0
4.	The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5.	The amount of income from float-funded activities	0
Total Program Income		0

Other CDBG Requirements

1. The amount of urgent need activities

Discussion

The City calculates its low-income benefit on a one-year timeframe.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE 2015/16
ANNUAL ACTION PLAN FOR THE FEDERAL COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM

=====

WHEREAS, the Department of Housing and Urban Development (HUD) has determined that the City of Lodi, California, is entitled to Community Development Block Grant (CDBG) as an entitlement community for fiscal year 2015/16 Federal allocation; and

WHEREAS, the City of Lodi has been notified that the 2015/16 CDBG allocation is \$613,405; and

WHEREAS, the City of Lodi has held, with proper notification, a public hearing at the City Council meeting of May 6, 2015, to receive comments and proposals from the public regarding the projected use of CDBG funds and provided the public with adequate information concerning the amount of funds available for community development activities, the range of eligible activities, and other important requirements; and

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

WHEREAS, staff therefore recommends the following allocations:

Program Administration (\$122,681)

City Capital Projects (\$347,943)

- Hutchins Street Square – North Entrance ADA Improvements (\$143,000)
- Zupo Field ADA Bleacher Project – Phase I (\$75,000)
- Blakely Park Restroom Demolition (\$25,000)
- Cherokee Lane – ADA Improvements (\$75,000)
- Church Street Parking Lot – ADA Improvements (\$29,943)

CBO Economic Development (\$10,000)

- SBDC – Small Business Assistance (\$10,000)

City Service Programs (\$40,000)

- Graffiti Abatement (\$40,000)

CBO Capital Projects (\$40,770)

- Housing Authority - 719 South Washington Street Project – Phase III (\$40,770)

CBO Service Programs (\$52,011)

- Salvation Army – Tutoring and Mentoring Program (\$15,000)
- Second Harvest Food Bank - Food Assistance Programs (\$7,500)
- LodiGRIP Program Supportive Services (\$28,011)
- Emergency Food Bank – Mobile Farmer’s Market (\$1,500)

WHEREAS, the City Council for the City of Lodi wishes to include within the 2015/16 Annual Action Plan the authorization for the City to pursue the following special projects and activities to address priority needs identified in the Consolidated Plan:

- Establish Neighborhood Revitalization Strategy Area that would provide benefits for administering CDBG funding in targeted areas; encourage public and private investment in the community; and build stronger relationships with neighborhood stakeholders, including residents, businesses, nonprofit organizations, elected officials, law enforcement, and faith organizations; and
- Pursue applications to the Section 108 Loan Guarantee Program for the following projects:
 - Partnership with Habitat for Humanity and F&M Bank for an Acquisition-Rehabilitation-Resale program for affordable housing development;
 - Additional funding to Eden Housing for the Tienda Drive Senior Housing Project;
 - Economic development incentives for the repurpose of the General Mills facility.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the Annual Action Plan which includes the recommended 2015/16 Federal allocations of CDBG funds to the projects recommended by staff in the amount of \$613,405 as indicated above; and

BE IT FURTHER RESOLVED that the Lodi City Council further authorizes City staff to pursue the creation of a Neighborhood Revitalization Strategy Area and the application for Section 108 Loans from HUD for affordable housing and economic development activities.

Dated: May 6, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 6, 2015, by the following vote:

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

JENNIFER M. FERRAIOLO
 City Clerk

CITY OF LODI

LEGAL ADVERTISEMENT

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING FOR DISCUSSION OF POSSIBLE
CDBG APPLICATIONS

PUBLISH (DATES): April 16, 2015

ACCT#: 20104930

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

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

DATE: April 13, 2015 ORDERED BY: Joseph Wood

TITLE: Neighborhood Services Division Manager

LEGAL NOTICE

NOTICE OF PUBLIC HEARING FOR DISCUSSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

NOTICE IS HEREBY GIVEN that a public hearing will be held on Wednesday, May 6, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the Lodi City Council Chambers, 305 West Pine Street, Lodi, CA 95241 in order to consider the Community Development Block Grant (CDBG) Program Annual Action Plan development process and to receive input regarding community needs and funding priorities. The City will receive \$613,405 in CDBG funds for 2015/16.

The CDBG program provides funding for activities that benefit low-income persons, eliminate slum or blight, or serve an urgent need. Eligible activities include property acquisition, public improvements, housing rehabilitation, economic development, and public services.

As a recipient of Community Development Block Grant (CDBG) funding, the City has developed an Action Plan that describes the activities proposed to be funded in 2015-16. The Action Plan generally describes how the City will utilize program funds for eligible activities during the fiscal year. The Action Plan can be amended as needed to reallocate funds to housing and community development activities.

Planning documents are available to the public for at least 30 days before adoption by the City Council. Those documents were released on April 6, 2015 for public review and comment. The public hearing on Wednesday, May 6, 2015 will be for the review and adoption of the Annual Action Plan and to give citizens an opportunity to make their comments known regarding community needs and potential activities to be funded under the CDBG Program.

If you are unable to attend the public hearing, you may direct written comments to the City Clerk, City of Lodi, PO Box 3006, Lodi, CA 95241, or you may telephone (209) 333-6711. Persons with hearing impairment, please use the California Relay Service (CRS) 7-1-1. In addition, information is available for review at Lodi City Hall (221 West Pine Street) between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

Notice of Non-Discrimination on the Basis of Disability and Reasonable Accommodation

The City promotes fair housing and makes all its programs available to low- and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

The City of Lodi does not discriminate in admission or access to, or treatment or employment in, its federally assisted programs and activities on the basis of disability. Reasonable accommodations will be made available to the disabled, upon request. Translators/Translation services are also available upon request. Any questions, concerns or requests related to these Notices should be directed to the following person:

Joseph Wood, (209) 333-6800 x2467.

Neighborhood Services Manager

Persons with hearing impairment, please use the California Relay Service (CRS) 7-1-1.

Dated: April 16, 2015



DECLARATION OF POSTING

PUBLIC HEARING FOR DISCUSSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

On Thursday, April 16, 2015, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for Discussion of the Community Development Block Grant Program (attached and marked as Exhibit A) was posted at the following locations:

Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum
Worknet Office

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

Executed on April 21, 2015, at Lodi, California.

ORDERED BY:

**JENNIFER M. FERRAILOLO
CITY CLERK**

Pamela M. Farris
PAMELA M. FARRIS
DEPUTY CITY CLERK

ELENA STODDARD
ADMINISTRATIVE CLERK

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Joseph Wood, (209) 333-6800 x2467.

Neighborhood Services Manager

Persons with hearing impairment, please use the California Relay Service (CRS) 7-1-1.

Dated: April 16, 2015



DECLARATION OF MAILING

PUBLIC HEARING FOR DISCUSSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

On Thursday, April 16, 2015, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing for Discussion of the Community Development Block Grant Program, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

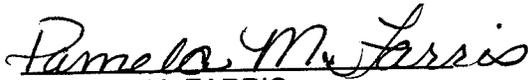
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

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

Executed on April 21, 2015, at Lodi, California.

ORDERED BY:

JENNIFER M. FERRAILOLO
CITY CLERK, CITY OF LODI


PAMELA M. FARRIS
DEPUTY CITY CLERK

ELENA STODDARD
ADMINISTRATIVE CLERK



LEGAL NOTICE

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Joseph Wood, (209) 333-6800 x2467.
Neighborhood Services Manager

Persons with hearing impairment, please use the California Relay Service (CRS) 7-1-1.

Dated: April 16, 2015

EXHIBIT B

2015-16 Adopt Annual Action Plan

Name	Agency	Street	City
Captains Tory and Martin Ross	c/o Salvation Army, Lodi Corps	PO Box 1388	Lodi, CA 95241
Cheryl Francis	Grace and Mercy Charitable Foundation	PO Box 2236	Lodi, CA 95242
Dean Fujimoto	c/o SJC Human Services Agency	PO Box 201056	Stockton, CA 95201
Michael Miller	c/o SJC Human Services Agency	PO Box 201056	Stockton, CA 95201
Mike Mallory	c/o Second Harvest Food Bank	704 E. Industrial Park Drive	Manteca, CA 95337-6116
Kirsten Salas	c/o Second Harvest Food Bank	704 E. Industrial Park Drive	Manteca, CA 95337-6116
Peggy Wagner	c/o San Joaquin County Fair Housing Association	247 E. Miner Ave	Stockton, CA 95202
Mario Supnet	c/o Emergency Food Bank of Stockton/San Joaquin	7 W. Scotts Avenue	Stockton, CA 95203
Doi Do	c/o Housing Authority of the County of San Joaquin	448 S. Center Street	Stockton, CA 95203
Nate McBride	c/o Small Business Development Center	56 S. Lincoln Street	Stockton, CA 95203
Marie Contreras	Community Partnership for Families of SJ - Lodi Site	PO Box 1569	Stockton, CA 95201
Jake McGregor	c/o One-Eighty Youth Programs	17 W. Lockeford Street	Lodi, CA 95240
Tracy Williams	c/o LOEL Foundation, Inc.	105 S. Washington Street	Lodi, CA 95240
Srey Kho	c/o El concilio/Lodi CalWORKS	1330 S. Ham Ln.	Lodi, CA 95242
Maria Rosado	c/o California Human Development	631 E. Oak St.	Lodi, CA 95240



DECLARATION OF POSTING

PUBLIC HEARING FOR DISCUSSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (Spanish)

On Tuesday, April 21, 2015, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for Discussion of the Community Development Block Grant Program (attached and marked as Exhibit A) was posted at the following locations:

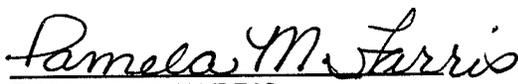
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum
Worknet Office

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

Executed on April 21, 2015, at Lodi, California.

ORDERED BY:

**JENNIFER M. FERRAILO
CITY CLERK**


PAMELA M. FARRIS
DEPUTY CITY CLERK

ELENA STODDARD
ADMINISTRATIVE CLERK

AVISO LEGAL

AVISO DE AUDIENCIA PÚBLICA PARA LA DISCUSIÓN DEL PROGRAMA DE DESARROLLO COMUNITARIO BLOCK GRANT

LA CIUDAD DE LODI

DEPARTAMENTO DE DESARROLLO COMUNITARIO

Aviso de Audiencia Pública Para La Discusión del Programa de Subsidios Globales para el Desarrollo
Comunitario

CON LA PRESENTE SE NOTIFICA que una audiencia pública se llevará a cabo el Miércoles, 06 de mayo 2015 a las 7:00 pm o tan pronto como el asunto podrá ser oído, en el Consejo de Cámaras de la ciudad de Lodi, 305 West Pine Street, Lodi, CA 95241 a fin de considerar el proceso de desarrollo (CDBG) Plan de Acción del Programa Anual de Community Development Block Grant y recibir aportaciones en relación con las necesidades de la comunidad y las prioridades de financiación. La Ciudad recibirá \$613,405 en fondos CDBG para 2015/16.

El programa CDBG proporciona fondos para actividades que beneficien a las personas de bajos ingresos, eliminan los barrios marginales o tizón, o sirven a una necesidad urgente. Las actividades elegibles incluyen la adquisición de propiedades, mejoras públicas, rehabilitación de viviendas, el desarrollo económico, y los servicios públicos.

Como beneficiario de fondos del Desarrollo Comunitario (CDBG), la Ciudad ha desarrollado un plan de acción que describe las actividades propuestas para ser financiadas en 2015-16. El plan de acción en general describe cómo se va a utilizar los fondos del programa en actividades elegibles durante el año fiscal. El plan de acción puede modificarse según sea necesario para reasignar fondos a las actividades de vivienda y desarrollo comunitario.

Se pondrán a disposición los documentos de planificación al público durante al menos 30 días antes de su aprobación por el Ayuntamiento. Se anticipa que los documentos serán disponibles el 6 de abril de 2015 para su revisión y comentarios. Una audiencia pública se conducirá el Miércoles, 6 de mayo del 2015 para su revisión y aprobación del Plan de Acción Anual.

El propósito de esta audiencia pública será el de dar a los ciudadanos la oportunidad de hacer saber sus comentarios respecto a las necesidades de la comunidad y las posibles actividades que se financiarán en el marco del programa CDBG. Si usted no puede asistir a la audiencia pública, puede dirigir sus comentarios a la Secretaría de la Ciudad, Ciudad de Lodi, PO Box 3006, Lodi, CA 95241 escrito, o usted puede llamar por teléfono al (209) 333-6711. Además, la información está disponible para su revisión en Lodi City Hall (221 West Pine Street) entre las horas de 8:00 am y 5:00 pm de lunes a viernes. Si usted tiene una discapacidad auditiva, por favor utilice el Servicio de Retransmisión de California (CRS) 7-1-1.

Aviso de no discriminación por motivos de discapacidad y adaptación razonable

La Ciudad promueve la equidad de vivienda y hace que todos sus programas disponibles para familias de bajos y moderados ingresos sin importar la edad, raza, color, religión, sexo, origen nacional, orientación sexual, estado civil o discapacidad.

La ciudad de Lodi no discrimina en la admisión o acceso a, o tratamiento o empleo en sus programas y actividades que reciben asistencia federal sobre la base de la discapacidad. Los ajustes razonables serán puestos a disposición de las personas con discapacidad que lo soliciten. Traductores / Servicios de traducción están disponibles bajo petición. Todas las preguntas, inquietudes o solicitudes relacionadas con estos avisos se deben dirigir a la siguiente persona:

Joseph Wood, (209) 333 a 6800 x2467.

Servicios a los Vecindarios Gerente

Joseph Wood

Si usted tiene una discapacidad auditiva, por favor utilice el Servicio de Retransmisión de California (CRS) 7-1-1.



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Appointment to the Lodi Senior Citizens Commission and Post for Expiring Terms on the Library Board of Trustees, Lodi Arts Commission, Planning Commission, and San Joaquin County Commission on Aging

MEETING DATE: May 6, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Concur with the Mayor’s recommended appointment to the Lodi Senior Citizens Commission and further direct the City Clerk to post for the expiring terms on the Library Board of Trustees, Lodi Arts Commission, Planning Commission, and San Joaquin County Commission on Aging.

BACKGROUND INFORMATION: On various dates, the City Council directed the City Clerk to post for an expiring term on the Lodi Senior Citizens Commission. The Mayor reviewed the applications, conducted interviews, and recommends that the City Council concur with the following appointment and further recommends that the expiring terms (detailed below) be posted. Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

APPOINTMENTS

Lodi Senior Citizens Commission

Roberta Wirth Term to expire December 31, 2018

NOTE: Two applicants (one application on file, one new application); posting ordered 10/15/14, 12/3/14, and 1/20/15; application deadline – open until filled

POSTING:

Library Board of Trustees

Two Vacancies Term to expire June 30, 2018

Lodi Arts Commission

Four Vacancies Term to expire July 1, 2018

Planning Commission

Two Vacancies Term to expire June 30, 2019

San Joaquin County Commission on Aging

One Vacancy Term to expire June 30, 2018

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

JMF/PMF

Jennifer M. Ferraiolo
City Clerk

APPROVED: _____

Steve Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Introduce an Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 12 – Streets, Sidewalks and Public Places, By Repealing and Reenacting Chapter 12.12 – “Parks” in its Entirety; and Further Repealing and Reenacting Chapter 12.16 – “Permits For Use of City Facilities” in its Entirety

MEETING DATE: May 6, 2015

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Introduce an ordinance of the City Council of the City of Lodi amending Lodi Municipal Code Title 12 - Streets, Sidewalks and Public Places, by repealing and reenacting Chapter 12.12 – “Parks” in its entirety; and further repealing and reenacting Chapter 12.16 – “Permits For Use of City Facilities” in its entirety.

BACKGROUND INFORMATION: Lodi’s various park and facility ordinances are outdated and no longer reflect the Parks, Recreation and Cultural Services’ (PRCS) organizational structure and, in many cases, fail to address the changing ways the public uses parks.

As a result, the Parks and Recreation Commission met numerous times since late 2013 to study and recommend what changes are needed. It first examined commercial use of parks and the discussion evolved to address the impact of large groups and athletic teams in parks. Finally, the Commission took on the issue of smoking in parks. After a line-by-line review of the attached proposed ordinances at its April 7 meeting, the Commission voted unanimously to recommend adoption by the City Council.

The proposed ordinances are not overly inventive. They are, in fact, a blend of ordinances existing in cities and agencies from San Joaquin County, Northern California and elsewhere in the United States, and reflect the Commission’s efforts to shape them to fit Lodi’s needs. If adopted, none would be unique to Lodi.

The new codes:

- 1) Protect the public’s investment in City parks from overuse and damage, which is occurring
- 2) Ensure the public has continued access to public spaces and discourage disproportionate uses without compensation, which is occurring
- 3) Protect the City taxpayers from unnecessary liability, which is occurring
- 4) Create an orderly system for groups and athletic teams to reserve park space, which is needed
- 5) Protect City taxpayers from providing hidden subsidies to businesses, which is occurring
- 6) Reduce existing levels of litter and promote public health
- 7) Properly describe PRCS’ organizational structure

APPROVED: _____
Stephen Schwabauer, City Manager

The following provides an overview of the four major areas addressed in the proposed ordinances: commercial use, large group/athletic field use, a smoking prohibition and revisions related to the structure of PRCS.

The proposed changes will affect two chapters of the Lodi Municipal Code: 12.12 – Parks; and 12.16 – City Facilities. The proposed changes to Chapter 12.12 are mostly related to the structure of PRCS since the Parks and Recreation’s merger with Hutchins Street Square, and the smoking prohibition. Chapter 12.16 overhauls the existing chapter by streamlining redundant language, and establishes the permit process for commercial and large group or athletic team use of parks.

Lastly, some of the proposed ordinance provides clarifying language or other minor changes.

Commercial use

Enterprising businesses have capitalized on the recent increased interest in outdoor fitness programs such as “boot camp”-type training and general exercise. Some of these operate from storefront locations, such as one next to the Parks Division offices on Stockton Street.

Others, however, are using taxpayer-funded parks as their place of business, avoiding the overhead expense that comes with indoor space, such as servicing restrooms and emptying trash. City staff has witnessed several instances of fitness classes taking place at DeBenedetti, Legion, Hutchins Street Square, Hale and Lodi Lake parks. In the case of DeBenedetti Park, the users meet early Saturdays, flip tractor tires on the turf and leave hay bale debris scattered on the road, sidewalk and turf areas (see attached photo). Staff has met several times with a person operating an exercise business at Legion Park. She charges between \$49 and \$59 a month for the service, has a City business license, and says other cities require insurance and a permit for her type of business. Her comments have been valuable in helping the Recreation Commission craft this proposed ordinance. In recent weeks, a business began offering a youth soccer program for children in two parks without notifying PRCS, and yet another free crossfit class began in March at DeBenedetti Park as a business marketing effort. No notification was provided to PRCS for this weekday evening program, although it is being advertised to the public and has now moved to Katzakian Park.

Staff believes the issue of commercial use in parks is similar to others already regulated by the City. The Lodi Municipal Code already prohibits selling products in City parks without a permit. This would expand that restriction to services, completing the terms of a sale or an activity conducted by a business, unless a permit is first obtained. Similarly, the Public Works Department has an encroachment permit process for businesses or other groups seeking to have a special event in the public right-of-way. What the Recreation Commission endorses is an ordinance that is similar to those already in place in the cities of Stockton, Modesto, Tracy, Sacramento, West Sacramento and many others in California and nationally.

The Council was presented a fee schedule recommended by the Recreation Commission at the January 23, 2015, shirtsleeve session and, with the Council’s support at this meeting, the proposed fees will come before the Council following ordinance adoption. On February 3, 2015, the Recreation Commission unanimously endorsed a \$75 annual fee for commercial photography in City parks. This came after a commercial photographer told the Commission that she supported an annual fee, rather than a per-use fee.

The proposed ordinance also would prohibit commercial activity at Lodi Lake Park unless it is conducted by a business with a City contract, in order to prevent competition with our existing concessionaire. Commercial activity also would be prohibited in parks on weekends and holidays – unless associated with the rental of the area -- so that the public may use them without interference. Bounce house operators and commercial photographers are exempt. Additionally, commercial activity would not be allowed in small neighborhood parks such as Van Buskirk and Candy Cane, and exercise equipment weighing more than 25 pounds could not be brought into parks without permission.

Large group/athletic field use

The Commission recommends a permit be required for any group of 25 or more people, any event advertised to the public, or for any sports team unaffiliated with City recreation programs. Many cities and park districts in California already have similar requirements, including Tracy, Stockton, Manteca, Sacramento, West Sacramento and Ripon. In the case of multiple requests for facilities, Lodi-based groups would have priority over others in reserving a field.

Requiring permits under these conditions would allow Parks Division staff to respond to servicing needs created by groups, prevent conflicts between users, and allow staff to inform potential users of special maintenance projects or shortcomings that might affect their events. Many city parks suffer excessive wear due to unlimited use by athletic teams. Having this ordinance in place would help the Parks Division address wear-and-tear issues by better scheduling and allowing fields to rest and recover.

In some cases, the users would be required to obtain insurance, which is consistent with groups reserving space at other City facilities, such as Hutchins Street Square, Grape Bowl, Zupo Field and others.

Smoking prohibition

The Recreation Commission unanimously recommends a change to the Parks ordinance that would ban smoking of any material – including “e-cigarettes” – and use of any tobacco product in a City park or park facility.

At least 170 cities and counties in California have enacted bans on smoking in all of their parks, and more than 1,000 agencies throughout the country have adopted smoking bans in parks. The trend is growing, with 30 California municipalities passing ordinances restricting smoking in outdoor areas in 2014. In 2015 alone, the cities of Victorville; Pomona; Yountville; Turlock; Adelanto; Portland, OR; Ann Arbor, MI; Providence, RI; Albany, NY; Ocean City, MD; El Paso, TX; and others have enacting bans on smoking in parks or are considering bans.

Lodi once was a pioneer in passing smoking regulations. In 1990, the City Council adopted an ordinance – controversial at the time -- that prohibited smoking in public indoor spaces, making Lodi the first city in the United States to do so. The ordinance was challenged by smokers, but eventually upheld by voters with 60 percent supporting, and other cities began following Lodi’s example. Five years later, the State Legislature passed a similar law.

While many other California cities have taken additional action to protect public health outdoors, this has not happened in San Joaquin County. Earlier this year, the American Lung Association gave every city in San Joaquin County an “F” grade for their lack of tobacco control efforts. A ban would be a step toward

protecting the health of the 87 percent of residents who do not smoke and enjoy the health benefits of being outdoors, whether for socializing or recreation.

A smoking ban would be consistent with the goals of the Lodi Chamber of Commerce’s Vision 2020 plan, which in the Community and Business Health section on Page 28 states that Lodi should, “Build supportive environments *by enacting laws or regulations (emphasis added)*, or by community effort to facilitate changes or improvements in attitudes and behaviors,” and, “Protect the natural environment *by enacting laws and regulations* to restore or preserve clean air and water, create open space, natural beauty, restrict the use and disposal of toxic substances ... “

In addition to the health impacts of smoking, a smoking ban in parks would have a significant impact on reducing litter. Volunteers at the California Coastal Cleanup each September collect roughly 3,000 cigarette butts each year, and those butts that aren’t collected by volunteers or park staff often have filters that are not biodegradable, leaching organic chemicals and heavy metals into the environment.

Cigarette butts are the most littered item in the United States and the world. Smoking-related debris accounts for one-third or more of all debris items found on U.S. beaches and in rivers and streams, and a litter study in San Francisco found the cost of cleaning up cigarette waste was \$7 million a year (source: Cigarette Butt Pollution Project). Staff recently removed cigarette receptacles outside of Hutchins Street Square and has seen a reduction in cigarette litter. Previously, staff frequently swept up cigarette butts left on the ground beneath or around the receptacles on a regular basis.

A no-smoking ordinance also would have the benefit of reducing marijuana smoking in parks. Staff often sees youths congregating in parks (Hutchins Street Square, Kofu, Lodi Lake) and smoking marijuana. Approaching groups of smokers to determine whether they are smoking tobacco or some other substance is not practical for staff, including the Park Police Officers. A smoking curb would benefit other park users who don’t appreciate the second-hand smoke and other associated behaviors.

Like many other park ordinances, we expect a smoking ban to be self-regulating. Smokers are aware of limits on smoking in public places and the vast majority comply, and our park users also are aware of our ordinances and often educate violators. In a 2008 report by the California Clean Air Project on 10 communities that had banned smoking in parks, smoke-free park ordinances are largely self-enforced. “Public demand and expectation have made enforcement a non-issue,” the report states.

The exception to an outright ban is a section within the proposed ordinance that would allow the PRCS Director to establish smoking areas for City-sponsored events. Smokers would be allowed to light up within designated areas proposed ordinance allows the PRCS Director to establish smoking areas at City-sponsored events. This exemption, however, is opposed by some public health agencies that desire a comprehensive ban. The City of San Jose’s Department of Parks, Recreation and Neighborhood Services has sent a letter in support of an outright ban on smoking in City parks.

PRCS structure

The existing ordinance was created before the merger of the Parks and Recreation Department with Hutchins Street Square. The proposed ordinance would update language that refers to the Department and the Director with the proper titles, and provides some more logical order to the ordinance, such as leading the chapters with administrative functions. In addition, it replaces more specific and potentially vague terms such as “park,” with “Recreational Area,” which would define all areas owned by the City of Lodi for recreational purposes.

Other

The proposed Chapter 12.12 also specifies that only tennis-related activities may be played on tennis courts (exceptions allowed by the PRCS Director, 12.12.250(B)), prohibits persons from bringing exercise equipment weighing more than 25 pounds into a recreational area unless allowed by the Director (12.12.258), and removes a blanket prohibition on posting signs in parks by allowing PRCS staff to do so in the course of their duties (12.12.070). The revisions include reducing improper parking of a bicycle in a park (12.12.350 and 360) from a misdemeanor to an infraction, and modifying existing ordinances to account for the needs of disabled park visitors.

PRCS staff appreciates the time and attention the Recreation Commission spent on this matter, as well as the input from members of the public who helped craft this proposal.

FISCAL IMPACT: Revenue collected from park permits will assist with additional maintenance. Gross revenue is estimated between \$5,000 and \$10,000 per year. A short-term increase in expenses related to signage.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation & Cultural Services Director

JH:tl

cc: City Attorney

Attachments



Parks, Recreation and Neighborhood Services

Parks Division

April 6, 2015

RECEIVED

Lodi City Council Members
P.O. Box 3006
Lodi, CA 95241-1910

APR 15 2015

CITY CLERK

Members of The City of Lodi City Council,

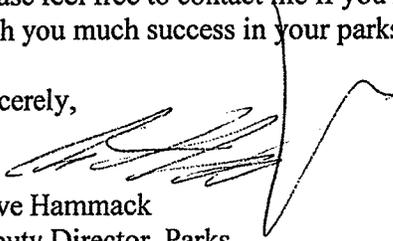
It has been brought to my attention that the City of Lodi is working to pass a smoke and tobacco free policy in city parks. As the Deputy Director of Parks for the City of San Jose, I would like to extend my support for this policy and to share what our experience has been since we adopted our own smoke free parks policy in 2012. Contrary to any fears that there would be a reduction in park attendance, we have seen only positives from this policy.

Our smoke-free parks policy has been a win-win for the city, residents and visitors since its adoption. The policy aligns with our goal to support and promote healthy lifestyles, and provides a more welcoming environment for local residents and visitors. We have not seen a reduction in event attendance and have not looked back. In fact, I cannot state any negatives as a result of our policy because the city and people who use our parks have only benefitted.

Furthermore, I strongly recommend including a ban on all electronic smoking devices in your parks when finalizing your policy language. The aerosol emitted by these devices has not been proven safe to those surrounding the smoker. The nicotine contained in many electronic smoking devices, including those that claim to be nicotine free, has been deemed by the Surgeon General to be highly addictive and can contribute to numerous health problems. They are also a safety hazard to children who would be exposed to the vapor and may come in contact with a device or vial. Pharmacologists have found that just a tablespoon of nicotine can be lethal to adults if ingested in this concentrated form and the chemicals can be absorbed in toxic amounts from spilling the liquid on your skin.

Please feel free to contact me if you have any questions or concerns about any policy specifics. I wish you much success in your parks once this policy is passed.

Sincerely,



Steve Hammack
Deputy Director, Parks
Department of Parks, Recreation
& Neighborhood Services
(408) 535-3570
steve.hammack@sanjoseca.gov



SMOKING & TOBACCO OUTREACH/PREVENTION Program

(STOPP)

Community Coalition

RECEIVED

1601 E Hazelton Avenue • Stockton, CA 95205

DEC 03 2014

PARKS & RECREATION

Agency and Organization Member Representatives

November 25th, 2014

American Cancer Society

Jeff Hoods
City of Lodi
Parks, Recreation and Cultural Services
125 N. Stockton St,
Lodi 95240

American Lung Association

California Tribal TANF Partnership

Dear Mr. Hood,

Community Medical Centers

The San Joaquin County Smoking & Tobacco Outreach/Prevention Program (STOPP) Community Coalition supports the adoption of a city-wide policy for smoke-free parks in Lodi.

Evergreen Professional Hypnotherapy
Center

The STOPP Coalition has been advocating for community health since 1999 and is dedicated to reducing tobacco use and secondhand smoke exposure in San Joaquin County. This is achieved through partnerships with local community-based organizations, health care agencies, educators and tobacco control advocates. The STOPP Coalition also leads projects that positively impact social and cultural norms related to tobacco use, especially among youth, in San Joaquin County.

Health Plan of San Joaquin

Housing Authority of the County of
San Joaquin

Smoking remains the leading cause of preventable death in the United States. In addition to its link with lung cancer and Chronic Obstructive Pulmonary Disease (COPD), smoking is associated with various chronic conditions, such as stroke, high blood pressure and other cancers. Each year, San Joaquin County spends over \$395,000 in direct and indirect health care costs related to smoking.

Manteca Unified School District

Point Break Adolescent Services

San Joaquin County Behavioral
Health-Prevention Services

Studies have proven that there is no safe level of second hand smoke. Lodi residents deserve to live in a healthy, smoke-free community. As community leaders, it is crucial to examine closely the potential dangers and adverse health effects smoking can have, and to provide the necessary protection. Prohibiting smoking and discarding tobacco-related waste in Lodi parks through the placement of *NO SMOKING* signs will send a strong message to the community that

San Joaquin County Office of
Education

San Joaquin County Public Health
Services

Stockton Unified School District

(Continued)

U.S. Department of Health & Human
Services Office on Women's Health

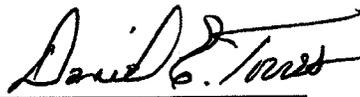
Jeff Hoods
City of Lodi
Parks, Recreation and Cultural Services
November 25th, 2014
Page 2

the health of its members, especially children, is a top priority.

The STOPP Coalition commends the Lodi Parks, Recreation and Cultural Services for taking a stand in advancing awareness of smoke-free parks. Passage of this policy would put the city at the forefront of San Joaquin County cities to strive for a smoke free community.

As a strong voice for health in the City of Lodi and throughout San Joaquin County, we stand united in our support of promoting smoke-free parks.

Sincerely,



Daniel Torres
STOPP Coalition Co-Chairperson
Point Break Adolescent Resource



Frank Lucas
STOPP Coalition Co-Chairperson
Evergreen Professional
Hypnotherapy and Personal
Improvement Center

3



November 25, 2014

Mr. Jeff Palmquist
Lodi Parks & Recreation Services Commission
125 N. Stockton Street
Lodi, CA 95240

Dear Chairman Palmquist and Members of the Commission:

The American Cancer Society Cancer Action Network is committed to protecting the health and well-being of the citizens of Lodi, and we applaud the effort to create a smoke-free parks policy that will help to protect the citizens of your city from exposure to secondhand smoke. Lodi has a proud place in history in indoor smoke-free protections, and you now have the opportunity to protect a new generation of residents from exposure to smoke in parks and recreational areas.

We encourage you to draft and pass an ordinance that will protect Lodi residents, while promoting health and fitness, in all of the places residents play, exercise and recreate. We support the prohibition of smoking, including the use of electronic smoking devices, in all public recreational areas, including parks, picnic areas, playgrounds, athletic fields, golf courses, hiking or walking paths, bike or riding trails, gardens, swimming pools, skating rinks and skateboard parks, and beaches. We also encourage you to extend these protections to sidewalks and streets adjacent to all protected areas.

Smoking is the leading cause of preventable death in both men and women. Lung cancer kills nearly 13,000 Californians each year, and overall, one out of every three cancer deaths is due to tobacco. The U.S. Surgeon General has declared that there is "no risk-free level of exposure to secondhand smoke. Breathing even a little secondhand smoke can be harmful to your health." Even brief exposure to secondhand smoke has immediate adverse health effects in adults and children. Each year, over 3,400 non-smoking adults in the United States will die of lung cancer as a result of breathing secondhand smoke.

The American Cancer Society Cancer Action Network encourages the creation and passage of a smoke-free parks and recreation ordinance for the protection of all residents of Lodi from exposure to secondhand smoke in the places they visit to promote health and fitness.

Sincerely,

Cassie Ray
Government Relations Director, Northern California
American Cancer Society Cancer Action Network

American Cancer Society Cancer Action Network
980 9th Street, Suite 2200 • Sacramento, CA 95814 • 707.290.0003



E-Cigarettes

On April 25, 2011, the U.S. Food and Drug Administration (FDA) announced that e-cigarettes will be regulated as tobacco products unless the products are marketed as therapeutic, making a claim that e-cigarettes can help someone quit smoking for example. While FDA made the initial announcement that it intends to regulate most e-cigarettes as tobacco products, much more research is needed about the potential health effects of e-cigarettes. The American Lung Association urges the Obama Administration and FDA to move forward without delay to begin overseeing these products to determine the public health impacts of their use.

What is an E-Cigarette?

- According to the FDA, electronic cigarettes, or e-cigarettes, are devices that allow users to inhale a vapor containing nicotine or other substances.¹
- Unlike traditional cigarettes, e-cigarettes are generally battery-operated and use an atomizer to heat a refillable cartridge that then releases a chemical-filled vapor.
- E-cigarettes are often available in flavors that may appeal to children and teens, including cotton candy, bubble gum, chocolate, strawberry and mint.²

Who Uses E-Cigarettes?

- *An increasing number of youth:* According to CDC, the number of students in grades 6-12 reporting having ever used an e-cigarette doubled from 3.3 percent to 6.8 percent from 2011 to 2012. Recent use of e-cigarettes among students grades 6-12 increased from 1.1 percent to 2.1 percent.³
- *Former and current smokers:* According to CDC, during 2010 to 2011, adults reporting that they have used an e-cigarette increased among both sexes, those aged 45-54 years old, non-Hispanic Whites, those living in the South, and current and former smokers. One in five current cigarette smokers has used an e-cigarette, with their use higher than that of former or never-smokers.⁴
- Additional and on-going research is needed to understand the full public health impact of e-cigarettes, including their impact on youth initiation, whether current smokers are switching to these products instead of quitting or are using them in conjunction with regular cigarettes.

What are the Health Effects of E-Cigarettes?

- The health consequences of the use of e-cigarettes and the vapor that they give off are unknown. There is currently no scientific evidence establishing the safety of e-cigarettes. No brand of e-cigarettes has been submitted to the FDA for evaluation of their safety.⁵
- In initial lab tests conducted in 2009, FDA found detectable levels of toxic cancer-causing chemicals, including an ingredient used in anti-freeze, in two leading brands of e-cigarettes and 18 various cartridges.⁶ The lab tests also found that cartridges labeled as nicotine-free had traceable levels of nicotine.
- There is no evidence that shows the vapors emitted by e-cigarettes are safe for non-users to inhale. The use of e-cigarettes in public places and workplaces may also complicate efforts to enforce and

comply with smokefree laws. Because e-cigarettes have not been thoroughly evaluated, the American Lung Association supports prohibiting the use of e-cigarettes under smokefree laws.

Can E-Cigarettes Help Someone Quit Smoking?

- The FDA has not approved e-cigarettes as an effective method to help smokers quit. The U.S. Public Health Service has found that the seven therapies approved by the U.S. Food and Drug Administration in combination with individual, group or phone cessation counseling is the most effective way to help smokers quit. Until and unless the FDA approves a specific e-cigarette for use as a tobacco cessation aid, the American Lung Association does not support any direct or implied claims that e-cigarettes help smokers quit.

¹ U.S. Food and Drug Administration. "E-Cigarettes: Questions and Answers." September 9, 2010. Available at: <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm225210.htm>.

² U.S. Food and Drug Administration. "FDA Warns of Health Risks Posed by E-Cigarettes." July 23, 2009. Available at: <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm173401.htm>.

³ Centers for Disease Control and Prevention. "Electronic Cigarette Use Among Middle and High School Students — United States, 2011–2012." *Morbidity and Mortality Weekly Report*. September 6, 2013; 62(35):729-30.

⁴ King BA, Alam S, Promoff G, Arrazola R, Dube SR. "Awareness and Ever Use of Electronic Cigarettes Among U.S. Adults, 2010–2011." *Nicotine & Tobacco Research*. February 2013; 15:1623-7.

⁵ U.S. Food and Drug Administration. "FDA and Public Health Experts Warn About Electronic Cigarettes." July 22, 2009. Available at: <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/2009/ucm173222.htm>.

⁶ U.S. Food and Drug Administration. "Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA." July 22, 2009. Available at: <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>.

Vapors Produced by Electronic Cigarettes and E-Juices with Flavorings Induce Toxicity, Oxidative Stress, and Inflammatory Response in Lung Epithelial Cells and in Mouse Lung

Chad A. Lerner, Isaac K. Sundar, Hongwei Yao, Janice Gerloff, Deborah J. Ossip, Scott McIntosh, Risa Robinson, Irfan Rahman

Published: February 6, 2015 • DOI: 10.1371/journal.pone.0116732

Abstract

Oxidative stress and inflammatory response are the key events in the pathogenesis of chronic airway diseases. The consumption of electronic cigarettes (e-cigs) with a variety of e-liquids/e-juices is alarmingly increasing without the unrealized potential harmful health effects. We hypothesized that electronic nicotine delivery systems (ENDS)/e-cigs pose health concerns due to oxidative toxicity and inflammatory response in lung cells exposed to their aerosols. The aerosols produced by vaporizing ENDS e-liquids exhibit oxidant reactivity suggesting oxidants or reactive oxygen species (OX/ROS) may be inhaled directly into the lung during a “vaping” session. These OX/ROS are generated through activation of the heating element which is affected by heating element status (new versus used), and occurs during the process of e-liquid vaporization. Unvaporized e-liquids were oxidative in a manner dependent on flavor additives, while flavors containing sweet or fruit flavors were stronger oxidizers than tobacco flavors. In light of OX/ROS generated in ENDS e-liquids and aerosols, the effects of ENDS aerosols on tissues and cells of the lung were measured. Exposure of human airway epithelial cells (H292) in an air-liquid interface to ENDS aerosols from a popular device resulted in increased secretion of inflammatory cytokines, such as IL-6 and IL-8. Furthermore, human lung fibroblasts exhibited stress and morphological change in response to treatment with ENDS/e-liquids. These cells also secrete increased IL-8 in response to a cinnamon flavored e-liquid and are susceptible to loss of cell viability by ENDS e-liquids. Finally, exposure of wild type C57BL/6J mice to aerosols produced from a popular e-cig increase pro-inflammatory cytokines and diminished lung glutathione levels which are critical in maintaining cellular redox balance. Thus, exposure to e-cig aerosols/juices incurs measurable oxidative and inflammatory responses in lung cells and tissues that could lead to unrealized health consequences.

Citation: Lerner CA, Sundar IK, Yao H, Gerloff J, Ossip DJ, et al. (2015) Vapors Produced by Electronic Cigarettes and E-Juices with Flavorings Induce Toxicity, Oxidative Stress, and Inflammatory Response in Lung Epithelial Cells and in Mouse Lung. PLoS ONE 10(2): e0116732. doi:10.1371/journal.pone.0116732

Academic Editor: M. Firoze Khan, University of Texas Medical Branch, UNITED STATES

Received: September 12, 2014; **Accepted:** December 12, 2014; **Published:** February 6, 2015

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Data Availability: All relevant data are within the paper.

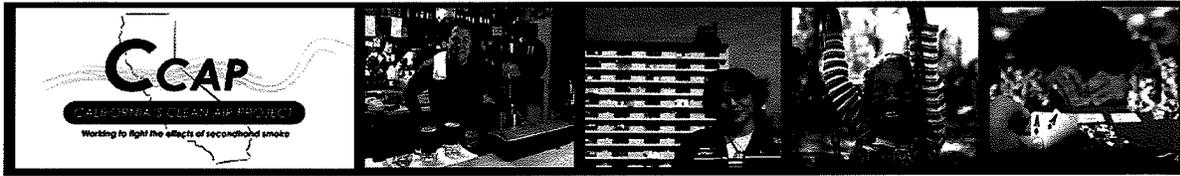
Funding: This work was supported by the National Institute of Drug Abuse at the National Institutes of Health, NIH (R21DA036057 to RR and IR), NIH 2R01 HL085613 (IR), 1R01HL092842 (IR), and by the National Cancer Institute, NCI at the NIH (R01CA132950 to DJO, and R01CA152093 to SM), pulmonary training grant T32 HL066988, and by the University of Rochester Clinical Translational Research Institute, CTSI 5UL1RR024160 incubator project (IR). The funders had no role in study design, data collection and analysis, decision to publish, or preparation of the manuscript.

Competing interests: The authors have declared that no competing interests exist.

Introduction

The consumption of electronic nicotine delivery systems (ENDS) and electronic cigarettes (e-cigs) is rising and currently scientific information necessary to inform the FDA and clinicians of potential health risks is lacking. Studies involving the effects of ENDS/e-cig liquids and aerosols on animal cells and tissues, in particular those of the lung, are lacking and the long-term outcome of chronic ENDS use is difficult to predict. Oxidative toxicity and inflammation are associated with increased risk of lung diseases caused by conventional tobacco products is well established [1]. However, there is no clear indication that inhaling aerosols from ENDS/e-cigs (as a cessation device) will allow a healthy outcome for users and furthermore, the manufactures that produce ENDS globally are not liable to disclose the materials and chemicals employed in their fabrication.

Two independent studies have reported that certain flavored e-liquids exhibit differential *in vitro* cytotoxicity when applied directly to various cells independent of nicotine, suggesting potential toxicities are associated with flavor additives [2,3]. Other toxic chemicals including carcinogens which are not typically found in e-liquids may be released or generated from ENDS/e-cigs and have been



SMOKE-FREE PARKS ENFORCEMENT BEST PRACTICES

California State law has protected tot lots and play areas in parks from secondhand smoke for the past five years (Health & Safety Code Section 104350-104495). Enforcement has been accomplished through well-placed signage at playgrounds throughout the state. Today, scores of California cities and counties are taking even greater steps to reduce or eliminate secondhand smoke from outdoor venues, including parks, gardens, outdoor dining and beaches.

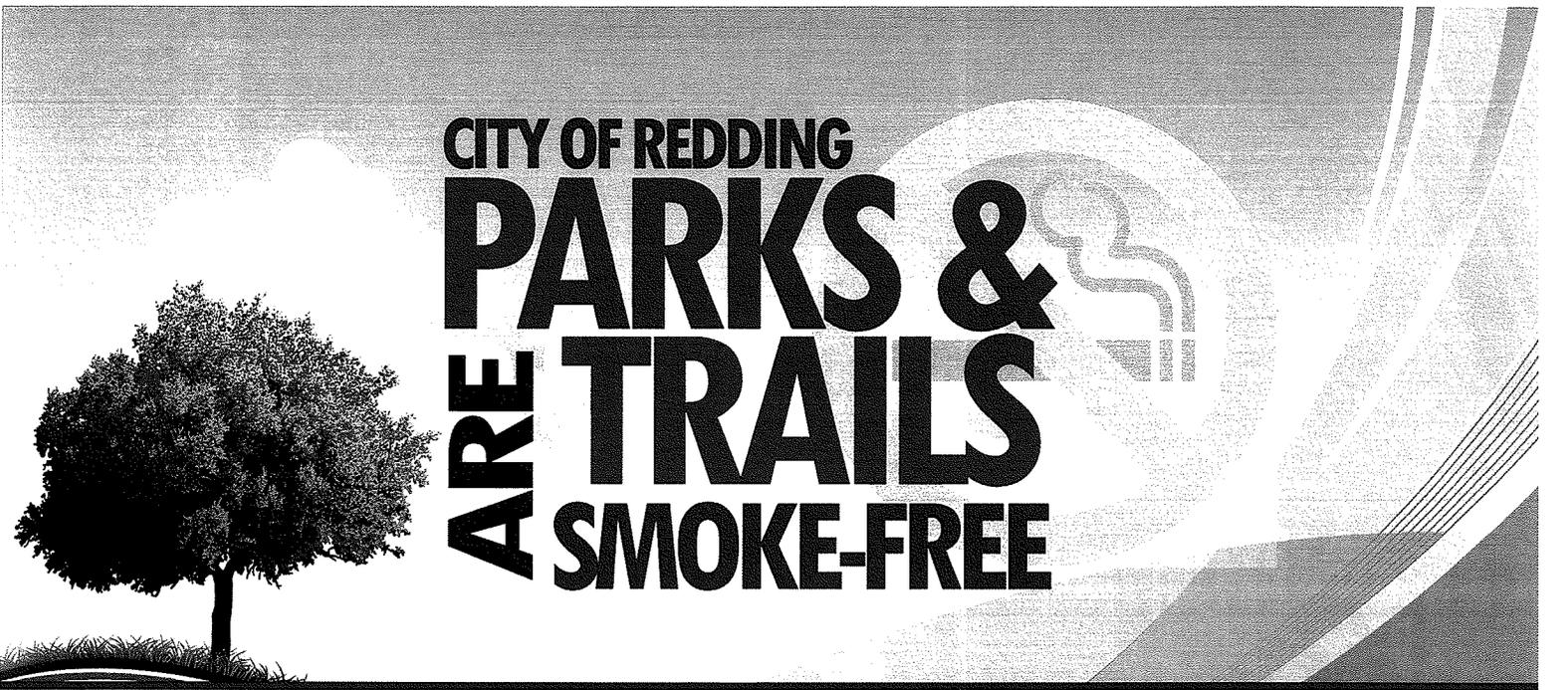
- In the last four years, **over 90 California cities and/or counties have adopted ordinances making local parks smoke-free.** Thus far, California's Clean Air Project (CCAP) which keeps records of local tobacco control measures from around the state, has received no reports of noncompliance in regard to local smoke-free parks ordinances.
- Local officials do report that the key to successful smoke-free outdoor policy compliance is the posting of **clear comprehensive signage in the parks.** Signage is often used by members of the public to reinforce the ordinance. Strategic signage creates gentle reminders of the smoking ban. It is a simple matter for a member of the public to point to a sign if they see someone smoking.
- Notice, Notice, Notice!! A critical component in addressing smoking in parks is to create an environment that makes the law known to park users. It is important to **publicize the law in as many forms of media as possible – especially through City Parks and Recreation Departments.**
- Based upon reports California cities and counties, the 90 smoke-free park ordinances currently enacted have been, by and large, **self-enforcing.**
- Eighty six percent of Californians do not smoke. The vast majority of people do not wish to be subjected to secondhand smoke. The public is demanding that parks – a major place for family gatherings -- be smoke-free. **Public demand and expectation have made enforcement a non-issue.**

CCAP- California's Clean Air Project, a statewide project of ETR Associates
2210 21st Street, Sacramento CA 95818

Phone: (916) 452-8065 Fax: (916) 452-7374 E-Mail: ccap@etr.org website: www.ccap.etr.org

*This material was made possible by funds received from the
Tobacco Tax Health Protection Act of 1988--Proposition 99.*

Under Grant Number 05-45720 with the California Department of Health Services, Tobacco Control Section.



CITY OF REDDING PARKS & TRAILS ARE SMOKE-FREE

Breathe easy! Enjoy smoke-free parks in Redding! The City of Redding recently passed a smoke-free park facility ordinance. The law went into effect on November 16, 2012.

Why is the City banning smoking from park facilities?

The City conducted a survey of park users and found that the majority were concerned about exposure to secondhand smoke and tobacco litter at City parks. Here are some of the results:

- 74.2% of park users support smoke-free parks & trails.
- 86.3% of park users do not smoke.
- 73.1% of park users are bothered by smoking at parks & trails.
- 94.1% of park users would visit more or the same if there were smoke-free parks & trails.

A copy of the park survey is available [here](#).

What does the law say about smoking in park facilities?

Smoking of any substance is not allowed in all City of Redding park facilities. This law also reinforces that disposing of cigarette butts on the grounds of park facilities is considered litter. Violating the law is punishable as an infraction.

What are park facilities?

Park facilities are any park, trail, open space, skate park, building, or structure owned and managed by the City of Redding Community Services Department. Some examples are the grounds of the Redding Civic Auditorium, Sundial Bridge, parks, and the Sacramento River Trail.

How do I report a violation?

Community members may report violations of the policy by calling the Tobacco Violation and Information Hotline at (530) 225-5052.

Would you like to quit smoking?

Call the California Smokers' Helpline at 1-800-NO-BUTTS, a free telephone program that can help you quit smoking. You may also visit www.tobaccofreeshasta.org for local resources and information.

Smoke-free Park Facility Policy:

Redding Municipal Code Section 2.56.080
Redding Municipal Code Section 10.20.080

Smoke-free Park Facility Resources:

FAQ Smoke-Free Parks Facilities
Tobacco Litter Fact Sheet
Smoking in Parks Fact Sheet
Letter to Recreation Associations
Letter to Event Organizers

Community Services Department
2nd Floor City Hall
777 Cypress Avenue
Redding, CA 96001
Phone: (530) 225-4512

Kim Niemer
Community Services Director

building a
healthier
community

Shasta County
Public Health





BRIX

Health and Wellness Club
www.BrixLodi.com

Home About Us Weight Loss Challenge

To provide community support through education events/seminar, socialization events, sports events and community building activities.



Upcoming Events

No Scheduled Events.

Welcome to BRIX Health and Wellness Club!!

Our mission is to change people's lives by providing the best nutrition and weight management education and products in the world.

Brix Health and Wellness Club is a nutrition and wellness center. We are dedicated to helping people get and stay healthy. As a nutrition and weight-management club we provide products like healthy smoothies, energy and fitness supplements, targeted nutrition, and skin and hair care products.

**FREE WELLNESS EVALUATION & INNER BODY SCAN!
PLUS CUSTOM MEAL PLANS!!!
FREE TO OUR MEMBERS!**

(\$65 value) Call or email us today to schedule appointment!

[Read More](#)

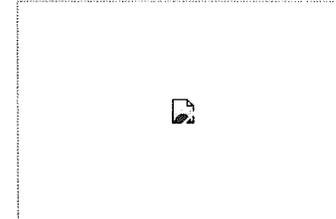
Come in for our "Healthy Meal"

Fast Food for Smart People!

We have a 3 part meal that consists of everything you need to feel great!

- 1) **Herbal Aloe** - Supports healthy digestive function by soothing the stomach.
- 2) **Herbal Tea** - Delicious tea with the antioxidant and thermogenic benefits of green tea and fast-acting botanicals for energy.
- 3) **Healthy Smoothie** - Complete meal replacement smoothies that are all less than 250 calories and include 24 grams of protein, high fiber, 20 vitamins and minerals, low sugar and they taste incredible. 38 different flavors to choose from like Vanilla Cafe Latte, Snickers or Pistachio just to name a few!

Come in today!



Boot Camp in the Park
Free - Every Monday, Wednesday & Friday Evening (6 pm - 7 pm)
Registration for the 4 week challenge. Call for details

209-330-4808 - Registration start this weekend Nov 2nd.

Come join us every Saturday morning at Emerson Park (corner of N. Hutchins Street & W. Elm St. Workout begins at 6 pm Our boot camp is a free Lodi community event. Our mission is a healthier community, having fun and getting fit together. Free Wellness Profile is offered for those wanting to lose or gain weight. Call Brix Health and Wellness Club for more information

Outdoor fitness business pursues permit from city

By Ashlie Rodriguez contributing writer 8:57 p.m. June 18, 2010



Penelope Praske, 18 months old, drinks from her bottle as her mom, Staci Praske, and others exercise near the end of a Stroller Strides fitness class taught by instructor Crystalin Morris. — *Charlie Neuman*

SAN MARCOS — For 10 years, Lisa Druxman has been on a mission — to cost herself money.

The San Marcos mother has been running a stroller fitness business, but she's had to do it without a city permit. On Wednesday, in part because of her persistence, the San Diego City Council budget committee will consider offering a permit for outdoor fitness businesses to use city parks.

The cost would be \$93 per quarter, and Druxman said she would be happy to pay it for the legitimacy it will bring her business.

Druxman's business, Stroller Strides, meets mainly in regional parks such as Balboa, Mission Bay and La Jolla Shores for stroller-incorporated aerobics. When she first started, there was no permit for such a business.

"When I called, no one knew what to do with us and told us we didn't need a permit," Druxman said.

Permits are mandatory for any commercial group using a city park, a requirement that put Druxman in limbo because there was no permit for her type of activity.

"We didn't want to operate illegally at the parks and were frustrated there wasn't a permit for us. The other permits didn't fit us. So over the years we spoke to the City Council about finally creating a fitness permit."

Druxman wanted a permit not only to avoid violating municipal code, but to be able to provide liability insurance for her business.

The city has become more aware of outdoor fitness companies in recent years.

San Diego-based IDEA Health Fitness Association's 2010 annual report shows 28 percent of the trade association's membership is made up of outdoor boot camps, 31 percent outdoor group activities and 32 percent outdoor personal training. The national trend is expected to increase next year as a majority of the members surveyed say the number of outdoor fitness companies is growing, the report says.

Noticing the higher volume of groups exercising outdoors, the city banned all companies without a permit last month, citing a need for regulation.

"In terms of the use for parks, we must maintain a balance between commercial business with private funding and general use," said parks director Stacey LoMedico. "Permits are the only way to regulate and know who's on your park site."

But as Druxman pointed out 10 years ago, no permit for outdoor fitness companies existed.

"Permits give small businesses like mine the opportunity to offer classes," Druxman said, explaining that without them, she and similar businesses are prevented from expanding.

With the help of District 3 Councilman Todd Gloria, who worked with Druxman to get the city to provide a permit because Balboa Park is in District 3, the parks department decided to draft a regional park permit for adult fitness groups.

Gloria expects council approval for the permit because its fee structure provides "balance" in encouraging small businesses to grow while accommodating the needs of residents. Gloria said he wants to ensure Balboa Park receives a "full cost recovery" from commercial use.

"There's a desire to accommodate the permit," Gloria said.

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Gastonia takes issue with outdoor exercise classes at parks

By Michael Barrett

Published: Saturday, November 2, 2013 at 00:32 AM.

Boot camp-style exercise classes have become popular with people who like to burn calories while breathing fresh air in a public park. But Gastonia is putting its foot down on the activity here for the time being. City recreation leaders have taken issue with for-profit groups that host the events, without reserving space, notifying the city beforehand or paying any type of fee.

That decision didn't sit well with Jennifer Armstrong, founder of About Face Bootcamp, who hosts classes and touts the benefits of turning a public park into an outdoor gym.

When city officials told her she'd have to temporarily stop holding such events at Gastonia's parks last month, she said she didn't appreciate their attitude. "My thoughts are that they're public parks and people should be able to use them," she said. "We also rank high up there in obesity. People need to get active. Gastonia needs to get active."

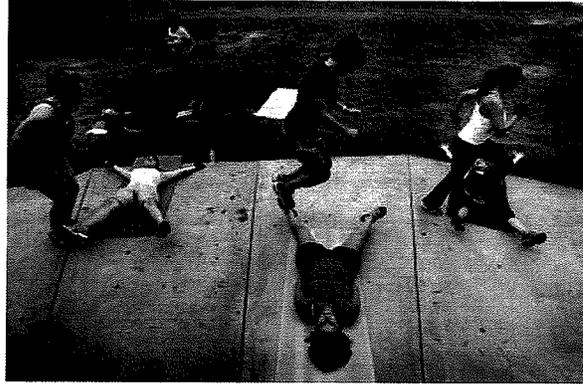
About Face Bootcamp brings clients outdoors for the majority of the workouts they sign up for, including boot camp, mud run training, basic training and group runs. Classes are held at locations such as Lineberger Park and Rankin Lake Park in Gastonia, Stowe Park in Belmont, and Goat Island in Cramerton, among other sites. The activities appeal to people who find gyms and fitness equipment intimidating, and others who enjoy getting fit while being outside in a supportive group. Armstrong points out that your body and a park bench or a set of stairs are typically all you need to get a good workout.

'Non-scheduled use': Armstrong said she has clients fill out waivers, in which they accept responsibility for any injuries that may occur while they're exercising. But Gastonia Recreation Director Chuck Dellinger said the city wants to cross every legal 't' to ensure it can't be held liable for accidents. There may be a greater opportunity for injury if people are using picnic tables and benches as steps, he said.

Beyond that, there are other concerns. On a recent Saturday, Armstrong's group was involved in bringing more than 100 people to participate in a boot camp-style class at Rankin Lake Park, Dellinger said. The city felt it should have known about that ahead of time, he said, particularly when it's renting picnic areas and other facilities to paying groups for family reunions and get-togethers.

"Those (exercise classes) are fine in areas where limited parking's not a problem and there are no issues with park rentals for other functions," he said. "I don't want to call it an unauthorized use, but it's still a non-scheduled use we don't know about."

City ordinances also state that parks and public spaces can't be used for personal gain, such as sales of merchandise or services, Dellinger said. When they are, the city typically works out an agreement with the vendor and charges some type of usage fee. "If you're going out there and teaching one or two kids how to play tennis, and all the other courts are available, we're not going to come up there and ask about it," said Dellinger. "But if you've got a camp going with 40 kids and you're taking up eight courts, that's something we'd have to ask about."



Working out the kinks: No such usage fee is in place for classes such as Armstrong's, but the Recreation Advisory Commission has agreed one needs to be established. "The agreement we're talking about could be as simple as a daily fee, and also rules about what you can and can't do," Dellinger said.

The city wants to support such healthy initiatives and recognizes its benefits, he said. "We want to see people get out and be active too," said Dellinger. "But when it involves personal gain, we've got to protect the city's interests."

Armstrong said she appreciates the more welcoming reception she's gotten from places such as Cramerton, where no such concerns have been raised. There's also enhanced safety when people work out in numbers as opposed to jogging alone, for example — another point that should appeal to cities, she said. "Honestly, I love doing business with people who celebrate that you're there," she said.

Gastonia recreation staffers plan to consult the city attorney and human resource risk management department for advice on setting up a fee schedule and formal policy. Armstrong said she's not writing off working with Gastonia, paying what she must, and holding classes at its parks in the future. "The bottom line is I really want to see Gaston County healthy and fit so we can be more productive," she said. "If they're on that page, I'd love to work with them."

You can reach Michael Barrett at 704-869-1826 or twitter.com/GazetteMike.

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Impact of Unregulated use

In conjunction with the regular schedule, an integral part of actively keeping athletic fields in their peak playing condition is monitoring the athletic use of each field, including the total amount of activity and the conditions under which the activity is conducted. By doing so, Parks staff can limit activity during times that the natural grass surface is most likely to be damaged. During periods of inclement weather, Parks staff works with athletic organizations to postpone or cancel games when the impact of play could have long-term detrimental effects on the field surface. Staff also schedules regular 'rest' periods for all fields, during which natural surface fields can recover from intensive use as well as to insure the expected life of synthetic fields.

Permits:

100 Lincoln Centre Dr.
Foster City, CA. 94404
☎ (650) 286-8140

Questions:

Manny Hernandez, Parks Manager
☎ (650) 286-3549
E-mail: mhernandez@fostercity.org

Dorte Drastrup, Parks Manager
☎ (650) 286-3553
E-mail: ddrastrup@fostercity.org

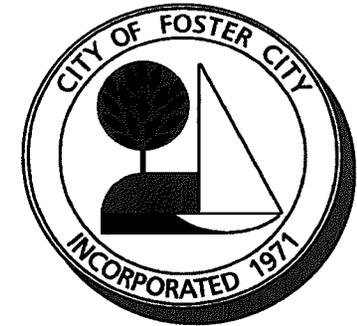
Other Information:

Recreation Center
650 Shell Blvd.
Foster City, CA 94404
Phone: (650) 286-3380
Fax: (650) 345-1408
E-mail: recreation@fostercity.org
Website: www.fostercity.org/recreation

**Sports Field Update Hotline:
650-341-3407**

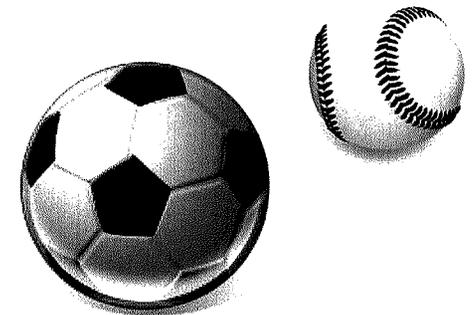


Revised 03/20/13



CITY OF FOSTER CITY

ATHLETIC FIELD USE ORDINANCES AND REQUIREMENTS



Athletic Field Use Ordinances & Requirements

1. Groups of 10 players or more must obtain an athletic field user's permit from the Foster City Parks and Recreation Department located at 100 Lincoln Centre Drive, Foster City, CA 94404. Please call (650)286-8140.
2. Foster City organized athletic field users are given first priority to use the sports fields.
3. You may be asked to show proof of your field user's permit to Foster City Parks Maintenance staff or Foster City Police on site.
4. If "Field Closed" signs are up, no one can play on the field. If your group disregards or moves "Field Closed" signs, your athletic field use permit will be rescinded for the remainder of the time permitted.
5. It is unlawful for any person to conduct sales for profit in any park or community building except with the expressed written consent of the director. (MC 12.36.010)

Top 5 Signs That Fields Are Unsafe For Play

1. Fields have standing puddles of water.
2. Footing is unsure or slippery.
3. Ground is waterlogged and squishy.
4. Grass is easily pulled out of ground.
5. When lightning or severe weather storms occur.

Permit Required—Section 12.16.010

The Foster City Council has approved changes to the Foster City Park Use Ordinance concerning group use of athletic fields. Section 12.16.010, Permit Required, of Chapter 12.16, Park Use, of the Foster City Municipal Code has been amended reducing the number of players from 25 or more to 10 or more, requiring a permit. This change will have a positive impact on the Foster City Community. It will help reduce the overuse of Foster City's athletic fields making it possible to keep the fields in better playing condition. It will also increase the availability of fields for casual use and ensures that the City properly manages risks associated with group use.

Unlawful to Conduct Business in City Owned Park—Sections 12.36.010 & 12.36.020

By Foster City ordinance the use of any city facility to conduct business such as sales, services or soliciting is prohibited except where approved by the Department of Parks and Recreation and the Director. Violators will be asked to leave and are subject to MC 1.08.020 (Misdemeanor—Penalty). To request permission to conduct business as a contractor a class proposal must be submitted to the Department. Class proposal packets are available at the William E. Walker Recreation Center front desk (650 Shell Blvd).

Please Respect Your Foster City Athletic Field Space

This is your park. Please take a moment to teach respect for public property.

- Please pick up after yourselves; use trash containers.
- Protect trees and flowers for all to enjoy.
- Keep walking tracks and synthetic field surfaces clear and free of furniture and other objects.
- BBQ units, food, and drinks other than water are not allowed on synthetic fields and walking tracks.

Be a good role model!

2013 DROP-IN SCHEDULE

SOCCKER

February-April...Mon & Wed...Sea Cloud S-3...12pm-to 2pm
May-August...Tues & Thurs...Edgewater...5:30pm to 8:30pm
May-June...Tues & Thurs...Boothbay...12pm to 2pm
July-Sept...Mon...Catamaran...12pm-2pm
July-Sept...Wed...Sea Cloud S-3...12pm-2pm

VOLLEYBALL

July-Oct...Edgewater...Sat & Sun...11am to 3pm

**Notes: No soccer play on softball/baseball fields
No permit or insurance required for drop-ins**

Photographers Question Hourly Fees for Professional Pictures at Parks

07/30/2013 06:58 PM 07/30/2013 08:35 PM

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SPRINGFIELD, Mo. — The rules have been around since 2001, but recently photographers have complained about fees for taking professional pictures at Springfield-Greene County parks.

Many professional photographers don't have studios; instead, they have their camera and their car. Their clients choose a location for their shoot.

It's \$25 an hour to use the city's public parks for photo shoot, but many photographers are unhappy with what they call unclear regulations and lack of enforcement.

"I certainly can understand the city wanting to regulate who's doing business in their parks," says Craig Heidemann, a professional photographer.

Photographers in the Ozarks are not annoyed by the fee they must pay to use public parks for their shoots, but there is something they are annoyed by.

"I don't think the regulations are clear enough to give a practical mechanism that professional photographers can use to get the permit, to display the permit," adds Heidemann.

"I think \$25 per hour is just a bit steep, but I do think they need to charge something on a yearly basis. I think it would be easier for them to keep track of as well," says Debby Stratton, another professional photographer.

The Springfield-Greene County Park Board says it is clear on ParkBoard.org (<http://ParkBoard.org>). It also says the city ordinance that requires a fee has never changed, but some photographers say times are changing.

"We have lots and lots of photographers," adds Stratton. "We used to have 10-15 photographers in town that were considered outstanding photographers, and now we have 200-300."

And many feel that the regulations are not clear.

"There are inconsistent charges to shoot, for instance at the Mizumoto Japanese Stroll Garden versus shooting at Close Memorial Park, or the Botanical Garden — there's just a lack of consistency for photography," says Heidemann.

Heidemann says he gets a different answer depending on who answers the phone at the Park Board. He says he just wants one thing: "a clear policy that applies to everyone, all the time, so that we don't have to guess."

The Park Board denied an on-camera interview, but they say now that this has been brought to their attention they will address these concerns during their annual review. They have been in contact with parties interested in meeting with them.

"Nothing is more uncomfortable than having a docent from the Botanical Gardens or a park ranger approach you while you're shooting, with you as my client, who may have paid me a substantial sum, and be stopped and have them ask you for your permit or whether or not you've paid your permit for that day," says Heidemann.

Many photographers agree that an annual pass to shoot in all of the parks would be helpful, as well as something to clip to their bag as proof that they paid.

The Park Board says enforcement is currently an honor code. Photographers feel that this is also unfair when it comes to stopping photographers who aren't following the rules.

The Park Board says its more than happy to take all of their comments into consideration.

Page: 1

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• 1.



ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE TITLE 12 – STREETS, SIDEWALKS
AND PUBLIC PLACES, BY REPEALING AND RE-ENACTING
CHAPTER 12.12 – “PARKS” IN ITS ENTIRETY; AND FURTHER
REPEALING AND RE-ENACTING CHAPTER 12.16 – “PERMITS
FOR USE OF CITY FACILITIES” IN ITS ENTIRETY

=====

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

Section 1. Lodi Municipal Code Chapter 12.12 “Parks” is hereby repealed and re-enacted in its entirety to read as follows:

CHAPTER 12.12

PARKS RECREATIONAL AREAS

Article I. General Provisions

- 12.12.005 Purpose.
- 12.12.010 Definitions.
- 12.12.012 Administration.
- 12.12.014 Fees and charges.

Article II. General Rules

- 12.12.016 Certain Recreational Areas restricted to specific users.
- 12.12.018 Violation—Misdemeanor, unless otherwise specified.
- 12.12.020 Domestic animals.
- 12.12.030 ~~Soliciting alms~~ Solicitation.
- 12.12.040 Fires.
- 12.12.045 Glass bottles or similar containers, alcoholic beverages ~~and/or tobacco products~~
— prohibited in certain posted ~~parks or facilities~~ Recreational Areas.
- 12.12.047 Smoking prohibited.
- 12.12.050 Entering closed areas.
- 12.12.055 Interfering with parks and recreation programs.
- 12.12.060 ~~Vending and peddling~~ Commercial activity.
- 12.12.070 Advertising.
- 12.12.080 Posting signs.
- 12.12.090 Vandalism of buildings and improvements.
- 12.12.100 Removal of natural resources.
- 12.12.110 Damaging trees and plants—Digging.
- 12.12.120 Climbing—Inappropriate sitting.
- 12.12.130 Hunting—Wild animal molestation.
- 12.12.140 Feeding animals.
- 12.12.145 Bathing, swimming and wading—Designated areas.
- 12.12.150 Bathing, swimming and waterskiing—Where permitted.
- 12.12.160 Bathing, swimming and waterskiing—Hours.
- 12.12.170 Beach structures.
- 12.12.180 Boating—Where permitted.
- 12.12.190 Boating—Safety.

- 12.12.200 Boating—Hours.
- 12.12.210 Picnic areas—Use.
- 12.12.220 Picnic areas—Availability.
- 12.12.230 Picnic areas—Sharing.
- 12.12.240 Picnic areas—Cleanup.
- 12.12.250 Games.
- 12.12.255 Lodi Lake Nature Area—Prohibited activities.
- ~~12.12.257 Exclusion of individuals.~~
- ~~12.12.258 Use of park equipment for exercise.~~

Article III. Traffic

- 12.12.260 Motor vehicle laws.
- 12.12.270 Direction.
- 12.12.280 Signs and signals.
- 12.12.290 Use of roads.
- 12.12.300 Parking—Where permitted.
- 12.12.305 Lodi Lake Park—Vehicle entry restrictions.
- 12.12.310 Parking—Double parking.
- 12.12.320 Bicycles—Safe operation.
- 12.12.330 Bicycles—Where permitted.
- 12.12.340 Bicycles—Extra rider.
- 12.12.350 Bicycles—Rack use.
- 12.12.360 Bicycles—Improper parking.

Article IV. Enforcement

- 12.12.370 Authorized officers.
- 12.12.380 Ejection of violators.
- 12.12.390 Seizure of property.
- ~~12.12.400 Violation—Misdemeanor.~~

Article V. Skate Parks

- 12.12.410 Skateboarding, roller-skating, and bicycling prohibited in certain areas; skate park regulations.
- 12.12.420 Skate park regulations.
- 12.12.430 Violations.

Article VI. Waterfowl and Migratory Birds

- 12.12.510 Purpose.
- 12.12.520 Definitions.
- 12.12.530 Prohibited conduct.
- 12.12.540 Violations and penalties.
- 12.12.550 Enforcement.

Article I. General Provisions

- ~~12.12.005 Purpose.~~
- ~~12.12.010 Definitions.~~
- ~~12.12.012 Administration.~~
- ~~12.12.014 Fees and charges.~~

12.12.005 Purpose.

The purpose of this chapter is to regulate the use of City parks and park facilities so that all persons may enjoy and make use of such parks and park facilities, and to protect the rights of those in the surrounding areas.

12.12.010 Definitions.

For the purpose of this chapter, certain terms, phrases and words are defined as follows:

A. ~~"Director" means the person who holds the title of director of recreation and parks in the city.~~ "Annual" when used to define the term of a Park Permit shall refer to a calendar year.

B. "Athletic Field" means a piece of land traditionally used for organized athletic or sporting event(s), including the adjoining spectator area.

C. "Commercial Activity" means soliciting, selling, hawking, peddling, advertising, promoting or providing any goods, wares, merchandise, services, liquids or edibles for human consumption, distributing circulars, or utilizing Recreational Areas to complete the terms of a sale or provide a service as a result of a sale, or for an activity utilizing Recreational Areas that is conducted by a business, its employees or agents.

D. "Department" means the Parks, Recreation and Cultural Services Department.

E. ~~B~~ "Director" means the person who holds the title of Parks, Recreation and Cultural Services director in the city.

F. "Electronic Smoking Device" means any product containing or delivering nicotine or any other substance including spices, herbs, or plant material that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

G. "Recreational Area" means any area, including streets and sidewalks, that is publicly owned, controlled or used by the City of Lodi, and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches."Park" means a park, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

H. "Service Animal" means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

I. "Smoking" or "smoke" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in

any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

J. G. "Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages or strollers, and vehicles in the service of ~~the city parks~~ Recreational Areas.

12.12.012 Administration. (Formerly 12.16.010)

A. All Recreational Areas, as defined herein, are under the administrative jurisdiction of the Director.

B. The Director shall, in connection with his or her other duties, diligently enforce the provisions of this chapter (Formerly 12.16.150).

12.12.014 Fees and charges. (Formerly 12.16.020).

The Director shall, from time to time, submit a schedule of fees and charges to be imposed for the use of Recreational Areas under the Director's jurisdiction, which fees and charges shall be effective upon adoption thereof by resolution of the city council. The Director shall collect the fees and charges for the use of designated Recreational Areas.

Article II. General Rules

12.12.016 Certain Recreational Areas restricted to specific users.

12.12.018 Violation—Misdemeanor, unless otherwise specified.

12.12.020 Domestic animals.

12.12.030 ~~Soliciting alms~~ Solicitation.

12.12.040 Fires.

12.12.045 Glass bottles or similar containers, alcoholic beverages ~~and/or tobacco products~~ — prohibited in certain posted ~~parks or facilities~~ Recreational Areas.

12.12.047 ~~Smoking prohibited.~~

12.12.050 Entering closed areas.

12.12.055 Interfering with parks and recreation programs.

12.12.060 ~~Vending and peddling.~~ Commercial activity.

12.12.070 Advertising.

12.12.080 Posting signs.

12.12.090 Vandalism of buildings and improvements.

12.12.100 Removal of natural resources.

12.12.110 Damaging trees and plants—Digging.

12.12.120 Climbing—Inappropriate sitting.

12.12.130 Hunting—Wild animal molestation.

12.12.140 Feeding animals.

12.12.145 Bathing, swimming and wading—Designated areas.

12.12.150 Bathing, swimming and waterskiing—Where permitted.

12.12.160 Bathing, swimming and waterskiing—Hours.

12.12.170 Beach structures.

12.12.180 Boating—Where permitted.

12.12.190 Boating—Safety.

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- 12.12.250 Games.
- 12.12.255 Lodi Lake Nature Area—Prohibited activities.
- 12.12.257 Exclusion of individuals.
- 12.12.258 Use of park equipment for exercise.

12.12.016 Certain ~~park a~~ Recreational Areas restricted to specific users.

The Director may designate in writing and by posting at the site, certain ~~parks, park facilities~~ Recreational Areas or portions thereof, which are available for exclusive use only upon obtaining a Park Permit pursuant to Section 12.16.130.

12.12.018 Violation—Misdemeanor unless otherwise specified .

Any person who violates any provision of this chapter is guilty of a misdemeanor, unless otherwise specified, and upon conviction thereof, shall be punished by a fine of not exceeding the maximum prescribed by law.

12.12.020 Domestic animals.

A. Animals Prohibited. Notwithstanding subsection B of this section, no person having care or custody of a dog or other domestic animal shall allow such animal in any ~~park~~ Recreational Area, whether restrained or at large. For purposes of this section, an animal is "at large" unless tied, restrained by chain, strap or cord attached to its collar and actually held by some person or tied or restrained in an automobile or other vehicle, or unless staked or fastened or kept securely in an enclosure. This section shall not apply to dogs used by public law enforcement agencies, Service Animals, or ~~or~~ to animals in parking lots or walkways adjacent to ~~parks~~ Recreational Areas.

B. Exceptions. The Director ~~of recreation and parks~~ shall be authorized to designate, by appropriate signs, specified Recreational Areas, ~~parks~~ or portions of ~~parks~~ Recreational Areas in which it shall be permissible to allow dogs to be present without leashes or other restraints. The owner or handler of any dog present in such designated ~~parks~~ Recreational Areas shall be required upon request to present proof of a current rabies vaccination and licensing for such animal.

C. Cleanup Required. It shall be the duty of any person having care or custody of any animal in a Recreational Area ~~park~~ to clean up after such animal. All waste shall be collected by such persons and deposited in an appropriate receptacle or container.

12.12.030 ~~Soliciting alms~~ Solicitation.

No person in a ~~park~~ Recreational Area shall solicit alms or contributions for any purpose, whether public or private, without the explicit consent of the Director.

12.12.040 Fires.

No person in a ~~park~~ Recreational Area shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other ~~in~~flammable material within any ~~park~~ Recreational Area or on any highway, road or street abutting or contiguous thereto.

12.12.045 Glass bottles or similar containers, alcoholic beverages ~~and/or tobacco products~~—Prohibited in certain posted ~~parks or facilities~~ Recreational Areas.

The ~~parks and recreation~~ Director may designate, by appropriate signs, those ~~parks or facilities~~ Recreational Areas in which it shall be illegal to utilize or possess glass bottles or similar containers, and alcoholic beverages ~~and or tobacco products of any nature~~. In such posted facilities, it is unlawful for any person to have in his or her possession any bottle or similar glass container or to possess or consume any alcoholic beverage ~~or to smoke or otherwise use tobacco products~~.

12.12.047 Smoking prohibited.

A. It shall be unlawful for any person to Smoke (as defined in Section 12.12.010(I)) or use an Electronic Smoking Device (as defined in Section 12.12.010(F)) or use any tobacco product at any time, in or upon any Recreational Area, including Hutchins Street Square. Exceptions shall be made for the use or possession of prescription nicotine products.

B. Smoking is prohibited during the performance or conduct of any City conducted or sponsored events in Recreational Areas, including but not limited to concerts, sports, entertainment, plays, ceremonies, carnivals, fairs, or training in any such location. Notwithstanding the foregoing, the Director is authorized to designate restricted areas within which the products containing tobacco or nicotine may be used at such a City conducted or sponsored event.

12.12.050 Entering closed areas.

A. No person shall be present in any ~~park~~ Recreational Area during the days and hours that such ~~park~~ Recreational Area is designated by the Director as closed. Such days and hours shall be posted on signs at the entrances to such ~~park~~ Recreational Area.

B. Further, no person shall enter or be in an area posted as "Closed to the Public," or any fenced Recreational Area in which the entry gates are locked, nor shall any person use, aid or abet the use of any such area in violation of the posted notices.

12.12.055 Interfering with ~~parks and recreation~~ Parks, Recreation and Cultural Services programs.

No person shall be present on any schoolyard or park within ten feet of the field of play of any field being used by a ~~Department~~ parks and recreation affiliated youth program for play, practice, or a game unless that person:

A. Is a city approved volunteer or employee who has received Department of Justice fingerprint clearance; or

B. Is a youth member of the team and/or program.

12.12.060 ~~Vending and peddling~~ Commercial activity.

A. No person in a ~~park~~ Recreational Area shall engage in any Commercial Activity in a Recreational Area as defined in Section 12.12.010 without a Park Permit issued by the Director or his/her designee as specified in Section 12.16.130. Such prohibition shall include sales activities that encroach on the sales rights of a vendor authorized to sell such products or services pursuant to a concession contract with the Department.

B. Commercial Activities, as defined in Section 12.12.010, are prohibited at Lodi Lake Park, except for those by a licensed concessionaire acting by and under the authority of the Director, those associated with a rental of a Lodi Lake Park facility with Department permission, or photographers who have obtained a Park Permit from the Department.

C. Commercial Activities as defined in Section 12.12.010, are prohibited in all Recreational Areas on weekends and city holidays except for those made by a licensed concessionaire acting by and under the authority of the Director, those associated with a park facility rental with Department permission, or photographers who have obtained a Park Permit from the Department.

12.12.070 **Advertising.**

No person in a ~~park~~ Recreational Area shall announce, advertise or call the public attention in any way to any article or service for sale or hire.

12.12.080 **Posting signs.**

No person in a ~~park~~ Recreational Area shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a ~~park~~ Recreational Area, except for Department employees acting in the course and scope of their duties.

12.12.090 **Vandalism of buildings and improvements.**

No person in a ~~park~~ Recreational Area shall willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

12.12.100 **Removal of natural resources.**

No person in a ~~park~~ Recreational Area shall dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

12.12.110 **Damaging trees and plants—Digging.**

No person in a ~~park~~ Recreational Area shall damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person

attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any ~~area~~[Recreational Area](#).

12.12.120 Climbing—Inappropriate sitting.

No person in a ~~park~~[Recreational Area](#) shall climb any tree or wall, stand or sit upon monuments, vases, fountains, railings or fences or upon any other property not designated or customarily used for such purposes.

12.12.130 Hunting—Wild animal molestation.

No person in a ~~park~~[Recreational Area](#) shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal or bird, nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest or young of any bird.

12.12.140 Feeding animals.

No person in a ~~park~~[Recreational Area](#) shall give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

12.12.145 Bathing, swimming and wading—Designated areas.

No person in a park shall swim, bathe and/or wade in any waters or waterway in or adjacent to any ~~park~~[Recreational Area](#), except in areas which have been designated by the Director as areas where the activity is allowed. The areas where swimming, bathing and/or wading is allowed shall have official signs erected, designating the areas, and giving notice that the activity is allowed.

12.12.150 Bathing, swimming and waterskiing—Where permitted.

No person in a ~~park~~[Recreational Area](#) shall swim, bathe, wade, or water ski in any waters or waterways in or adjacent to any ~~park~~[Recreational Area](#), except in such waters and at such places as are provided therefor, and in compliance with such regulations as are set forth in this chapter or may be adopted, nor shall any person frequent any waters or places customarily designated for the purpose of swimming, bathing or waterskiing, or congregate thereat when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

12.12.160 Bathing, swimming and waterskiing—Hours.

No person in a ~~park~~[Recreational Area](#) shall frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as are designated by the Director for such purposes for each individual area.

12.12.170 Beach structures.

No person in a ~~park~~[Recreational Area](#) shall erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there is an unobstructed view into such tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension, or exterior brace or support, be connected or fastened from any such structure to any other structure, stake, rock or other object outside of the structure.

12.12.180 Boating—Where permitted.

No person in a ~~park~~ Recreational Area shall bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director. Such activity shall be in accordance with applicable regulations as of the effective date of the ordinance codified in this chapter or may thereafter be adopted.

12.12.190 Boating—Safety.

No person in a ~~park~~ Recreational Area shall navigate, direct or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat.

12.12.200 Boating—Hours.

No person in a ~~park~~ Recreational Area shall launch, dock or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on, or remain on or in any boat during the closed hours of the ~~park~~ Recreational Area, except as otherwise authorized by the Director.

12.12.210 Picnic areas—Use.

No person in a ~~park~~ Recreational Area shall picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

12.12.220 Picnic areas—Availability.

No person in a ~~park~~ Recreational Area shall violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "First come, first served."

12.12.230 Picnic areas—Sharing.

No person in a ~~park~~ Recreational Area shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

12.12.240 Picnic areas—Cleanup.

No person in a ~~park~~ Recreational Area shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

12.12.250 Games.

A. No person in a ~~park~~ Recreational Area shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor. Roller skating shall be confined to those areas specifically designated for that pastime.

B. No person shall play or engage in any activity other than tennis or ancillary activities prior to playing tennis on park tennis courts without the Director's express permission.

12.12.255 Lodi Lake Nature Area—Prohibited activities.

No person shall, within the nature area of Lodi Lake Park:

A. Ride, walk or operate any bicycle, tricycle, or similar human-powered conveyance, except upon the main trails, as designated by appropriate signs indicating bicycles are permitted. This section shall not apply to any law enforcement or parks department employee while carrying out his or her official duties, or any person with a physical disability;

B. Conduct or participate in any organized track and field or athletic event, without first obtaining written consent of the ~~parks and recreation~~ Director. As a matter of city policy to prevent overuse of and damage to the nature area, such consent shall be given only for cross country events and only to those organizations that had conducted cross country events in the nature area during the twelve-month period immediately prior to April 1, 1991. In the event any organization qualifying for cross country events under this section shall fail to conduct a cross country event during any twelve-month period, consent shall be denied thereafter.

C. Violation of this section shall be an infraction.

12.12.257 Exclusion of individuals. (formerly 12.16.060)

The Director may exclude from any facility ~~Recreational Area~~ any individual whose presence is detrimental to the enjoyment of the facility by others, or whose conduct is offensive to the public and a nuisance. Such person may appeal his exclusion to the City Manager pursuant to Section 12.16.210 of this Code.

12.12.258 Use of Park equipment for exercise.

A. No person shall place any equipment or object to be used for fitness or athletic activity weighing more than twenty-five (25) pounds within any ~~City park~~ Recreational Area without prior written authorization by the Director.

B. The Director may authorize the use of equipment excluded under Section A above, with conditions, if he/she determines that the proposed use of such equipment:

1. Will not damage public property;

2. Will not interfere with the public's use and enjoyment of the ~~park~~ Recreational Area; and

3. Will not interfere with the normal operations of the ~~park~~Recreational Area.

C. No person shall use picnic tables, barbecues, playground equipment or other ~~park~~Recreational Area amenities except for their intended use.

Article III. – Traffic

- 12.12.260 Motor vehicle laws.
- 12.12.270 Direction.
- 12.12.280 Signs and signals.
- 12.12.290 Use of roads.
- 12.12.300 Parking—Where permitted.
- 12.12.305 Lodi Lake Park—Vehicle entry restrictions.
- 12.12.310 Parking—Double parking.
- 12.12.320 Bicycles—Safe operation.
- 12.12.330 Bicycles—Where permitted.
- 12.12.340 Bicycles—Extra rider.
- 12.12.350 Bicycles—Rack use.
- 12.12.360 Bicycles—Improper parking.

12.12.260 Motor vehicle laws.

No person in a ~~park~~Recreational Area shall fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.

12.12.270 Direction.

No person in a ~~park~~Recreational Area shall fail to obey all traffic officers and ~~park~~Department employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the ~~park~~Recreational Areas and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of the regulations of this article and such supplementary regulations as may be issued subsequently by the Director.

12.12.280 Signs and signals.

No person in a ~~park~~Recreational Area shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

12.12.290 Use of roads.

No person in a ~~park~~Recreational Area shall drive any vehicle on any area except the paved ~~park~~ roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

12.12.300 Parking—Where permitted.

No person in a ~~park~~-Recreational Area shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions ~~thereat~~ and with the instructions of any attendant who may be present.

12.12.305 Lodi Lake Park—Vehicle entry restrictions.

Lodi Lake Park—Parking Restrictions.

A. No person shall enter Lodi Lake Park in any vehicle unless the vehicle contains a properly displayed valid annual entry permit, issued by the city of Lodi, or purchases a day use entry pass from either the gate attendant or the self-pay station located at the entrance to Lodi Lake Park. The annual pass or daily pass must be displayed on the driver's side dashboard or hung from the rear-view mirror with the expiration date/issuance date visible from the exterior of the vehicle.

B. Annual permits for Lodi Lake Park can be purchased at the administrative offices of the parks, recreation and cultural services department or from a park gate attendant when available. The fee for the annual permits will be established from time to time by council resolution.

C. Vehicles entering Lodi Lake Park without a valid annual permit or valid day use pass will be in violation of this chapter and subject to citation.

D. By resolution adopted pursuant to this section, council shall adopt a schedule of penalties, administrative fees and any other charges related to violation of this section. The schedule may be amended by council from time to time by resolution.

E. This section shall not apply to a governmental entity, special district, or public utility vehicles on the site in connection with the entities operations.

12.12.310 Parking—Double parking.

No person in a ~~park~~-Recreational Area shall double park any vehicle on any road or parkway unless directed by a ~~park~~-Department official.

12.12.320 Bicycles—Safe operation.

No person in a ~~park~~-Recreational Area shall ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicles they may be meeting.

12.12.330 Bicycles—Where permitted.

No person in a ~~park~~-Recreational Area shall ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

12.12.340 Bicycles—Extra rider.

No person in a ~~park~~-Recreational Area shall ride any other person on a bicycle.

12.12.350 Bicycles—Rack use.

No person in a ~~park~~Recreational Area shall leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available. Violation of this section shall be an infraction.

12.12.360 Bicycles—Improper parking.

No person in a ~~park~~Recreational Area shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them. Violation of this section shall be an infraction.

Article IV. – Enforcement

12.12.370 Authorized officers.

12.12.380 Ejection of violators.

12.12.390 Seizure of property.

~~12.12.400 Violation Misdemeanor.~~

12.12.370 - Authorized officers.

The Director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. For the purposes of such enforcement, the Director and any park attendant are "officers" who may issue citations to violators of this chapter pursuant to Chapter 1.08 of this code.

12.12.380 Ejection of violators.

The Director and any park attendant have the authority to eject from the ~~park~~Recreational Area any person acting in violation of this chapter.

12.12.390 Seizure of property.

The Director and any park attendant have the authority to seize and confiscate any property, thing or device in the ~~park~~Recreational Area in violation of this chapter or used in violation of this chapter.

~~12.12.400 – Violation – Misdemeanor.~~

~~Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.~~

Article V. - Skate Parks

12.12.410 Skateboarding, roller-skating, and bicycling prohibited in certain areas; skate park regulations.

12.12.420 Skate park regulations.

12.12.430 Violations.

12.12.410 Skateboarding, roller-skating, and bicycling prohibited in certain areas; skate park regulations.

A. Skateboarding, roller-skating, in-line skating, bicycling, and similar activities are prohibited in city parks and recreational facilities unless specifically authorized in areas designed by this article and as further designated by resolution of the city council. The City of Lodi designates and maintains as a skate park facility that area located within Kofu Park at 1145 South Ham Lane at Cardinal Street. The boundaries of the skate facility shall be defined by a fence and the signs required by this article.

12.12.420 Skate park regulations.

The following regulations shall apply to the riding of skateboards, in-line skates, roller skates, or bicycles at, or any other use of, any facility or park owned or operated by the city of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
1. Ride, operate, or use a skateboard, roller skates, in-line skates or bicycle unless that person is wearing a helmet designed for skateboarding, roller-skating, in-line skating, and/or bicycle use with a chin strap, elbow pads designed for skateboarding, roller-skating, in-line skating and/or bicycle use with plastic elbow caps, and knee pads designed for bicycle, skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;
 2. Ride, operate, utilize a bicycle, skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
 3. Be on or use an individual apparatus within the skate park while another person is using it;
 4. Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;
 5. Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of bikers, skateboarders, or skaters;
 6. Use, operate, or possess any source of amplified music including but not limited to stereos, boom boxes, and amplifiers;
 7. Enter the concreted portion of skate park unless actively bicycling, skateboarding, or in-line skating in accordance with these regulations;
 8. Use, consume, or have within his or her custody or control food, beverages, or tobacco within the concreted portion of the skate park;
 9. Use, consume, or have within his or her custody or control alcohol or illegal drugs within the skate park;
 10. Enter the skate park while under the influence of alcoholic beverages or illegal drugs;

11. Use or possess glass containers, bottles, or other breakable glass products within the skate park;
12. Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying), or any activity which could endanger the safety of persons using the skate park or spectators;
13. Engage in graffiti, tagging, or other defacing of city property or the properties of others;
14. Ride, operate, or utilize any device other than a bicycle, skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, motor vehicles, motorized skateboards, and motorized skates) within the skate park;
15. No person shall enter or remain in or upon the skate park premises:
 - a. While closed, as determined by the parks and recreation department, or
 - b. Between the hours of 9:00 p.m. and 10:00 a.m.;
16. Use or have within his or her custody or control, board wax, within the skate park; and
17. No person shall enter the skate park with any animal.
18. No person under the age of twelve shall enter the skate park without being accompanied by a parent or guardian.

B. The skate park shall be posted with signs at the following locations:

1. At the entrance to the skate park; and
2. On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the city. The signs shall not be less than two feet by three feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

WARNING

BICYCLING, SKATEBOARDING, AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE § 115800.

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A BICYCLE, SKATEBOARD, OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED BICYCLES, NON-MOTORIZED SKATE BOARDS, AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO SMOKE, CONSUME ALCOHOLIC BEVERAGES, OR PLAY AMPLIFIED MUSIC WITHIN THE SKATE PARK. USERS UNDER THE AGE OF 12 MUST BE ACCOMPANIED BY A PARENT OR GUARDIAN. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

12.12.430 Violations.

Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter shall be prosecuted as a misdemeanor for violations of subsections (A) (9), (10), (13), and (14) of section 12.12.420. All other violations shall be prosecuted as an infraction as provided in section 1.08.010 of this Code.

Article VI. Waterfowl and Migratory Birds

- 12.12.510 Purpose.
- 12.12.520 Definitions.
- 12.12.530 Prohibited conduct.
- 12.12.540 Violations and penalties.
- 12.12.550 Enforcement

12.12.510 Purpose.

A. The purpose of this article is to protect the health, safety, and welfare of the city and its wildlife by prohibiting the feeding of waterfowl and migratory birds within city parks and lakes. Feeding waterfowl and migratory birds increases the potential for damage to the flora and fauna of public parks and lakes due to an accumulation of bird droppings, may harm water quality, and increase the potential for the spread of disease to city residents.

B. It is also the purpose of this article to protect the welfare of the waterfowl and migratory birds themselves, as wildlife studies have shown that feeding waterfowl and migratory birds can interrupt their normal migration patterns, cause nutritional problems, and promote the spread of bird diseases.

C. It is also the purpose of this article to minimize the attraction to waterfowl and migratory birds of residing within city parks and lakes by restricting their feeding and other acts that encourage the birds to halt their natural migration patterns.

12.12.520 Definitions.

As used in this article, the terms listed below shall have the meaning assigned them.

"Feed" or "feeding" means the placing, exposing, depositing, distributing, or scattering, directly or indirectly, of shelled corn, shucked or unshucked, wheat or other grains, breads, popcorn, scraps, salt, or any other feed or nutritive substances likely to be eaten by waterfowl or migratory birds, in any manner or form, so as to lure, attract, or entice waterfowl or migratory birds to, on or over any such areas where such feed items or materials have been placed, exposed, deposited, distributed, or scattered.

"Waterfowl and migratory birds" means those species of birds commonly known as "swans," "geese," and "ducks" and any other waterfowl or migratory birds under the jurisdiction of the United States Fish and Wildlife Service.

12.12.530 Prohibited conduct.

A. It shall be unlawful for any person to feed, in any public park or upon any public lake, or on any other property owned or operated by the city, any waterfowl or migratory birds.

B. It shall be unlawful to create or foster any condition or allow any condition to exist or continue, which results in a congregation or congestion of waterfowl or migratory birds in any public park or upon any public lake.

12.12.540 Violations and penalties.

A. Any person violating the provisions of this article shall be guilty of an infraction, punishable on conviction as set forth in Section 1.08.010(C) of this code.

B. Any person convicted of three or more violations of this article within the twelve-month period immediately preceding the commission of the latest offense shall have the offense charged as a misdemeanor, punishable as specified in Section 1.08.010(B) of this code.

C. The continuation of any violation of this article for each successive day shall constitute a separate offense, and the person committing the violation may be punished for each separate offense as provided herein.

D. Notwithstanding any other provision of this article, the violation of any provision of this article may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

12.12.050-550 Enforcement. (corrects typo)

This article may be enforced by a city police officer, animal control officer, code enforcement officer, or the ~~parks and recreation~~ Director or his/her designee.

Section 2. Lodi Municipal Code Chapter 12.16 “Permits For Use of City Facilities” is hereby repealed and re-enacted in its entirety to read as follows:

**CHAPTER 12.16
PERMITS FOR USE OF CITY FACILITIES**

Article I. General Provisions

- 12.16.010 Purpose
- 12.16.020 Definitions
- 12.16.030 Administration
- 12.16.040 Fees and charges

Article II. General Rules

- 12.16.100 Activity requiring a Park Permit.
- 12.16.110 Park Permit application.
- 12.16.120 Standards for issuance of permit.
- 12.16.130 Permit required.
- 12.16.140 Contract.
- 12.16.150 City Manager review.
- 12.16.160 Fraud.
- 12.16.170 Insurance.
- 12.16.180 Priority of park permit.
- 12.16.190 Exhibiting permit.
- 12.16.200 Permit exceptions.
- 12.16.210 Appeals.
- 12.16.220 Regulatory authority.
- 12.16.230 Revocation.
- 12.16.240 Possession and display.
- 12.16.250 Violation – Infraction.

Article I. General Provisions

- 12.16.010 Purpose
- 12.16.020 Definitions
- 12.16.030 Administration
- 12.16.040 Fees and charges

12.16.010 Purpose.

The purpose of this chapter is to establish the standards for issuance of park permits so that all persons may enjoy and make use of such Recreational Areas and to protect the rights of those in the surrounding areas.

12.16.020 Definitions .

A. Definitions in Section 12.12.010 shall apply to this chapter.

B. "Park Permit" is a document issued by the Department authorizing the holder's limited use of a Recreational Area.

12.16.030 Administration. (formerly 12.16.010)

A. All Recreational Areas are placed under the administrative jurisdiction of the Director.

B. The Director shall, in connection with his other duties, diligently enforce the provisions of this chapter (Formerly 12.16.150).

12.16.040 Fees and charges. (Formerly 12.16.020)

The Director shall, from time to time, submit a schedule of fees and charges to be made for the use of the facilities and equipment under the Director's jurisdiction, which fees and charges shall be effective upon adoption thereof by resolution of the city council. The Director shall collect the fees and charges for the use of Recreational Areas.

Article II. General Rules

12.16.100 Activity requiring a Park Permit.

12.16.110 Park Permit application.

12.16.120 Standards for issuance of permit.

12.16.130 Permit required.

12.16.140 Contract.

12.16.150 City Manager review.

12.16.160 Fraud.

12.16.170 Insurance.

12.16.180 Priority of park permit.

12.16.190 Exhibiting permit.

12.16.200 Permit exceptions.

12.16.210 Appeals.

12.16.220 Regulatory authority.

12.16.230 Revocation.

12.16.240 Possession and display.

12.16.250 Violation – Infraction.

12.16.100 Activity requiring a Park Permit.

The following activities are prohibited in all Recreational Areas unless a Park Permit from the Director is issued:

A. Any event in which 25 or more people are taking part, or any event that is advertised to the public.

B. An assembly for the collective participation in, or preparation for, a game, practice, scrimmage, or clinic, for an organized league, affiliation, team or club.

C. Any event conducted by a business, its employees or agents.

D. Commercial Activity as defined in Section 12.12.060.

12.16.110 Park Permit application.

A. A person who desires a park permit shall file an application with the Director on a form provided by the Department. Priority for reserved use of Athletic Fields shall be given to City of Lodi residents and groups. The information required in a park permit application shall include:

1. The identification of the applicant;
2. The name, address and phone number of the person, group, organization or corporation sponsoring the activity;
3. The nature of the proposed activity;
4. The dates, hours, and Recreational Area for which the permit is desired;
5. An estimate of attendance;
6. Assurance of responsibility for cleaning the Recreational Area, if required;
7. Identification, address and telephone number(s) of the security personnel applicant will provide, if required, and
8. Other information which the Director considers reasonably necessary to evaluate the application.

B. A park permit may not be issued for an activity which is likely to be attended by more than 100 people unless an application for the permit is received by the Director at least thirty days before the date of the proposed activity for which the permit is sought. The Director may waive the thirty-day period rule proposed if the applicant waives the right to appeal denial.

C. The park permit application shall be accompanied by a fee in an amount set by city council resolution, as amended from time to time. The Director, in his or her sole discretion, may waive or reduce the fee.

D. Each park permit applicant shall be provided a copy of the regulations governing the use of Recreational Areas.

E. The Director may impose as a condition to the issuance of a park permit, requirements considered necessary for the protection, health and safety of persons or property or both in light of the nature of the activity for which the permit is sought and the number of persons likely to be in attendance.

F. Indemnification. The Director may require an applicant to enter into an agreement with the city to indemnify and hold the city harmless from all injuries and damage resulting from the permitted use.

G. Insurance. The Director may require an applicant to provide the city with proof of insurance prior to using the Recreational Area. Type of insurance and minimum amounts of coverage will be set by the City's Risk Manager.

H. Bond for Security Costs. Where necessary for the protection of public property, the Director may require that the permittee provide either city approved private security or a bond or

a cash deposit sufficient to cover the actual costs for police security and potential damage to city property. The actual cost is computed by determining the number of additional police officers that will be required for the event, the number of hours the officers will be on duty for the event, and the city's fully burdened cost of providing officers on an hourly basis.

I. No alcoholic beverages shall be sold, given away or dispensed at any Recreational Area without prior written consent of the Director, and with the understanding that the applicant must also apply to the California Alcoholic Beverage Control Department for additional permits as required by State law.

J. Any youth group making an application for the use of any Recreational Area must be a group with a constitution and/or bylaws, which meets regularly, has a slate of officers, and has an advisory adult leader who will take the responsibility to sign the application. The adult leader would assume responsibility for damage to Recreational Area amenities, as well as the deportment of the group while they are using the Recreational Area. Minors are to be under the supervision of a responsible adult at all times during the use of the facility. Any exceptions can be made at the discretion of the Director when applicable.

K. The fees established under this chapter shall be paid seven days in advance of the use of any Recreational Area, with the exception of Hutchins Street Square. Fees for use of Hutchins Street Square shall be paid ninety (90) days in advance. No reservation for any Recreational Area will be considered complete until payment of the appropriate fee(s).

12.16.120 Standards for issuance of permit.

A. The Director shall issue a park permit upon finding that:

1. The proposed use of the Recreational Area will not unreasonably interfere with or detract from the general public enjoyment of the Recreational Area;
2. The proposed use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
3. Every condition, including, where applicable, the payment of fees, approval of the Department, proof of insurance coverage, and applicable requirements under this Chapter are met;
4. The proposed use is not reasonably anticipated to incite violence, crime or disorderly conduct;
5. The proposed use will not incur unusual, extraordinary, or burdensome expense or security operation by the Department;
6. The Recreational Area is not reserved for other use;
7. The applicant agrees to comply with the conditions of approval imposed by the park permit.

B. The Director shall deny the application if the Director finds that any of the following conditions exist:

1. That the application reveals that the city has no Recreational Area that will accommodate the activity of the applicant;
2. That the proposed activity is of a size or nature that requires the diversion of so great a number of police officers of the city, as to hinder police protection to the city as a whole;
3. That the applicant refuses to agree in writing to comply with all conditions in the park permit;
4. That the applicant failed to file a timely, complete application;
5. That the proposed activity violates federal, state or local laws or regulations;
6. In the case of a park permit for a Commercial Activity, a park permit for a Commercial Activity has been issued for the same date and times in the same recreational area; or
7. The proposed activity is not allowed under Section 12.12.060.

C. Any denial of an application for park permit shall specify the grounds therefor. Any person or entity whose application has been denied by the Director may appeal the denial to the City Manager, pursuant to the procedure as set forth in this chapter.

12.16.130 Permit required.

No person shall use any Recreational Area when payment of a fee is required, until a permit for such use has been issued by the Department and all necessary fees paid.

12.16.140 Contract. (formerly 12.16.070)

If the Director determines that a contract for the use of the premises is required, the Director shall furnish a form of contract to the applicant for execution, which shall thereafter be submitted to the city attorney for approval. The city manager is authorized and directed to execute such approved contract for and on behalf of the city.

12.16.150 City Manager review. (formerly 12.16.080)

The City Manager may review any determination of the Director in regard to such applications, permits or contracts required by this Chapter.

12.16.160 Fraud. (formerly 12.16.090)

No person shall apply for a permit to use any of premises under this chapter for any purpose with the intent to defraud the city of any fee or fees.

12.16.170 Insurance.

A. The Director may require an applicant to provide insurance adequate to cover potential loss due to injury or damage arising out of the permitted event. If insurance is required a copy of the policy or certificate of insurance, along with necessary endorsement, must be provided to

the Director not less than ten days before the date of the event The user of any Recreational Area, may be required to indemnify or hold harmless the city, its officers, directors or employees from any loss, liability or damage arising out of, as the result of, or in connection with the use of the Recreational Area, equipment or services of the city, its officers or employees, including all costs of defending any claim arising as a result thereof. In such case, the applicant shall present the city with evidence of a policy of insurance, effective throughout the period of use, in an amount and fashion as determined by the City's Risk Manager.

B. Policies of insurance shall not be cancellable without fifteen days' prior written notice to the city, and shall name city as an additional insured.

C. Evidence of products liability coverage may be required in an amount not less than one hundred thousand dollars.

D. The person or persons to whom a park permit is issued shall be liable for any loss, damage or injury sustained to any person whatever by reasons of the negligence of the person or persons to whom such permit has been issued.

E. If food or alcoholic beverages or nonalcoholic beverages are sold or served at the event, the insurance policy must include an endorsement for product and/or liquor liability.

12.16.180 Priority of Park Permit.

A. A person who uses a fee facility without a permit or a posted picnic area or park facility which has been reserved for exclusive use, shall vacate the area when the holder of a park permit arrives on the site.

12.16.190 Exhibiting permit.

A person who claims to have a park permit for use of a Recreational Area shall produce and exhibit a copy of the permit upon the request of a Department employee, code enforcement officer or city police officer.

12.16.200 Permit exemptions.

A maximum of 24 people may use, occupy, or remain in an unfenced Athletic Field that is not otherwise being used or occupied by a person or group with a park permit issued pursuant to this chapter, without a permit, provided such use or occupancy is not intended to and does not occur on a recurring basis (defined as two (2) or more times per month), and is not a Commercial Activity.

12.16.210 Appeals.

Any person or entity may appeal the decision of the Director to the city manager. The applicant must file said appeal with the city clerk within five calendar days of the Director's decision. The city manager or designee, shall hold a hearing within twenty-one business days of the filing of the appeal, at which time the Director may present any and all evidence, testimony and information relevant to the denial or exclusion from the premises. The city manager shall, within five business days of the appeal hearing, issue a decision either affirming the denial of the application or exclusion of the activity by the Director, or directing the Director to issue the

requested permit or allowing the activity at issue. The decision of the city manager is final and not subject to further appeal.

12.16.220 Regulation authority. (formerly 12.16.120)

The Director may establish and post regulations governing the use of the Recreational Areas which are not inconsistent with regulations contained in this chapter and which promote the public health, safety, and the preservation of City property.

12.16.230 Revocation. (formerly 12.16.130)

The Director shall have the authority to revoke a park permit upon a finding of a violation of any rule, regulation or ordinance, or upon good cause shown.

12.16.240 Possession and display. (formerly 12.16.140)

The permittee or applicant shall have a copy of the park permit in his/her possession and shall produce same upon request made by any Department employee, code enforcement officer or city police officer.

12.16.250 Violation—Infraction. (formerly 12.16.160)

Any person who violates any provision of this chapter is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not exceeding the maximum prescribed by law.

Chapter 12.16 - PERMITS FOR USE OF CITY FACILITIES

12.16.010 – Administration.

12.16.020 – Fees and charges.

12.16.030 – Permit required.

12.16.040 – Application—Qualifications.

12.16.050 – Grant or denial.

12.16.060 – Exclusion of individuals.

12.16.070 – Contract.

12.16.080 – City manager review.

12.16.090 – Fraud.

12.16.100 – Insurance.

12.16.110 – Appeals.

12.16.120 – Regulation authority.

12.16.130 – Revocation.

12.16.140 – Possession and display.

12.16.150 – Enforcement.

12.16.160 – Violation—Infraction.

12.16.010 – Administration.

~~All city-owned neighborhood centers, recreational centers, and other public buildings used for recreational purposes, are placed under the administrative jurisdiction of the recreation and parks director.~~

~~(Prior code § 15-29)~~

12.16.020 – Fees and charges.

~~The recreation and parks director shall, from time to time, submit a schedule of fees and charges to be made for the use of the facilities and equipment under the recreation and parks~~

~~director's jurisdiction, which fees and charges shall be effective upon adoption thereof by resolution of the city council. The recreation and parks director shall collect the fees and charges for the use of facilities mentioned in Section 12.16.010.~~

~~(Prior code § 15-30)~~

12.16.030 – Permit required.

~~No person shall use any premises or facilities described in this chapter when payment of a fee is required, until a permit for such use has been granted by the city and all necessary fees have been paid.~~

~~(Prior code § 15-31)~~

12.16.040 – Application—Qualifications.

~~A.~~

~~A person applying for a permit for use of a facility under this chapter shall file an application for such permit with the recreation and parks director not less than thirty days prior to the proposed use of the facility. The recreation and parks director may waive the thirty-day period rule for permits if the applicant waives his right to appeal. The application shall include:~~

~~1.~~

~~Identification of the applicant, address and telephone number;~~

~~2.~~

~~Dates and hours of event;~~

~~3.~~

~~Estimated attendance;~~

~~4.~~

~~Assurance of responsibility of cleaning entire area;~~

~~5.~~

~~Identification, address and telephone number(s) of the security personnel applicant will provide;~~

~~6.~~

~~Such other information as the recreation and parks director deems reasonable.~~

~~B.~~

~~No alcoholic beverages shall be sold, given away or dispensed at the facilities without prior consent of the director of recreation and parks, and with the understanding that the applicant must also apply to the California Alcoholic Beverage Control Department for additional permits.~~

~~C.~~

~~Any youth group making an application for the use of a facility must be a group with a constitution and/or bylaws, which meets regularly, has a slate of officers, and has an advisory adult leader who will take the responsibility to sign the application. The adult leader would assume responsibility for damage to the buildings, equipment or facilities, as well as the deportment of the group while they are using the facility. Minors are to be under the supervision of a responsible adult at all times during the use of the facility. Any exceptions can be made at the discretion of the director of recreation and parks when applicable.~~

~~D.~~

~~The fee established under this chapter shall be paid seven days in advance of the use of the facility. No reservation will be considered as complete until payment of the fee.~~

~~(Prior code § 15-32)~~

12.16.050 – Grant or denial.

~~A.~~

~~Applications shall be acted upon by the recreation and parks director not later than the twentieth day before the proposed use. In the event more than one application is received for one facility for use on the same day, the recreation and parks director shall first act upon the application first received.~~

~~B.~~

~~The recreation and parks director, in considering requests for permits, shall ensure that the proposed use will not be detrimental to the public peace, morals, health, safety or general welfare by subjecting such permit to reasonable conditions as the public interest requires. In making such a finding, the recreation and parks director shall take into consideration the character, experience and responsibility of the applicant and those expected to attend, applicable state and local laws and regulations, and the likelihood of breaches of the peace or other violations of the law.~~

~~C.~~

~~The applicant, or another responsible person or persons named on the application, shall remain on the premises for which the permit is issued during the entire duration of the permit; failure to observe this condition shall be grounds for the immediate cancellation of the permit by the recreation and parks director.~~

~~D.~~

~~The recreation and parks director shall deny the application if the recreation and parks director finds that any of the following conditions exist:~~

~~1.~~

~~That the application reveals that the city has no facility which will accommodate the activity of the applicant;~~

~~2.~~

~~That the proposed activity is of a size or nature that requires the diversion of so great a number of police officers of the city to properly police the areas, as to hinder police protection to the city;~~

~~3.~~

~~That the applicant refuses to agree in writing to comply with all conditions in the permit;~~

~~4.~~

~~That the applicant failed to file a timely application;~~

~~5.~~

~~That the proposed activity violates federal, state or local laws or regulations.~~

~~E.~~

~~Any such denial shall specify the grounds therefor. Any person or entity whose application has been denied by the recreation and parks director may appeal the denial to the city council, pursuant to the procedure as set forth in this chapter.~~

~~(Prior code § 15-33)~~

12.16.060 – Exclusion of individuals.

~~The recreation and parks director may exclude from any facility any individual whose presence is detrimental to the enjoyment of the facility by others, or whose conduct is offensive to the public and a nuisance. Such person may appeal his exclusion to the city council pursuant to the appeal procedure as set forth in this chapter.~~

~~(Prior code § 15-34)~~

~~12.16.070 – Contract.~~

~~If the recreation and parks director determines that a contract for the use of the premises is required, the recreation and parks director shall furnish a form of contract to the applicant for execution, which shall thereafter be submitted to the city attorney for approval. The city manager is authorized and directed to execute such approved contract for and on behalf of the city.~~

~~(Prior code § 15-35)~~

~~12.16.080 – City manager review.~~

~~The city manager may review any determination of the recreation and parks director in regard to such applications, permits or contracts.~~

~~(Prior code § 15-36)~~

~~12.16.090 – Fraud.~~

~~No person shall apply for a permit to use any of premises under this chapter for any purpose with the intent to defraud the city of any fee or fees.~~

~~(Prior code § 15-37)~~

~~12.16.100 – Insurance.~~

~~A.~~

~~The user of any premises or facility described in this chapter may be required to indemnify or hold harmless the city, its officers, directors or employees from any loss, liability or damage arising out of, as the result of, or in connection with the use of the facility or premises, equipment or services of the city, its officers or employees, including all costs of defending any claim arising as a result thereof. In such case, the user shall present the city with evidence of a policy of insurance, effective throughout the period of use, in amounts as determined for the following:~~

~~1.~~

~~For bodily injury or death to any one person, in any one accident, in an amount to be determined by the city manager or his designee;~~

~~2.~~

~~For bodily injury or death to more than one person arising out of any one accident, in an amount to be determined by the city manager or his designee;~~

~~3.~~

~~For damage to property arising out of any one or more accidents, in an amount to be determined by the city manager or his designee.~~

~~B.~~

~~All policies of insurance shall not be cancellable without fifteen days' prior written notice to the city, and shall name city as an additional insured.~~

~~C.~~

~~Evidence of products liability coverage may be required in an amount not less than one hundred thousand dollars.~~

~~D.~~

~~The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained to any person whatever by reasons of the negligence of the person or persons to whom such permit has been issued.~~

~~(Prior code § 15-38)~~

~~12.16.110 – Appeals.~~

~~Any person or entity may appeal the decision of the recreation and parks director to the city council. The applicant must file said appeal with the city clerk within five days of the recreation and parks director's decision. The city council shall hold a hearing within twenty-one days of the filing of the appeal, at which time the recreation and parks director may present any and all evidence, testimony and information relevant to the denial or exclusion from the premises. The city council shall, within five days of the appeal hearing, issue its decision either affirming the denial of the application or exclusion by the recreation and parks director, or directing the recreation and parks director to issue a permit as applied for. The decision of the city council shall specify the grounds for its action and shall be final.~~

~~(Prior code § 15-39)~~

~~12.16.120 – Regulation authority.~~

~~The recreation and parks director may establish and post regulations governing the use of the facilities which are not inconsistent with regulations contained in this chapter and which promote the public health, safety, and the preservation of property.~~

~~(Prior code § 15-40)~~

~~12.16.130 – Revocation.~~

~~The recreation and parks director shall have the authority to revoke a permit upon a finding of a violation of any rule, regulation or ordinance, or upon good cause shown.~~

~~(Prior code § 15-41)~~

~~12.16.140 – Possession and display.~~

~~The permittee or applicant shall have a copy of the permit in his possession and shall produce same upon request made by any duly authorized city employee, representative or agent.~~

~~(Prior code § 15-42)~~

~~12.16.150 – Enforcement.~~

~~The recreation and parks director shall, in connection with his other duties, diligently enforce the provisions of this chapter.~~

~~(Prior code § 15-43)~~

~~12.16.160 – Violation—Infraction.~~

~~Any person who violates any provision of this chapter is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not exceeding the maximum prescribed by law.~~

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this ____ day of _____, 2015

BOB JOHNSON
MAYOR

ATTEST:

JENNIFER M. FERRAIOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held May 6, 2015, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2015, by the following vote:

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

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

JENNIFER M. FERRAIOLO
City Clerk

Approved to Form:

JANICE D. MAGDICH
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 13 “Public Services” by Repealing and Re-enacting Chapter 13.14 “Stormwater Management and Discharge Control” in its Entirety

MEETING DATE: May 6, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Introduce ordinance amending Lodi Municipal Code Title 13 “Public Services” by repealing and re-enacting Chapter 14 “Stormwater Management and Discharge Control” in its entirety.

BACKGROUND INFORMATION: Lodi Municipal Code (LMC) Chapter 13.14 regarding “Stormwater Management and Discharge Control” was first introduced on December 17, 2003 and adopted on May 19, 2004. On February 5, 2013, the State Water Resources Control Board adopted Order 2013-0001-DWQ, which updated the State's General Permit for the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit. This update requires the Permittee to review and revise relevant ordinances.

Staff has reviewed the City's existing LMC and has revised the chapter and sections to comply with the requirements of the State's General NPDES Phase II Stormwater Permit. The changes to be incorporated are presented in the attached Exhibit A. These changes are described below

- Update references to State and Federal code sections.
- Update definitions.
- Revise exceptions to discharge prohibitions to those contained in the State General NPDES Phase II Stormwater Permit.
- Expand upon discharges deemed to be in violation of the permit.
- Revise and expand prohibition of illicit connections.
- Revise and expand measures set forth to reduce non-stormwater discharges.
- Revise section regarding storm drain and cooling water service charge.
- Revise section regarding reimbursement to reflect current code.
- Inclusion and revision of section regarding enforcement authority.

Staff recommends that the City Council introduce the ordinance repealing and re-enacting the referenced municipal code chapter.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/kmg/eb
Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE TITLE 13 "PUBLIC
SERVICES" BY REPEALING AND REENACTING
CHAPTER 13.14 – STORMWATER MANAGEMENT
AND DISCHARGE CONTROL IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.14 "Stormwater Management and Discharge Control" is hereby repealed and reenacted to read as follows:

Article I. - General Provisions

13.14.010 Title.

This chapter shall be known as the city "~~Stormwater~~Storm water Management and Discharge Control Code," and may be cited as such, and will be referred to herein as "this chapter."

13.14.020 Purpose and intent.

The purpose of this chapter is to protect and promote the health, safety and general welfare of the citizens of the city by controlling ~~nonstormwater~~non-storm water discharges to the ~~stormwater~~storm water conveyance system, by eliminating discharges to the ~~stormwater~~storm water conveyance system from spills, dumping or disposal of materials other than ~~stormwater~~storm water, and by reducing pollutants in urban ~~stormwater~~storm water discharges to the maximum extent practicable. This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Pollution Act (33 U.S.C. Sections 1251 et seq.), Porter-Cologne Water Quality Control Act (Water Code Sections 13000 et seq.) and any subsequent amendments thereto and to assure compliance with the conditions set forth by the National Pollution Discharge Elimination System (NPDES) as requirements of ~~stormwater~~storm water discharge permits.

13.14.030 Definitions.

The following words, when used in this chapter, shall have the following meanings unless the context clearly indicates or requires a different meaning:

1. "Basin plan" means the water quality control plan for ~~the~~ San Joaquin River Basin adopted by the Central Valley Regional Quality Control Board, Central Valley Region.

2. "Best management practices" (BMP) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices found in the Storm Water Pollution Prevention Plan (SWPPP) to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to waters of the United States. (33 CFR Section 328.3). "Best management practices" also include treatment requirements, operating

procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage. BMPs are required to be implemented and maintained in a manner that is consistent with the California Storm Water Quality Association (CASQA) Best Management Practice Handbooks or equivalent guidelines.

3. "City" means the City of Lodi.

"Construction activity" includes any public or private projects involving roadwork, paving, utility installation, structural construction (new or redevelopment), demolition, grading, excavation, or landscaping that has soil disturbance or has pollutants exposed to storm water. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purposes of a facility, nor does it include emergency construction activities required to immediately protect public health and safety.

4. "Development" means any new construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single- or multifamily planned unit development or the building or placement of any structure or portion thereof); industrial, commercial, retail and other nonresidential projects, including public agency projects; or grading for future construction. "Development" includes excavation and grading.

5. "Employee training program" means a documented employee training program which may be required to be implemented by a business pursuant to a stormwaterstorm water pollution prevention plan for the purpose of educating its employees on methods of reducing discharge of pollutants to the stormwaterstorm water conveyance system.

6. "Enforcement agency" means the city through its public works department.

7. "Enforcement official" means the public works director or his or her designee or any agent of the city authorized to enforce compliance with this chapter.

8. "Hazardous waste" means any material, including any substance, waste or combination thereof, that because of its quality, concentration or physical, chemical or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code Section 25117).

9. "Illegal discharge" means any discharge to the stormwaterstorm water conveyance system that violates this chapter, or is prohibited by federal, state, or local laws, or which degrades the quality of receiving waters in violation of any plan standard.

10. "Illicit connection" means any physical connection to the stormwaterstorm water conveyance system which is not authorized by the city or the Regional Water Quality Control Board Central Valley Region.

11. "Municipal Separate Storm Sewer System (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by a state, city, town, or special districts that discharges into waters of the United States.

12. "National pollution discharge elimination system (NPDES) permit" means a permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Division 7, Chapter 5.5 of the California Water Code (commencing with Section 13370) to control discharges from point sources to waters of the United States.

13. "Noncommercial vehicle washing" means the washing and rinsing of passenger vehicles on private property in which no commercial enterprise or non-profit fundraising is being conducted in the washing of those vehicles.

14. "~~Nonstormwater~~Non-storm water discharge" means any discharge to the ~~stormwater~~storm water conveyance system that is not entirely composed of ~~stormwater~~storm water.

15. "Order" means current Regional Water Quality Control Board Order or general permit which applies to the city together with all amendments.

16. "Person" means any person, firm, corporation, business entity, or public agency, whether principal, agent, employee, or otherwise.

17. "Plan standard" means any or all applicable requirements of the basin plan or any other approved plan.

18. "Pollutant" means any contaminant which can degrade the quality of the receiving water in violation of any plan standard- or National pollution discharge elimination system (NPDES) permit.

19. "Premises" means any building, lot, parcel, land or portion of land whether improved or unimproved.

20. "Public works director" means the director of the city, public works department or his or her designee.

21. "Receiving waters" means surface bodies of water, including creeks, canals, and rivers, which serve as discharge points for the ~~stormwater~~storm water conveyance system.

22. "~~Stormwater~~Storm water" means surface runoff and drainage associated with storm events which is free of pollutants to the maximum extent practicable.

23. "~~Stormwater~~Storm water conveyance system" means those artificial and natural facilities within the city, whether publicly or privately owned, by which ~~stormwater~~storm water may be conveyed to a watercourse or waters of the United States, including without limitation, any roads with drainage systems, streets, alleys, catch basins, pumps, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, sand and oil separators, open fields, parking lots, impervious surfaces used for parking, and natural and artificial channels or storm drains.

24. "~~Stormwater~~Storm water pollution prevention plan" (SWPPP) means a document which describes the best management practices to be implemented by the owner or operator of a business, commercial development, residential development, construction project, or city to eliminate ~~nonstormwater~~non-storm water discharges and/or to reduce, to the maximum extent

practicable (as defined by the State of California Regional Water Quality Control Board), pollutant discharges to the ~~stormwater~~storm water conveyance system.

25. "Surface water" means all water naturally open to the atmosphere (rivers, lakes, reservoirs, ponds, streams, impoundments, seas, estuaries, etc.) and all springs, wells, or other collectors directly influenced by surface water.

26. "User" means any person that discharges, causes or permits the discharge of ~~stormwater~~storm water into the conveyance system.

27. "Watercourse" means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, and includes, without limitation rivers, creeks, canals, runs, and rivulets.

Any term(s) defined in the Federal Clean Water Act, as amended, and/or defined in the regulations for the ~~stormwater~~storm water discharge permitting program issued by the Environmental Protection Agency, as amended, and which are not specifically defined in the definitions of this section shall, when used in this chapter, have the same meaning as set forth in said act or regulation.

13.14.040 Conflicts with other laws.

In the event of any conflict between this chapter and any federal or state law, regulation, order, or permit, that requirement which establishes the higher standard for public health or safety shall govern. To the extent permitted by law, nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order or permit.

Article II. - Discharge Restrictions

13.14.050 Discharge of ~~nonstormwater~~non-storm water prohibited.

Except as provided in [Section 13.14.060](#) of this chapter, it is unlawful for any person to make or cause to be made any ~~nonstormwater~~non-storm water discharge. Notwithstanding the exemptions provided in this chapter, if the Regional Water Quality Control Board or the enforcement official determines that any otherwise exempt discharge causes or significantly contributes to violations of any plan standard or NPDES permit, or conveys significant quantities of pollutants to surface water(s) or watercourse(s), or is a danger to public health or safety, such discharge shall be prohibited from entering the ~~stormwater~~storm water conveyance system.

13.14.060 Exceptions to discharge prohibition.

Subject to the authority granted ~~to~~by the Regional Water Quality Control Board and the enforcement official in [Section 13.14.420](#) of this chapter, the following discharges to the ~~stormwater~~storm water conveyance system are exempt from the prohibition set forth in [Section 13.14.050](#) of this chapter.

A. Any discharge or connection regulated under a NPDES permit issued to the discharger and administered by the state of California pursuant to Division 7, Chapter 5.5 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations;

B. Discharges from the following activities which do not cause or contribute to the violation of any NPDES permit or plan standard:

1. Water line ~~and well~~ flushing and other discharges from potable water sources,
- ~~2. Landscape irrigation and lawn watering,~~
2. Incidental runoff from landscaped areas defined as unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use,
3. Rising ground waters or springs,
4. Passive foundation and footing drains,
5. Water from crawl space pumps and basement pumps,
6. Air conditioning condensate,
- ~~7. Noncommercial vehicle washing,~~
7. Individual residential car washing on private property in which no commercial enterprise or non-profit fundraising is being conducted in the washing of those vehicles.
8. Natural flows from riparian habitats and wetlands,
9. Dechlorinated swimming pool discharges,
10. Flows from fire suppression activities, including fire hydrant flows and fire hydrant flow testing,
11. Waters not otherwise containing wastes as defined in California Water Code Section 13050(d) and California Health and Safety Code Section 25117,
- ~~12. Diverted stream flows;~~
- ~~13.12.~~ Uncontaminated ground water infiltration or uncontaminated pumped ground water to separate storm sewers;

C. Any discharge which the enforcement official, the local health officer, or the Regional Water Quality Control Board determines in writing is necessary for the protection of the public health and safety;

D. Any discharge caused by flooding or other natural disaster which could not have been reasonably foreseen or mitigated for in advance by the discharger, as determined by the enforcement official.

13.14.070 Groundwater discharges.

Discharges of pumped groundwater not subject to a NPDES permit may be permitted to discharge to the ~~stormwater~~storm water conveyance system upon written approval from the city and in compliance with conditions of approval set forth by the city.

13.14.080 Discharge in violation of permit.

It is unlawful for any person to cause either individually or jointly any discharge to the ~~stormwater~~storm water conveyance system which results in or contributes to a violation of ~~Order No. 2003-0005-DWG,~~ this chapter and the City's MS4 NPDES permit. The prohibited discharges shall include, but not be limited to the following:

A. The deposit or blowing of grass, leaves, yard clippings and/or other landscape debris into the public right of way except when specifically permitted by the City.

B. The deposit of any garbage, litter, refuse, pet waste and/or junk into the public right of way.

13.14.090 - Illicit connections prohibited.

#Prohibition of Illicit Connections.

A. The construction, use, maintenance or continued existence of illicit connections to the storm water conveyance system is unlawful and a prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. A person is considered to be in violation of this chapter for any if the person connects a line conveying sewage to establish, use a storm water conveyance system, or maintain any illicit allows such a connection to continue.

13.14.100 Concealment and abetting.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of this chapter.

13.14.110 Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.

Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the Federal Clean Water Act (33 USCU.S.C. Sections 1251 et seq.) and or Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and may be subject to the sanctions of those acts including civil and criminal penalties.

13.14.120 Reduction of pollutants in ~~stormwater~~storm water.

Any person engaged in activities which may result in pollutants entering the ~~stormwater~~storm water conveyance system shall, to the maximum extent practicable, undertake the measures set forth below to reduce the risk of ~~nonstormwater~~non-storm water discharge and/or pollutant discharge.

A. Business Related Activities.

1. ~~Stormwater~~Storm water Pollution Prevention Plan. The enforcement official may require any business in the city that is engaged in activities which may result in pollutant discharges to develop and implement a ~~stormwater~~storm water pollution prevention plan, which must include an employee training program. Business activities which may require a ~~stormwater~~storm water pollution prevention plan include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures which are carried out partially or wholly out of doors.

2. Coordination with Hazardous Materials Release Response Plans and Inventory. Any business requiring a hazardous materials release response and inventory plan under Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting ~~nonstormwater~~non-storm water discharges and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

3. Coordination with Hazardous Waste Generator Contingency Plan and Emergency Procedures. Any business requiring a hazardous waste generator contingency plan and emergency procedures pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting ~~nonstormwater~~non-storm water discharges and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

~~B. Development.~~

~~B. The enforcement official may develop BMP including controls as appropriate to minimize the long-term, post construction discharge of stormwater.~~Construction.

1. Any person performing construction activities in the City shall prevent pollutants from entering the storm water conveyance system and comply with all applicable Federal, State and local laws, ordinances or regulations, including but not limited to, the current California NPDES General Permit for storm water discharges associated with construction activity (Construction General Permit) and this chapter. All construction projects, regardless of size, having soil disturbance or activities exposed to storm water must, at a minimum, implement BMPs for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures, and prohibited discharges.

2. Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official prior to, or as a condition of, a subdivision map, site plan, building permit, grading permit, or development or improvement plan, upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause. Prior to issuance of a construction permit or approval of the proposed improvement plans, for projects subject to the State's current Construction NPDES General Permit, the WDID number and the SWPPP shall be submitted to the City. For projects with less than an acre of soil disturbance or not subject to the Construction General Permit, an Erosion and Sediment Control Plan (ESCP) and the ESCP Worksheet must be submitted to the City.

3. As required by its Phase II MS4 NPDES Permit, the City will conduct storm water compliance inspections at applicable construction sites that have areas of soil disturbance exposed to storm water. The inspection will be conducted by a City inspector or agent working for the City who is a Qualified SWPPP Practitioner (QSP) or is supervised by a QSP. The inspection will evaluate the construction site's compliance to the City's storm water ordinances. Inspections will be billed by the City to the project owner. The following is the risk rating system and inspection frequency the City will use, which is analogous to the risk rating used by the California Construction General Permit.

- (a) Projects not subject to the Construction General Permit (CGP) or that have an Erosivity Waiver will have a pre-soil disturbance inspection and a project completion inspection.
- (b) Projects that are Risk 1 / Linear Underground/Overhead Projects (LUP) Type 1 or Risk 2 / LUP Type 2 will have a pre-soil disturbance inspection, monthly inspections, and a project completion inspection.
- (c) Projects that are Risk 3 / LUP Type 3 will have a pre-soil disturbance inspection, bi-monthly (twice per month) inspections, and a project completion inspection.

C. Development.

1. The enforcement official may require controls as appropriate to minimize the long- term, post-construction activity discharge of storm water pollutants from new development(s) or modifications to existing development(s). Controls may include source control measures to prevent pollution of stormwater and/or treatment controls designed to remove pollutants from stormwater, storm water, treatment controls designed to remove pollutants from storm water, low impact development measures, and/or hydromodification measures to offset the difference between the pre and post-construction peak flow runoff rates and volumes. Proponents of all applicable development and redevelopment projects will be required to meet the requirements and design standards specified in the current State of California Phase II MS4 NPDES Permit and as described in further detail in the City's Storm water Design Standards Manual for New Development and Redevelopment.

2. At the earliest planning stages, project proponents shall assess and evaluate how site conditions, such as soils, vegetation, and flow paths will influence the placement of buildings and paved surfaces. The evaluation will be used to optimize the site layout to meet the goals of capturing and treating runoff. Each project proponent will submit a map of the project dividing the site into discrete drainage management areas to show in each how runoff will be managed using site design measures, source controls, treatment controls, and hydromodification measures as defined by the current MS4 permit. All site design measures, source controls, treatment controls, and hydromodification measures must be selected, sized, and situated in accordance with the guidance provided in the current MS4 permit and the City's Storm Water Design Standards Manual for New Development and Redevelopment. Documentation of the site's post-construction storm water design measures must be submitted to the City's Public Works Department for review and approval prior to the commencement of the project.

3. Project proponents must sign an operation and maintenance agreement in which they legally bind themselves to maintain the installed post-construction design measures in an effective and good operational condition until the property ownership is transferred. A written operation and maintenance plan for the proposed storm water design measures is required to be submitted to and approved by the City with the signed agreement. The agreement will be recorded with the deed by the County Clerk making it transferrable to the new owner; or, when there are multiple property owners responsible for the maintenance of the control measures, the agreement will consist of a legally binding covenant between the City and the homeowners association or maintenance district. The owner or association responsible for the maintenance of the control measures may be required by the City to submit an annual self-certification that

the storm water control measures are effective and are being maintained in accordance with the submitted and approved Operation and Maintenance Plan.

4. Any person subject to the State's current Construction NPDES General Permit for storm water discharge shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official prior to or as a condition of a subdivision map, site plan, building permit, and development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause and shall provide copies of permits and applicable reports to the enforcement official upon request.

5. Any person performing construction in the city shall prevent pollutants from entering the ~~stormwater~~storm water conveyance system and comply with all applicable federal, state and local laws, ordinances or regulations including but not limited to the state general permit for ~~stormwater~~storm water discharges associated with construction activity and the city grading, erosion and sediment control policies.

~~C-D.~~ Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger subject to any general ~~stormwater~~storm water permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, the Regional Water Quality Control Board Central Valley Region or the city shall comply with the requirements of such permit, and shall provide copies of permits and applicable reports to the enforcement official upon request.

~~D-E~~ Compliance with Best Management Practices. Every person undertaking any activity or use of a premises which may cause or contribute to ~~stormwater~~storm water pollution or contamination, illegal discharges, or ~~nonstormwater~~non-storm water discharges shall comply with best management ~~practices guideline or pollution control requirements as may be reasonably established by practice~~ (BMPs) consistent with the ~~enforcement official~~California Storm Water Quality Association (CASQA) Best Management Practice Handbooks or equivalent guidelines.

13.14.130 Containment and notification of spills.

Any person owning or occupying a premises who has knowledge of any release of pollutants or ~~nonstormwater~~non-storm water discharge from or across ~~those~~that premises which might enter the ~~stormwater~~storm water conveyance system, other than a release or discharge that is permitted by this chapter, shall immediately take all reasonable action to contain and abate the release of pollutants or ~~nonstormwater~~non-storm water discharge, and shall notify the enforcement agency within twenty-four hours of the release of pollutants or ~~nonstormwater~~non-storm water discharge.

Article III. - Service Charges and Fees

13.14.140 Storm drain ~~and cooling water~~ service charges.

~~A. The fees and charges for disposal of storm waters, cooling water discharges or construction flush waters into the city's stormwater conveyance system will be those established and approved by the city council from time to time by resolution.~~

B.A. The schedule of charges for the inspection, sampling and analysis of questionable storm water flowing into the city's ~~stormwater~~storm water conveyance system will be those established and adopted by the city council from time to time by resolution.

~~B. The city shall estimate and determine the amount of storm, cooling water or construction flush waters deposited into the city's stormwater conveyance system unless the user of the service elects to provide, install and maintain in good working order an integrating meter satisfactory to the city for the purposes of measuring such storm, cooling water or construction flush water.~~

~~C.A. In determining the amount of storm, cooling water or construction flush waters deposited into the city's stormwater conveyance system, no charge shall be made for the storm waters or minor irrigation waters or drainage from roofs, pavements or hard surfaced areas within the city limits. Where such drainage is metered along with construction flush water, a credit of one thousand two hundred fifty gallons per year for each one hundred square feet, as projected and measured upon a horizontal plane, or such drainage area tributary to the meter shall be allowed. Where roofs or other areas are sprinkled or flushed, such flushing or sprinkling waters shall be included in the quantities for billing purposes.~~

13.14.150 Billing and collections.

All billing and collections for service charges shall be per [Section 13.04.030](#) of this code.

Article IV. - Construction Generally

13.14.160 Permit.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any ~~stormwater~~storm water conveyance system or appurtenances, thereof without first obtaining a written permit from the public works director.

13.14.170 Design standards.

All construction of public ~~stormwater~~storm water conveyance systems or appurtenances shall conform to the design criteria, the standard plans and specifications and the inspection and testing procedures in accordance with current city public improvement design standards.

Article V. – Extensions

13.14.210 Purpose.

The city council has adopted a ~~stormwater~~storm water conveyance extension policy that is fair and equitable to all developing properties and that provides that the cost of extension shall be distributed among subsequently developing properties connecting thereto.

13.14.220 Application.

Whenever a property owner requires storm drainage, an application shall be made to the public works department. The public works director shall determine the closest ~~stormwater~~storm water

conveyance and, if an extension is necessary, indicate the size of the main to be extended and the limits of the extension.

13.14.230 Applicant's obligation.

Whenever the public works director determines that a ~~stormwater~~storm water conveyance extension is necessary, the applicant will be required to install, at the applicant's own expense, the ~~stormwater~~storm water conveyance extension in accordance with the engineering plans furnished by applicant and approved by the public works director. The plans shall be prepared in accordance with the city design standards.

13.14.240 Extension for full frontage width.

In every case where a storm drain is to be tapped to serve a parcel, the same shall be extended the full frontage of the parcel unless the public works director determines that the storm drain will not need to be extended to serve any other properties.

13.14.250 Minimum diameter.

The minimum size storm drain shall have a nominal inside diameter of twelve inches. Larger size mains may be required as determined by the public works director in accordance with the city public improvement design standards to the city master storm drain plans.

13.14.260 Reimbursement—Oversize mains.

Whenever the city requires that a storm drain larger than eighteen inches in diameter be installed in order to serve additional property or to conform to the applicable master plan, the applicant ~~shall~~may apply for a reimbursement agreement to the city in order to be reimbursed for the oversized pipe ~~by the benefitting property(s)~~. The reimbursement shall be based on the difference in cost between the actual pipe to be installed and an eighteen-inch storm drain as applicable. The difference in cost shall be determined by the public works director. The reimbursement shall be made in accordance with Chapter ~~16.40~~17.62.

Article VI. - Administration

13.14.310 Monitoring facilities.

A. The public works director may require a commercial/industrial user to construct and maintain, at the user's expense, monitoring facilities which meet all government safety regulations (OSHA) to allow inspection, sampling and flow measurement of the building internal storm drainage systems and may also require sampling or metering equipment to be provided, installed, operated and maintained at the user's expense. The monitoring facility should normally be situated on the user's premises, but the public works director may, when such a location would be impractical or cause undue hardship on the user or the city, require the facility to be constructed in the public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

B. When the monitoring facility is inside the user's fence, there shall be accommodations to allow access for the enforcement official, such as a gate secured with a city lock. There shall be

ample room in or near such monitoring facility to allow accurate sampling and compositing of samples for analysis. The monitoring facility shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Whether constructed on public or private property, plans and specifications shall be approved by the public works director and be in accordance with all applicable city construction standards and specifications. Construction shall be completed within sixty days following written notification by the city, unless a time extension is otherwise granted by the city.

13.14.320 Inspection, sampling, monitoring and analysis.

The enforcement official may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where ~~stormwater~~storm water is discharged shall allow the public works director or designated representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in performance of any of their duties. The enforcement official shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, the enforcement official will be permitted to enter without delay for the purposes of performing their specific responsibilities. The user may be charged a fee to recover the costs for inspection (investigations), sampling, monitoring and analyses performed by the city to establish billing rates and to ensure compliance with all regulations.

13.14.340 Confidential information.

A. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless (1) the user specifically requests and is able to demonstrate to the satisfaction of the public works director that the release of such information would divulge information, processes or methods that would be detrimental to the user's competitive position; and (2) disclosure is not required by the California Public Records Act.

B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies per 40 CFR 403.14; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. ~~Stormwater~~Storm water constituents and characteristics will not be recognized as confidential information.

C.

13.14.350 Special agreements.

Special agreements and arrangements between the city and any persons or agencies may be established when, in the opinion of the city council, unusual or extraordinary circumstances compel special terms and conditions. However, in no case may federal standards be waived or modified.

Article VII. - Enforcement

13.14.410 Inspection authority.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of this chapter, the enforcement official may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter. Any request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event that such entry is refused, inspection may be made upon issuance of a warrant issued by a court of competent jurisdiction. In the event the owner or occupant refuses entry after such request has been made, the enforcement official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. Inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to, random sampling and/or sampling in areas with evidence of ~~stormwater~~storm water contamination, illegal discharge, ~~nonstormwater~~non-storm water discharge to the ~~stormwater~~storm water conveyance system, or similar factors.

A. Sampling Authority. During any inspection, the enforcement official may take samples as necessary in order to implement and enforce the provisions of this chapter. This authority may include the installation of sampling and metering devices on private property, or requiring the person owning or occupying the premises to supply samples.

B. Monitoring, Analysis and Reporting Authority. The enforcement official may require monitoring, analysis and reporting of discharges from any premises to the ~~stormwater~~storm water conveyance system. Upon service of written notice by the enforcement official, the burden, including cost, of these activities, analyses and reports, incurred in complying with the requirement shall, to the extent permitted by law, be borne by the property owner or occupant of the facility or activity for which testing and monitoring has been requested.

13.14.420 Enforcement authority.

The enforcement official may exercise any enforcement powers authorized or provided in this code, including without limitation, administrative penalties pursuant to this code, as may be necessary to effectively implement and enforce this chapter.

A. Administrative Enforcement Powers. The enforcement official may also exercise any of the following supplemental enforcement powers as may be necessary or advisable in the enforcement official's judgment under the circumstances:

1. Notice of Violation (NOV). Whenever the enforcement official finds that any person owning or occupying a premises has violated or is violating this chapter or an order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail, upon said person a written NOV. Within thirty days of the receipt of this notice, or sooner as may be prescribed in the NOV, the person so noticed shall submit to the enforcement official an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions. Submission of this plan shall in no way relieve the person of liabilities for violations occurring

before or after receipt of the NOV. Failure to comply with the terms and conditions of a NOV shall constitute a violation of this chapter. If a person fails to comply with the NOV, the enforcement official may perform, or cause to be performed, such work as shall be necessary to correct the violation. The costs of any such work shall be borne by the property owner, and shall be collectable in accordance with the provisions of subsection (A)(0).

2. Cease and Desist Orders. The enforcement official may require any person owning or occupying a premises to cease and desist all activities that may cause or contribute to discharge in violation of this chapter. This order may also require such person to: (i) comply with the applicable provisions of this chapter within a designated period of time or; (ii) take appropriate remedial or preventative action to keep the violation from recurring.
3. Notice to Clean and Abate. The enforcement official may require any person owning or occupying a premises to clean up and abate any release of pollutants on those premises which may result in a violation of this chapter. The enforcement official may also order abatement of activities or practices which may reasonably be expected to result in such a violation.
4. Mitigation. The enforcement official shall have authority to order the mitigation of circumstances which may result in or contribute to illegal discharges.
5. ~~Stormwater~~Storm water Pollution Prevention Plan. The enforcement official shall have the authority to establish elements of a ~~stormwater~~storm water pollution prevention plan, and to require any business to adopt and implement such a plan, as may be reasonable and necessary to fulfill the purposes of this chapter.
6. Best Management Practices. The enforcement official may establish the requirements of best management practices for any premises.
7. Violations Constituting Misdemeanors. In addition to civil penalties provided for in this chapter, any violation of this chapter may be punishable as a misdemeanor as provided by Section 1.08.010 of this code.
8. Violations Deemed a Public Nuisance. In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety or welfare and is thus deemed a nuisance. Any such nuisance may be summarily abated and/or restored by any authorized enforcement official. The city attorney is authorized to pursue civil action(s) pursuant to subsection B of this section to abate, enjoin, or otherwise compel the cessation of the nuisance.
9. Cost Recovery. The cost of the abatement and restoration shall be borne by the owner of the property and the cost therefore shall be invoiced to the owner of the property. If the invoice is not paid within sixty days, the enforcement official shall have the authority to place a lien upon and against the property. If the lien is not satisfied within three months, the enforcement official is authorized to take all legal measures as are available to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought for a money judgment or

by delivery to the county assessor or a special assessment against the property in accordance with Government Code Section 38773.5

10. Seasonal and Recurrent Nuisance. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the enforcement official shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year ~~without the necessity of any further hearing.~~

11. Costs of Enforcement. If the city prevails in any administrative, civil or criminal proceeding initiated under this chapter, the city shall be entitled to seek reimbursement for all costs incurred in connection with said proceeding. Such reimbursable expenses may include, but are not limited to, costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, and costs of suit. If any such costs are granted to the city, said costs shall be recoverable pursuant to subsection (A)(9) of this section.

12. ViolationAdministrative Citation.

(a) If the owner, or person responsible for the violation, fails to correct the violation within the time specified in the NOV, cease and desist orders, or notice to clean and abate, the enforcement official may cause a violation citation imposing an administrative fine or penalty to be issued to the owner of the property (California Government Code Section 53069.4).

(b) Any citation issued shall:

- (i) Identify the date, time and circumstances of the violation;
- (ii) State the amount of the penalty to be assessed;
- (iii) Advise the person of their appeal rights as provided herein.

(c) The citation shall be served in the same manner as the NOV. In determining the amount of penalty to be assessed, consideration will be given to the following:

- (i) The extent to which the owner or person responsible for the violation had knowledge or reasonably should have known that the action taken was a violation of this chapter;
- (ii) The magnitude of the violation;
- (iii) The extent to which the owner or person responsible for the violation derived a financial benefit from the violation;
- (iv) Any prior history of related violations by the same person on the subject property or on other parcels within the City; and
- (v) Any corrective action, or lack thereof, taken by the owner or person responsible to eliminate the violations, and any other mitigating circumstances justifying a reduction of the amount of the penalties.
- (vi) The amount of the penalty shall be derived as outlined in the City's Storm water Enforcement Response Plan or as established and approved by the city council from time to time by resolution.

Comment [KMG1]: The City is required to develop this within the 3rd year of the permit per Section E.6.c of the General MS4 permit.

- (d) Any person receiving a citation may request an appeal as provided in Section 1.10.25013.14.450 of this chapterthe Lodi Municipal Code.
- (e) If the owner of the property fails to pay the penalty assessed under this section upon demand by the City, the penalty shall be specially assessed against the parcel. The special assessment may be collected at the same time and in the same manner as ordinary County taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary County taxes. A notice of abatement lien shall be recorded and shall become a lien on the property pursuant to the provisions of California Government Code Section 38773.5. The Director of Public Works is authorized to prepare and record a notice of release of lien against the legal title of the subject property(s), if the penalty is paid in full.

B. ~~Section 13.14.450~~Civil Actions. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the city attorney. Monies recovered under this subsection shall be paid to the city to be used exclusively for costs associated with monitoring and establishing ~~stormwater~~storm water discharge pollution control systems and/or implementing or enforcing the provisions of this chapter. In any such action, the city may seek, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction;
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
3. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation;
4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life not to exceed six thousand dollars per day, per occurrence in which such violations occur. The city attorney, upon order of the city council, shall petition the superior court to impose, assess and recover such sums. This penalty is in addition to any penalties which may be imposed by the State Regional Water Quality Control Board and the Environmental Protection Agency. Should the damage also cause the city to be cited for a violation of state or federal requirements, the cost of said citation will be passed onto the offending party.

C. Authority to Arrest or Issue Citations. Any authorized enforcement official shall have and is vested with the authority to arrest or cite and release any person who violates any section of this chapter in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or infractions as described by Chapters 5, 5(c) and 5(d) of Title 3, Part 2 of the California Penal Code (or as the same may hereafter be amended). Such authorized enforcement official may issue citations and notice to appear in the manner prescribed by Chapter 5(c) Title 3, Part 2 of the California Penal Code, including Section 853.6 (or as the same may hereafter be amended). It is the intent of the city council that the immunities

prescribed in Section 836.5 of the California Penal Code be applicable to public officers or employees acting in the course and scope of employment pursuant to this chapter.

D. Emergency Orders and Abatements. The enforcement official may order the immediate abatement of any discharge from any source to the ~~stormwater~~storm water conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment, or a violation of a NPDES permit.

1. Abatement and cleanup of spills, illicit discharges, or dumping to the storm drainage system must occur within 72 hours of notification; or sooner for high risk spills or discharges. For areas of uncontrolled pollutant sources, abatement must be performed within 30 days of notification.
2. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety or welfare, or the environment or a violation of a NPDES permit, the city may perform or cause to be performed such work as shall be necessary to abate said threat or danger.
3. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of subsection (A)(9) of this section.
4. The enforcement official may order the immediate cessation of any activities that cause an illicit discharge or cause or potentially cause uncontrolled pollutants to enter the storm water conveyance system when, in the opinion of the enforcement official, the activities present an imminent danger to the public health, safety, welfare or environment, or a violation of a NPDES permit. Activities may not resume until the enforcement official has verified that the threat to the environment and the City's MS4 has been abated.

E. Contents of Notice ~~of Violation~~. Any NOV, cease and desist order, or other civil notice or civil order issued by the enforcement official pursuant to this chapter shall include the following:

1. The street address, parcel number, and/or a legal description sufficient for identification of the property where the violation exists and the address of the person responsible for or committing the act that constitutes a violation of this chapter.
2. A brief and concise description of the violation or use of the property or act that constitutes a violation of this chapter.
3. The date by which the violation must be corrected, which shall be a reasonable period of time.
4. A copy of Section 13.14.450 of this chapter outlining appeal rights.

13.14.430 Remedies not exclusive.

Remedies under this chapter are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

13.14.440 Compliance timetable.

When the city finds that discharge of unacceptable ~~stormwater~~ storm water has been taking place, or is threatening to take place, in violation of prohibitions or limitations prescribed in this chapter, the city may require the user to submit for approval, with such modifications as it deems necessary a detailed time schedule of specific actions, which the user shall take in order to prevent or correct a violation of requirements.

13.14.450 Appeal.

A. Any person served with a NOV, who is subject to a cease and desist order, who is subject to an abatement order, who is required to perform monitoring, analyses, reporting and/or corrective activities by an authorized enforcement official, or who is otherwise grieved by the decision of the authorized enforcement official, may appeal the decision to the public works director within ten days following the effective date of the decision by filing a written appeal with the public works director. Upon receipt of such request, the public works director shall request a report and recommendation from the authorized enforcement official and shall set the matter for hearing at the earliest practical date. Due notice of the hearing shall be provided to the person appealing the decision of the authorized enforcement official. At the hearing, the public works director may hear additional evidence, and may reject, affirm or modify the authorized enforcement official's decision.

B. If the ruling made by the public works director is unsatisfactory to the person requesting reconsideration, the person, may, within twenty days after notification of the city's action, file a written appeal to the city council. The written appeal shall be heard by the council within twenty days from the date of filing. The city council shall make a final ruling on the appeal within twenty days of the hearing. The determination shall remain in effect during such period of reconsideration.

13.14.460 Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the city, any officer or employee thereof for any damages that result from reliance on the code or any administrative decision lawfully made thereunder.

13.14.470 City authority.

The enforcement official is authorized to make any decision on behalf of the city required or called for by this chapter.

13.14.480 - Judicial review.

The provisions of California Code of Civil Procedure ~~Section~~Sections 1094.5 and 1094.6 are applicable to judicial review of city decisions pursuant to this chapter.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

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

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

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

Approved this ____ day of _____, 2015

BOB JOHNSON
MAYOR

ATTEST:

JENNIFER M. FERRAIOLA
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiola, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held May 6, 2015, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2015, by the following vote:

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

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

JENNIFER M. FERRAIOLA
City Clerk

Approved as to Form:



JOHN P. FUKASAWA
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 6 “Animals” by Repealing and Reenacting Chapter 6.15 “Vicious/Potentially Dangerous Dogs” in its Entirety

MEETING DATE: May 6, 2015

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Introduce Ordinance amending Lodi Municipal Code Title 6 “Animals” by repealing and reenacting Chapter 6.15 “Vicious/Potentially Dangerous Dogs” in its entirety

BACKGROUND INFORMATION: On August 6, 2014, the City Council adopted Ordinance No. 1895, a total revision of the existing Animal Ordinance. In preparing the new ordinance, staff inadvertently removed the section regarding “vicious dogs” which allowed the first instance of a dog attacking, injuring or killing another domesticated animal or chicken hen off the property of the owner or keeper of the dog, to be cited as a violation of Chapter 6.15.

Staff has included in the attached proposed ordinance, revisions to differentiate between “potentially dangerous” and “vicious” dogs. Staff also included a few minor corrections to make the ordinance more workable and enforceable by Animal Services.

A redline of the proposed revisions to Chapter 6.15 are attached.

Staff recommends that the City Council introduce the ordinance repealing and reenacting Chapter 6.15, to address these issues.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Mark Helms
Chief of Police

MH/CJ/jb
Attachments

APPROVED:

Stephen Schwabauer, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE TITLE 6 "ANIMALS" BY REPEALING
AND REENACTING CHAPTER 6.15 "VICIOUS/POTENTIALLY
DANGEROUS DOGS" IN ITS ENTIRETY

=====

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

Section 1. Lodi Municipal Code Chapter 6.15 "Vicious/Potentially Dangerous Dog" is hereby repealed and reenacted and shall read as follows:

CHAPTER 6.15

VICIOUS/POTENTIALLY DANGEROUS DOGS

- 6.15.010 Definitions.
- 6.15.020 ~~Vicious~~ b Behavior prohibited.
- 6.15.030 ~~Vicious dog~~ a Abatement hearing procedure for vicious or potentially dangerous dogs.
- 6.15.040 Time limit to meet requirements.
- 6.15.050 Insurance requirements for vicious or potentially dangerous dogs.
- 6.15.060 Unlawful to own, harbor or keep a dog found by another jurisdiction to be vicious or potentially dangerous.
- 6.15.070 Muzzling of a vicious or potentially dangerous dog.
- 6.15.080 Civil penalties for violations of provisions regulating vicious or potentially dangerous dogs.
- 6.15.090 Notice of escape or disposal of vicious or potentially dangerous dogs.
- 6.15.100 Sterilization requirement and microchip for vicious or potentially dangerous dogs.
- 6.15.110 Penalties for willful violation of provisions regulating vicious and potentially dangerous dogs.
- 6.15.120 Exemption for police dogs.

- 6.15.010 Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used in this chapter are defined as follows:

- A. "Animal section" means that section of the Lodi Police Department designated by the chief of police as being responsible for animal control and/or services within the city.
- B. "Enclosure" means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous dog or vicious dog. The enclosure shall be securely locked, shall have secure sides and bottom sufficient to prevent the dog from escaping, and shall be of sufficient size to provide the dog with an adequate exercise area. A top may be required for the enclosure if necessary to assure the dog's containment.
- C. "Impoundment" means the taking into custody of an animal by a police officer or an animal services officer.

D. "Muzzle" means a device that is placed over the snout of an animal to keep it from biting. A muzzle is primarily solid with air holes to allow the animal to breathe and drink usually made in leather, wire, plastic, nylon or similar materials.

E. "Potentially dangerous dog" means:

1. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog; or
2. Any dog **which**, when unprovoked, bites a person causing a less severe injury **than that defined in 6.15.010 (F) of this section; by state law as any physical injury that results in muscle tears, disfiguring, lacerations, or requires multiple sutures, corrective or cosmetic surgery;** or
3. Any dog when unprovoked on two separate occasions within the prior thirty six-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury while attacking a domestic animal **or chicken hen** off the property of the owner or keeper of the dog.

F. "Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

G. "Unprovoked" means without being intentionally incited to aggressive action.

H. "Vicious dog" means:

1. Any dog which has been trained to fight or which is owned or maintained for this purpose; or
2. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being; or
3. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in the definition of potentially dangerous dog or is maintained in violation of the requirements of a potentially dangerous dog~~;~~ **or**
4. **Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury, while attacking a domestic animal or chicken hen off the property of the owner or keeper of the dog.**

6.15.020 ~~Vicious-b~~ Behavior prohibited.

A. **Vicious dog.** It is unlawful for any person owning, possessing, controlling, harboring or keeping any dog or puppy to cause or permit said animal to exhibit or engage in **vicious any prohibited** behavior as defined in ~~this chapter~~ section 6.15.010 (H).

B. Potentially dangerous dog. It is unlawful for any person owning, possessing, controlling, harboring or keeping any dog or puppy to cause or permit said animal to exhibit or engage in any prohibited behavior as defined in section 6.15.010 (E).

C. This chapter shall not apply to any dog assisting a peace officer or park ranger engaged in law enforcement duties.

6.15.030 ~~–Vicious dog–~~ Abatement hearing procedure for vicious or potentially dangerous dogs.

Purpose and Intent. Within the city there are vicious and potentially dangerous dogs which constitute a public nuisance which should be abated. The provisions of this section provide an administrative procedure by which dogs found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This section is intended to supplement rather than supplant any other remedy available either under state law or this code.

A. Vicious Dog Defined. Any dog, except one assisting a peace officer or park ranger engaged in law enforcement duties, which demonstrates any of the behavior as described in Sections 6.15.010 or 6.15.020 as set forth herein, is presumed vicious or potentially dangerous.

B. Potentially Dangerous Dog Defined. Any dog, except one assisting a peace officer or park ranger engaged in law enforcement duties, which demonstrates any of the behavior as described in Section 6.15.010(E), is presumed to be potentially dangerous.

BC. Investigation. Any incident reported to the Lodi police department concerning a vicious dog or potentially dangerous dog may be investigated by the police chief, or designee. The investigation may consist of the observations and/or reports of officers made at the time of the incident, or follow-up reports. If, based on the investigation, the police chief or designee, concludes that there is probable cause to believe that the dog is vicious or potentially dangerous, he shall so certify in writing within ten days following completion of the investigation to the person owning or controlling the dog. Thereafter a hearing may be held pursuant to subsections D, E and F of this section.

CD. Confinement of Dog. If the police chief or designee, certifies that there is probable cause to believe that a dog is vicious or potentially dangerous and a risk to public safety, the police chief or designee may direct any animal control officer, police officer or other authorized employee of the city to enter the yard of any private residence or business in order to seize any such dog, whether running at large or not, and confine the dog at an appropriate animal shelter pending the decision of the city manager or designee, following the hearing provided for in subsections D, E and F of this section. The cost of said confinement shall be paid by the person owning or controlling such dog. The dog shall not be released until such costs have been paid in full.

DE. Hearing—Schedule. A hearing date shall be set not later than fifteen business days from the date of certification. The city manager, or the appointed hearing officer, shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons, which may include but is not necessarily limited to, properties within three hundred feet of the address of the owner or person controlling the dog, at least five business days prior to the date set for hearing, a notice in substantially the following form:

NOTICE OF HEARING REGARDING VICIOUS DOG [OR POTENTIALLY DANGEROUS DOG]

controlling it, the dog shall not be released until such costs have been paid in full. If such costs have not been paid within thirty calendar days after the date of mailing or delivery of the order, the city manager may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The total amount of the impoundment charges may be entered on the next fiscal year tax roll as a lien against the property upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the city, or an action may be brought in the name of the city to recover the costs of impoundment.

H. Criminal Sanctions. Any violation of this Chapter 6.15 is a misdemeanor.

6.15.040 Time limit to meet requirements.

All requirements for owners of a dog determined vicious or potentially dangerous must be satisfied within thirty calendar days of notice of determination. Proof of compliance must be provided to Animal Services. If all the requirements are not satisfied within thirty calendar days, or the animal owner is unable or unwilling to comply, the dog shall be humanely euthanized either by an animal services officer or by a licensed veterinarian. Proof of euthanasia shall be provided to Animal Services within two business days.

6.15.050 Insurance requirements for vicious or potentially dangerous dogs.

The owner or keeper of any dog determined to be vicious or potentially dangerous under this chapter or a court of competent jurisdiction shall present to Animal Services proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars. The liability insurance shall cover any damage or injury which may be caused by the vicious or potentially dangerous dog. The liability insurance coverage shall be evidenced by a certificate issued by the insurer. Liability insurance shall not be cancelled unless the owner or keeper ceases to keep the dog prior to expiration of that license. City to receive notice of the annual renewal and all cancellations of the required liability insurance.

6.15.060 Unlawful to own, harbor or keep a dog found by another jurisdiction to be vicious or potentially dangerous.

No dog, which has been determined to be vicious or potentially dangerous following an administrative hearing or court proceeding by another jurisdiction, will be allowed to be kept, owned or harbored in the city. A notice by Animal Services to remove any dog owned, harbored or maintained in violation of this section may be appealed to the city manager or designee by filing a written statement for the appeal within five business days of the receipt of said notice. Decision of the city manager or designee is final and not subject to an administrative appeal.

6.15.070 Muzzling of a vicious or potentially dangerous dog.

In any case where a dog determined to be vicious **or potentially dangerous** pursuant to this chapter is outside an enclosure, except in cases where it is inside the dwelling of its owner or keeper, which dwelling is sufficient to contain the dog, or in custody of a veterinarian, the dog shall be securely and humanely muzzled and restrained with a harness and nylon leash sufficient to restrain the dog, having a minimum tensile strength of three hundred pounds and not exceeding two feet in length, and shall be under the direct charge and control of its owner or keeper. For the purposes of this section, a dog which is humanely muzzled shall be able to drink, breathe and pant freely.

6.15.080 Civil penalties for violations of provisions regulating vicious or potentially dangerous dogs.

Any violation of this chapter involving a vicious or potentially dangerous dog shall be punishable as a misdemeanor per Chapter 1.08 of the Lodi Municipal Code. Such fine may be assessed by city manager or designee after hearing conducted or by a court of competent jurisdiction and shall be paid to the city to defray the cost of implementation of this chapter.

6.15.090 Notice of escape or disposal of vicious or potentially dangerous dogs.

A. The owner or keeper of any dog found to be vicious or potentially dangerous shall notify Animal Services immediately if the dog has attacked another animal, has bitten a human being, has escaped the custody and control of the owner or keeper, or has died. If the dog is sold, transferred, or permanently removed from the city where the owner or keeper resides, the owner shall notify the Animal Control of the changed condition and new location within two business days.

6.15.100 Sterilization requirement and microchip for vicious or potentially dangerous dogs.

The owner or keeper of any dog found to be vicious or potentially dangerous pursuant to this chapter shall, at their expense, have a microchip, assigned by Animal Services, inserted into the dog for identification purposes. The identifying information listed on the microchip shall be noted in the city licensing files for that dog. A dog that has been found to be potentially dangerous or vicious pursuant to this chapter shall be sterilized at the owner's expense.

6.15.110 Penalties for willful violation of provisions regulating vicious and potentially dangerous dogs.

It is a misdemeanor for any owner or keeper of a determined vicious or potentially dangerous dog to intentionally fail to comply with Sections 6.15.090 (Notice of escape or disposal of vicious or potentially dangerous dogs), 6.15.050 (Insurance requirements for vicious or potentially dangerous dogs), 6.15.100 (Sterilization requirement and microchip for vicious or potentially dangerous dogs), and 6.15.070 (Muzzling of a vicious or potentially dangerous dog). Conviction for a violation of this chapter shall be punished by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Upon conviction of a misdemeanor under this chapter, the court shall order the vicious or potentially dangerous dog to be seized and humanely destroyed. Any person convicted of a violation of this chapter shall be prohibited from owning or keeping any dog within the city for a minimum of three years.

6.15.120 Exemption for police dogs.

This chapter does not apply to any dog owned by a government agency, when the dog is used in the performance of law enforcement duties.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

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

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

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

Approved this ___ day of _____, 2015

BOB JOHNSON
MAYOR

ATTEST:

JENNIFER M. FERRAIOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held May 6, 2015, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2015, by the following vote:

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

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

JENNIFER M. FERRAIOLO
City Clerk

Approved to Form:
|

JANICE D. MAGDICH
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 6 “Animals” By Repealing and Reenacting Chapter 6.08 “Prohibited Animals” in Regard to Chicken Hens in its Entirety

MEETING DATE: May 6, 2015

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Introduce Ordinance amending Lodi Municipal Code Title 6 “Animals” by repealing and reenacting Chapter 6.08 “Prohibited Animals” in regard to chicken hens in its entirety.

BACKGROUND INFORMATION: Prior to the revamping of the zoning code in 2013, Lodi Municipal Code (LMC) Section 17.57.030 read as follows: “chicken hens, pigeons, rabbits, guinea pigs or similar animals not exceeding 3 in number on any one lot may be kept in any residential district purely for home consumption and not for commercial purposes, subject to the provisions of other laws or ordinances.”

When the new zoning code was adopted in March 2013, the language from LMC section 17.57.030 was not included. There was no discussion during public hearings on the zoning code to remove the section or nuisance complaints driving the removal. Rabbits, defined as domesticated animals under LMC section 6.08.010(A), are permitted, as are pigeons registered with a homing pigeon club pursuant to Government Code section 65852.6.

Staff believes that the exclusion of chicken hens from the zoning code was an oversight and not a conscious omission.

The Planning Commission recently reviewed the previous and existing zoning code in regard to the allowance of chicken hens in residential zoning districts and made the following recommendations:

- 1) Allow chicken hens as an exception to the exclusion of livestock in residential zoning districts subject to the following conditions:
 - A. Exception: Chicken Hens. The total number allowed shall not exceed five (5) in number on any one residential lot and may be kept purely for home consumption and not for commercial purposes, subject to the provisions of other laws or ordinances and the following performance standards:

APPROVED: _____

Stephen Schwabauer, City Manager

1. Feed for chicken hens shall be contained and enclosed so not to attract rodents, insects and other vermin.
2. Chicken hens shall be kept in the rear yard and not permitted in the front yard.
3. Chicken hens shall be kept in fenced areas, cages or coups.
4. It is unlawful to slaughter any livestock within City limits.

A copy of the Resolution approved by the Planning Commission on April 8, 2015 and minutes of the meeting are attached for the Council's information.

Staff recommends the introduction of this Ordinance amending Lodi Municipal Code Title 6 "Animals" by repealing and reenacting Chapter 6.08 "Prohibited Animals" in its entirety, to allow chicken hens in residential zoning districts subject to conditions set out in the ordinance and the LMC.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Mark Helms
Chief of Police

MH/CJ

Attachments

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 8, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 8, 2015 was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Kirsten, Olson and Slater

Also Present: Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa and Administrative Secretary Kari Chadwick

2. MINUTES

“March 11, 2015”

No Quorum for this item. The minutes will be brought back to a future meeting.

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 Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow an auto dismantler business in the industrial zone at 722 E Lodi Ave. (Applicant: Noe Montero; File 2015-05 U; CEQA Determination: Exempt per Section 15301)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Vice Chair Heinitz asked for clarification regarding the Fire Operational Permit reference in condition number ten. Mr. Hoffman stated that the Operational Permit will be done prior to occupancy.

Commissioner Cummins asked if Environmental Health classifies vehicle fluids to be hazardous. Mr. Hoffman stated that it depends on the quantity being stored.

Chair Kiser asked what type of screening will be done for the site. Mr. Hoffman stated that the zoning code does require that outdoor storage to be screened. There are several types of screening that can be used. Mr. Kiser stated that he had concerns that the screening may make it easier for people to break in.

Commissioner Hennecke asked if the past violation will require remediation of the soil. Mr. Hoffman stated that no they have to do with the activity occurring without the benefit of a Use Permit.

Vice Chair Heinitz asked if staff will be requiring a phase two environmental report. Mr. Hoffman stated that the property owner has not changed, so any environmental contamination will stay with the property owner not the tenant.

Hearing Opened to the Public

- Neo Montero with Mrs. Montero interpreting, applicant, came forward to answer questions.
- Chair Kiser asked if they understand the conditions and agree with them as written. Mrs. Montero stated that they have read and agree with the conditions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Heinitz second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and adopts a Resolution approving the Use Permit to an auto dismantler business in the industrial zone at 722 E Lodi Avenue subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use to allow a wine production facility, Type 2 ABC license, at 270 Commerce Street. (Applicant: Calwd, Inc., on behalf of Jeremy Wine Co. DBA.; File 2015-06 U; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Vice Chair Heinitz asked if the condition to remove the waste material is in the resolution. Mr. Hoffman stated that it is number thirteen.

Hearing Opened to the Public

- Jeremy Trettevik, applicant, came forward to answer questions.
- All Commissioners expressed their support for the growth of the business.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a Resolution approving the Use Permit Use to allow a wine production facility, Type 2 ABC license, at 270 Commerce Street subject to conditions of approval contained in the draft resolution. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public to review previous and existing zoning code in regard to chickens in the residential zoning districts and make recommendation to the City Council. (Applicant: City of Lodi; File 2015-09 Z; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending that the Planning Commission make a recommendation to the City Council to change the Zoning Code to allow chickens in the residential zoning district as conditioned.

Chair Kiser asked about roaster. Mr. Hoffman stated that roasters are not allowed.

Vice Chair Heinitz stated that he is pro chicken, but stated that there needs to be more punch to the ordinance. He spoke with Code Enforcement and Animal Control Staff and several of the items that come with the owning of chickens are what create the problems not the chickens themselves. He would like to see the chickens contained in the back yard, the feed kept in secure containers, the waste should not be left to sit around the yard and there should not be any butchering of them in the city limits.

Commissioner Cummins asked for clarification on how many animals are allowed. Animal Control Staff Brena DeFazio and Brittnee Munsch came forward to answer questions. Ms. DeFazio stated that you cannot currently have more than five domesticated animals in the city limits.

Commissioner Hennecke asked what is done when you discover a resident has too many animals. Ms. DeFazio stated that a citation can be written, but animal control typically tries to work with the pet owners with education and getting the animals placed elsewhere. Mr. Hennecke asked how enforcement was done for the chicken when they were allowed. Ms. DeFazio stated that the owner was given three days to remove the extra chicken. Mr. Hennecke asked if there is a licensing program for owning chickens. Ms. DeFazio stated that she was not aware of a licensing program ever being in place for chickens. Mr. Hennecke asked about communicable diseases. Ms. DeFazio stated that there are diseases that can be passed from chicken to chicken. Mr. Hennecke asked if this addition will have a negative impact on staff's workload. Ms. DeFazio stated that she did not believe it would negatively affect the workload.

Vice Chair Heinitz asked if there were any major problem in the past when chickens were allowed. Ms. DeFazio stated that there were not any problems at that time. There are more problems now with the calls complaining that people are keeping chickens verses the problems with the feed or waste.

Hearing Opened to the Public

- Debbie Hasche, Lodi resident, came forward to support the ordinance. She has many signatures from people that were unable to attend the meeting that support this item. Ms. Hasche would like to have the signatures be a part of the record. She will bring a copy to the Planning Division.
- Commissioner Cummins asked if you need to have a roaster when you have hens. Ms. Hasche stated that you do not.
- Vice Chair Heinitz asked if Ms. Hasche would mind having the additional items mentioned earlier added to the ordinance. Ms. Hasche stated that she would not mind having conditions placed in the ordinance.
- Mike Walter, Lodi resident, came forward to support the ordinance. He stated his support for the additional language as stated earlier by Vice Chair Heinitz.
- Andy Dukes, Lodi Resident, came forward to support the ordinance. Mr. Duke stated that there are zero aroma feed pellets now available for sell at the feed stores. He would like to see the number of chickens increase to five because three chickens will not lay enough eggs to feed a family of four.
- Commissioner Hennecke asked how many eggs will a chicken lay in a week. The Public stated that if the chickens are kept correctly you could get three or more eggs a week.
- Brittnee Munsch came forward to clarify the domestic animal question by stating the chickens are not included in that number. Brena DeFazio stated that title six of the Municipal Codes will cover the sanitation requirements.
- Michael Walter came forward to get clarification on the objection to butchering the chickens in the backyard. Mr. Hoffman stated that the activity can become a nuisance.
- Arlette Healey, Lodi resident, came forward to object to the ordinance. She stated that she has a few signatures from people that object to the ordinance. She is concerned over the possibility of rats and other pests being brought into the neighborhood.

- Andy Dukes came forward to object to the fact that he has to come to a meeting to support the right to feed his family from his own back yard. He reiterated the fact that three chickens will not feed his family.
- Kevin Peterson, Lodi resident, came forward to support the ordinance.

Public Portion of Hearing Closed

- Vice Chair Heinitz asked staff to read the additional conditions that have been discussed. Mr. Hoffman stated: All waste to be removed daily and left to sit longer than a week; feed needs to be enclosed in a sealed container; chickens need to be contained in a fenced area and or coup; chicken are only allowed in the back yard area; no butchering of the chickens in the city limits.
- Commissioner Hennecke stated that he would like to have the final draft brought back to the Commission once the changes have been made. He doesn't like the thought of other people inserting requirements and then presenting it to the City Council as a recommendation from the Commission before the Commission has a chance to vote on what is actually being taken to the Council. He would like to see other Cities' ordinances to see how they have conditioned this use. He added that he is in favor of this item, but feels that they should be licensed similarly to dogs and cats.
- Vice Chair Heinitz stated that the Commission has amended a resolution and approved it in the same night. Commissioner Hennecke stated that these are not minor changes. If staff is going to be consulting other staff members and making changes then it isn't a Commission recommendation. Mr. Hoffman stated that performance standards can be added at this time and sent on to the Council.
- Commissioner Cummins asked for clarification that the recommendation is to reinstate the language from the old ordinance. Mr. Hoffman confirmed that to be correct. Mr. Cummins asked how many chickens were allowed under the old ordinance. Mr. Hoffman stated that three hens were allowed. Mr. Cummins asked if the Commission can recommend allowing more with their motion. Mr. Hoffman stated that the Commission could make a recommendation to allow more than three chickens.

MOTION / VOTE

The Planning Commission, on motion of Commissioner Heinitz, Cummins second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a Resolution recommending the City Council approve the Zoning Code change to allow Chickens in the residential district subject to conditions of approval contained in the draft resolution with the additional language as stated below:

- #4 - All feed will be contained in a proper manner
- #5 - Chicken hens will be caged, fenced, or in coups
- #6 - Subject to enforcement from Animal Control or Code Enforcement on the manner of cleanliness and maintaining the manure
- #7 - All animals will remain in the back yard not in the front yard
- #8 - No back yard or "field" butchering of live animals
- #9 - Extend the number of chickens to five

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz and Chair Kiser
Noes: Commissioners – Hennecke
Absent: Commissioners - Kirsten, Olson and Slater

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Senior Planner Hoffman stated that the last item from tonight's agenda will be going on to the City Council.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Chair Kiser gave a brief report regarding the Farmer Boys Restaurant item approved at the meeting earlier this evening. Commissioner Cummins asked how many employees they will have. Mr. Kiser stated that he did not ask that question.

8. ART IN PUBLIC PLACES

None

9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

10. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

None

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:10 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

DRAFT

RESOLUTION NO. P.C. 15-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING THE CITY COUNCIL AMEND THE ZONING CODE TO ALLOW
CHICKEN HENS AND OTHER SIMILAR ANIMALS BE ALLOWED WITHIN THE
RESIDENTIAL DISTRICTS.**

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested determination, in accordance with the California Government Code Section 65402.(a); and
- WHEREAS**, the project proponent is City of Lodi, 221 West Pine Street, Lodi, CA 95240; and
- WHEREAS**, the previous zoning code (17.57.030) allowed for: "chicken hens, pigeons, rabbits, guinea pigs or similar animals not exceeding 3 in number on any one lot may be kept in any residential district purely for home consumption and not for commercial purposes, subject to the provisions of other laws or ordinances; and
- WHEREAS**, when the new zoning code was adopted in March 2013, this section was not included. Staff is of the opinion that this was an oversight. No specific discussion was had during public hearings to remove it. Complaints and nuisances did not drive the removal and omission.
- WHEREAS**, the use of small animals for home consumption and not for commercial purposes, subject to the provisions of other laws or ordinances, will be consistent with the development standards of the adopted General Plan and will be subject to Zoning regulations; and
- WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.
2. The use of a limited number of small animals for home consumption and not for commercial purposes, subject to the provisions of other laws or ordinances, will be consistent with the development standards of the adopted General Plan and will be subject to Zoning regulations.
3. The use of a limited number of small animals for home consumption and not for commercial purposes, subject to the provisions of other laws or ordinances will not be detrimental to the health, safety or general welfare of persons residing or

working in the City or be detrimental or injurious to the health, safety, peace or general welfare of the City.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that the following proposed language be recommended for approval and adoption by the City Council and included in the municipal code as follows:

chicken hens, pigeons, rabbits, guinea pigs or similar animals not exceeding 5 in number on any one lot may be kept in any residential district purely for home consumption and not for commercial purposes, subject to the provisions of other laws or ordinances and the following performance standards:

- *Feed for animals shall be contained and enclosed so not to attract rodents, bugs and other vermin.*
- *Healthy sanitation of the area shall be maintained free from animal waste and not become a nuisance from smell or flies.*
- *Animals shall be kept in the rear yard and not in the front.*
- *Animals shall be kept in fenced in areas, cages or coups.*
- *No back yard butchering of animals shall take place.*

Dated: April 8, 2015

I certify that Resolution No. 15-06 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 8, 2015 by the following vote:

AYES: Commissioners: Cummins, Heinitz and Chair Kiser

NOES: Commissioners: Hennecke

ABSENT: Commissioners: Kirsten, Olson and Slater

ATTEST _____
Secretary, Planning Commission

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE TITLE 6 "ANIMALS"
BY REPEALING AND REENACTING CHAPTER 6.08
"PROHIBITED ANIMALS" IN ITS ENTIRETY

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

Section 1. Lodi Municipal Code Chapter 6.08 "Prohibited Animals" is hereby repealed and reenacted in its entirety, and shall read as follows:

CHAPTER 6.08

PROHIBITED ANIMALS

Sections:

- 6.08.010 Definitions
- 6.08.020 Livestock prohibited.
- 6.08.030 Wild animals prohibited.
- 6.08.040 Domesticated animals—Number permitted.
- 6.08.050 Determination of age of animal.

6.08.010 Definitions.

A. "Domesticated animals" means those nonferal animals commonly kept as household pets and includes:

- 1. Dogs (*canis familiaris*);
- 2. Cats (*felis catus*);
- 3. Reptiles such as lizards or nonpoisonous snakes under six feet in length; and
- 4. Rabbits.

B. "Livestock" means those animals commonly kept for commercial purposes, including, but not limited to:

- 1. Horses, mules, burros or jacks;
- 2. Chickens, turkeys, guinea hens, peacocks, ducks, roosters or similar fowl;
- 3. Bulls, cows, hogs, pigs, goats, sheep and llamas.

C. "Wild animals" means those feral animals, not commonly kept as household pets, including but not limited to:

- 1. The following members of the class mammalian:
 - a. Order Carnivora, except the domestic dog (*canis familiaris*) and the domestic cat (*felis catus*), but including, but not limited to, the family Felidae (such as ocelots, margays and cougars) and family Canidae (such as wolves, wolf hybrids, coyotes and jackals); and

- b. Order Columbidae (such as doves and pigeons) unless registered with a homing pigeon club—California Government Code Section 65852.6; and
 - c. Order Marsupialia (such as kangaroos and opossums); and
 - d. Order Chiroptera (bats); and
 - e. Order Primata (such as monkeys, chimpanzees and gorillas); and
2. Reptiles that are poisonous or in excess of six feet in length or thirty pounds in weight; and
 3. Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to themselves, to human beings or to the property of human beings.

6.08.020 Livestock prohibited.

Except as permitted in Title 17 of this code, it is unlawful to harbor, keep or have within the city any livestock as defined in Section 6.08.010 (B), with the exception of chicken hens. It is unlawful to slaughter livestock within City limits.

6.08.025 Chicken Hens Permitted:

The total number of chicken hens allowed shall not exceed five (5) in number on any one residential lot and may be kept purely for home consumption and not for commercial purposes, subject to the provisions of this Code.

- a. Feed for chicken hens shall be contained and enclosed so as not to attract rodents, insects, and other vermin.
- b. Chicken hens shall be kept in the rear yard of residential units and not permitted in the front yard.
- c. Chicken hens shall be kept in fenced areas, cages or coups that are sufficiently adequate to prevent the chickens from escaping from the property and to prevent wildlife predators from gaining entry.
- d. It is unlawful to slaughter chicken hens within City limits.

6.08.030 Wild animals prohibited.

It is unlawful to harbor, keep or have within the city any wild animal.

6.08.040 Domesticated animals—Number permitted.

A. It is unlawful to harbor, keep or have within a single household within the city more than five domesticated animals in excess of four months of age in any combination thereof, except in a licensed business, where permitted in a particular district as provided by Title 17 of this code.

B. It is unlawful to harbor, keep or have within a single household within the city more than one litter of puppies or kittens during any twelve-month period, except in a licensed business, where permitted in a particular district as provided by Title 17 of this code.

6.08.050 Determination of age of animal.

If there is any dispute as to the age of any domesticated animal, in the absence of any affidavit or sworn testimony from a person who has personal knowledge of the date of birth, a determination made by the animal control officer is conclusively presumed to be correct.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

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

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

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

Approved this ___ day of _____, 2015

BOB JOHNSON
MAYOR

ATTEST:

JENNIFER M. FERRAILOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held May 6, 2015, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2015, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

JENNIFER M. FERRAIOLO
City Clerk

Approved to Form:

JANICE D. MAGDICH
City Attorney