



LODI CITY COUNCIL
Carnegie Forum*
 305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: May 16, 2007
Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

*and via conference call:

Crowne Plaza Hotel
1177 Airport Blvd
Burlingame, CA 94010

For information regarding this Agenda please contact:

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

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

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code Section 54956.9(a); One Case; Norma Carson v. City of Lodi, San Joaquin Superior Court Case No. CV 032190
- b) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Professional Firefighters and Fire Mid-Managers Pursuant to Government Code §54957.6
- d) Actual Litigation: Government Code §54956.9(a); One Case; Kim M. Lee v. City of Lodi, et al., San Joaquin County Superior Court, Case No. CV028966
- e) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Marty Rosen Against City of Lodi Based on Personal Injury
- f) Actual Litigation: Government Code §54956.9(a); One Case; City of Lodi, et al. v. EBMUD, State Water Resources Control Board, Application No. 13156

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. Invocation – Pastor Perry Kallis, Temple Baptist Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards

- a) Presentation of the Firefighter of the Year 2006 Plaque to Fire Engineer Chris Allen (FD)

D-2 Proclamations

- a) Hunger Awareness Week

D-3 Presentations

- a) Presentation by the Lodi Community Foundation

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

- E-1 Receive Register of Claims in the Amount of \$5,335,734.27 (FIN)

- E-2 Approve Minutes (CLK)
 - a) April 18, 2007 (Regular Meeting)
 - b) May 1, 2007 (Shirtsleeve Session)
 - c) May 2, 2007 (Regular Meeting)
 - d) May 8, 2007 (Shirtsleeve Session)
 - e) May 8, 2007 (Special Meeting)
- E-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Asphalt Rubber Cape Seal, Various Streets, 2007 (PW)
- Res. E-4 Adopt Resolution Authorizing the City Manager to Execute San Joaquin Council of Governments Cooperative Agreements for Cape Seal Project (\$71,500), Elm Street Overlay Project (\$412,000), and Turner Road Improvements (\$785,000) (PW)
- E-5 Approve Specifications and Authorize Advertisement for Bids to Procure Polemount and Padmount Transformers (EUD)
- E-6 Approve Request for Proposals and Authorize Advertisement for Bids for Security Services for Lodi Station and Lodi Station Parking Structure (PW)
- Res. E-7 Adopt Resolution Approving Purchase of Asphalt Pavement Compactor from Ingersoll Rand Equipment Sales, of Sacramento (\$36,743), and Appropriating Funds (PW)
- Res. E-8 Adopt Resolution Authorizing the Purchase of Remote Terminal Unit and Accessories from Siemens Power Transmission and Distribution, Inc., of Palatine, Illinois, for the Killelea Substation Rehabilitation Project (\$60,000) (EUD)
- Res. E-9 Adopt Resolution Awarding the Transformer Maintenance Services for Henning and Industrial Substations to Waukesha Electric Systems, Inc., of Waukesha, Wisconsin (\$30,250) (EUD)
- Res. E-10 Adopt Resolution Awarding Contract for Asphalt Materials for Fiscal Year 2007-08 to Granite Construction Company, of Stockton (\$165,930) (PW)
- Res. E-11 Adopt Resolution Approving Addendum to the Improvement Agreement for Public Improvements at 856 North Sacramento Street to Provide One-Year Time Extension (PW)
- Res. E-12 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with WGR Southwest, Inc., of Lodi, for Storm Drainage Permit Compliance Inspections for Wet Season Construction Inspection (PW)
- Res. E-13 Adopt Resolution Authorizing the City Manager to Execute a Professional Services Contract with the Lodi Salvation Army to Administer the SHARE Customer Verification and Certification Program (a Pilot Project) and Allocate \$14,500 in Public Benefit Program Funds to Complete this Project (EUD)
- E-14 Authorize the City Manager to Execute the City of Stockton Emergency Communications Agreement (FD)
- E-15 Authorize Staff to Amend the General Plan Update Scope of Services to Expand the Community Survey to Include All City Residents and Adjust the Budget by \$7,200 for a Total of \$17,700 (CD)
- E-16 Approve Submitted City of Lodi Arts and Cultural Project Grants for 2006-07 (COM)
- E-17 Set Public Hearing for June 6, 2007, to Consider the Introduction of an Ordinance Amending the Lodi Municipal Code to Create Comprehensive Regulations for Mobile Food Vendors and Itinerant Merchants (CD)

F. Comments by the Public on Non-Agenda Items

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

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

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

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

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

I. Public Hearings

- Ord. I-1 Public Hearing to Consider Introduction of an Ordinance Amending Chapter 13.20, "Electrical
(Introduce) Service," by Amending §13.20.210, Schedule EM (Mobile Home Park Service), to Become Effective July 1, 2007 (EUD)
- Ord. I-2 Public Hearing to Consider Introduction of an Ordinance Amending Chapter 13.20, "Electrical
(Introduce) Service," by Replacing §13.20.175, Schedule MCA (Market Cost Adjustment), with Schedule ECA (Energy Cost Adjustment) to Become Effective July 1, 2007 (EUD)

J. Communications

- J-1 Claims Filed Against the City of Lodi – None
- J-2 Appointments – None
- J-3 Miscellaneous – None

K. Regular Calendar

- Res. K-1 Adopt Resolution Approving Control Point Adjustments for Executive Management and Cost of
Living Adjustments for Unrepresented Mid-Managers (CM)
NOTE: This item is carried over from the meeting of 5/2/07
- Res. K-2 Adopt Resolution Approving Reclassification and Salary Adjustment for City Engineer and Equity
Pay Adjustment for Public Works Director (CM)
NOTE: This item is carried over from the meeting of 5/2/07
- K-3 Overview of 2007-08 Operating and Capital Outlay Budget (CM)
- K-4 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental
Abatement Program Litigation and Various Other Cases Being Handled by Outside Counsel
(\$221,408.56) (CA)

L. Ordinances

- Ord. L-1 Ordinance No. 1797 entitled, "An Ordinance of the City Council of the City of Lodi Levying and
(Adopt) Apportioning the Special Tax in Community Facilities District No. 2007-1 (Public Services)"
(CLK)

M. Adjournment

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

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Present "Firefighter of the Year 2006" Plaque to Fire Engineer Chris Allen
MEETING DATE: May 16, 2007
PREPARED BY: Michael E. Pretz, Fire Chief

RECOMMENDED ACTION: Presentation

BACKGROUND INFORMATION: Chief Pretz will present the "Firefighter of the Year 2006" plaque to Fire Engineer Chris Allen.

FISCAL IMPACT: None

FUNDING AVAILABLE: None Required

Michael E. Pretz, Fire Chief

MEP/lh

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Hunger Awareness Week

MEETING DATE: May 16, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Present proclamation proclaiming the week of June 3 – 9, 2007, as “Hunger Awareness Week” in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the week of June 3 – 9, 2007, as “Hunger Awareness Week” in the City of Lodi. Ted Van Alen with Lodi Salvation Army will be at the meeting to accept the proclamation.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None.

Randi Johl
City Clerk

RJ/JMP

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by the Lodi Community Foundation

MEETING DATE: May 16, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: None; presentation only.

BACKGROUND INFORMATION: Representatives of the Lodi Community Foundation will be at the meeting to introduce the organization and give a presentation on its functions and tasks.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated April 19 and April 26, 2007 in the Total Amount of \$5,335,734.27

MEETING DATE: May 16, 2007

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$5,335,734.27.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$5,335,734.27 dated 4/19/2007 and 4/26/2007. Also attached is Payroll in the amount of \$1,159,729.47.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable
Council Report

Page - 1
Date - 05/02/07
Amount

As of Thursday	Fund	Name	Amount
<hr style="border-top: 1px dashed black;"/>			
04/19/07	00100	General Fund	660,089.57
	00160	Electric Utility Fund	86,422.27
	00161	Utility Outlay Reserve Fund	16.85
	00164	Public Benefits Fund	2,763.43
	00170	Waste Water Utility Fund	16,848.13
	00172	Waste Water Capital Reserve	5,519.35
	00180	Water Utility Fund	25,391.88
	00181	Water Utility-Capital Outlay	62.44
	00210	Library Fund	26,449.67
	00234	Local Law Enforce Block Grant	353.21
	00235	LPD-Public Safety AB 1913	57.25
	00260	Internal Service/Equip Maint	42,330.47
	00270	Employee Benefits	22,127.07
	00300	General Liabilities	6,895.15
	00321	Gas Tax - 2105,2106,2107	2,227.35
	00340	Comm Dev Special Rev Fund	1,015.26
	00505	L&L Dist Z4-Almond North	3,287.50
	01211	Capital Outlay/General Fund	456.61
	01218	IMF General Facilities-Adm	56,970.23
	01250	Dial-a-Ride/Transportation	155,950.66
	01410	Expendable Trust	59,246.39
			<hr style="border-top: 1px dashed black;"/>
Sum			1,174,480.74
			<hr style="border-top: 1px dashed black;"/>
Total for Week			
Sum			1,174,480.74

Accounts Payable
Council Report

Page
Date
Amount

- 1
- 05/02/07

As of Thursday	Fund	Name	Amount
04/26/07	00100	General Fund	518,894.94
	00120	Vehicle Replacement Fund	101,412.35
	00160	Electric Utility Fund	3,373,423.61
	00164	Public Benefits Fund	1,085.52
	00170	Waste Water Utility Fund	11,954.44
	00172	Waste Water Capital Reserve	4.14
	00180	Water Utility Fund	118.08
	00210	Library Fund	4,429.17
	00231	Auto Theft Prosecution Fund	350.00
	00260	Internal Service/Equip Maint	3,853.33
	00270	Employee Benefits	24,510.06
	00300	General Liabilities	17,681.55
	00310	Worker's Comp Insurance	17,302.11
	00321	Gas Tax - 2105,2106,2107	5,354.82
	00325	Measure K Funds	5,216.14
	00337	Traffic Congestion Relf-AB2928	11,420.77
	00340	Comm Dev Special Rev Fund	25,072.23
	00550	SJC Facilities Fees-Future Dev	21,637.14
	01218	IMF General Facilities-Adm	12,537.66
	01250	Dial-a-Ride/Transportation	1,621.43
	01410	Expendable Trust	3,374.04

Sum			4,161,253.53

Total for Week			
Sum			4,161,253.53

Council Report for Payroll

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Date - 05/02/07

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	04/22/07	00100	General Fund	749,778.00
		00160	Electric Utility Fund	138,316.60
		00164	Public Benefits Fund	5,162.00
		00170	Waste Water Utility Fund	68,698.55
		00180	Water Utility Fund	9,053.80
		00210	Library Fund	33,567.07
		00235	LPD-Public Safety AB 1913	4,391.16
		00260	Internal Service/Equip Maint	18,283.70
		00321	Gas Tax - 2105,2106,2107	54,978.27
		00340	Comm Dev Special Rev Fund	36,071.44
		01250	Dial-a-Ride/Transportation	3,114.56
Pay Period Total:				
Sum				1,121,415.15
Retiree	05/31/07	00100	General Fund	38,314.32
Pay Period Total:				
Sum				38,314.32



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Minutes
a) April 18, 2007 (Regular Meeting)
b) May 1, 2007 (Shirtsleeve Session)
c) May 2, 2007 (Regular Meeting)
d) May 8, 2007 (Shirtsleeve Session)
e) May 8, 2007 (Special Meeting)

MEETING DATE: May 16, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) April 18, 2007 (Regular Meeting)
b) May 1, 2007 (Shirtsleeve Session)
c) May 2, 2007 (Regular Meeting)
d) May 8, 2007 (Shirtsleeve Session)
e) May 8, 2007 (Special Meeting)

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 18, 2007**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of April 18, 2007, was called to order by Mayor Johnson at 6:00 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

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

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Review of Council Appointees – City Manager and City Attorney – pursuant to Government Code §54957
- b) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Norma Carson against City of Lodi Based on Personal Injury
- c) Actual Litigation: Government Code §54956.9(a); One Case; City of Lodi v. Stephen Banks and Christine Banks, San Joaquin County Superior Court, Case No. CV 032023
- d) Actual Litigation: Government Code §54956.9(a); Two Consolidated Cases; Ana Perez v. Allen Aadland, City of Lodi, et al. and Allstate Insurance Company v. City of Lodi, Allen B. Aadland, Lodi Electric Utility, et al., San Joaquin County Superior Court Case No. CV 028324
- e) Actual Litigation: Government Code §54956.9(a); One Case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al., United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- f) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658

C-3 ADJOURN TO CLOSED SESSION

At 6:00 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:53 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 Schwabauer disclosed the following actions.

Items C-2 (a) and C-2 (e) were not discussed.

Items C-2 (b), C-2 (c), and C-2 (f) were discussion only.

In regard to Item C-2 (d), settlement authority and direction was given for \$15,000.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of April 18, 2007, was called to order by Mayor Johnson at 7:00 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

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

B. INVOCATION

The invocation was given by Pastor Bill Cummins, Bear Creek Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Johnson presented a proclamation to Jennifer Busalacchi, Rape Prevention Coordinator with the San Joaquin County Women's Center, proclaiming the month of April 2007 as "Sexual Assault Awareness Month" in the City of Lodi.

D-2 (b) Mayor Johnson presented a proclamation to Nancy Martinez, Library Services Director, proclaiming the week of April 15 – 21, 2007, as "National Library Week" in the City of Lodi.

D-3 Presentations – None

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$6,591,192.66.

E-2 The minutes of April 3, 2007 (Shirtsleeve Session) were approved as written.

E-3 Adopted Resolution No. 2007-68 approving Negative Declaration 06-01 as adequate environmental documentation for the proposed Killelea Substation Rehabilitation Project.

E-4 Approved the specifications and authorized advertisement for bids for wood utility poles, #477MCM bare aluminum conductor, and padmount liquid insulated vacuum switchgear.

E-5 Approved the request for proposals for services to perform inspection, adjustments, and maintenance tests of four power transformers and load tap changers in Henning and Industrial Substations.

E-6 Approved the request for proposals and authorized advertisement for bids for concession operations at Lodi Lake Park and other locations (determined quarterly) for recreational events.

E-7 Adopted Resolution No. 2007-69 authorizing the City Manager to execute contract with Layne Christensen Company, of Woodland, for repairs to City Water Well No. 18 in the amount of \$40,183.

E-8 "Adopt Resolution Authorizing the City Manager to Execute a Master Professional Services Agreement with Ruark and Associates, of San Ramon, for Temporary Engineering Services and to Approve Individual Task Orders" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

E-9 "Approve Contract to Provide Management Services to Delta College for the Preparation of an Environmental Impact Report for the Delta College Lodi Campus" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-8 “Adopt Resolution Authorizing the City Manager to Execute a Master Professional Services Agreement with Ruark and Associates, of San Ramon, for Temporary Engineering Services and to Approve Individual Task Orders”

Council Member Hitchcock pulled the item and requested an overview of the contract.

City Manager King explained the contract provided for staff coverage during the recruitment process for the city engineer position in light of Wally Sandelin’s anticipated departure. Public Works Director Prima stated Ruark and Associates is a small firm that specializes in municipal agencies and is currently working primarily for the city of Lathrop. Mr. Prima stated the firm will provide overall staff assistance as needed and will not have set office hours.

In response to Council Member Hitchcock, Mr. Prima stated the agreement is for approximately \$20,000 and any additional amounts over \$20,000 would be brought back to Council for approval.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Hansen second, unanimously adopted Resolution No. 2007-70 authorizing the City Manager to execute a master professional services agreement with Ruark and Associates, of San Ramon, for temporary engineering services and authorized the City Manager to approve individual Task Orders.

- E-9 “Approve Contract to Provide Management Services to Delta College for the Preparation of an Environmental Impact Report for the Delta College Lodi Campus”

Council Member Hitchcock requested a presentation regarding the item.

City Manager King provided an overview of the proposed project, stating the City is better equipped to manage the day-to-day happenings with the project; although, the majority of the work is being done by Delta College and its consultants.

Planning Manager Peter Pirnejad stated he has worked on the project in limited capacity for some time, made recommendations to the college, worked with the Director on selecting the consultants, and has the ability to oversee the project to ensure it moves forward.

In response to Council Member Hitchcock, Mr. King stated the College may be trying to avoid the mistakes of the Mountain House project and the City is in a better position to manage the process because it has planners and the college does not. Council Member Hitchcock stated she cannot support the matter because she does not believe the City should be involved at the proposed level.

Council Member Hansen stated he would support the contract because it is a partnership with the college to provide and share each agency’s set of expertise.

Mayor Pro Tempore Mounce stated she would not support the action because the map was not available at an earlier time. Mayor Johnson stated the map was previously made available to the public and in the newspaper.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, approved the contract to provide management services to Delta College for the preparation of an Environmental Impact Report for the Delta College Lodi Campus. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katakian, and Mayor Johnson
Noes: Council Members – Hitchcock and Mounce
Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Dale Edwards requested a reconsideration of the previously adopted ordinance pertaining to gambling based on ethical considerations.
- Tom Newton stated the procedures regarding the previously adopted cardroom ordinance were properly followed and adhered to. In response to Council Member Hitchcock, Mr. Newton stated there was not a legal expansion of gambling per statute when the table size was changed from 48 to 90.
- Greg Goehring spoke in opposition to the previously adopted ordinance pertaining to gambling based on his concerns regarding the expansion of tables and people at the tables, the 9% gross revenues paid to the City, Mr. Newton's participation in the drafting of the ordinance, and comparisons to the Stockton ordinance. City Attorney Schwabauer stated the ordinance was drafted prior to and without Mr. Newton's involvement. Mr. Schwabauer stated Mr. Newton did provide comments at a later date by way of a draft proposed ordinance.
- Mark Washburn requested reconsideration of the previously adopted ordinance pertaining to gambling based on his concerns regarding community impact and signage along the highway.
- Ryan Lewis spoke in favor of the previously adopted ordinance pertaining to gambling, stating that additional people are interested in coming to the card room due to changes in the games.
- Linda Salisbury requested reconsideration of the previously adopted cardroom ordinance based on her concerns regarding impacts on families and children.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported on his attendance at the utility directors' retreat as Vice Chair of Northern California Power Agency, Century Meadows Park fencing and reseeding, and efforts regarding the safety of Highway 12.
- Council Member Hitchcock reported on her attendance at the Lodi Arts Commission dinner and dance and encouraged community participation with the Commission's efforts.
- Mayor Johnson reported that the Board of Supervisors committed \$400,000 to the Grape Bowl rehabilitation project. Mr. King stated the Grape Bowl Committee must now raise approximately \$500,000 in a 12-month period. Mayor Johnson also stated he, Council Member Katzakian, City Manager King, and Police Chief Adams will serve on a San Joaquin County task force addressing the expansion of jail facilities.
- Mayor Pro Tempore Mounce stated she had some concerns regarding speeding in neighborhoods and suggested citizens may be able to help by obtaining lawn signs for a minimal fee and placing them in their front yards. She suggested staff may want to look into options regarding the same.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King stated staff is working on public education through the Police Department regarding citizens observing traffic laws.

I. PUBLIC HEARINGS

Mayor Johnson stated the Council may want to consider a motion regarding time limits for public comments on the first public hearing in light of the crowd. He stated public comments can be limited to a specified time and discouraged repetitive comments. Council Member Hitchcock stated public comments should not be limited by time, but repetitive comments should be discouraged. Council Member Hansen stated he agreed with Council Member Hitchcock.

- I-1 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 an appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane (Wine Country Casino and Restaurant, applicant; Kenneth R. Owen, appellant) *NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31*

Mayor Pro Tempore Mounce disclosed she visited the old and new facilities, spoke to facility workers, and met with Mr. Owen.

Council Member Hansen disclosed that he spoke with Mr. Newton some time ago, spoke with Mr. Owens several times, and was unable to meet with the facility members.

Council Member Hitchcock disclosed she exchanged emails with Chris Ray but was unable to meet, met with Mr. Owen, received documentation from Mr. Newton, and visited the facility.

Council Member Katzakian disclosed he had spoken with both sides and visited the new facility.

Mayor Johnson disclosed he received a number of communications, has not met with anybody since the previous ordinance was adopted, and has not visited the site.

City Manager King briefly introduced the subject matter.

Planning Manager Pirnejad provided an overview of the history and current status of the appeal. He specifically discussed compliance with the Municipal Code, project site, proposed services, Planning Commission review and recommendations, appeal by Christian Community Concerns, C-2 commercial zoning, Police Department analysis, involvement of the Office of Gambling Control and Department of Alcohol and Beverage Control, review of the proposal, staff recommendations, proposed landscape plan, and the condition of yearly review.

In response to Council Member Hitchcock, Mr. Pirnejad provided an overview of the Planning Commission discussion regarding this item. Mr. Pirnejad specifically discussed the location of the site at the entrance to the City, proximity to residential areas, property values, signage, addictiveness of alcohol and gambling, lighting and landscaping plan, traffic study, and consultation with the traffic engineers regarding the same.

In response to Council Member Hitchcock, Mr. Pirnejad stated the facility is required by the Municipal Code to have 39 parking spaces and it has 84 with potential for additional overflow. He stated the maximum occupancy is less than 300 people.

In response to Council Member Hitchcock, Mr. Pirnejad stated the proposal is to use the signage that is currently in existence with no changes.

In response to Mayor Pro Tempore Mounce, Mr. Pirnejad stated the signage does have the ability to light up.

In response to Council Member Hansen, Mr. Pirnejad stated there is no permit requirement to change the face plate of the signage other than a building permit. Council Member Hansen stated he would not want to see the word "casino" on the sign.

In response to Council Member Hitchcock, Mr. Pirnejad stated, as a condition of the use permit, the owner must keep the sliding door separator between the restaurant and casino closed.

In response to Council Member Hitchcock, Mr. Pirnejad stated there is no outstanding Fire Department correction, but the notation is used to reserve future concerns as a condition of the certificate of occupancy.

In response to Council Member Hitchcock, Mr. Pirnejad stated he is not aware of the ages of the employees in the restaurant.

In response to Council Member Hitchcock, Mr. Pirnejad stated 5.1 references a section of the ordinance that must be complied with.

In response to Council Member Hitchcock, Mr. Pirnejad stated notices were sent out to everyone located within a 300 foot radius as required by law. Discussion ensued between Council Member Hitchcock, City Attorney Schwabauer, and Mr. Pirnejad regarding the need for individual notification to property owners in the condo complex, notice to the homeowners association, and legal compliance with the noticing statutes. Mr. Schwabauer indicated noticing requirements were met pursuant to law.

In response to Council Member Hitchcock, Mr. Pirnejad stated the hours of operation could be changed.

In response to Council Member Hitchcock, Mr. Pirnejad stated the current ordinance was not changed as to the sale of alcohol. Mr. Pirnejad stated the Stockton ordinance does not allow the sale of alcohol in the cardroom, but does allow the sale onsite. He stated the City's ordinance does allow the sale of alcohol in the cardroom, but also limits the dealing of cards to those inebriated.

In response to Mayor Pro Tempore Mounce, Mr. Schwabauer stated the proposed facility could not operate as a casino in the Tahoe sense of the word unless state law and the Municipal Code changed. He stated state law does not prevent a cardroom from utilizing the word casino; although, the operation is limited to a cardroom. He stated the primary difference is the interest in the outcome of the bet placed.

In response to Council Member Hitchcock, Mr. Schwabauer stated he is not aware of any push to change or otherwise expand cardroom operations statewide.

RECESS

At 8:44 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:53 p.m.

I. PUBLIC HEARINGS (Continued)

I-1 Comments by Appellant and Applicant (Cont'd.)

- Ken Owen, appellant and representative of Christian Community Concerns, provided an overview of the organization. Mr. Owen also discussed the City's previous adoption of the ordinance pertaining to gambling, overall growth and expansion in the city, notification requirements for the proposed facility, petitions signed by individuals opposed to the proposed facility, location of the facility near the entrance to the city, Cherokee Lane traffic concerns, Stone Tree condo unit sales and property values, and the overall effect of gambling on families. In response to Council Member Hitchcock, Mr. Owen stated he was advised by the realtor that the property values of the condos would be adversely affected. In response to Mayor Johnson, Mr. Owen stated he was not sure how many of the units were currently leased or rented.
- Diane Rankin, representing Stone Tree condo complex, stated it placed brochures in the sales office for potential buyers who are not aware of the proposed facility. In response to Council Member Hansen, Ms. Rankin stated the complex has 42 owners, 4 of whom are offsite, and 32 unsold units. She stated the last unit sold today.
- Tom Newton, representative of Wine Country Casino and Cardroom, provided a brief presentation regarding the proposed facility. He discussed the recommendations of the Police Department and Planning Commission, previous lawful use, the annual review, new jobs, and location in a commercial zone. In response to Council Member Hansen, Mr. Newton stated they have expended about \$150,000 and are committed to a 15-year

facility lease. In response to Mayor Johnson, Mr. Newton stated, as a condition of the use permit, they will be returning for an annual review to ensure compliance. City Attorney Schwabauer stated there may also be other independent reviews by differing agencies. In response to Council Member Hitchcock, Mr. Newton stated they are not taking anything for granted and are working on a self-policing program through the Department of Gambling.

Hearing Opened to the Public

- David Gutierrez spoke in opposition to the proposed facility based on concerns regarding the effects of gambling on children.
- John Glen spoke in favor of the proposed facility based on the positive impacts it will have on the community.
- Pat Meeks spoke in favor of the proposed facility, stating he played cards for entertainment purposes.
- LaVerne Avila spoke in opposition to the proposed facility based on location concerns.
- Pastor Knowles spoke in opposition to the proposed facility based on the moral effects of gambling.
- Perry Kallis spoke in opposition to the proposed facility based on the negative effects of gambling on communities.
- Tim Pollock spoke in opposition to the proposed facility based on the negative effects of gambling on families.
- Dale Edwards spoke in opposition to the proposed facility based on the negative effects of gambling, revenue relationship with the City, and contingencies in contracts and requested the decision be delayed until more information is received.
- Ryan Lewis spoke in favor of the proposed facility, stating the sliding door was a pre-existing door, Stockton Police Department responses to the cardrooms are fewer in number than those for pizza parlors, the players are good clientele, it is a highly-regulated business, this is not a new business but a move of a pre-existing legal business, they are addressing problem gambling through the self-exclusion program, and they will remove the word "casino" if necessary.
- Kevin Stevens spoke in opposition to the proposed facility based on his concerns regarding the negative effect on tourism revenue and reputation of the city.
- Michael Norman spoke in opposition to the proposed facility based on the negative impacts on the community and notifications to surrounding property owners.
- William Rusher spoke in favor of the proposed facility, stating it is a lawful business and provides entertainment.
- Rene Philastre spoke in favor of the proposed facility, stating he would like the right to play poker in Lodi so that he does not have to go to another city.
- Eunice Friederich spoke in opposition to the proposed facility based on her concerns regarding the city's image and the effects of gambling on families and neighbors.
- Wes Hallmark spoke in opposition to the proposed facility based on his concerns regarding the image of the city.
- Diane Rankin spoke in opposition to the proposed facility based on her concerns regarding the effects on Stone Tree residents and property values.
- David Nielsen spoke in favor of the proposed facility based on his involvement with the local community and restaurant and the location.

- Randy Snider spoke in favor of the proposed facility based on knowledge of the individuals involved with the project and their strong ties to the community.
- Jack Morgan spoke in favor of the proposed facility based on its location and service.

Public Portion of Hearing Closed

Ken Owen provided closing remarks as the appellant, stating the opposition to the proposed facility would still be so regardless of the principals involved as he is against gambling and its effect on people. Mr. Owen stated he also had concerns regarding the location.

Tom Newton provided closing remarks, stating personal choice cannot be regulated and the business should be given an opportunity.

In response to Council Member Hansen, City Attorney Schwabauer stated the ordinance previously adopted must be reauthorized to consider any amendments, including those related to revenue and sales tax.

Discussion ensued between the City Council regarding the proposed motion, changes regarding hours of operation, signage, an accelerated restaurant opening, and property values.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, adopted Resolution No. 2007-71 denying the appeal from Kenneth R. Owen regarding the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane and further directed that the following two conditions be incorporated into the Conditional Use Permit: 1) limit the hours of operation to 10:00 a.m. to 2:00 a.m., Monday through Sunday; and 2) prohibit the use of the word "casino" in all signage. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

RECESS

At 11:19 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 11:27 p.m.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour, with the exception of Items I-2, I-3, K-1, K-2, and K-5, all of which will be continued to the regular meeting of May 2, 2007.

I. PUBLIC HEARINGS (Continued)

- I-2 "Public Hearing to Consider Adoption of Resolution Establishing Public Works Department Engineering Fees for Various Development-Related Engineering Services; Establishing Standard Unit Price Schedule for Calculation of Engineering Fees and Improvement Security; and Establishing Requirement for Warranty Security for Public Improvements" was **pulled from the agenda pursuant to the above vote.**

- I-3 "Public Hearing to Consider Adoption of Resolution Setting Storm Drainage Permit Compliance Inspection Fees for Wet Season Construction Inspections" was ***pulled from the agenda pursuant to the above vote.***

J. COMMUNICATIONS

- J-1 Claims Filed Against the City of Lodi – None
- J-2 Appointments – None
- J-3 Miscellaneous – None

K. REGULAR CALENDAR

- K-1 "Consideration of Water Meter Retrofit Policy" was ***pulled from the agenda pursuant to the above vote.***
- K-2 "Receive Progress Report on City of Lodi General Plan Update" was ***pulled from the agenda pursuant to the above vote.***
- K-3 "Consider Adoption of Revised Travel and Expense Reimbursement Policy"

Discussion ensued between Council Member Hitchcock, Council Member Hansen, Mayor Pro Tempore Mounce, Mayor Johnson, City Clerk Johl, and Deputy City Manager Krueger regarding the \$65 per diem amount and the possibilities of combining unused travel funds.

Mayor Johnson stated he would like to fund the One Voice trip, but he is not in support of combining the accounts and would rather discuss the matter in the future.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, adopted Resolution No. 2007-72 approving the revised Travel and Expense Reimbursement Policy. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce
Noes: Council Members – Johnson
Absent: Council Members – None

- K-4 "Review Groundwater Charge for City Wells Proposed by the North San Joaquin Water Conservation District and Direct Staff as Appropriate"

City Manager King provided a brief introduction of the history, status, and cost associated with the North San Joaquin Water Conservation District (NSJWCD).

In response to Council Member Hansen, Mr. King stated it is unclear how the water fund will be impacted. Mr. Prima stated the fund might be affected by the water meter policy, but this by itself would not trigger a rate increase.

In response to Council Member Hitchcock, Mr. Prima stated rates would not be raised for \$67,000 but the fund may be impacted at a later date by the water meters.

Discussion ensued between Mayor Johnson and Ed Stefani, representing NSJWCD, regarding the annual acreage charge per resident, addressing overdraft issues, the water rate permit process, and the County's efforts with groundwater charge.

In response to Council Member Hansen and Mayor Johnson, Mr. Prima stated the matter can still fail under a protest and the State could still take over.

In response to Mayor Pro Tempore Mounce, Mr. Stefani stated \$800,000 is coming from agricultural areas to the east and north.

In response to Council Member Hitchcock, Mr. Stefani stated Lodi is the only city involved, but there are other public agencies that are involved.

In response to Mayor Johnson, Mr. Prima stated the water fund can absorb the cost and there is no sunset clause.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, approved supporting the proposed groundwater charge by the NSJWCD on well owners, including City of Lodi wells within the District (approximately \$200,000 per year), with the additional request that reasonable payment terms be implemented that would help with the City's cash flow. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

K-5 “Consideration of Adjustments to the City Manager and City Attorney Employment Agreements” was ***pulled from the agenda pursuant to the above vote.***

K-6 “Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases Being Handled by Outside Counsel (\$98,008.45)”

In response to Council Member Hitchcock, Mr. Prima replied that the groundwater clean-up amounts are \$1.8 million for the current year and \$2.7 million for the next year.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Council Member Hansen second, approved expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$98,008.45, as detailed below:

Folger Levin & Kahn – Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct. Amount
8002	100826	2/28/2007	People v. M&P Investments	\$ 17,715.15
8003	100827	2/28/2007	Hartford Insurance Coverage Litigation	\$194,989.50
			Contingency Fee Amount Savings	-144,989.50
8008	100825	2/28/2007	City of Lodi v. Envision Law Group	\$ 11,220.30
				<u>-281.00</u>
			Total	\$ 78,654.45

Kronick Moskovitz Tiedemann & Girard – Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
11233.026	231521	03/25/07	Lodi First v. City of Lodi	\$ 9,174.36
11233.027	231521	03/25/07	Citizens for Open Government v. City of Lodi	\$ 414.73
11233.029	231521	03/25/07	AT&T v. City of Lodi	\$ 2,387.46
11233.032	231521	03/25/07	CFD Formation	<u>\$ 5,026.50</u>
			Total	\$ 17,003.05

Kronick Moskovitz Tiedemann & Girard – Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
11233.019	228819	10/25/06	Claims by Environmental Consult.	\$ 304.00
11233.026	228819	03/25/07	Lodi First v. City of Lodi	\$ 114.10
11233.027	228819	03/25/07	Citizens for Open Government v. City of Lodi	\$ 551.05
11233.029	228819	03/25/07	AT&T v. City of Lodi	\$ 76.15
Total				\$ 1,045.30

MISCELLANEOUS

Invoice No.	Date	Description	Water Account Amount
868801	3/16/2007	Harry A. Cannon, Inc.	\$ 576.15
20062531	3/28/2007	Legalink, Inc.	\$ 729.50
Total			\$ 1,305.65

L. ORDINANCES

L-1 Following reading of the title of Ordinance No. 1795 entitled, "An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 1325 and 1333 South Central Avenue (APN 047-270-11 and 047-270-12) from RE-1, Single Family Residential Eastside, to C-2, General Commercial, for the Gini Project," having been introduced at a regular meeting of the Lodi City Council held April 4, 2007, the City Council, on motion of Council Member Hansen, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None

L-2 Following reading of the title of Ordinance No. 1796 entitled, "An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 975, 999, and 1031 South Fairmont Street; 1200 West Vine Street; and 1201, 1139, 1133, 1127, 1121, and 1115 West Cardinal Street from RCP, Residential-Commercial-Professional Office, and R-2, Residence District, to PD, Planned Development, for the Lodi Memorial Hospital Project," having been introduced at a regular meeting of the Lodi City Council held April 4, 2007, the City Council, on motion of Council Member Hansen, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Mayor Johnson

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:08

ATTEST:

Randi Johl
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 1, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, May 1, 2007, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Hitchcock, Katakian, Mounce, and Mayor Johnson
Absent: Council Members – None
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. TOPIC(S)

B-1 "Review and Discussion of Proposed Vending Ordinance"

Community Improvement Manager Joseph Wood provided a presentation regarding a proposed ordinance for mobile food vendors. Specific topics of discussion included the Stockton ordinance, previous difficulties and complaints with mobile food vending operations, land use issues regarding vending, specific Municipal Code sections affected by vending operations, discussions between local mobile food vendors and staff, permit to operate, process and specific conditions outlined in proposed ordinance, location, time limitations, operations on private property versus public property, sanitation concerns, health regulations, post and enforce no loitering, penalty standards, and available options.

In response to Council Member Hansen, Mr. Wood stated he is not aware of any lunch truck mobile vendors operating in the residential areas.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, and Mr. Wood regarding the impact of a 100 and 300 foot buffer on current lunch truck vendor operations and alternatives to the buffers including hours of operation, electrical hook-ups, traffic safety, and proximity to residential units.

In response to Mayor Pro Tempore Mounce, City Attorney Schwabauer stated the buffers apply to the public right of ways and not to private property.

In response to Mayor Johnson, Mr. Wood stated there are no general limitations as to hours of operation for a vendor truck, but there are some limitations in a commercial area.

In response to Council Member Hansen, Mr. Wood provided an example of an approved permanent table and chair set-up in Modesto, which allows for multiple vendors to operate in the planned area. Mr. Wood stated Stockton does not appear to have any buffer regulations or other restrictions other than operations are not permitted in residential areas.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, and City Manager King regarding the need for paved lots, current operations on Lodi Avenue and Main Street, standards of operation for mobile food vending, and a workable solution to address various concerns such as concentration, residential impact, food handling, site access, and design issues.

In response to Council Member Hansen, Mr. Wood stated health regulations require restroom facilities within 200 feet and business owner permission for food handler purposes for any vendor that is parked in one location for an extended period of time.

In response to Mayor Johnson, the only alternative for vendors, who do not have access to restroom facilities with hot water within 200 feet, is to go somewhere else. Community Development Director Hatch stated the idea is to allow operations in a safe and healthy manner so as to meet all regulations imposed upon the vendors and the City. He stated individual review lends itself well to that.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated the language addresses push carts and ice cream trucks with an option to address all vending in residential areas.

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated there are no buffer restrictions currently and the hours of operation restrictions might be a good alternative to buffers.

In response to Mayor Pro Tempore Mounce, City Attorney Schwabauer stated Stockton does not have a specific buffer requirement for commercial operating next to residential. He also stated a conditional use permit may address some of these concerns.

City Manager King stated the matter will likely be reagendaized in June.

PUBLIC COMMENTS:

- David LeBeouf, legal counsel for some of the vendors, spoke in opposition to a buffer and suggested hours of operation restrictions as a good alternative. He specifically discussed the progress of the ordinance, buffer concerns regarding restrictions on doing business on main streets, the effectiveness of the permit process, encroachment permits as overkill, hearing requirements for due process, and the Stockton ordinance. City Attorney Schwabauer explained the due process rights that would be available for permit revocation.

In response to Mayor Pro Tempore Mounce, Mr. LeBeouf agreed that vending is not permitted in residential areas.

Discussion ensued between Council Member Hitchcock and Mr. LeBeouf regarding the differences between indoor and outdoor business operations, trips in and out of the business, loitering and noise concerns, and permanent seating.

- Eileen St. Yves spoke in opposition to buffer restrictions and in favor of mobile food vendors in general based on her previous experience with indoor businesses and her beliefs in free enterprise and competition.

In response to Mayor Pro Tempore Mounce, Senior Traffic Engineer Paula Fernandez stated the distance between the operation on Turner Road and Church Street and the residential across the street is within a 100 foot radius.

Discussion ensued between Maria Lopez and Mayor Pro Tempore Mounce regarding a specific noise incident that occurred at the Cherokee Lane and Locust Street location.

City Manager King stated it is important to avoid a case by case determination and the preference is to treat a class of business similarly to one another.

In response to Mayor Johnson, Mr. Hatch stated the permit to operate will be the equivalent of a conditional use permit and the Council can preclude tables and chairs outright; although, Stockton permitted the tables and chairs in certain areas as more of a land use decision.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated a 100 foot buffer would affect approximately nine vendors and a 400 foot buffer between vendors would affect approximately four to five vendors.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:22 a.m.

ATTEST:

Randi Johl, City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 2, 2007**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of May 2, 2007, was called to order by Mayor Johnson at 5:30 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian [excluding C-2 (c)], Mounce, and Mayor Johnson

Absent: Council Members – None

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

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Unrepresented Mid-Management and Executive Management Groups and Police Mid-Management Pursuant to Government Code §54957.6
- b) Actual Litigation: Government Code §54956.9(a); One Case; County of San Joaquin v. City of Stockton et al., San Joaquin County Superior Court, Case No. CV029651
- c) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658

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 7:05 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:10 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-2 (a) and C-2 (b) were discussion only.

In regard to Item C-2 (c), settlement authority was given.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of May 2, 2007, was called to order by Mayor Johnson at 7:10 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

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

B. INVOCATION

The invocation was given by Pastor Rod Suess, Vinewood Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Johnson presented a proclamation to Captain David Main proclaiming the month of May 2007 as “Peace Officer Memorial Month” in the City of Lodi.

D-2 (b) Mayor Johnson presented a proclamation to Bonney Schnabel, Public Works Administrative Clerk, proclaiming the week of May 20 – 26, 2007, as “National Public Works Week” in the City of Lodi.

D-2 (c) Mayor Johnson presented a proclamation to Mark Chandler with the Lodi-Woodbridge Winegrape Commission proclaiming the month of May 2007 as “Zinfandel Month” in the City of Lodi.

D-3 Presentations – None

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Hitchcock, Mounce second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$2,821,330.28.

E-2 The minutes of April 4, 2007 (Regular Meeting), April 10, 2007 (Shirtsleeve Session), April 10, 2007 (Special Meeting), April 17, 2007 (Shirtsleeve Session), April 17, 2007 (Special Joint Meeting w/Arts Commission), and April 24, 2007 (Shirtsleeve Session) were approved as written.

E-3 Approved the specifications and authorized advertisement for bids to procure 15kV class indoor switchgear for the Killelea Substation Rehabilitation Project.

E-4 Approved the request for proposals for services to provide the routing and siting evaluation, alternative and right-of-way analysis, issue identification, cost/benefit studies, and other related recommendations for a potential transmission line interconnection to White Slough Water Pollution Control Facility.

E-5 Adopted Resolution No. 2007-73 approving the purchase of 14 Delta Force Level IIIA ballistic helmets from Brandon Enterprises for the Lodi Police Department Special Weapons and Tactics Team in the amount of \$5,810.

E-6 Adopted Resolution No. 2007-74 accepting the award from the Department of Homeland Security for the purchase of radios for the Lodi Police Department’s Special Weapons and Tactics Team and appropriating \$60,000 for purchase of radios.

E-7 Adopted Resolution No. 2007-75 awarding the contract for Elm Street Overlay 2007 to DSS Engineering Company, of Stockton, in the amount of \$374,833.

E-8 Adopted Resolution No. 2007-76 approving the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities that will serve the Summer Swim League Program, which will run for the period of May 29, 2007 to July 26, 2007.

E-9 “Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Wenell Mattheis Bowe for Finance Department Relocation (\$82,000)” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

- E-10 Approved letters to State Water Resources Control Board in support of Mokelumne River water rights applications for North San Joaquin Water Conservation District and San Joaquin County.
- E-11 Set public hearing for May 16, 2007, to consider introduction of an ordinance amending Chapter 13.20, "Electrical Service," by amending §13.20.210, Schedule EM (Mobile Home Park Service) to become effective July 1, 2007.
- E-12 Set public hearing for May 16, 2007, to consider introduction of an ordinance amending Chapter 13.20, "Electrical Service," by replacing §13.20.175, Schedule MCA (Market Cost Adjustment), with Schedule ECA (Energy Cost Adjustment).
- E-13 Set public hearing for June 6, 2007, to consider adopting resolution adjusting Consumer Price Index-based water and wastewater rates.

ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-9 "Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Wenell Mattheis Bowe for Finance Department Relocation (\$82,000)"

This item was pulled by Mayor Johnson.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Hansen second, adopted Resolution No. 2007-77 authorizing the City Manager to execute a professional services agreement with Wenell Mattheis Bowe for Finance Department relocation in the amount of \$82,000. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Daniel Arbuckle with Lodi Bicycle spoke in favor of constructing a bicycle track in the city, possibly next to Salas Park. City Manager King stated a staff member from the Parks and Recreation Department will contact the speaker.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Mounce reported on her attendance at the San Joaquin Council of Governments One Voice conference in Washington DC and her meetings with Congressman McNerney and Congressman Cardoza.
- Council Member Hansen reported on his attendance at the Northern California Power Agency conference in Washington DC and his meetings with members of the Congress, Senate, Department of Energy, and Federal Energy Regulation Commission. He also mentioned the E-Waste Recycling event on May 19th at the Grape Bowl and congratulated the Lodi Unified School District on renovating the old Aiken School site.
- Mayor Johnson reported on his attendance at the meeting regarding commuter rail service along the Highway 99 corridor.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King provided an overview of the citizen satisfaction survey and the timeline associated with the same. Mr. King also stated staff has issued the request for proposals for the Guild property site. In response to Council Member Hitchcock, Mr. King stated the open period will last approximately a month and a half and staff will research possibilities of listing with the Multiple Listing Service.

I. PUBLIC HEARINGS

- I-1 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 continued public hearing to consider adoption of resolution establishing Public Works Department Engineering Fees for various development-related engineering services; establishing standard unit price schedule for calculation of engineering fees and improvement security; and establishing requirement for warranty security for public improvements.

Public Works Director Prima provided an overview of the proposed engineering fees, specifically discussing the fee schedule, plan check fees, percentage cost of improvements, the standard schedule of unit prices to process developments, reimbursement agreements for developers, partial acceptance for developers, and collecting costs of service for new services that are not currently accounted for.

Hearing Opened to the Public

None

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-78 establishing Public Works Department engineering fees for various development-related engineering services; establishing standard unit price schedule for calculation of engineering fees and improvement security; and establishing requirement for warranty security for public improvements.

- I-2 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 continued public hearing to consider adoption of resolution setting Storm Drainage Permit Compliance Inspection fees for wet season construction inspections.

Public Works Director Prima provided an overview of the Storm Drainage Permit Compliance Inspection fees, specifically discussing State mandates for storm drain permits, the inspection component of the program, and the use of consultants for inspections in the wet season.

In response to Council Member Hansen, Mr. Prima stated the fee is recommended by the consultant firm and includes an administration cost.

In response to Council Member Hitchcock, Mr. Prima stated staff will return to Council for the approval of the contract for inspections. He also stated that the 25% is for administrative costs.

In response to Mayor Johnson, Mr. Prima stated the State does not receive a separate portion of the fee, but it does receive approximately \$11,000 for the storm water permit. Mr. Prima stated the fee will be indexed in July.

In response to Council Member Hansen, Mr. Prima stated the inspectors will speak with violators, write a citation, and follow up. He stated they are hopeful that this process will be sufficient to obtain compliance before fees are assessed.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated staff could process a couple of hundred permits when things are busy. He stated the number is also dependent upon the number of building permits issued.

Hearing Opened to the Public

None

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously adopted Resolution No. 2007-79 setting Storm Drainage Permit Compliance Inspection fees for wet season construction inspections.

J. COMMUNICATIONS

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

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, unanimously made the following appointments and directed the City Clerk to post for the one remaining vacancy on the Lodi Improvement Committee:

APPOINTMENTS

Lodi Improvement Committee

Joseph Spinelli	Term to expire March 1, 2010
Sunil Yadav	Term to expire March 1, 2010
Stephen Jarrett	Term to expire March 1, 2010
Ron Lesan	Term to expire March 1, 2008

POSTING

Lodi Improvement Committee

One Vacancy	Term to expire March 1, 2008
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J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 “Consideration of Water Meter Retrofit Policy”

Public Works Director Prima provided a presentation regarding the Water Meter Retrofit Policy. Specific topics of discussion included historical background, Shirtsleeve follow-ups, water use, rate structure, rates and conservation, meter costs, accelerated program, goal of conversion, basic choices, feasibility of choices, policy issues, and staff recommendation for accelerated program.

In response to Council Member Hitchcock, Mr. Prima stated Manteca is metered.

Discussion ensued between Council Member Katzakian and Mr. Prima regarding costs based on readings in 2010, the 1980's time period for collecting fees for meters, and the determination of a metered home based on the State's assessment.

In response to Council Member Hitchcock, Mr. Prima provided an explanation of a tiered rate structure, specifically discussing peak demands, demand on wells, usage in the early and late portions of the day, capacity to meet demands, capital costs for facilities, the need for a cost study, residential usage, and the options available with various programs.

In response to Council Member Hansen, Mr. Prima stated there is an opportunity to control usage with meters.

Discussion ensued between Mayor Pro Tempore Mounce and Mr. Prima regarding the line item for water infrastructure on the electrical bill, the cost of installing water meters, previous cost studies for water, upgrades to facilities, potential for rate reduction, rate studies, and infrastructure fees paying pipelines, wells, and line replacements.

In response to Council Member Hitchcock, City Manager King stated each owner would pay for their own meter. He stated the City would provide an opportunity for self install via a cut sheet and waive the installation fee. Mr. King stated an additional option could be a lump sum payment to the contractor.

In response to Council Member Hansen, Mr. Prima stated legally they can use Community Development Block Grant (CDBG) funding as set aside money to help low-income homeowners install water meters, but they would need to work out the specific details. Mr. Prima stated they may also have the option to spread out the costs over three years; although, they will have to be cautious about cash flow and the timeline associated with a two-rate structure.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated they probably have one to two thousand people on the SHARE program from water and electric. City Manager King stated the CDBG component may be reserved for hardship cases only and they will look into other safety relief programs for hardship cases.

In response to Mayor Johnson, Mr. Prima stated the \$1.1 million figure can be absorbed by the current budget funds.

In response to Council Member Hitchcock, Mr. Prima stated he was not sure about utilizing the home funds component of the CDBG monies. Discussion ensued between Council Member Hitchcock, Mayor Johnson, and City Manager King regarding funding options.

City Manager King provided an overview regarding the option for everyone to pay for their own meter and the option of everyone paying a fee and sharing services from the collective pot. Mr. King stated the City can take until 2025, in which case rates may go up over time; although, this would prolong the time for a divided rate structure.

PUBLIC COMMENTS:

- Alicia Irvine spoke in favor of the recommended accelerated water meter installation program based on a proposal where everyone pays for their own meter.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, approved staff's recommendation and timeline for the accelerated Water Meter Retrofit Policy by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mayor Johnson
Noes: Council Members – Mounce
Absent: Council Members – None

RECESS

At 9:20 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 9:31 p.m.

K. REGULAR CALENDAR (Continued)

NOTE: Item K-7 was heard out of order.

K-7 "Approve Lodi Tourism Business Improvement District (LTBID) 2007 Annual Report, as submitted by the LTBID Board of Directors"

City Manager King provided a brief introduction of the subject matter.

Nancy Beckman, Executive Director of the Lodi Visitors and Conference Bureau, provided an overview the previous and upcoming year plans for the Lodi Conference and Visitors Bureau. Specific topics of discussion included proposed programmatic changes, marketing and promotion activities in the leisure and group markets, public relations, customer service and hospitality, communications, and the annual budget.

In response to Mayor Johnson, Mrs. Beckman stated approximately 30 to 35 wineries out of 65 are doing some sort of wine tasting and contributing to approximately 200,000 visitors per year.

In response to Council Member Hansen, Mrs. Beckman stated she will need to speak with the Lodi Tourism Business Improvement District (LTBID) attorney regarding any amendments to the boundaries to include Flag City hotels and the process associated with the same.

Discussion ensued between Mayor Johnson, City Manager King, and Mrs. Beckman regarding increasing the Transient Occupancy Tax (TOT), the 6% amount which goes to the General Fund, the 3% fee which generates revenue for the LTBID, other city and county averages regarding the same, business model based on number of beds, and public funding as the standard in industry.

In response to Mayor Pro Tempore Mounce, Mrs. Beckman stated last year's funding was a bit more because the organization reduced its budget for the upcoming year as requested by Council previously.

In response to Council Member Hansen, City Manager King stated the permit had been pulled for the Hampton Inn.

PUBLIC COMMENTS:

- Sunil Yadav, LTBID Board Member, spoke in opposition to any proposed TOT increase, stating it would be a burden to middle-class customers and hotel operators.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, unanimously approved the LTBID 2007 Annual Report, as submitted by the LTBID Board of Directors.

K-2 "Receive Progress Report on City of Lodi General Plan Update"

Planning Manager Peter Pirnejad provided a progress report regarding the City's General Plan update. Mr. Pirnejad specifically discussed the two-year timeline for completion, draft working papers, preparing a newsletter and survey, stakeholder report and process, community organization involvement, data collection for analysis, and the potential for delays due to the need for additional public participation.

In response to Council Member Hansen, Mr. Pirnejad stated that, while Mr. Bhatia is proactive, the only amendment he has seen to date is for actual cost only due to a widening of the scope of services.

In response to Council Member Hitchcock, Mr. Pirnejad stated the public workshop will be held sometime in mid to late June.

MOTION / VOTE:

There was no Council action necessary on this matter.

- K-3 "Consideration of Adjustments to the City Manager and City Attorney Employment Agreements"

Mayor Johnson provided a brief history of the item as agendaized previously. Discussion ensued between the City Council regarding proposed adjustments to the City Manager and City Attorney salaries. Specific topics of discussion included standardized cost of living adjustments, previously declined increases, base salary averages, Public Employees Retirement System amounts, differential and spreads in comparison to department head positions, comparisons with neighboring cities, and the potential for future salary increases.

MOTION #1 / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, adopted Resolution No. 2007-80 approving a salary increase for the City Manager of \$160,000 per year. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – None

MOTION #2 / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, unanimously adopted Resolution No. 2007-81 approving a salary increase for the City Attorney of \$140,000 per year.

- K-4 "Adopt Resolution Certifying the Canvass of Election Results and Determining Results of the Election for Community Facilities District 2007-1 (Public Services) and Introduce Ordinance Levying and Apportioning the Special Tax in Community Facilities District No. 2007-1 (Public Services)"

MOTION #1 / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously adopted Resolution No. 2007-82 declaring the results of the special election held on April 11, 2007, in Community Facilities District No. 2007-1 (Public Services).

MOTION #2 / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously introduced Ordinance No. 1797 levying and apportioning the special tax in Community Facilities District No. 2007-1 (Public Services).

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously voted to not continue with the remainder of the meeting following the 11:00 p.m. hour.

K. REGULAR CALENDAR (Continued)

- K-5 "Overview of 2007-08 Operating and Capital Outlay Budget and Set Public Hearing for May 30, 2007, to Review and Receive Comments Regarding City of Lodi 2007-08 Operating and Capital Outlay Budget" was **pulled from the agenda pursuant to the above vote.**

- K-6 "Consideration of the Status of the Animal Shelter Task Force" was **pulled from the agenda pursuant to the above vote.**

- K-8 "Adopt Resolution Approving Reclassification and Salary Adjustment for City Engineer and Equity Pay Adjustment for Public Works Director" was **pulled from the agenda pursuant to the above vote.**

Continued May 2, 2007

K-9 "Adopt Resolution Approving Control Point Adjustments for Executive Management and Cost of Living Adjustments for Unrepresented Mid-Managers" was ***pulled from the agenda pursuant to the above vote.***

L. ORDINANCES

None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:10 p.m.

ATTEST:

Randi Johl
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 8, 2007**

The May 8, 2007, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 8, 2007**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of May 8, 2007, was called to order by Mayor Johnson at 7:00 a.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

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

B. REGULAR CALENDAR

- B-1 “Overview of 2007-08 Operating and Capital Outlay Budget and Set Public Hearing for May 30, 2007, to Review and Receive Comments Regarding City of Lodi 2007-08 Operating and Capital Outlay Budget”

City Manager King provided a brief introduction regarding the subject matter. Mr. King outlined the proposed timelines for adoption of the budget and reviewed the five major points of the proposed budget including the balanced budget, automatic energy cost adjustment, the need to continue working on deferred maintenance including vehicle replacement, monitoring traditional revenues while incorporating non-traditional revenues, and considering policies and operational matters.

Mr. King provided an overview of the 2007-08 Operating and Capital Outlay Budget. Specific topics of discussion included highlights of the general fund, the soft number of \$44,873,000, continuing to build the reserve fund, sales and property tax revenues, court rental fees, increased reserves, new community facilities district (CFD), entrepreneurial revenues, budget pressures, public safety expenditures, debt payoff, electric utility transfers, and policy issues.

Discussion ensued between Council Member Hitchcock and Mr. King regarding the impact of declining car sales tax, geographical shopping areas, per capita sales tax, comparisons with other cities, and the general decline in car sales.

In response to Mayor Johnson, Mr. King stated examples of other businesses capturing sales tax leakage are Costco and a large bookstore.

In response to Council Member Hitchcock, Mr. King stated the General Plan will include an analysis of retail concentration. Community Development Director Hatch stated the Wal-Mart shopping center Environmental Impact Report will look at the community’s capacity for various businesses.

In response to Mayor Johnson, Mr. King stated the \$1.2 million figure is an academic estimate based on complete build out of the CFD area and Reynolds Ranch. He stated the actual number will not be available until the houses are built.

In response to Council Member Hitchcock, Mr. King stated the CFD is considered a revenue source; although, they do not anticipate an expansion of the current level of service.

In response to Council Member Hansen’s suggestion to utilize the \$250,000 Flag City amount or the 9% card room amount to assist with water meter installations, Mr. King stated that the \$250,000 one-time revenue source may be appropriate for the one-time water meter installation cost. Mayor Pro Tempore Mounce stated she may be able to support a redevelopment piece if infrastructure concerns were addressed.

In response to Council Member Hitchcock, Mr. King stated the goal is to address deferred maintenance for fleet vehicles and facilities, which may cost approximately \$1.5 million in addition to the current expenditures. Mr. King stated an outside consultant may be able to assist in formulating a plan to address our exposure and maintenance needs at a cost of approximately \$50,000.

In response to Mayor Johnson, Mr. King stated the heightened expectations are both internal and external.

In response to Council Member Hitchcock, Public Works Director Prima stated the transit costs are pretty typical of the needs usually met by earmarked funds. He stated the standards for maintenance are higher because the buses are specialized vehicles.

In response to Mayor Johnson, Mr. Prima stated he does not anticipate a fully funded transit program, for which the City will not need grants.

In response to Council Member Hitchcock, Mr. King stated the 52.1% accounting for public safety expenditures might be pretty close to other cities; although, comparisons are difficult because they would have to be with other full service cities.

In response to Mayor Johnson, Mr. King stated an analysis of the public safety budget would be somewhat difficult because success for public safety is not obtained by the traditional performance measures and various factors would need to be considered, including citizen satisfaction.

In response to Mayor Johnson, Mr. King stated the cost adjustment presentation will be available at the next Shirtsleeve Session or at the May 16th meeting. Mayor Johnson requested a recap of the electric utility public benefit monies to evaluate project needs and eligibility. Council Member Hansen stated he does not want to lose the flexibility for Community Development Block Grant funds.

In response to Mayor Pro Tempore Mounce, Deputy City Manager Krueger stated the Budget Committee is being provided budget documentation and recommendations on the Community Center and Hutchins Street Square should be coming in the next few weeks. He also stated the Committee was gathering data for the recommendation regarding replacement matters.

In response to Mayor Pro Tempore Mounce, Mr. King stated the cable franchise contract will be coming to Council in a year. He stated nothing prevents a city from accepting the 5%, but the tradeoff is less flexibility on the side agreements. City Attorney Schwabauer stated the legislation requires interconnectivity but not on-site services and the cable ordinance will eventually have to come back to Council.

In response to Mayor Johnson, Mr. King stated they cannot continue as they have been for another year or so because of the strain on administration and personnel. He stated they will continue to reserve by utilizing best management practices.

In response to Mayor Johnson, Mr. King stated there is some cushion in the proposed budget for anticipated salary increases, but capital replacement is the wild card.

In response to Council Member Hitchcock, Mr. King stated staff is recommending Council fill both mandated vacancies in the Police Department, one vacancy at Hutchins Street Square, one vacancy in Human Resources, and one vacancy in Finance. He stated the vacancies in Electric Utility are being treated differently and with some flexibility so that the positions can be filled as needed so long as the overall department budget is not exceeded. Council Member Hitchcock requested a copy of the talking points used for the presentation. Mr. King indicated the actual budget documentation should be provided to the Council on Friday.

Continued May 8, 2007

In response to Mayor Johnson, Deputy City Manager Krueger stated he was not sure when the 15% target for reserves would be met and provided an overview of the previous and current year fund balances.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously set public hearing for May 30, 2007, to review and receive comments regarding City of Lodi 2007-08 Operating and Capital Outlay Budget.

C. ADJOURNMENT

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

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for Asphalt Rubber Cape Seal, Various Streets, 2007

MEETING DATE: May 16, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve the plans and specifications for the Asphalt Rubber Cape Seal, Various Streets, 2007 project and authorize advertising for bids.

BACKGROUND INFORMATION: This project includes the application of an asphalt rubber cape seal on various City streets. The streets were identified through the City's Pavement Management System based on the condition of the street pavement and the traffic load. The attached exhibits show the streets that will receive the cape seal.

The Asphalt Rubber Cape Seal, Various Streets, 2007 project consists of the rehabilitation and resurfacing of various City streets with a layer of an asphalt rubberized chip seal followed by a layer of slurry seal on top. The combination of the asphalt rubberized chip seal and the slurry is commonly known as a cape seal. An asphalt rubberized cape seal provides a cost-effective alternative to a more costly asphalt overlay to extend the life and rehabilitate deteriorated roads and streets within the City. This new method of pavement rehabilitation was used for the first time in Lodi last year, and staff would like to continue using it as another method of maximizing limited street maintenance resources.

While a slurry seal only seals the road and provides a new wearing surface, the asphalt rubberized cape seal provides added strength, stability and crack reduction benefits similar to the performance benefits of an overlay but at a much lower cost.

There will be temporary street closures on the day of the asphalt rubberized chip seal and again on the day of the slurry seal. Immediately after the placement of the asphalt rubberized chip seal, the contractor will use rollers to seat the chips into the asphalt oil. The contractor will then provide a minimum of four sweepings to pick up the loose chips. Two days after the placement of the chip seal (but no more than seven days later) the contractor will again close the street for the slurry seal. The contractor will work with our Street Division in providing advance notification to the public regarding the dates and times of these temporary closures. Residents will receive a notice two weeks prior to the chip seal work and a door hanger will be distributed 48 hours before the contractor starts work on each street.

The plans and specifications for this project are on file in the Public Works Department. The number of streets included in this project comprises the near-minimum square yardage to achieve economy-of-scale objectives. Approximately 65,000 square yards of City streets are included in this project. Asphalt rubber cape seal contractors require at least 30,000 square yards of streets before they will bid on a

APPROVED: _____
Blair King, City Manager

project. A project with a minimum of 60,000 square yards of asphalt rubber cape seal should provide the City with prices that are approximately \$5 per square yard.

FISCAL IMPACT: The money for this project will be coming from the Street Fund. By investing in the recommended overlay project, significant capital dollars will be saved by extending the useful life of the pavement and foregoing more costly rehabilitation.

FUNDING AVAILABLE: Project Estimate \$400,000
Budgeted: 2006/07 fiscal year

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

Attachments

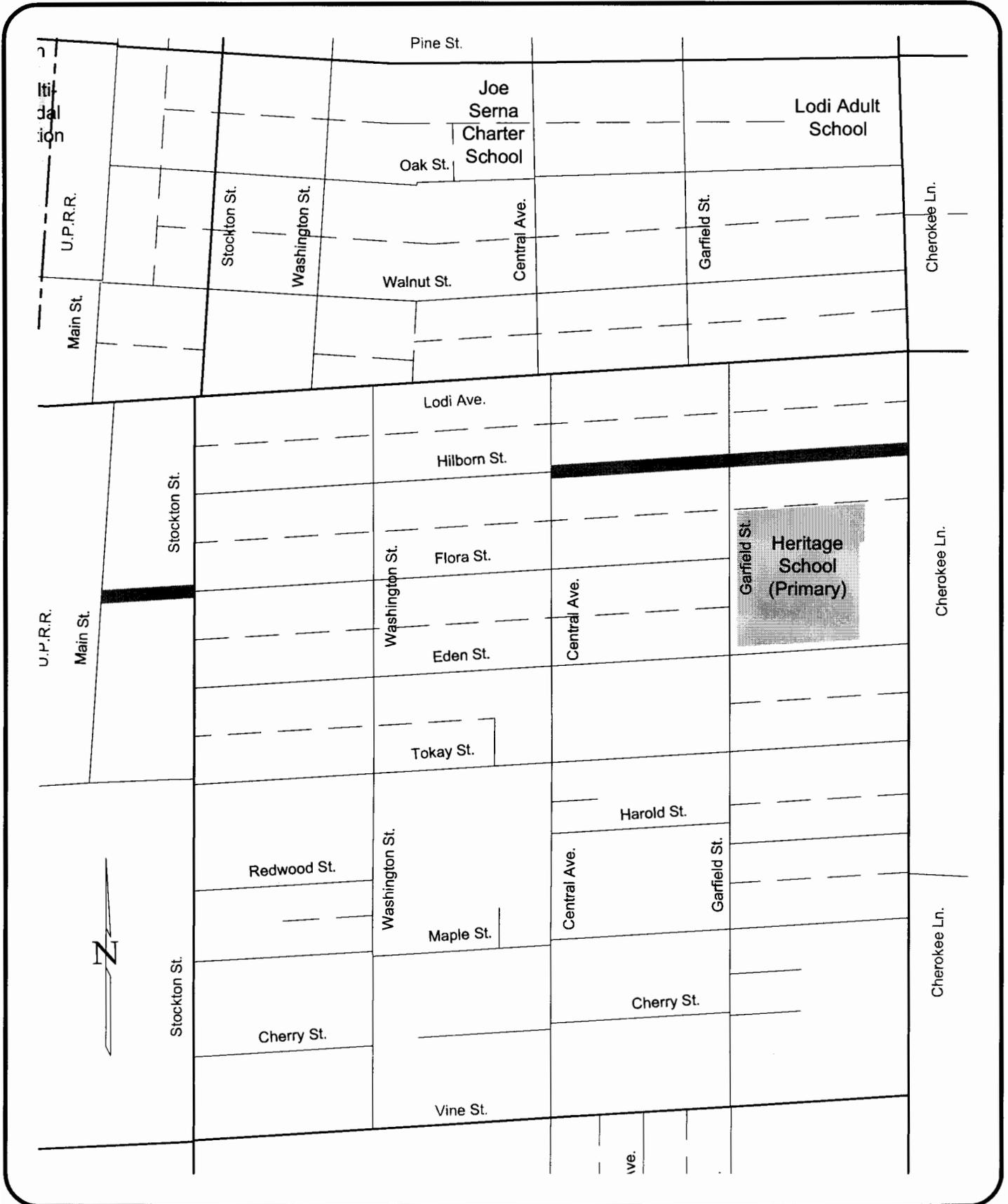
cc: Purchasing Officer
Streets and Drainage Manager



CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 1 HILBORN FLORA

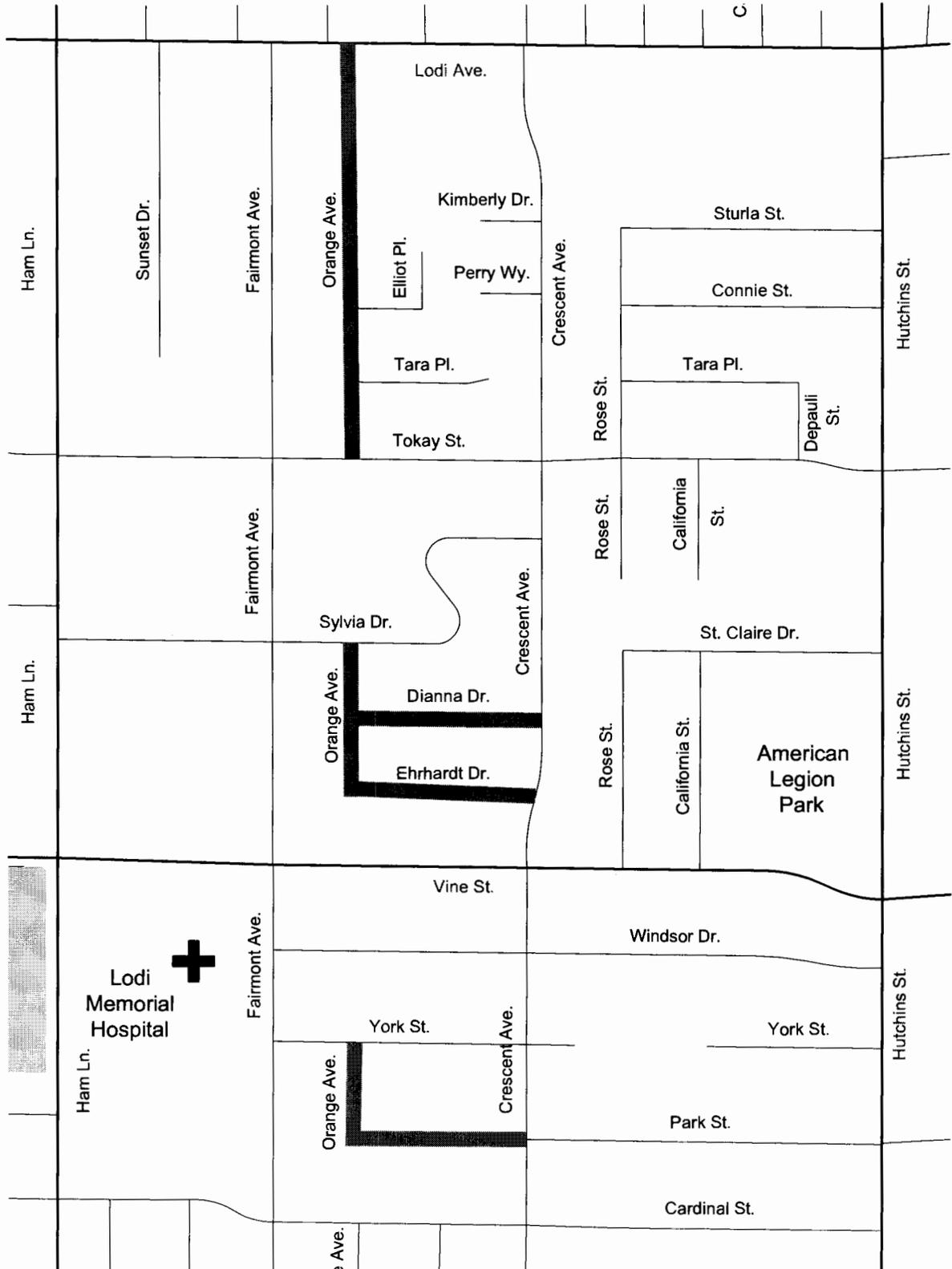




CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 2 ORANGE - DIANNA PARK - EHRHARDT

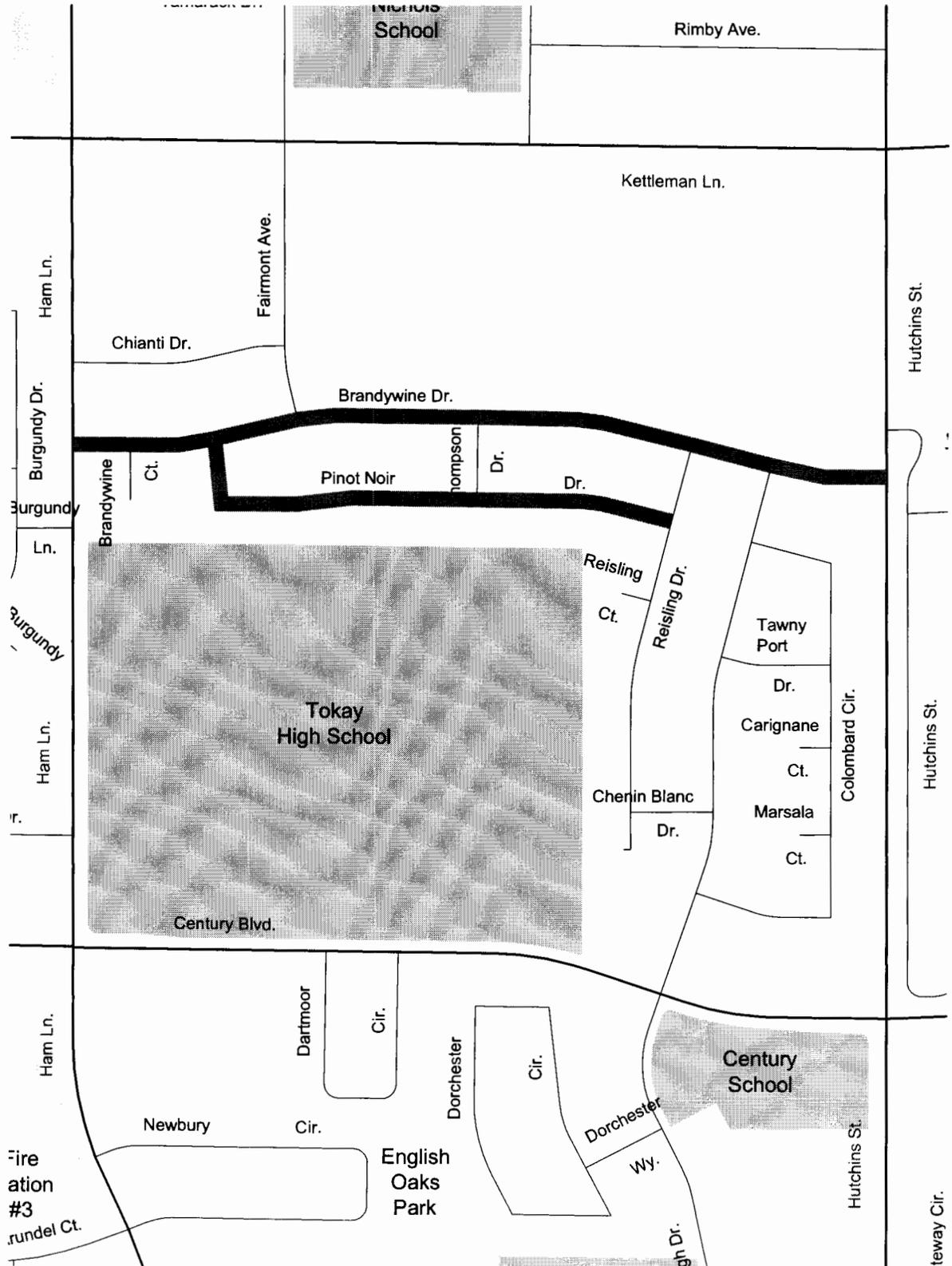




CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 3 BRANDYWINE PINOT NOIR

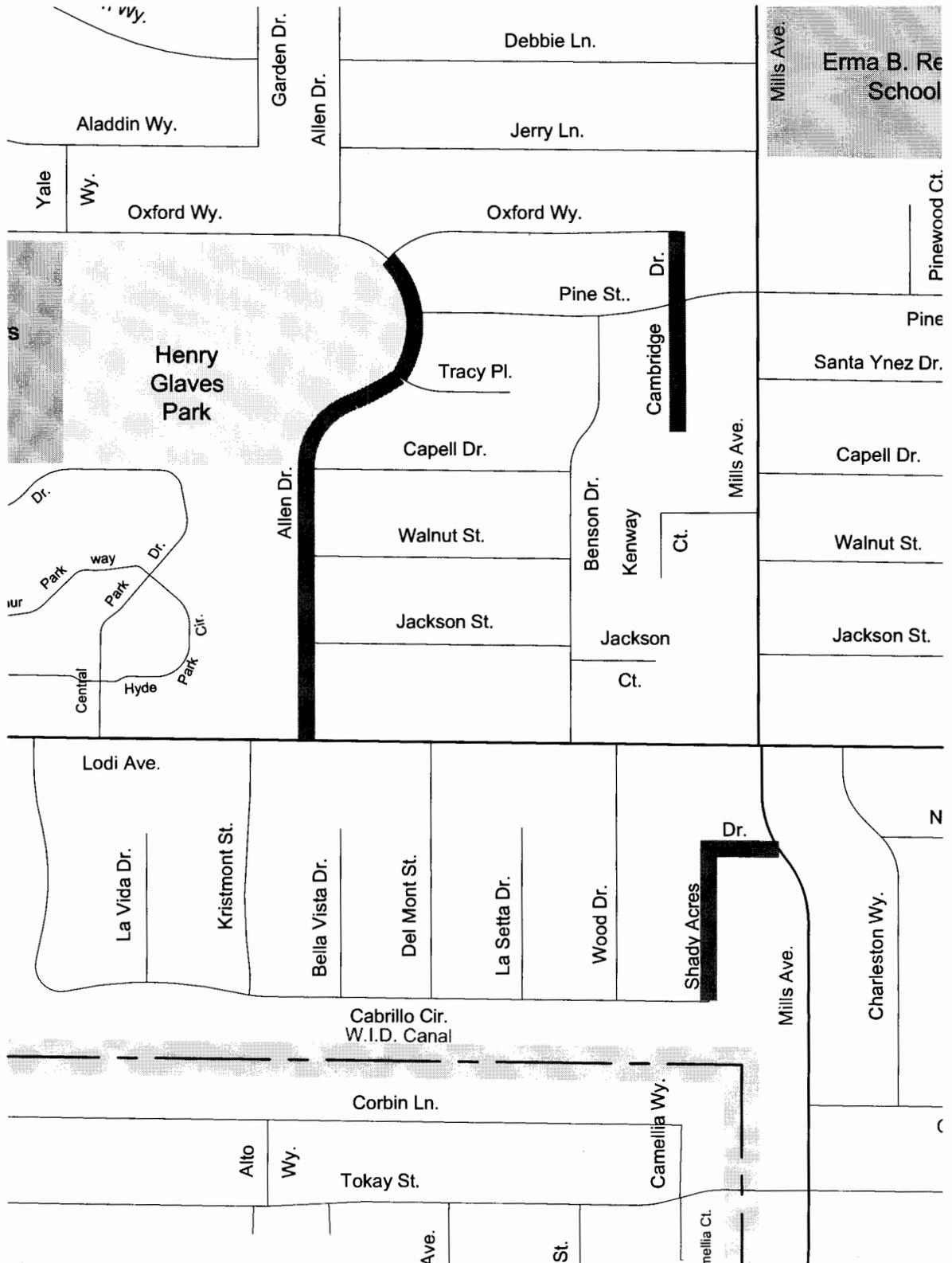




CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 4 ALLEN - CAMBRIDGE SHADY ACRES

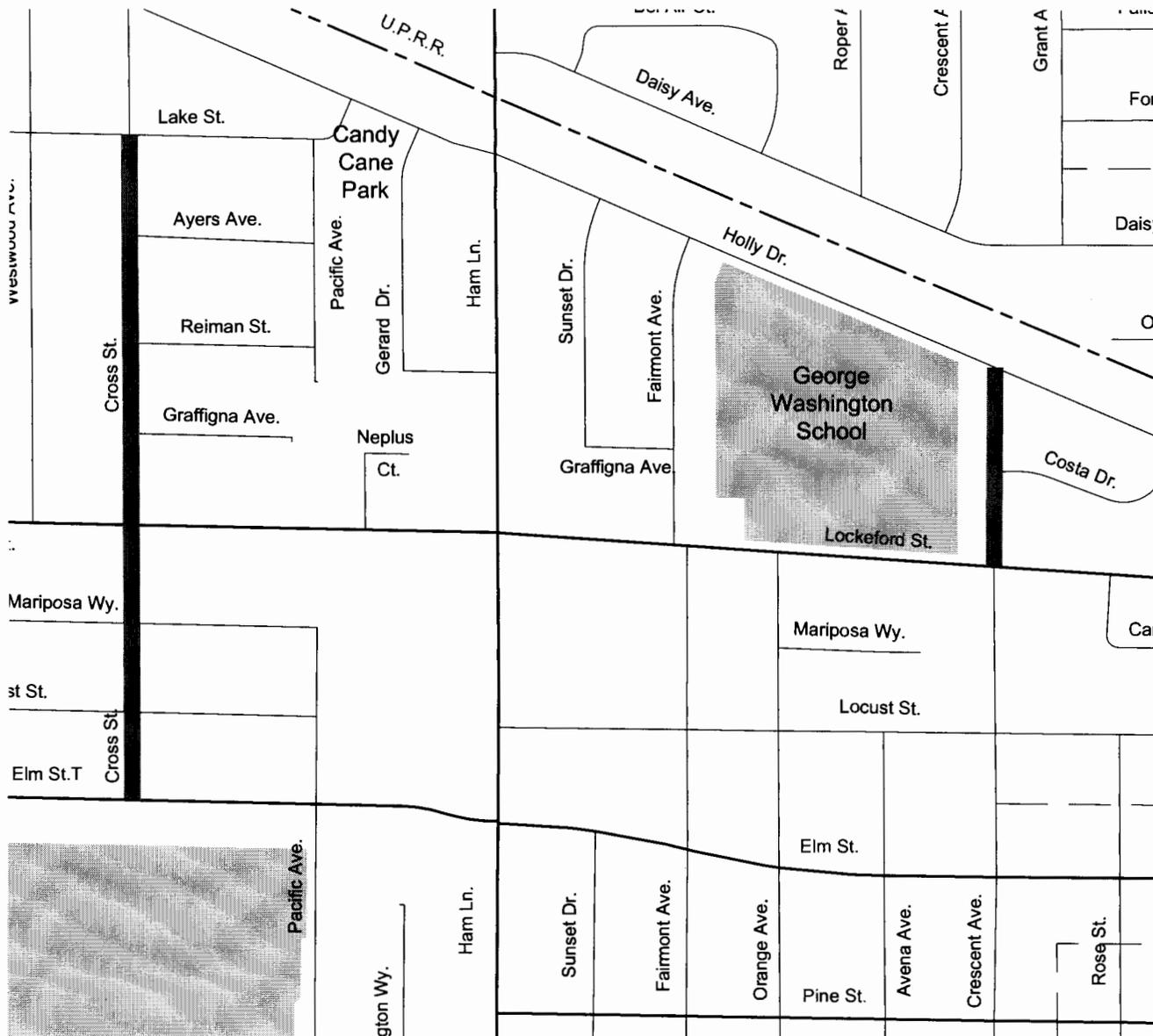




CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 5 CROSS CRESCENT

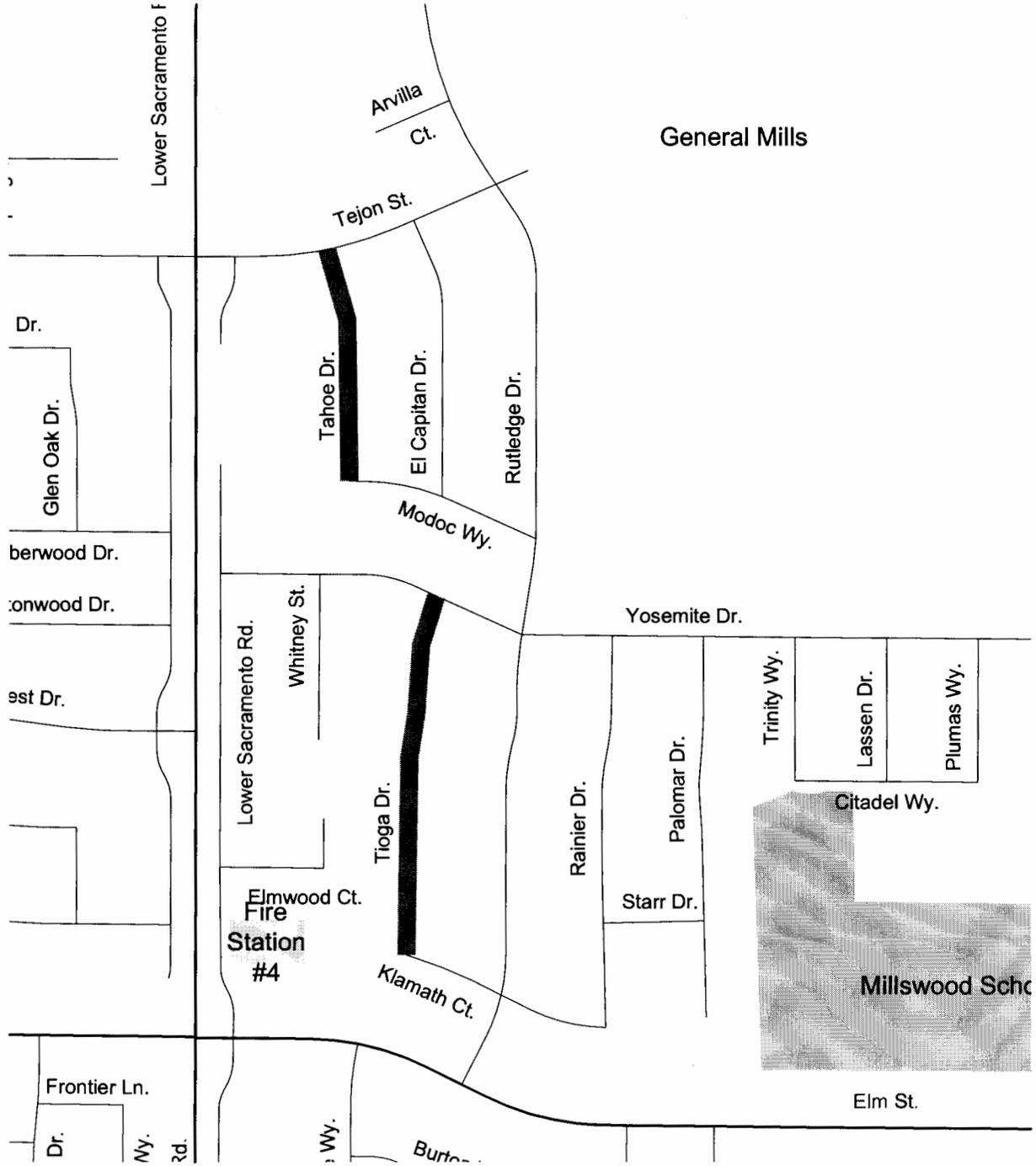




CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 6 TIOGA TAHOE





**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute San Joaquin Council of Governments (SJCOG) Cooperative Agreements for Cape Seal Project (\$71,500), Elm Street Overlay Project (\$412,000) and Turner Road Improvements (\$785,000)

MEETING DATE: May 16, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute San Joaquin Council of Governments (SJCOG) cooperative agreements for the Cape Seal project, Elm Street Overlay project and Turner Road Improvements.

BACKGROUND INFORMATION: SJCOG administers the regional sales tax, Measure K. Measure K provides funding for a variety of projects, including flexible Congestion Relief funds. A couple of years ago, SJCOG was able to exchange federal funds allocated to the cities and San Joaquin County with Measure K funds, thereby allowing the cities and San Joaquin County to proceed with non-federal funds for small projects.

The agreement for the Cape Seal project will amend an existing cooperative agreement for cape seals from last year's project and provide for an additional \$71,500. The cooperative agreement for the Elm Street project will cover all costs of that project, and the Turner Road agreement is for the majority of the funding with matching funds provided from Measure K Local Street Repair funds. The proposed agreements utilize the standard SJCOG cooperative agreement language.

FISCAL IMPACT: Without Measure K funding, other street funds will need to be used to complete these projects, thereby reducing funds available for other projects.

FUNDING AVAILABLE: These projects have been included in either the 2006/07 or 2007/08 budget.

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani Fink, Transportation Manager

RCP/TMF/pmf

cc: F. Wally Sandelin, City Engineer
Tiffani M. Fink, Transportation Manager

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE SAN JOAQUIN COUNCIL OF
GOVERNMENTS COOPERATIVE AGREEMENTS FOR CAPE SEAL
PROJECT, ELM STREET OVERLAY PROJECT, AND TURNER
ROAD IMPROVEMENTS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute San Joaquin Council of Governments Cooperative Agreements for the Cape Seal Project in the amount of \$71,500; Elm Street Overlay Project in the amount of \$412,000; and Turner Road Improvements in the amount of \$785,000.

Dated: May 16, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve specifications and authorize advertisement for bids to procure polemount and padmount transformers (EUD)

MEETING DATE: May 16, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Approve the specifications and authorize the advertisement for bids to procure polemount and padmount transformers for the Electric Utility Department (EUD).

BACKGROUND INFORMATION: Manufacturers of distribution transformers are reporting delivery lead-times in excess of fifty two (52) weeks for certain types of polemount and padmount units currently used in the City's electric system.

It is therefore necessary to solicit bids for EUD's anticipated needs for 2008 and to augment warehouse inventory. Staff recommends advertisement for bids for the following transformers:

Polemount:	5 each 2 each 5 each 1 each 5 each 1 each	25kVA single-phase conventional 120/240V secondary 37.5kVA single-phase conventional 277V secondary 37.5kVA single-phase conventional 120/240V secondary 37.5kVA single-phase conventional 240/480V secondary 50kVA single-phase conventional 120/240V secondary 50kVA single-phase conventional 240/480V secondary
Padmount:	7 each 8 each 6 each 3 each 2 each 1 each 3 each 1 each 2 each	37.5kVA single-phase 240/120V secondary 50kVA single-phase 240/120V secondary 75kVA single-phase 240/120V secondary 150kVA three-phase 208Y/120V secondary 225kVA three-phase 208Y/120V secondary 225kVA three-phase 480Y/277V secondary 300kVA three-phase 208Y/120V secondary 500kVA three-phase 208Y/120V secondary 1500kVA three-phase 480Y/277V secondary

FISCAL IMPACT: Estimated cost is \$250,000.

FUNDING: Accounts 160650 and 160651.

Kirk Evans, Budget Manager

George F. Morrow, Electric Utility Director

Prepared by: Demy Bucaneg, Jr. –PE, Manager, Engineering & Operations

APPROVED: _____
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approve Request for Proposals and Authorize Advertisement for Bids for Security Services for the Lodi Station and Lodi Station Parking Structure

MEETING DATE: May 16, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve the Request for Proposals and authorize the advertisement for bids for security services at Lodi Station and Lodi Station Parking Structure.

BACKGROUND INFORMATION: This Request for Proposals is for security services for the Lodi Station and Lodi Station Parking Structure. The current security contract is at the end of its term and, in accordance with federal regulations, needs to be re-bid. Currently, the Lodi Station and Lodi Station Parking Structure have security guards on duty 24 hours a day. This Request for Proposals would reduce security services to 7 p.m. to 7 a.m. on weekdays and 24 hours a day on weekends.

These services are paid for utilizing Transit operations funding and, as such, all costs incurred are added to Fixed Route and Dial-A-Ride operating costs and are reflected in cost-per-passenger statistics, which are measured against goals assigned by the San Joaquin Council of Governments as a requirement of Transportation Development Act funding. By reducing the hours and the cost, the impact to the operating costs will be reduced. By reducing the service hours, staff anticipates a minimum savings of \$40,000. The current annual cost is approximately \$112,000.

FISCAL IMPACT: Without re-bidding the service, federal operating funds would be ineligible for use.

FUNDING AVAILABLE: Funding for the Lodi Station and Lodi Station Parking Structure Security Services is from the Transit Fund.

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TMF/pmf

CC: Transportation Manager

APPROVED: _____
Blair King, City Manager

**Request for Proposals
for
Security Services
at
Lodi Station and Lodi Station Parking Structure

City of Lodi, California**

Notice is hereby given that sealed proposals will be received by the Purchasing Officer, Lodi Finance Department, 300 West Pine Street (P.O. Box 3006), Lodi, California, 95240 (95241-1910), until **11 a. m. on Wednesday, June 13, 2007**. At that time, the proposals will be publicly opened and read in the Public Works Conference Room, Lodi City Hall, 221 West Pine Street, and provided to the Public Works Department for evaluation.

Electronic or faxed proposals will not be considered. Each proposal shall be submitted in a sealed envelope plainly marked as follows:

**Proposal: Security Services-
Lodi Station and Lodi Station Parking Structure
City of Lodi
Attn: Purchasing Officer**

Proposals received after 11:00 a.m., June 13, 2007 will be returned to the Proposer unopened.

This Request for Proposals (RFP) is intended to be used to qualify and select a firm to provide contracted security services for Lodi Station located at 22-24 South Sacramento Street, and Lodi Station Parking Structure located at 2 North Sacramento Street in Lodi, California.

Individuals or firms submitting proposals must demonstrate knowledge and experience with providing security guard services.

The City of Lodi reserves the right to accept such proposal as may be deemed most advantageous to the City, the right to waive any informality in a proposal and the further right to reject any and all proposals.

Technical questions regarding this RFP may be directed to Tiffani Fink, Transportation Manager, (209) 333-6800, extension 2678.

Sincerely,

Tiffani M. Fink
Transportation Manager
City of Lodi

**Request for Proposals
for
Security Services
at
Lodi Station and Lodi Station Parking Structure
City of Lodi, California**

I. ADMINISTRATIVE INFORMATION

A. Proposer's Responsibilities

The City of Lodi will receive sealed proposals to qualify and select a firm to provide private security guard services for the City of Lodi at Lodi Station located at 22-24 South Sacramento Street, and Lodi Station Parking Structure located at 2 North Sacramento Street in Lodi, California.

Sealed proposals will be received by the Purchasing Officer, Lodi Finance Department, 300 West Pine Street (P.O. Box 3006), Lodi, California, 95240 (95241-1910), until **11 a. m. on Wednesday, June 13, 2007**. At that time, the proposals will be publicly opened and read in the Public Works Conference Room, Lodi City Hall, 221 West Pine Street, and provided to the Public Works Department for evaluation.

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**Proposal: Security Services -
Lodi Station and Lodi Station Parking Structure
City of Lodi
Attn: Purchasing Officer**

Proposals received after 11:00 a.m., June 13, 2007 will be returned to the Proposer unopened.

Proposer should read and understand the information and instructions for responding to this Request for Proposals.

Proposer shall comply with all Federal, State and local laws, ordinances and regulations, which in any manner affect the contract.

Proposer shall provide satisfactory proof of liability, casualty and worker's compensation insurance in amounts and with coverage satisfactory to protect both Proposer and the City of Lodi from claims, damages or issues by any employee of the vendor or City of Lodi which may arise or damages under any contract awarded as a result of this RFP. Any confidential information, or information

protected by copyright, patent or trademark, included in the proposal submitted by any individual or firm should be clearly noted as such.

Upon evaluation of qualifications and proposals, the City of Lodi may select a firm to provide security guard services as specified in "Specifications – Scope of Work". Upon selection, the City of Lodi may enter into negotiations with service provider for determination of final contract terms and pricing.

Failure to respond to any requirements outlined in this RFP, or failure to enclose copies of the required documents, may disqualify the proposal. Companies declining to submit a proposal in response to this request should so advise the Purchasing Officer, in writing, to preclude the exclusion from future proposal requests.

The City of Lodi reserves the right to reject any or all proposals.

B. Pre-Proposal Conference

No pre-proposal conference is scheduled in conjunction with this RFP.

C. Proposal Format

Proposal shall be submitted bound or in booklet form, computer-generated or typewritten, with the information presented in the following order:

1. Letter of Introduction on company letterhead to include company background, office location and mailing address, telephone and FAX numbers, company principals, Private Patrol Operator (PPO) number, and primary contact(s)
2. Size of staff and their license credentials
3. Description of equipment used in the performance of security service
4. Staff training and certification programs
5. Description of similar services provided along with contact information regarding those contracts
6. A detailed outline of services to be provided
7. Cost of services, per hour
8. A minimum of four (4) references. Reference must include (at a minimum) contract time frame, contact person for contract and telephone number, number of staff on site and type of service performed.
9. Sample of Incident Report which would be provided to the local law enforcement and the Public Works Department
10. Statement of Insurance Coverage
11. Signature page, with State License number
12. Federal Clause Signature Pages

Three (3) copies of the Proposal shall be submitted.

D. Interpretation

If any person contemplating submittal of a proposal is in doubt as to the proposal procedures, such person shall contact the Transportation Manager for clarification. Any interpretation or correction of this RFP will be made only by addendum sent to those who have received this RFP. The City of Lodi will not be responsible for any other explanation or interpretations of the RFP. Any questions received will be responded to in writing via an addendum three (3) working days prior to the Proposal opening date. Questions received after Wednesday, June 6, 2007 will not be addressed.

E. Withdrawal of Proposal

Any Proposer may withdraw a proposal, either personally or by written request, at any time prior to the scheduled closing time for receipt of proposals in response to this RFP. No Proposer may withdraw a proposal after the time and date set for the opening thereof.

F. Multiple Proposals

No person, firm or corporation shall be allowed to file or be interested in submitting multiple proposals for the same work or services.

G. Addenda

Acknowledgement of receipt of any addendum issued during this RFP process shall be indicated in the RFP response and shall be made a part of any contract made between the City of Lodi and the service provider pursuant to this RFP.

H. Opening of Proposals

All proposals, regardless of any irregularities or informalities, will be opened and only the name of the Proposer (individual, firm or corporation) shall be read into the public record at the time and place set forth in the RFP. Late (delivered) proposals will not be accepted.

Proposers or their authorized representatives may be present at the opening of the response to the RFP.

I. Disputes

In case of discrepancy between words and figures, words shall prevail during the evaluation; however, the City reserves the right to construe any proposal according to its true intent where it contains a patent mistake.

J. Evaluation of Proposals

Proposals will be evaluated on content and presentation with emphasis on verifiable experience in providing similar services and on extent of proposed

services. Consideration will also be given to size of staff, training programs, equipment provided, proposed costs and references.

K. Decision to Reject

The City reserves the right to reject any and all proposals for any reason or for no reason, to re-advertise for proposals, or to cancel a proposal listing and elect to perform the project or work itself. The City reserves the right to reject as non-responsive any proposal which is incomplete, modified, unsigned, or illegible or which is not otherwise submitted in accordance with the requirements of this RFP.

L. Scope of Services

Proposer shall be deemed an independent contractor and not an agent, subcontractor or employee of the City. Proposer shall not enter into a subcontract agreement without the City's prior consent. The services required are set forth in Section III: Specifications of this RFP.

M. Invoicing and Verification of Costs

Properly documented invoices for Lodi Station and Lodi Station Parking Structure shall be submitted to:

City of Lodi – Public Works Department
Attention: Transportation Manager
P.O. Box 3006
Lodi, CA 95241-1910

II. SPECIAL CONDITIONS

A. Licensing of Security Services

Service provider shall hold a valid State of California PPO license at the time the proposal is submitted, and if awarded a contract for services subsequent to this RFP, shall ensure that such license remains in effect during the period of the contract.

B. Force Majure

Performance of the required services shall be pursued with due diligence in all requirements hereof; however, neither party shall be liable for any delay or nonperformance due to causes not reasonably within its control. In the event of any delay resulting from such causes, the time for performance and payment hereunder shall be extended for a period of time reasonably necessary to overcome the effect of such delays. In the event of any delay or nonperformance caused by such nature, the cause, date of commencement thereof and the anticipated extent of such delay, shall indicate whether it is anticipated that the completion dates would be affected thereby.

C. Records and Audits

Service provider shall maintain accurate and complete records specifically relating to the service provided under the contract. Service provider shall also keep records and books of account showing times and scope of services provided in the performance of the contract. The City shall have the right to inspect and audit the books, records and other items relating to the contract.

D. Scheduling

The Transportation Manager shall provide required service times. In most cases, notice of one (1) week will be given prior to any change for security services.

E. Subcontracting

Should any Proposer contemplate subcontracting any part of the work or services under the contract, it shall submit with its proposal the name of the proposed subcontractor who shall perform any part of the work. It shall be understood that the service provider to whom the contract is awarded shall be fully and solely responsible for the named sub-contractor and for the work done by the sub-contractor in any service contract scheduled by the City of Lodi with the service provider. All applicable terms and conditions arising from the contract will apply to the sub-contractor.

F. Changes

The contract shall not be subcontracted, assigned or transferred without the written consent of the City. No changes or variations of any kind are authorized without a written and signed amendment to the contract. The proposed work or services shall be diligently prosecuted in accordance with the contract.

G. Standard of Performance

1. The service provider shall be required to unconditionally warrant that it shall use sound and professional principles and practices in accordance with the highest degree of skill and care as those observed by national firms of established good reputation, as well as the current normally accepted industry standards, in the performance of services required herein. The performance of the service provider's personnel shall also reflect their best professional knowledge, skill and judgment.
2. If any failure to meet the foregoing warranty appears during the term of the contract, the City may terminate the contract and require the reimbursement of all expenses necessary to replace or restore such services.

H. Indemnity and Insurance

The service provider must provide a certificate of insurance in a form acceptable to the City Risk Manager prior to entering into any contract made pursuant to this

RFP. The service provider shall maintain such insurance as will cover and include the entire obligation assumed in the contract as well as such insurance as will protect the service provider from claims and liability under Workers' Compensation Acts, personal liability, property damage, and all other claims for damages including personal injury and death, which may arise from operations under the contract.

1. Indemnity: Service provider shall defend, indemnify and save harmless the City, its officers, agents, and employees from and against any and all claims, demands, losses, defense, costs or liability which the City, its officers, agents and/or employees may sustain or incur, or which may be imposed upon them for injury to or death of persons, or damage of property to the extent caused as a result of or arising out of the negligent acts, errors or omissions of the service provider during the performance of services under the terms of the contract.
2. Public Liability and Property Damage Insurance:
 - a. During the term of the contract, the service provider will at all times maintain at his expense a policy of commercial general liability insurance provided on ISO-CL form No. CG 00 01 11 85 or 88. Total limits shall be no less than one million dollars (\$1,000,000) per occurrence for all coverage and two million dollars (\$2,000,000) general aggregate. The City and its employees, officers and agents shall be added as additional insureds using ISO additional insured form CG 20 10 11 85. (In no event will the City accept an endorsement with an edition form earlier than 1990.) Coverage shall not be limited to the vicarious liability or supervisory role of any additional insured.
 - b. Liability insurance shall contain the following endorsements:
 - i. City, its officers, agents and employees shall be added as an additional insured as respects operations of the named insured performed under the contract with the City as specified above.
 - ii. It shall be agreed that any insurance maintained by the City shall apply in excess of, and not contribute with, insurance provided by the service provider's liability insurance policy.
 - iii. Service provider's liability insurance policy shall not be cancelled or non-reviewed until 30 (thirty) days written notice has first been given to the City.
 - iv. Coverage shall include claims arising out of the service provider's use of owned, hired and non-owned automobiles.
 - v. Liability shall not exclude liability assumed by written contract or agreement.
 - vi. Liability insurance shall include broad form property damage insurance.
 - vii. Prior to commencing services pursuant to the contract, the service provider shall provide certificates indicating the existence of the insurance required by the contract, on insurance certificates executed by a duly-authorized agent of the service provider's insurance provider.

3. Workers Compensation: Service provider shall provide workers' compensation coverage as required by State law, and in signing the contract, makes the following certification: "I am aware of the provision of Section 3700 for the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with such provisions before commencing the performance of the contract."

I. Interest of Proposer

At all times the service provider shall be deemed to be an independent contractor and the proposer shall not be authorized to bind the City to contract or other obligation. Under the contract, the service provider shall certify that no one who has or will have any financial interest under the contract is an officer or employee of the City.

J. Entire Contract

The contract between the City and the service provider will constitute the entire contract of the parties hereto and will supersede any previous contract or understanding. The contract may not be modified except in writing and executed by both parties.

K. Governing Law

The laws of the State of California shall govern this RFP process and the contract. All services provided to the City shall comply with all policies, rules and regulations which may be in effect during the term of the contract, as well as all Federal, State and local statutes, ordinances, and regulations; and the venue of any actions disputes, or claims brought there under shall be laid in or transferred to the County of San Joaquin in the State of California.

III. SPECIFICATIONS

A. Security guards, as required by the City of Lodi at Lodi Station and Lodi Station Parking Structure, are to act in the best interests of the City to protect its patrons, contract employees, facilities, vehicles and guests. The security guards shall be present to monitor persons and activities in and around the facilities to ensure a safe environment for all individuals.

B. Scope of Services for Lodi Station and Lodi Station Parking Structure

1. Security services at the Lodi Station and Lodi Station Parking Structure are as follows:

One (1) guard, 12 hours a day (7:00 p.m. to 7:00 a.m.) on weekdays (Monday - Friday) and 24 hours a day on weekends (7:00 p.m. on Friday until 7:00 a.m. on Monday). The guard is expected to remain onsite during lunch or be relieved by another guard during his or her lunch. At a minimum, guards will perform security sweeps on an hourly basis. The guard shall walk, bike or use

- a motorized cart in the supervision of the two sites. The sites consist of the parking lots and the perimeters of Lodi Station and Lodi Station Parking Structure. The guard shall also monitor persons and their behavior to ensure a safe environment. The service provider shall be responsible to provide the motorized cart (electric or propane only) and ensure proper maintenance, storage and fueling of vehicle should a cart be used. Key and clock or magnetic card system will be required in order to verify the hourly sweeps.
2. The guard will be required to act on behalf of the City of Lodi in an efficient, courteous, and professional manner at all times, to monitor and notify Lodi Police of improper or destructive behavior, and insist that appropriate behavior prevail.
 3. The guard will be required to perform security sweeps of the parking lots and perimeters of the Lodi Station and the Lodi Station Parking Structure. At the conclusion of their shift, the guard going off duty shall ensure the buildings are secure, properly alarmed and provide a list of City vehicles on the premises to the transit dispatcher. The guard will leave a copy of daily report activities in the Transportation Manager's mailbox in the Transit Office.
 4. Guards shall make available, at any time while on duty, their guard cards. Guards shall be expected to present cards to members of the Lodi Police Department or designated City of Lodi employees on demand. Failure to produce a valid guard card shall be grounds for termination of the contract.
 5. All guards must be neat, clean and properly uniformed and have a clear command of the English language. Uniforms shall not be similar to those of the Lodi Police Department. All shirts shall be tucked in.
 6. All guards must be equipped with radios or phones capable of communicating with other guards and their dispatch site. In addition to the radios, guards must have a cellular phone for communication with Lodi Police or other departments/individuals.
 7. Security guards shall arrive at Lodi Station and Lodi Station Parking Structure at scheduled time, properly uniformed, with all necessary equipment to perform job satisfactorily. Additionally, guards shall refrain from socializing with any one group for any period of time unless necessitated as part of their patrol duties. Guards shall refrain from onsite visitors at all times.

C. Required Qualifications:

1. Firm must have a minimum of five (5) years experience.
2. All guards assigned to Lodi Station and the Lodi Station Parking Structure must be bonded and employed by a company holding a valid California Private Patrol Operator license and providing 24-hour dispatch. Additionally, all guards shall be licensed and carry their guard cards with them whenever on premises. At

the request of Lodi Police, guards shall immediately present the guard cards for viewing.

3. All guards must be equipped with radios or phones capable of communicating with other guards who are elsewhere on the site, if applicable, and their dispatch center.
4. Lethal weapons shall be prohibited. Guards carrying batons or chemical agents must have a valid certification from the State of California.
5. The security company must have a good working relationship with local law enforcement agencies.



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Approving Purchase of Asphalt Pavement Compactor from Ingersoll Rand Equipment Sales, of Sacramento (\$36,743), and Appropriating Funds

MEETING DATE: May 16, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution approving purchase of an asphalt pavement compactor from Ingersoll Rand Equipment Sales, of Sacramento, in the amount of \$36,743; and appropriating funds in accordance with the recommendation shown below.

BACKGROUND INFORMATION: Funds to purchase an asphalt pavement compactor for the Streets and Drainage Division of the Public Works Department are available in the Street Fund. This vehicle will replace existing Unit 04-110, a 1992 vibratory compactor. Unit 04-110 is a fully-depreciated Case Model W252. This unit was originally purchased for \$26,273 in 1991 and has accumulated \$8,662.87 in repairs. Over the past two years, the Division has spent approximately \$4,500 in rental of substitute units when our unit was down waiting for parts. This unit is 16 years old and parts are no longer available. There is damage to the unit's engine that has forced it out of service. Due to changes to the asphalt mix design, the City needs to have a unit with a vibratory compactor for proper compaction. These units are traditionally not available during paving season. The Streets and Drainage Division uses this roller on a daily basis during the construction season for street repairs and maintenance. This type of equipment is not available in alternative fuel engines.

Staff recommendation is to purchase the vibratory compactor through another contract rather than seeking our own bids. The City of Roseville prepared vibratory compactor bid specifications which meet the exact needs of the City of Lodi requirements and received three competitive bids. The City of Lodi can purchase the roller under the City of Roseville's contract. Purchasing under the City of Roseville's contract will save the City of Lodi staff time, secure a good price based on competitive bids, and provide a unit that meets the needs of the City in the most timely manner.

The Fleet Committee has reviewed and agrees with this recommendation:

Dennis J. Callahan, Fleet and Facilities Manager

FISCAL IMPACT: Purchase of a vibratory compactor will be a crucial investment in the City's future street maintenance program and eliminate extravagant rental expense.

FUNDING AVAILABLE: Appropriation: Street Fund (Proposition 42)

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by George Bradley, Streets & Drainage Manager
RCP/GMB/dsg
cc: Dennis Callahan, Fleet and Facilities Manager

Kirk Evans, Budget Manager

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
PURCHASE OF ASPHALT PAVEMENT COMPACTOR; AND FURTHER
AUTHORIZING THE APPROPRIATION OF FUNDS
TO COVER THIS PURCHASE

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WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, the Public Works Department Case Model W252 asphalt pavement compactor used by the Streets and Drainage Division is in need of replacement, and replacement funds are available in the Street fund; and

WHEREAS, staff recommends purchasing the vibratory compactor under the city of Roseville’s contract, which was competitively bid and meets the City of Lodi requirements; and

WHEREAS, the Fleet Committee has reviewed and agrees with staff’s recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the purchase of an asphalt pavement compactor from Ingersoll Rand Equipment Sales, of Sacramento, California, utilizing the city of Roseville contract at a cost not to exceed \$36,743.00; and

BE IT FURTHER RESOLVED that \$36,743.00 be appropriated from the Street Fund (Proposition 42) for this purchase.

Dated: May 16, 2007

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I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the purchase of a remote terminal unit (RTU) and accessories from Siemens Power Transmission and Distribution, Inc. of Palatine, Illinois for the Killelea Substation Rehabilitation Project (\$60,000) (EUD)

MEETING DATE: May 16, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the purchase of a remote terminal unit (RTU) and accessories from Siemens Power Transmission and Distribution, Inc. (Siemens) of Palatine, Illinois for the Killelea Substation Rehabilitation Project.

BACKGROUND INFORMATION: The Electric Utility Department is in the process of finalizing the construction agreement for the Killelea Substation Rehabilitation Project with Rosendin Electric, Inc. (Rosendin) of San Jose, California as previously authorized by the City Council on May 3, 2006 following project redesign work which was completed by Power Engineers of Hailey, ID in March 2007.

For purposes of reducing the project cost, staff recommends a direct purchase of the RTU and accessories as sole source from Siemens rather than acquiring the RTU from Rosendin Electric as part of the construction agreement. A direct purchase is expected to reduce cost by as much as \$25,000.

The RTU system will be Siemens Model TG5700 complete with Station Manager 2 components, modem, status input cards, DC analog input cards, relay output controllers, control output termination cards, converters, power supply, communication module, enclosures, and marshalling cabinet. The system will include complete plans, drawings, documentation, installation, configuration and turn-up services. The Siemens RTU will be compatible and consistent with the existing Supervisory Control and Data Acquisition (SCADA) system that is currently in operation at EUD's control center.

To realize these cost savings and since this is long-lead time equipment, staff recommends Council approval of the procurement of the RTU and accessories for the Killelea Substation Rehabilitation Project. The estimated project completion date is May 1, 2008.

FISCAL IMPACT: The projected cost is t \$60,000.

FUNDING AVAILABLE: Bond proceeds are allocated in Account No. 161.1082.

Kirk Evans, Budget Manager

George F. Morrow
Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., P.E., Manager, Engineering & Operations

GFM/DB/lst

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE PURCHASE OF A REMOTE TERMINAL UNIT AND
ACCESSORIES FOR KILLELEA SUBSTATION REHABILITATION
PROJECT

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WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, the Electric Utility Department is in the process of finalizing the construction agreement for the Killelea Substation Rehabilitation Project with Rosendin Electric, Inc., as previously authorized by the City Council on May 3, 2006, following project redesign work, which was completed by Power Engineers in March 2007; and

WHEREAS, for purposes of reducing the project cost by as much as \$25,000, staff recommends a direct purchase of the remote terminal unit and accessories as sole source from Siemens rather than acquiring the unit and accessories from Rosendin Electric as part of the construction agreement; and

WHEREAS, the Siemens remote terminal unit will be compatible and consistent with the existing Supervisory Control and Data Acquisition system that is currently in operation at the Electric Utility Department control center.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the purchase of a remote terminal unit and accessories from Siemens Power Transmission and Distribution, Inc., of Palatine, Illinois, for the Killelea Substation Rehabilitation Project in the total amount of \$60,000.

Dated: May 16, 2007

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I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution awarding the transformer maintenance services for Henning and Industrial Substations to Waukesha Electric Systems, Inc. of Waukesha, Wisconsin (\$30,250) (EUD)

MEETING DATE: May 16, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution awarding the transformer maintenance services for Henning and Industrial Substations to Waukesha Electric Systems, Inc. (Waukesha) of Waukesha, Wisconsin.

BACKGROUND INFORMATION: On April 18, 2007, the City Council approved the request for proposal for services to perform inspection, adjustments, and maintenance tests of four power transformers and load tap changers in Henning and Industrial Substations.

Proposals were received from three transformer service companies on April 25, 2007 with the following results:

Waukesha Electric Systems, Inc.	\$30,250
Western Utilities Transformer Service	Rejected
Geo. E. Honn Company, Inc.	No Bid

Waukesha submitted a sealed and comprehensive bid proposal (that was hand delivered on April 25, 2007 at 12:49PM prior to the 4:00PM deadline) for a total base price of \$30,250 plus a unit cost \$685 per kit for the number of replacement kits that will be used on the load tap changers. The proposal from Western Utilities Transformer Service was rejected due to non-conformance with the submission requirements of the RFP (non-sealed bid that was late). Geo. E. Honn Company faxed a letter before the due time opting not to submit a bid at this time.

Staff believes that Waukesha's bid is reasonable from pricing and technical standpoints. The engineering estimate for this work was \$44,500.

Waukesha provides total substation maintenance solutions from 480V to 765kV and is focused on maintaining the performance quality, reliability and life of transformers, load tap changers (LTC's), breakers and other components throughout the electric power system. It has extensive knowledge, expertise and resources for substation facility maintenance services. The company has been in the substation maintenance and engineering services business for more than 25 years and has complete test equipment, materials and supplies to perform maintenance and repair of various substation power equipment and appurtenances.

A complete maintenance test on power transformers rated at 31.25MVA is typically done at least every two years. It is four years since complete maintenance tests were performed on these transformers. Tests will be conducted during weekends and/or holidays so as not to compromise the electric capacity to serve the load. Staff recommends awarding the transformer maintenance service to Waukesha Electric Systems, Inc.

FISCAL IMPACT: Base cost is \$30,250 plus actual cost of LTC replacement parts.

APPROVED: _____
Blair King, City Manager

Adopt resolution awarding the transformer maintenance services for Henning and Industrial Substations to Waukesha Electric Systems, Inc. of Waukesha, Wisconsin (\$30,250) (EUD)

May 16, 2006

Page 2 of 2

FUNDING AVAILABLE: Account No. 160652.7323 Substation Maintenance.

Kirk Evans, Budget Manager

George F. Morrow
Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., P.E. – E&O Manager

GFM/DB/lst

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING
THE TRANSFORMER MAINTENANCE SERVICES FOR
HENNING AND INDUSTRIAL SUBSTATIONS

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 25, 2007, at 11:00 a.m., for services to perform inspection, adjustments, and maintenance tests of four power transformers and load tap changers in Henning and Industrial Substations, described in the request for proposals therefore approved by the City Council on April 18, 2007; and

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

Bidder/Location	Bid
Engineer's Estimate	\$ 44,500
Waukesha Electric Systems, Inc.	\$ 30,250
*Western Utilities Transformer Service	Rejected
Geo. E. Honn Company, Inc.	No Bid

*The proposal from Western Utilities Transformer Service was rejected due to non-conformance with the submission requirements of the RFP (non-sealed bid that was late).

WHEREAS, staff recommends that the contract be awarded to Waukesha Electric Systems, Inc., of Waukesha, Wisconsin, in the amount of \$30,250.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby awards the transformer maintenance services for Henning and Industrial Substations to Waukesha Electric Systems, Inc., of Waukesha, Wisconsin, in the amount of \$30,250.

Dated: May 16, 2007

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-_____



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Awarding Contract for Asphalt Materials for Fiscal Year 2007/08 to Granite Construction Company, of Stockton (\$165,930)

MEETING DATE: May 16, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution awarding contract for asphalt materials for fiscal year 2007/08 to Granite Construction Company, of Stockton, as follows:

Item A.	1,000 Tons 3/8" Max Medium Type A, PG 64-16, Granite Construction	Stockton	\$56.03/ton
Item B.	2,000 Tons 1/2" Max Medium Type A, PG 64-16, Granite Construction	Stockton	\$54.95/ton

BACKGROUND INFORMATION: This contract provides asphalt materials for various street maintenance projects carried on throughout the City during the fiscal year, primarily in the summer months.

Specifications for this project were approved on April 4, 2007. Bid packets were mailed out to three vendors. Bids were opened on April 19, 2007. The City received only one bid, from Granite Construction Company, of Stockton. This year's contract prices increased by 2% percent over last year's prices. This increase reflects the rising cost of petroleum products used in asphalt concrete.

FISCAL IMPACT: This budget expense will assist the Street Division in its continuing effort to maintain the City of Lodi's asphalt paving. Actual purchases will be adjusted as necessary, based on the adopted budget.

FUNDING AVAILABLE: Budgeted Fund: 2007/08 Street Maintenance Fund

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by Curt Juran, Assistant Streets and Drainage Manager

RCP/GMB/dsg

cc: Curt Juran, Assistant Streets and Drainage Manager

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE CONTRACT FOR ASPHALT
MATERIALS FOR FISCAL YEAR 2007-08

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 19, 2007, at 11:00 a.m., for Asphalt Materials for Fiscal Year 2007-08, described in the specifications therefore approved by the City Council on April 4, 2007; and

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

	Description	Bidder/Location	Bid
Item A	1,000 Tons 3/8" Max Medium Type A, PG 64-16	Granite Construction, Stockton	\$56.03/ton
Item B	2,000 Tons 1/2" Max Medium Type A, PG 64-16	Granite Construction, Stockton	\$54.95/ton

WHEREAS, the City Manager recommends awarding Items A and B of the contract for Asphalt Materials for Fiscal Year 2007-08 to Granite Construction, of Stockton, California, as shown above.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby awards the contract for Asphalt Materials for Fiscal Year 2007-08 to Granite Construction, of Stockton, California, in the total amount of \$165,930.

Dated: May 16, 2007

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-_____



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Approving Addendum to the Improvement Agreement for Public Improvements at 856 North Sacramento Street to Provide One-Year Time Extension

MEETING DATE: May 16, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution approving the Addendum to the Improvement Agreement to provide one-year time extension for the Public Improvements at 856 North Sacramento Street and authorizing the City Manager and City Clerk to execute the agreement on behalf of the City.

BACKGROUND INFORMATION: The developer, Emile Atwood, has applied for a building permit to construct an office/retail building at 856 North Sacramento Street. Public improvements, including curb, gutter, sidewalk and miscellaneous storm drainage improvements, are part of the off-site improvement requirement, as specified in LMC Chapter 15.44. The developer executed an improvement agreement for the required public improvements in June 2006. Under the terms of the improvement agreement, the developer had 365 days from the date of the agreement execution to complete the public improvements. As a condition of the building permit, all public improvements must be completed prior to occupancy.

The public improvements have not been completed as of this date, due to financial constraints on the part of the developer. The developer desires to comply with the requirements of the agreement and is requesting a time extension for completion of the public improvements. Staff feels this is a reasonable request and is recommending a one-year extension for the public improvements as specified under the terms of the original improvement agreement. The addendum also specifies that the developer pay all the additional costs of the document preparation (\$548) and provide the necessary contract security and insurance under the terms of the original agreement.

The developer has executed the agreement and paid the additional fees. Staff is recommending that Council approve the Addendum to the Improvement Agreement for the Public Improvements at 856 North Sacramento Street and authorize the City Manager and City Clerk to execute the agreement on behalf of the City

FISCAL IMPACT: There will be no financial impact to the City.

FINANCING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer
RCP/LC/pmf
cc: Emile Atwood
Associate Civil Engineer, Chang

APPROVED: _____
Blair King, City Manager

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE IMPROVEMENT AGREEMENT
ADDENDUM FOR PUBLIC IMPROVEMENTS AT 856
NORTH SACRAMENTO STREET

=====

WHEREAS, the developer, Emile Atwood, has applied for a building permit to construct an office/retail building at 856 North Sacramento Street. Public improvements, including curb, gutter, sidewalk, and miscellaneous storm drainage improvements are a part of the off-site improvement requirement, as specified in Lodi Municipal Code Chapter 15.44; and

WHEREAS, the developer executed an improvement agreement for the required public improvements in June 2006 and, pursuant to the terms thereof, the developer had 365 days from the date of the agreement execution to complete the public improvements. As a condition of the building permit, all public improvements must be completed prior to occupancy; and

WHEREAS, the public improvements have not been completed as of this date due to financial constraints on the part of the developer. The developer desires to comply with the requirements of the agreement and is requesting a time extension for completion of the public improvements, and staff therefore recommends a one-year extension for the public improvements as specified under the terms of the original improvement agreement; and

WHEREAS, the addendum also specifies that the developer pay all the additional costs of the document preparation (\$548) and provide the necessary contract security and insurance for the terms of the original agreement; and

WHEREAS, the developer has executed the agreement and paid the additional fees, and staff recommends that the City Council approve the Addendum to the Improvement Agreement for the Public Improvements at 856 North Sacramento Street and authorize the City Manager to execute the agreement on behalf of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds:

1. That the Addendum to the Improvement Agreement for the Public Improvements at 856 North Sacramento Street is hereby approved, and further that the City Manager is authorized to execute said Addendum on behalf of the City of Lodi.

Dated: May 16, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with WGR Southwest, Inc., of Lodi, for Storm Drainage Permit Compliance Inspections for Wet Season Construction Inspection

MEETING DATE: May 16, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute a professional services agreement with WGR Southwest, Inc., of Lodi, for Storm Drainage Permit Compliance Inspections for wet season construction inspections.

BACKGROUND INFORMATION: The State Water Resource Control Board issued to the City of Lodi Permit WDID No. 5B39NP00028 that governs the discharge of storm water runoff. A condition of that permit requires that regular wet season inspections of construction site best management practices (BMP's) be performed for all regulated construction sites. The wet season is defined as October 1 through April 15. We have attempted to perform these inspections using existing staff, but the State has made it clear that more inspections and improved records of inspections are expected. Staff recommends that WGR Southwest, Inc., of Lodi, be retained under a professional services agreement to conduct the required inspections. That agreement and accompanying scope of services is provided as Attachment A.

The following justification is provided supporting this staff recommendation.

1. WGR Southwest, Inc., is a local firm with expertise in this area of specialty inspections and is providing similar services to other agencies in the region.
2. Contracting with an outside firm obviates the need to add staff to provide seasonal services to the community.
3. Inspection reports, site photos, compliance history and consistent enforcement of the permit regulations will assure permit compliance by the City.

Storm Drainage Permit Compliance Inspections are a new service to be provided by the City. On April 18, 2007, City Council conducted a public hearing and adopted new fees to cover these services.

The contract term is not limited but can be terminated by the City by submitting at least ten days notice to the Consultant. From time to time, the unit cost basis for the scope of work items will have to be amended to reflect the Consultant's labor and materials cost escalation. These changes will be brought to the Council for approval.

FISCAL IMPACT: The cost of the inspection services will be offset by revenues from the Storm Drainage Permit Compliance Inspection Fees.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer/Deputy Public Works Director
RCP/FWS/pmf
Attachment

APPROVED: _____
Blair King, City Manager

AGREEMENT FOR CONSULTING SERVICES

**ARTICLE 1
PARTIES AND PURPOSE**

Section 1.1 Parties

THIS AGREEMENT is entered into on _____, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and WGR SOUTHWEST, INC., (hereinafter "CONSULTANT").

Section 1.2 Purpose

CITY selected the CONSULTANT to provide the conceptual design services required in accordance with attached scope of services, Exhibit A.

CITY wishes to enter into an agreement with CONSULTANT for Construction Inspection Program project (hereinafter "Project") as set forth in the Scope of Services attached here as Exhibit A.

**ARTICLE 2
SCOPE OF SERVICES**

Section 2.1 Scope of Services

CONSULTANT, for the benefit and at the direction of CITY, shall perform the scope of services as set forth in Exhibit A, attached and incorporated by this reference.

Section 2.2 Time For Commencement and Completion of Work

CONSULTANT shall commence work within ten (10) days of executing this Agreement, and complete work under this Agreement based on a mutually agreed upon timeline.

CONSULTANT shall submit to CITY one reproducible set of the final report product and electronic file(s) for same, and other project deliverables as indicated in the attached project scope of services.

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

Section 2.3 Meetings

CONSULTANT shall attend meetings as indicated in the Scope of Services, Exhibit A.

Section 2.4 Staffing

CONSULTANT acknowledges that CITY has relied on CONSULTANT's capabilities and on the qualifications of CONSULTANT's principals and staff as identified in its proposal to CITY. The scope of services shall be performed by CONSULTANT, unless agreed to otherwise by CITY in writing. CITY shall be notified by CONSULTANT of any change of Project Manager and CITY is granted the right of approval of all original, additional and replacement personnel in CITY's sole discretion and shall be notified by CONSULTANT of any changes of CONSULTANT's project staff prior to any change.

CONSULTANT represents that it is prepared to and can perform all services within the scope of services specified in Exhibit A. CONSULTANT 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 CONSULTANT to practice its profession, and that CONSULTANT shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and approvals.

Section 2.5 Subcontracts

CITY acknowledges that CONSULTANT will not subcontract any portions of the scope of services.

**ARTICLE 3
COMPENSATION**

Section 3.1 Compensation

CONSULTANT's compensation for all work under this Agreement shall conform to the provisions of Fee Proposal, attached as a portion of Exhibit A.

CONSULTANT 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

CONSULTANT shall submit invoices for completed work on a monthly basis, providing, without limitation, details as to amount of hours, individual performing said

work, hourly rate, and indicating to what aspect of the scope of services said work is attributable.

Section 3.3 Costs

The fees shown on Exhibit A include all reimbursable costs required for the performance of the individual work tasks by CONSULTANT and/or subconsultant and references to reimbursable costs located on any fee schedules shall not apply. Payment of additional reimbursable costs considered to be over and above those inherent in the original Scope of Services shall be approved by CITY.

CONSULTANT charge rates are attached and incorporated with Exhibit A. The charge rates for CONSULTANT shall remain in effect and unchanged for the duration of the Project unless approved by CITY.

Section 3.4 Auditing

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

CONSULTANT agrees that CITY or its delegate will have the right to review, obtain and copy all records pertaining to performance of this Agreement. CONSULTANT 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. CONSULTANT 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, CONSULTANT shall not discriminate in the employment of its employees or in the engagement of any subconsultants 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 Responsibility for Damage

CONSULTANT shall indemnify and save harmless the City of Lodi, the City Council, elected and appointed Boards, Commissions, all officers and employees or agent from any suits, claims or actions brought by any person or persons for or on account of any injuries or damages sustained or arising from the services performed in this Agreement but only to the extent caused by the negligent acts, errors or omissions of the consultant and except those injuries or damages arising out of the active negligence of the City of Lodi or its agents, officers or agents.

Section 4.3 No Personal Liability

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

Section 4.4 Responsibility of CITY

CITY shall not be held responsible for the care or protection of any material or parts of the work prior to final acceptance, except as expressly provided herein.

Section 4.5 Insurance Requirements for CONSULTANT

CONSULTANT shall take out and maintain during the life of this Agreement, insurance coverage as listed below. These insurance policies shall protect CONSULTANT 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 CONSULTANT'S operations under this Agreement, whether such operations be by CONSULTANT 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. **COMPREHENSIVE GENERAL LIABILITY**

\$1,000,000 Bodily Injury -

Ea. Occurrence/Aggregate

\$1,000,000 Property Damage -

Ea. Occurrence/Aggregate

or

\$1,000,000 Combined Single Limits

2. COMPREHENSIVE AUTOMOBILE LIABILITY

\$1,000,000 Bodily Injury - Ea. Person
\$1,000,000 Bodily Injury - Ea. Occurrence
\$1,000,000 Property Damage - Ea. Occurrence

or

\$1,000,000 Combined Single Limits

NOTE: CONSULTANT agrees and stipulates that any insurance coverage provided to CITY shall provide for a claims period following termination of coverage.

A copy of the certificate of insurance with the following endorsements shall be furnished to CITY:

(a) Additional Named Insured Endorsement

Such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed Boards, Commissions, Officers, Agents and Employees as additional named insureds insofar as work performed by the insured under written Agreement with CITY. (This endorsement shall be on a form furnished to CITY and shall be included with CONSULTANT'S policies.)

(b) Primary Insurance Endorsement

Such insurance as is afforded by the endorsement for the Additional Insureds shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the insurance afforded by this endorsement.

(c) Severability of Interest Clause

The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.

(d) Notice of Cancellation or Change in Coverage Endorsement

This policy may not be canceled by the company without 30 days' prior written notice of such cancellation to the City Attorney, City of Lodi, P.O. Box 3006, Lodi, CA 95241.

(e) CONSULTANT agrees and stipulates that any insurance coverage provided to CITY shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).

"Claims made" coverage requiring the insureds to give notice of any potential liability during a time period shorter than that found in the Tort Claims Act shall be unacceptable.

Section 4.6 Worker's Compensation Insurance

CONSULTANT shall take out and maintain during the life of this Agreement, Worker's Compensation Insurance for all of CONSULTANT'S employees employed at the site of the project and, if any work is sublet, CONSULTANT shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the CONSULTANT. In case any class of employees engaged in hazardous work under this Agreement at the site of the project is not protected under the Worker's Compensation Statute, CONSULTANT shall provide and shall cause each subcontractor to provide insurance for the protection of said employees. This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the City Attorney, City of Lodi, P.O. Box 3006, Lodi, CA 95241.

Section 4.7 Attorney's Fees

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 court.

Section 4.8 Successors and Assigns

CITY and CONSULTANT each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONSULTANT 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.

Section 4.9 Notices

Any notice required to be given by the terms of this Agreement shall be deemed to have been given when the same is personally served or sent by certified mail or express or overnight delivery, postage prepaid, addressed to the respective parties as follows:

To CITY: City of Lodi
Richard C. Prima, Jr., Public Works Director
221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

To CONSULTANT: _____

Section 4.10 Cooperation of CITY

CITY shall cooperate fully in a timely manner in providing relevant information that it has at its disposal.

Section 4.11 CONSULTANT is Not an Employee of CITY

It is understood that CONSULTANT is not acting hereunder in any manner as an employee of CITY, but solely under this Agreement as an independent contractor.

Section 4.12 Termination

CITY may terminate this Agreement by giving CONSULTANT at least ten (10) days written notice. Where phases are anticipated within the Scope of Services, at which an intermediate decision is required concerning whether to proceed further, CITY may terminate at the conclusion of any such phase. Upon termination, CONSULTANT shall be entitled to payment as set forth in the attached Exhibit A to the extent that the work has been performed. Upon termination, CONSULTANT shall immediately suspend all work on the Project and deliver any documents or work in progress to CITY. However, CITY shall assume no liability for costs, expenses or lost profits resulting from services not completed or for contracts entered into by CONSULTANT with third parties in reliance upon this Agreement.

Section 4.13 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 4.14 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.

Section 4.15 Integration and Modification

This Agreement represents the entire integrated Agreement between CONSULTANT and CITY; supersedes all prior negotiations, representations, or Agreements, whether written or oral, between the parties; and may be amended only by written instrument signed by CONSULTANT and CITY.

Section 4.16 Applicable Law and Venue

This Agreement shall be governed by the laws of the State of California. Venue for any court proceeding brought under this Agreement will be with the San Joaquin County Superior Court.

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 Authority

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

Section 4.19 Ownership of Documents

All documents, photographs, reports, analyses, audits, computer tapes or cards, or other material documents or data, and working papers, whether or not in final form, which have been obtained or prepared for this project, shall be deemed the property of CITY. Upon CITY's request, CONSULTANT shall allow CITY to inspect all such documents during regular business hours. Upon termination or completion, all information collected, work product and documents shall be delivered by CONSULTANT to CITY within ten (10) days.

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

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

CITY OF LODI, a municipal corporation

ATTEST:

By _____
RANDI JOHL
CITY CLERK

By _____
BLAIR KING
CITY MANAGER

APPROVED AS TO FORM:

Dated: _____

By  _____
D. STEPHEN SCHWABAUER
CITY ATTORNEY

By: _____

Its: _____



Southwest, Inc.

December 15, 2006

Mr. George Bradley
City of Lodi
Public Works Department
1331 South Ham Lane
Lodi, CA 95242-3995

RE: Proposed Scope of Work for the 2007
Construction Inspection Program

Dear Mr. Bradley,

WGR Southwest, Inc. (WGR) is pleased to provide the City of Lodi with this proposal and scope of work to perform the City of Lodi's Construction Inspection Program. The following is the scope of work that we are proposing

- **Construction Inspections (Monthly Inspections)** – These inspections will be performed at all active construction sites in the City of Lodi on a monthly basis. The inspection will consist of a precursory review of the SWPPP at the site, an inspection of the construction site and its BMPs, completion of a compliance checklist, review of the inspection findings with the site construction supervisor, and preparation of an internal report and other supporting documentation for your Department. If the City desires, we can also issue a Notice of Violation (NOV) as appropriate.
- **Construction Inspections (Follow-up Visits)** – Follow-up inspections will be performed where significant compliance deficiencies were identified during the monthly visit that require follow up sooner than the next monthly inspection. We will complete another compliance checklist, review the inspection findings with the site supervisor, and prepare an internal report and other supporting documentation for your Department. If the City desires, we can also issue a Notice of Violation (NOV) as appropriate.
- **Monthly Compliance Checks** – As an option and additional service to the City's construction storm water program, WGR proposes to perform a monthly compliance check of portions of the City where development or construction activities are likely to be occurring. The compliance check will involve driving around looking for construction sites that are either not complying with their

General Permit/SWPPP or have not submitted a NOI. We have built into our proposed rate four hours to do this on a monthly basis. You can either have us select our own areas to tour, which will be done in a systematic way to cover the city over a 2 - 3 month period or you can assign certain areas to review based on historic problems, amount of construction activity, or water quality data.

- **Storm Water Construction Training Materials** – To complement the inspection program, WGR proposes to provide a storm water training DVD and educational brochures to the construction supervisor (or site contact) on our first visit at each of the sites that we inspect. The training DVDs that are currently available include “*BMP Roundup*”, which addresses erosion and sedimentation issues; or “*Extreme BMP Makeover*”, which addresses BMPs for construction activity including concrete washout, concrete cutting, and equipment maintenance. We have plans to create a new training DVD in 2007 that will provide information for site supervisors on performing the General Permit required inspections of their site. We will customize these DVDs to include information about contacting your department for more information. The brochures will be a companion to the DVD.

Our proposed cost estimate is based on the following project approach:

Project Setup:

Prior to beginning the field inspections, WGR will meet with your staff to kickoff the project and to refine the goals and protocols for performing the inspections and training. During this preparation time, a general schedule based on a geographic layout of the facilities to visit will be prepared. We will need your input to identify the sites requiring inspections, but we will also download the list of active Construction General Permittees from the State Water Board’s website and compare it to your list. We will prepare an inspection protocol and checklist or if you have one that you have been using and would like to continue to use, we can review that one. WGR will maintain a master spreadsheet that will list all of the facilities requiring an inspection and other pertinent data. The spreadsheet will be used to track the inspection program progress, summarize the results of the visits, and itemize any follow up action that becomes necessary. The spreadsheet will be used to communicate information to the City of Lodi during the inspection period. We estimate that approximately 3 days will be necessary to adequately prepare for the inspections and to create the supporting documents and files.

Project Training:

WGR will take all necessary steps to assure that the inspections are performed by qualified and trained individuals. We will utilize field inspectors who have been trained on the appropriate use of Best Management Practices (BMPs) at construction sites. We will assign a project manager to the inspection program who has extensive storm water regulatory and BMP experience. We have also included project management time to assist the field inspectors with issues that may arise during the inspections. We would like to suggest that all of our inspectors perform an initial inspection with your staff to make sure that our approach is consistent with your expectations.

Project Implementation:

WGR will perform the field inspections in accordance with the protocols and guidance developed during the project setup phase. We plan on performing an average of four inspections per day. Based on past experience, we have found that the average inspection duration for construction sites requires approximately 1.25 to 1.50 hours for first time inspections, including field time and report preparation. The field inspectors will weekly establish a specific schedule based on the general schedule and will route his/her course of inspections in the most expeditious manner. We feel construction inspections are best performed without advance notice to the party being inspected, so we are not proposing to contact them ahead of time. Each construction site will be inspected using the checklist and following the written protocol. The inspector will take digital photographs of the site and any storm water-related concerns. The inspector will request to review a copy of the SWPPP and will photograph a copy of the site map from that plan to include with the inspection report. The training materials (provided by the City of Lodi or by WGR as described above) will be given to the site contact along with a copy of the completed checklist. By the end of each day, the inspector will complete the inspection report on the laptop computer and will download the photographs into the report. The reports and completed checklists will be provided to the City of Lodi as hard copies and on a compact disc with a copy of the updated inspection spreadsheet on a frequency of your choosing.

Project Wrap Up:

When the project is complete, WGR will provide the City of Lodi with a final report of the inspection activities and results. All information will be transferred to the City electronically and hard copies can be provided as specifically requested by the City. For project closure, we will schedule a meeting to discuss the inspection / training program results and to identify areas for improvement for future rounds of inspections and training.

Project Cost:

WGR proposes to perform the above scope of work on a unit cost basis:

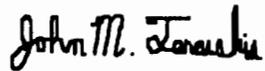
Monthly Construction Inspections (First Time Inspection).....	\$125/location
Monthly Construction Inspections (Subsequent Months)	\$95/inspection
Follow-up Construction Inspections (Subsequent Months).....	\$95/inspection
Monthly Compliance Checks	\$325/month
DVD and Training Brochure (optional added cost to the 1st Time Inspect.)	\$18/location

Project Schedule:

We can begin field inspections within five business days of receiving authorization from you to proceed. Currently, there appears to be approximately 23 active construction sites having General Permits in Lodi, which will take about a week to perform.

We thank you for this opportunity to serve you and we look forward to working with the City of Lodi on this project. If I can answer any questions concerning our proposal, please do not hesitate to call me or to schedule another meeting to discuss the proposed scope of work.

Respectfully,
WGR Southwest, Inc.

A handwritten signature in black ink that reads "John M. Teravskis". The signature is written in a cursive style with a large initial "J" and "T".

John M. Teravskis
Compliance Specialist

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE
PROFESSIONAL SERVICES AGREEMENT WITH WGR
SOUTHWEST, INC., FOR STORM DRAINAGE PERMIT
COMPLIANCE INSPECTIONS

=====

WHEREAS, the State Water Resources Control Board issued to the City of Lodi Permit WDID No. 5B39NP00028 that governs the discharge of storm water runoff; and

WHEREAS, a condition of that permit requires that regular wet season inspections (October 1 through April 15) of construction site best management practices (BMP's) be performed for all regulated construction sites; and

WHEREAS, the Public Works Department has attempted to perform these inspections using existing staff, but the State has made it clear that more inspections and improved records of inspections is expected, and therefore staff recommends that WGR Southwest, Inc., be retained under a professional services agreement to conduct the required inspections.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute Professional Services Agreement with WGR Southwest, Inc., of Lodi, California for Storm Drainage Permit Compliance Inspections to begin in October 2007.

Dated: May 16, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the City Manager to execute a professional services contract with the Lodi Salvation Army to administer the “SHARE Customer Verification and Certification Program” (a pilot project), and allocate \$14,500 in Public Benefit Program funds to complete this project (EUD)

MEETING DATE: May 16, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute a contract with the Lodi Salvation Army to administer the “SHARE Customer Verification & Certification Program”, and allocate \$14,500 in Public Benefit Program funds to complete this pilot project.

BACKGROUND INFORMATION: There are currently (as of April 1, 2007), 2,024 residential customers participating in the Lodi SHARE Electric Rate Discount* program. For eligible customers, this rate relief program provides a 30% monthly discount off the published, standard EA (Residential Service) electric rate.

In order to ensure that all current participants of the program are presently eligible to receive this rate relief, the Electric Utility Department (EUD) is proposing a pilot project: the “SHARE Customer Verification and Certification Program.” To successfully achieve the goal of this program, the EUD is proposing to enlist the professional services of the Salvation Army** (S.A.). The S.A. will randomly select 675 current SHARE customers, and then verify and confirm that all 675 customers (households) are still eligible to receive the aforementioned rate relief. If the customer meets the existing eligibility requirements, the S.A. will notify the EUD. Likewise, if a customer fails to meet said requirements, the S.A. will notify the EUD and that customer’s rate relief will be discontinued.

The S.A., as stipulated in the attached contract, will charge the EUD \$20 per customer verification/certification (675 customer screenings ‘x’ \$20.00 = \$13,500). NOTE: the total requested allocation for this program is \$14,500; of this amount, \$1,000 is earmarked for customer outreach/notification, brochure and verification/certification applications and other materials as needed).

During the first six months of the 2006-2007 fiscal year, \$230,000 in rate relief was provided to customers on the SHARE Electric Rate Discount. This rate relief is funded via Lodi’s Public Benefits Program, and is considered a qualifying expenditure of Public Benefits funds. By way of this proposed certification and verification program, the EUD is simply ensuring that those customers most in need of rate relief are truly receiving the assistance currently available through this program.

APPROVED: _____
Blair King, City Manager

Adopt resolution authorizing the City Manager to execute a professional services contract with the Lodi Salvation Army to administer the "SHARE" Customer Verification and Certification Program" (a pilot project), and allocate \$14,500 in Public Benefit Program funds to complete this project (EUD)

May 16, 2007

Page 2 of 2

After the 'pilot project' is completed (the first 675 customers have been screened by the S.A.), EUD will review and assess the results and may recommend proceeding – with Council approval – to the next phase of the project which will be the verification/certification of the remaining customers in the program. Ultimately, the EUD will require re-verification and re-certification every two years in order for a customer to retain the rate relief. However, step one is to verify and confirm that existing customers do still qualify.

The EUD respectfully recommends approval of this professional services contract with the Salvation Army, as well as the \$14,500 allocation of Public Benefit Program funds.

*In order to qualify for the SHARE Rate Discount, the customer is required to certify income eligibility. The income levels for 1 to 4 persons in a household range from \$22,000 to \$31,100, and customers must show all proof of income for all members (when applicable) of the household. *In addition*, the customer must sign a statement upon application indicating that the COL may verify the customer's eligibility at any time. If it is determined during the verification process that a customer is not eligible to receive the discount, the customer will be removed from the program and the COL may render corrective billing.

**The S.A. was selected to serve as the screening agent for this program for two reasons: 1) their experience and expertise in providing services of a similar nature for other entities (PG & E, San Joaquin County); and 2) the S.A. has served successfully as the administrator of the "Lodi C.A.R.E. Package Program" since 2005 – this is a utility grant payment program funded through Lodi's Public Benefits Program.

FISCAL IMPACT: Requires an expenditure of \$14,500 in Public Benefit funds.

FUNDING: 164606 – Public Benefits (Category: Low-Income Customer Assistance)

Kirk Evans, Budget Manager

George F. Morrow
Electric Utility Director

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

GFM/rsl/lst

Attachments

cc:

SHARE Customer Verification/Certification

EXHIBIT “A”

Eligibility Requirements:

- Must meet income guidelines –
 - 1-2 persons in household: \$22,000 max. annual household income
 - 3 persons in household: \$25,900 max. annual household income
 - 4 persons in household: \$31,100 max. annual household income
 - Each additional member: \$5,200

- Customer must present (in person) appropriate documentation of the following in order to qualify for the SHARE program -
 - current City of Lodi utility statement (if currently a City of Lodi utility customer);
 - ID/Social Security Cards for ALL members of the household, and driver’s license or California ID card of the person listed on the utility account OR account to be established;
 - proof of current fixed income (interest income, AFDC/TANF, food stamps, SSI/SSP, SSA, pensions/annuities/401K/IRA,), AND non-fixed income (wages/commissions, stocks/bonds income, business income, all other income); and,
 - copy of property rental agreement (if appropriate).

CONTRACT

BETWEEN

CITY OF LODI AND LODI SALVATION ARMY

This contract between the City of Lodi, a municipal corporation, (hereinafter "Lodi") and the Salvation Army, a California Corporation (hereinafter "S.A."), sets forth the terms and conditions under which S.A. will provide the services described herein. Lodi and S.A. agree as follows:

SCOPE OF SERVICES

The S.A. agrees to administer the *SHARE Customer Verification/Certification Program* for Lodi, in strict conformity with the terms and conditions of this contract. The S.A. will provide the following services to Lodi under this agreement:

- Maintain and monitor a budget of \$13,500 (675 total customer verifications/certifications), which concludes when this total dollar amount is exhausted;
- Provide all customer interface, which includes screening for customer eligibility (pursuant to the eligibility requirements set forth in Exhibit "A") and approval of customer participation in this electric utility rate discount;
- Notify the City of Lodi Electric Utility and Finance departments, through an existing and agreed upon procedure of both telephone/fax communications of any/all customers approved for participation in this program. The S.A. will also notify Lodi of any/all customers who are removed from the program for failing to meet the eligibility requirements as set forth in Exhibit "A;"
- The S.A., in concurrence with the COL, will randomly select and screen 675 customers currently receiving the SHARE electric rate discount.

TERMS OF AGREEMENT

The term of this agreement shall be from May 17, 2007 until the entire \$13,500 in allocated funds for the program has been expended. It is anticipated that this pilot project will be completed by September 1, 2007.

ADVERTISING, MARKETING AND PUBLIC RELATIONS

All advertising, marketing and/or public relations will be the sole responsibility of Lodi, which includes all costs associated with any outreach or promotional material and/or ad campaigns, as well as costs associated with the development and production of program brochures and program participant applications. The S.A. agrees to provide consulting services to Lodi on potential market groups or targeted audiences.

**SHARE CUSTOMER VERIFICATION/CERTIFICATION
CONTRACT (continued)**

INSURANCE

For actions performed under this agreement, the S.A. agrees to maintain all necessary insurance requirements set forth by Lodi (as identified in the instructions/requirements for insurance coverage page, attached hereto and incorporated herein).

CONTRACT PRICE AND TERMS

The S.A. will invoice for all administrative work performed at a rate of \$20 per customer verification/certification, with a cap of \$13,500 (the funding allows for a total of 675 customer verifications/certifications in this pilot project). Invoices will be submitted to Lodi the first of each month, payable within thirty (30) days of the invoice date.

COMPLIANCE WITH LICENSES

(Note: No additional licenses are required to comply with this program.)

INDEMNITY CLAUSE

The S.A. shall indemnify, defend and hold harmless the City of Lodi, the City of Lodi Electric Utility, the City of Lodi Finance Department, its City Council, Directors, Officers, Agents, and employees against all claims, loss, damage, expense, and liability arising out of, or in any way connected with the performance of this contract and excepting only such loss, damage or liability as may be caused by the intentional acts or sole negligence of the City of Lodi, the City of Lodi Electric Utility, and the City of Lodi Finance Department.

***SHARE CUSTOMER VERIFICATION/CERTIFICATION CONTRACT
ACCEPTANCE***

THE ABOVE TERMS AND CONDITIONS ARE AGREED UPON, AND ACCEPTED
ON THIS _____ DAY OF MAY, 2007.

The Salvation Army

Blair King, City Manager

Approved as to Form:

D. Stephen Schwabauer
City Attorney

ATTEST:

Randi Johl
City Clerk

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES
CONTRACT WITH THE LODI SALVATION ARMY TO ADMINISTER
THE SHARE CUSTOMER VERIFICATION AND CERTIFICATION
PROGRAM AND TO ALLOCATE PUBLIC BENEFIT PROGRAM FUNDS
TO COMPLETE THE PROJECT

WHEREAS, as of April 1, 2007, there are 2,024 residential customers participating in the Lodi SHARE Electric Rate Discount program. For eligible customers, this rate relief program provides a 30% monthly discount off the published, standard residential service electric rate; and

WHEREAS, in order to ensure that all current participants of the program are presently eligible to receive this rate relief, the Electric Utility Department (EUD) is proposing the pilot project, "SHARE Customer Verification and Certification Program." EUD is proposing to enlist the professional services of the Salvation Army, which will randomly select 675 current SHARE customers and verify/confirm that all 675 customers (households) are still eligible to receive the aforementioned rate relief. The Salvation Army will notify EUD whether these customers meet or fail to meet the existing eligibility requirements, which may result in the discontinuation of the rate relief for some; and

WHEREAS, the Salvation Army will charge EUD \$20 per customer verification/certification (i.e. 675 customer screenings x \$20.00 = \$13,500). The total requested allocation for this program is \$14,500, and, of this amount, \$1,000 is earmarked for customer outreach/notification, brochure and verification/certification applications, and other materials as needed; and

WHEREAS, after the pilot project is completed, EUD will review and assess the results and may recommend to City Council proceeding with the verification/certification of the remaining customers in the program, after which EUD will require re-verification and re-certification every two years in order for a customer to retain the rate relief.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a professional services contract with the Lodi Salvation Army to administer the SHARE Customer Verification and Certification Program; and

BE IT FURTHER RESOLVED that the City Manager is authorized to allocate Public Benefit Program funds in the amount of \$14,500 to complete the project.

Dated: May 16, 2007

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Authorize the City Manager to Execute the City of Stockton Emergency Communications Agreement (FD)

MEETING DATE: May 16, 2007

PREPARED BY: Michael E. Pretz, Fire Chief

RECOMMENDED ACTION: Authorize the City Manager to execute the City of Stockton Emergency Communications Agreement.

BACKGROUND INFORMATION: This agreement replaces the current dispatch agreement and features new provisions. The new dispatch agreement is a month-to-month agreement and can be severed with a 30-day notification. Moreover, the new agreement reduces the cost of dispatching services from the current \$28.48 (FY 2006) per call for every type of call to \$19.36 per fire call and \$9.68 per medical emergency call. Both costs are significantly lower than the current rates. In addition, the contract calls for a cost of living (COLA) increase at 80% of the San Francisco CP in July 2008. Based upon an estimated 5,000 calls for service in 2007, the City of Lodi should realize a reduction in costs from \$136,700 (FY 2006) to an estimated \$65,340 (FY 07-08), an estimated savings of approximately \$71,360.

There are several reasons I believe the City should sign this agreement.

1. The agreement is a month to month contract, with a 30-day severance clause.
2. The cost of dispatching services has been reduced from \$28.48 to \$19.36 (fire) and \$9.68 (medical emergency).
3. Future rate changes would require action by City of Stockton staff and Council reducing possible rate fluctuation.
4. The lawsuit with San Joaquin County over Public Safety Answering Points is months from being settled.
5. Changing dispatch service providers will be disruptive to the department and community.
6. By changing dispatch service providers, the department will lose an important link to interoperability.
7. Changing dispatch service providers will add to City costs.
8. The City of Stockton Regional Communications Center is a known commodity.

The City has sent a letter to Stockton declaring its desire to sever the current contract in July. As has been pointed out above, there is no seamless or less expensive alternative to changing dispatch service agencies available. The City of Lodi is under contract until July 2007. By not signing this agreement we will continue under current contract and at the current rate. At the very least, signing the agreement will reduce fire department monthly cost by an estimated \$5,500.

APPROVED: _____
Blair King, City Manager

Authorize the City Manager
to Execute the City of Stockton
Emergency Communications
Agreement (FD)
May 16, 2007
Page 2

FISCAL IMPACT: Reduction in the cost per call for dispatch services.

FUNDING AVAILABLE: Fire Department annual budget

Kirk Evans, Budget Manager

Michael E. Pretz, Fire Chief

MEP/lh

Attachment

FIRE AND EMERGENCY MEDICAL DISPATCHING
SERVICES AGREEMENT

THIS AGREEMENT, is made and entered into on _____, by and between the CITY OF STOCKTON, a municipal corporation, hereinafter designated as "CITY," and the CITY OF LODI, a municipal corporation, hereinafter designated as "AGENCY."

WHEREAS, CITY desires to enter into an agreement with AGENCY to provide fire and emergency medical call receipt and dispatching services to the AGENCY through the Emergency Communications Division located 110 West Sonora Street, Stockton, California.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the parties hereto expressly agree as follows:

1. SERVICES AND RESPONSIBILITIES:

(a) CITY will provide fire and emergency medical dispatching services to the AGENCY served as of the date of this Agreement. Such services shall be provided at an equivalent level to that provided for similar incidents and occurrences within the incorporated area of CITY.

(b) CITY shall be responsible for the operation and supervision of the Emergency Communications Division, and will provide plant facilities, personnel and common equipment necessary for the operation of the Emergency Communications Division on a 24-hour-per-day basis. Excluded from common communications equipment are certain items which benefit only one agency or participant, including listed business and emergency telephone lines, radios, and other related communications equipment. It shall be the responsibility of CITY to receive calls for assistance and transmit same to AGENCY in conformance with the procedures set forth in Stockton Fire Dispatch EMD/Fire Dispatch Protocols.

(c) Upon notification and acknowledgment by CITY, AGENCY shall assume sole responsibility for the disposition of its fire and rescue resources and shall be responsible for any necessary reports.

(d) AGENCY will be responsible for the disposition of its own business calls unless other contractual arrangement are made. CITY will, however, relay to AGENCY any business calls received by the Emergency Communications Division.

(e) AGENCY shall provide CITY and maintain, at its own expense, accurate street location information, response level assignments (zones), and any other related fire and rescue information necessary for emergency call-taking and dispatching. This

information and all subsequent information shall be the sole responsibility of AGENCY. Required information necessary for this dispatching service shall be in a form specified by CITY.

2. PAYMENT FOR SERVICES:

(a) AGENCY will pay CITY for dispatch services at a rate of \$9.68 per call for medical calls where an ambulance is also dispatched and at a rate of \$19.36 per call for non-medical call dispatched by CITY's dispatch center.

(b) After July 1, 2008, a cost-of-living adjustment shall be made annually, changing the amount charged AGENCY in accordance with the changes in the Consumers Price Index for "all cities" consumers (base year 1967 = 0001 for the San Francisco/Oakland Metropolitan area), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published for the date nearest the date of the proposed increase, but will not exceed 4/5%.

(c) Payment of the per call fee shall be made by AGENCY to CITY in monthly payments. CITY will bill AGENCY on a monthly basis based on the number and types of dispatches for the previous month. Payment will be due upon receipt of CITY's billing invoice. AGENCY will be considered delinquent in its payment if payment has not been made within thirty (30) days after the invoice due date.

3. TERM OF AGREEMENT AND TERMINATION PROCEDURES:

(a) This Agreement shall remain in effect until terminated and shall be on a month-to-month basis. This Agreement may be terminated by either party without cause upon the giving of 30 days written notice. This Agreement may be terminated without complying with the notice requirement for the sole cause of nonperformance by the other party. However, if CITY terminates this Agreement because AGENCY has insufficient funds to meet its obligation under this Agreement such termination shall be effective upon giving thirty (30) days written notice. AGENCY agrees to compensate CITY for costs incurred during such thirty (30) day period.

4. WITHHOLDING OF PAYMENT OR SERVICES:

(a) AGENCY may withhold payment for any period during which CITY does not or cannot provide the (contracted) service.

(b) CITY may withhold service during any period that AGENCY is delinquent in making payments to CITY.

5. CITY SERVICE TO OTHER AGENCIES:

As a result of this Agreement, CITY is in no way prevented from offering its service to other agencies.

6. INDEPENDENT CONTRACTOR:

CITY shall serve as an independent contractor in performing the services provided under this Agreement and shall be responsible for workers' compensation and other obligations of CITY consistent with that status. In no event shall CITY be responsible for any workers' compensation or other employment obligations of AGENCY.

7. INDEMNIFICATION:

It is understood that CITY is not acting hereunder in any manner as an employee of AGENCY, but solely under this Agreement as an independent contractor, and CITY shall not under any circumstances be liable to AGENCY or any person or persons acting for or under it for any deaths or injuries received or claimed, unless any such liability arises by virtue of negligence or intentional acts by CITY, its officers, agents or employees, and AGENCY agrees to defend and hold CITY free and harmless from liability which is not due to any fault of CITY, its officers, agents, or employees.

8. NOTICES:

Any written notice to be given to the parties in connection with this Agreement may be affected by personal delivery or by mail and shall be considered effectively tendered upon actual receipt if by personal delivery and five (5) days following deposit with the U.S. Mail service, first-class, postage prepaid. Notices shall be addressed as set forth below:

To CITY: City of Stockton
Stockton Fire Department
425 North El Dorado Street
Stockton CA 95202-1997

To AGENCY: City of Lodi
Attn: City Manager
221 West Pine Street
Lodi CA 95240

9. INSURANCE:

AGENCY shall secure and maintain at its own expense during the life of this Agreement Workers' Compensation and other insurance coverages in the forms and amounts set forth in the attached Exhibit A, which is incorporated herein by reference.

10. ATTORNEY'S FEES:

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 court.

11. APPLICABLE LAW:

This Agreement shall be governed by the laws of the State of California.

12. SEVERABILITY:

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

13. 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 questions of interpretation or intent.

14. ENTIRE AGREEMENT:

This Agreement represents the entire and integrated agreement between CITY and AGENCY and supersedes all prior negotiations, representations, or agreement, either written or oral. This Agreement may be amended only by written instrument signed by CITY and AGENCY.

15. AUTHORITY:

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

16. EFFECTIVE DATE OF SERVICE:

Dispatching Service shall become effective on May 1, 2007.

IN WITNESS WHEREOF, this Agreement has been executed by the respective parties hereto through their respective authorized officers the day and year first above written.

CITY OF STOCKTON, a
municipal corporation

ATTEST:

KATHERINE GONG MEISSNER
CITY CLERK

By _____
J. Gordon Palmer, Jr.
City Manager

"CITY"

By _____

CITY OF LODI, a municipal
corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
CITY ATTORNEY

By _____
Blair King
City Manager

By _____
Assistant City Attorney

"AGENCY"

ATTEST:

RANDI JOHL, City Clerk

By _____
City Clerk

APPROVED AS TO FORM:

By _____
Janice D. Magdich
Deputy City Attorney
City of Lodi

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**CITY OF LODI
COUNCIL COMMUNICATION**
TM

AGENDA TITLE: Authorize staff to amend the General Plan Update Scope of Services to expand the Community survey to include all City residents and adjust the budget by \$7,200.00 for a total of \$17,700.00

MEETING DATE: May 16, 2007

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Authorize staff to amend the General Plan Update Scope of Services to expand the Community survey to include all City residents and adjust the budget by \$7,200.00 for a total of \$17,700.00.

BACKGROUND INFORMATION: On May 17, 2006, the City Council entered into a contract with the consulting firm of Dyett & Bhatia for contract services related to the update of the General Plan.

Dyett & Bhatia have been working with their consulting team and with City staff to gather as much information as they can regarding the City of Lodi and the issues that will be addressed in the General Plan Update. At the September 14, 2006 General Plan Update City Council/Planning Commission joint workshop, Councilors and Commissioners supported the General Plan’s community participation program. However, the Council requested to expand inclusiveness by extending the survey to all households in the City rather than one in three as stated in the Scope of Services. Dyett & Bhatia are requesting additional funds to cover costs and expenses that will accrue as result. The additional funding request is estimated to be \$7,200.00. The total original cost of the survey proposed was \$10,500.00. The total proposed cost is estimated at \$17,700.00.

The cost for design of the survey, as well as preparation of a report on the survey findings is already included in the base General Plan Scope of Work—these costs will not increase if survey dissemination is expanded. However, additional responses will need to be mechanically entered into a master database (coded). The already contracted scope of work assumes that 600 total completed surveys would be received. Assuming an average response rate of eight percent of the total number of Lodi households (roughly 22,500), approximately 1,200 additional (1,800 total) completed surveys could be expected, which will need to be coded for analysis as part of this task.

Under this scope, the City will only be billed for the actual number of additional surveys (beyond 600) received at \$6 per survey. (So, for example, if a total of 900 surveys are received, the City shall be billed 300x6=\$1,800.)

APPROVED: _____
Blair King, City Manager

FISCAL IMPACT: \$7,200 (estimated). It could be more or less depending on the number of surveys actually received. To date, Dyett and Bhatia has billed the City for \$198,604.92 or 22% of the total contracted budget authorized for the original General Plan Update of \$920,020.00.

FUNDING AVAILABLE: One million dollars has been allocated for the entire General Plan Update Project from the Capital Improvement Program. This proposal is for the estimated amount of \$7,200 above the originally contract amount.

Kirk Evans, Budget Manager

Peter Pirnejad
Planning Manager

Randy Hatch
Community Development Director

Attachments: 1. First Amendment To Agreement For Professional Services
 2. Exhibit A

**FIRST AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES**

This FIRST AMENDMENT to AGREEMENT FOR PROFESSIONAL SERVICES dated May 17, 2006 is entered into as of _____, 2007, by and between the CITY OF LODI, a Municipal Corporation (hereinafter "CITY") and Dyett & Bhatia, a California Corporation (hereinafter "CONSULTANT").

CITY and CONSULTANT hereby agree as follows:

1. Article 2: Scope of Services of AGREEMENT is amended to include additional services, as set forth in Exhibit A.
2. Article 3: Compensation of AGREEMENT is amended to increase by an estimated \$7,200 to a total amount of \$ 927,220 with the final cost to be more or less based on the number of surveys actually received over 600 at \$6.00 each.

All other provisions of the AGREEMENT shall remain in full force and effect.

CITY OF LODI, a municipal corporation

ATTEST:

By _____
RANDI JOHL
CITY CLERK

By _____
BLAIR KING
CITY MANAGER

APPROVED AS TO FORM:

CONSULTANT

DYETT & BHATIA, a California corporation

By _____
D. STEPHAN SCHWABAUER
DEPUTY CITY ATTORNEY

By: _____
RAJEEV BHATIA
PRINCIPAL

BACKGROUND

At the September 14, 2006 General Plan Update City Council/Planning Commission joint workshop, Councilors and Commissioners supported the General Plan's community participation program. However, to expand inclusiveness, staff and consultants were asked to explore options for extending the community survey to all households in the City (rather than one in three).

This scope of work provides achievement of these objectives, and includes the following tasks:

SCOPE OF WORK: EXPANDED SURVEY TO ALL HOUSEHOLDS IN THE CITY

The cost for design of the survey, as well as preparation of a report on the survey findings is already included in the base General Plan Scope of Work—these costs will not increase if survey dissemination is expanded. However, additional responses will need to be coded. The already contracted Scope of Work assumes that 600 total completed surveys would be received. Assuming an average response rate of eight percent, approximately 1,200 additional (1,800 total) completed surveys could be expected, which will be coded for analysis as part of this task. Our scope continues to envision that all completed surveys will be analyzed and coded (and not just a sample).

Under this scope, the City shall only be billed for the actual number of additional surveys (beyond 600) received at \$6.00 per survey. (So, for example, if a total of 900 surveys are received, the City shall be billed $300 \times 6 = \$1,800$.) In the unlikely event that more than a total of 1,800 responses are received, Dyett & Bhatia shall inform the City; coding for additional surveys (beyond 1,800) shall be \$6.00 per survey. (Note that the Scope of Work continues to envision that printing and mailing of the survey will be done by the City.)

Total Estimated Cost: \$7,200



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Submitted City of Lodi's Arts & Cultural Project Grants for 2006-07

MEETING DATE: May 16, 2007

PREPARED BY: Deanie Bridewell, LAC Liaison

RECOMMENDED ACTION: Approve the grant applications that have been reviewed by the Lodi Arts Commission's Grant Review Committee.

BACKGROUND INFORMATION: The City Council has provided double funding to the Lodi Arts Commission (LAC) for its grant program for 2006-07. The amount of the second allocation is \$50,000. The purpose of the double funding is to allow the LAC to make grant recommendations for the year in which funding has been provided. A recommendation to provide funding in the amount of \$50,000 for Fiscal Year 07-08 has been made.

Grant applications were made available to the public in January with a return deadline of March 30. After three weeks of studying the submitted grants, the Grant Committee met on April 23 to review them. The submitted slate of grants has been approved by the Lodi Arts Commission's Grant Review Committee and the LAC.

FISCAL IMPACT: Up to \$50,000.

FUNDING AVAILABLE: Total grant funding for 2006-07 is \$84,000, \$34,000 for the first segment of the year, and \$50,000 for the second segment, which the Council is now authorizing. The recommendation for 2007-08 is \$50,000.

Kirk Evans, Budget Manager

James M. Rodems
Community Center Director

SB/DB

APPROVED: _____
Blair King, City Manager

**LODI ARTS COMMISSION PROJECT GRANTS
2007-08 PROGRAM CYCLE
SUMMARY OF GRANT APPLICATIONS**

Group Name: Changing Faces Theatre Co.

Grant Request: \$12,000

Project Budget: \$79,520

Previous Funding: 2006-07

Recommended for Funding 2007-08: Yes

Art Form: Theatre

Number of Active Members: Full company numbers about 100, with approximately 65 students in the cast and 35 on the crew.

Scope of Project: Requesting the grant for its summer 2007 production of A Pirate's Tale: Blood Treasure. The student-run company will stage the play at Jessie's Grove Winery in Lodi, with a cast and crew of approximately 100.

Award: \$12,000

Comments: Okay if 501 c 3 is intact. Excellent proposal. All I's are dotted. Unclear though on tax exempt status? Great project!

Update: 501 c 3 status is being renewed per grant app.'s accountant.

Group Name: Lodi Community Art Center

Grant Request: 2 Grants Requested see below

Previous Funding: 2006-07 - \$8,172; 2005 – Mini Grant for Art Hop Brochures \$591.65; 2005-06 \$4,800; 98-99- \$1,500.00; 97-98- \$1,000.00; 96-97-\$3,000.00 plus site through May 96; 96-97- \$1,500.00 L.D.B.A. grant channeled through Arts Commission;95-96--\$1,500 plus site; 94-95--\$1,500 plus site; 93-94--\$2,000 plus site

Art Form(s): Visual Fine Arts

Number of Active Members: 160 volunteer; 1 paid staff

Project 1 Title: Community and the Visual Arts

Grant Request: \$13,450.00

Project Budget: \$ 19,460.00

Recommended for Funding 2006-07: Yes

Admission Charges: none

Scope of Project: The Lecture – Demonstration Series is an educational project designed to involve the community in visual arts lectures/demonstrations, workshops with professional artists and appreciation of artists' works in First Friday Art Hops.

Award: \$13,450.00

Comments: Unsure about whole amount. Need more clarification needed. Once again the Art Center made an excellent grant request for a proven project. I know it is always hard for them but they are a hand in hand partner with the Arts Commission and they promote heavily. Approve because we have a lack of arts

education from LAC in this area – high school/college/adults. Not particularly fond of paying for volunteer hours in a free to public projects! Paying for supplies okay, but not hourly wages! Due to lack of better or more projects to fund, I will okay to fund this year.

Project 2 Title: Youth Gallery

Grant Request: \$ 4650

Project Budget: \$ 7900

Recommended for Funding 2007-08: Yes

Admission Charges: none

Previous funding: 2006-07 \$2273., 2005 -06 \$4800.

Scope of project: The Youth Gallery Project is the only public venue for high school students to show their artwork in Lodi. Ribbons, cash awards, and a college scholarship(s) are given to reward meritorious work. Students are taught to present their work in a portfolio and are encouraged & mentored by community artists.

Award: \$4650.

Comments: The Art Center Youth Gallery meets with our granting requirements and no doubt whatsoever on this project. What efforts have been made to reach home school or continuation high school students? What other agencies will partner this project?

Group Name: Lodi Central Valley Youth Symphony

Grant Request: \$6,336

Project Budget: \$ 13,814

Previous Funding: 2005 - \$5120; 2004 mini \$1,500; 2004 \$5,000; 99-00-\$3,000.00; 98-99- \$4,800.00 plus \$1,000.00 special technical grant; 97-98-\$3,000.00; 96-97- \$2,000.00; 95-96--\$2,000.00; 94-95--\$1,000.00; 93-94--\$350.00

Recommended for funding 2007-08: Yes

Art Form(s): Music

Number of Active Members: 80 students; 6 staff

Admission Charged: none

Scope of Project: CVYS will bring symphonic music to the seniors or our community through a 3-fold plan. This will include a performance at the Loel Senior Center, 2 performances at local convalescent homes and end with a concert at Hutchins Street Square with seniors attending free of charge.

Award: \$6,336.00

Comments: Good to see a new project reaching out to the senior (elder) population. They actively fund raise and have presented a good application. Great! Wonderful project. Worthwhile.

Group Name: Lodi Unified School District

Grant Request: \$4,775.00

Project Budget: \$ 9,775.00

Previous Funding: 2004 - \$4,500

Recommended for Funding: Yes

Art Form(s): Celebrate the Arts Festival

Number of Active Members:

Scope of Project: The Lodi USD Celebrate the Arts Festival is a two-day event in which the artistic talents of our students and teachers are displayed for the community as well as parents. Crete and Kirst halls at Hutchins Street Square are used to display art and give hands-on demonstrations. The Rotunda and Theatre are used for student musical and dramatic group performances.

Award: \$4,775.00

Comments: Well written, Concerned though with no effort from other sources of revenue. Uncertain also about support from HSS. A very worthwhile project.

Group Name: The Arts at St. John's

Grant Request: \$1,500.00

Project Budget: \$2,850.00

Previous Funding: none

Recommended for funding 2007-08: yes

Art Form(s): Music

Admission Charged: Yes, but amount not listed.

Number of Active Members: not listed

Scope of Project: We have five concerts scheduled (at this time) for our 2007-08 season. We have a diverse group of concerts to appeal to all types of audiences. Out Hawaiian Slack Key Guitarist is a big draw and brings people from Sacramento to Modesto. We will be holding a benefit concert for the Katrina victims; all proceeds going to the benefit. We schedule jazz, classical and a little rock to complete our season.

Award: \$1,500.

Comments: Love the project. Need to have a budget. Good grant request and "almost" complete. Deducted points as the exact date for which grant is RQ'd is missing. There is "no" budget so unclear what money is for and outreach plan non existent.

Update: Required budget was turned in.

Grant Awards 2007-08

Grant Tracking 2007-2008 Scoring

Group	Amount Requested	1	2	3	4	5	Total	Average	Amount Awarded
Arts at St. Johns	1,500	97	96	88	42	86	409	81.8	1500.00
Central Valley Youth Symph.	6,336	100	100	100	85	94	479	95.8	6336.00
Changing Faces Theatre Co	12,000	100	100	95	79	93	467	93.4	12000.00
Lodi Community Art Center	4,650	86	86	100	69	91	432	86.4	4650.00
Lodi Community Art Center	13,450	76	79	100	54	95	404	80.8	13450.00
Lodi Unified School District	4,775	100	99	95	92	95	481	96.2	4775.00
Vocal Arts of Lodi	N/A	0	0	0	0	0	0	0	0.00
Total Requested Monies	42,711								42711.00



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Set Public Hearing for June 6, 2007, to consider the introduction of an ordinance amending the Lodi Municipal Code to create comprehensive regulations for mobile food vendors and itinerant merchants

MEETING DATE: May 16, 2007

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Set a Public Hearing for June 6, 2007, to consider the introduction of an ordinance amending the Lodi Municipal Code to create comprehensive regulations for mobile food vendors and itinerant merchants.

BACKGROUND INFORMATION: On July 19, 2006, the Community Development Department presented information to the City Council pertaining to regulations that apply to food vendor operations in this community.

That presentation included a review of existing code regulations and also a reference to previously proposed regulations and upcoming changes in the Development Code that would address these issues, as well as the traffic, health and safety concerns that staff has regarding the permanent operation of food vending vehicles from private property.

At the conclusion of that presentation, direction was given to initiate an enforcement action to address the permanent operation of food vending vehicles on private property, by using our existing code regulations. That action was rescinded at a subsequent meeting on September 20, 2006, and further direction was given to begin the process to establish rules to meet the needs of the City and the community and that the issue of itinerant merchants also be included in that process.

In the crafting of a new ordinance, staff has been reviewing ordinances from other jurisdictions and met with local vendors at the Lodi Improvement Committee meeting on April 3, 2007, for their input. The comments of both the vendors and the Lodi Improvement Committee members were considered in the preparation of a draft ordinance that was previewed before the Council at the May 1st Shirtsleeve meeting. Based upon comments at the Shirtsleeve, a draft ordinance is being prepared for Council consideration.

FISCAL IMPACT: None at this time.

FUNDING AVAILABLE: N/A

Joseph Wood
Community Improvement Manager

Concurred: _____
Randy Hatch
Community Development Director

APPROVED: _____
Blair King, City Manager

Comments by the public on non-agenda items

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

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

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

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to introduce ordinance amending Chapter 13.20, "Electrical Service," by amending Section 13.20.210 Schedule EM (Mobile Home Park Service) to become effective July 1, 2007 (EUD)

MEETING DATE: May 16, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Conduct a public hearing to consider changes to Chapter 13.20, "Electrical Service," by amending Section 13.20.210 Schedule EM (Mobile Home Park Service) to become effective July 1, 2007.

BACKGROUND INFORMATION: At its meeting of February 15, 2006, the City Council held a public hearing to "true up" electric rates for all customer classes. In staff's presentation, it was noted that the rates being charged mobile home parks were substantially lower than those of customers residing in other types of residential homes.

At the October 19, 2005 Council Meeting, staff recommended a Market Cost Adjustment (MCA) for Mobile Home Park Service (EM Schedule) of \$.0698. Council was not comfortable with what could be as much as an 80% increase for Schedule EM (which had been exempt from the MCA prior to this time), consequently the MCA for EM was set at \$.0071. In addition, mobile home park owners remained on the "old" two-tier EM Schedule at a total average electric rate significantly lower than Residential Service (EA Schedule) rates (i.e. 10.7¢/kWh vs. 15.7¢/kWh for calendar year 2006). Before the initial implementation of the MCA (June 2001), the EA and EM rates were the same.

There are six mobile home parks, with a total of 489 (as of April 2007) pads being served by Lodi Electric Utility. Mobile home park owners (master-metered) are billed on the EM rate schedule, they then bill their sub-metered tenants on the applicable rate schedule (EA, Residential SHARE Service ED) and apply any entitled discounts. Residents of mobile home parks are eligible for the same rates and discounts as "traditional" residential customers.

In checking with the six parks in Lodi, staff found there is some variability in the rates charged by the mobile home parks. We found that four parks (412 pads) are charging their tenants at the EA residential rate (about 5¢ per kilowatthour over the EM rate as noted above). The other two parks (77 pads) are using the EM (mobile home park service) rate schedule to bill their tenants.

Currently, Mobile Home Park Service (EM) includes a discount of \$8.13 per month for each occupied mobile home park unit wired for service. This discount provides recovery by mobile home park owners for their costs of owning, operating and maintaining their electric submetered system. Another energy provider within our area that offers mobile home park service provides park owners a discount of \$0.37925 per day or approximately \$11.38/month per occupied unit.

APPROVED: _____
Blair King, City Manager

Implementation of the proposed EM schedule will result in the park owner paying the same rate as they bill their residents (less the pad discount). In the four parks that are currently using Schedules EA and ED for billing, the end-use customer will see no change. In the two parks which have been billing using Schedule EM, the owner and the end-use customer will see a price increase of about 45 percent.

The proposed Schedule EM incorporates the following:

- the mobile home rate structure (Schedule EM) with the same five-tier structure and rate level as other residential services (Schedule EA and ED);
- park owners on the EM rate would pass along all applicable rate discounts (including SHARE, Medical Rider, Combined Medical Rider and SHARE, and Fixed Income Discount); and
- the discount to mobile home park owners would be increased from \$8.13 per occupied pad per month to \$11.38 per month per occupied pad.

Attached are the proposed EM Schedule, the current EM Schedule and the current EA Schedule for information.

FISCAL IMPACT: The impact of changing from the current EM Schedule to the proposed five-tier EM Schedule is estimated to result in additional revenue of approximately \$110,000 per year.

FUNDING: Not Applicable.

George F. Morrow
Electric Utility Director

Prepared By: Sondra Huff, Senior Rate Analyst

GFM/SH/lst

Attachments (3)



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

SCHEDULE EM

MOBILE HOME PARK SERVICE

APPLICABILITY:

This schedule is applicable to service supplied to mobile home parks through one meter and sub-metered to all individual mobile home units.

RATES:

Minimum Charge.....\$5.00

Energy Charge is by Tier of kWh usage:

	<u>Tier 1</u> (Baseline)	<u>Tier 2</u> (101-130% of baseline)	<u>Tier 3</u> 131-200% of baseline)	<u>Tier 4</u> (201-300% of baseline)	<u>Tier 5</u> (Over 300% of baseline)
\$/kWh	\$0.1420	\$0.1450	\$0.2235	\$0.3180	\$0.3300

Summer (May through October) Energy Tiers

	<u>Tier 1</u> (Baseline)	<u>Tier 2</u> (101-130% of baseline)	<u>Tier 3</u> 131-200% of baseline)	<u>Tier 4</u> (201-300% of baseline)	<u>Tier 5</u> (Over 300% of baseline)
Beginning Tier kWh/month	0	482	626	963	>1,443
Ending Tier kWh/month	481	625	962	1,443	

Winter (November through April) Energy Tiers

	<u>Tier 1</u> (Baseline)	<u>Tier 2</u> (101-130% of baseline)	<u>Tier 3</u> 131-200% of baseline)	<u>Tier 4</u> (201-300% of baseline)	<u>Tier 5</u> (Over 300% of baseline)
Beginning Tier kWh/month	0	392	509	783	>1,173
Ending Tier kWh/month	391	508	782	1,173	

DISCOUNT:

Per number of occupied mobile home park units wired for service \$ 11.38

SCHEDULE EM

MOBILE HOME PARK SERVICE

MARKET COST ADJUSTMENT (MCA):

A market cost adjustment may be included in each bill for service. The adjustment shall be the product of the total kilowatt-hours (kWh) for which the bill is rendered times the adjustment amount per kWh. The adjustment amount per kWh will reflect amounts charged the City of Lodi by various suppliers of bulk power not covered in the above rates.

BILLING CYCLE CHARGE (MONTHLY BILL):

The Billing Cycle Charge is the higher of the Minimum Charge or the sum of the Customer Charge, Energy Charge, Discount and MCA.

SPECIAL CONDITIONS:

- (a) This rate is available only for mobile home park master metering in service prior to March 31, 1989.
- (b) It is the responsibility of the master-metered customer to notify the City Finance Department within 15 days following any change in the number of occupied mobile home park units wired for service.
- (c) Miscellaneous electric loads such as general lighting, laundry rooms, general maintenance, and other similar use incidental to the operation of the premises as a multi-family accommodation will be considered domestic use.
- (d) To qualify for Single Household Alternative Rate for Energy (SHARE) the sub-metered tenants of the master-metered City of Lodi Customer will submit an application, including the tenant's unit number, to the City of Lodi Finance Department. The City of Lodi Finance Department will notify the master-metered Customer of the tenant's certification.
- (e) Certification will be required to determine income eligibility for the SHARE program. Sub-metered tenants of the master metered City of Lodi Customer must sign a statement upon application indicating that the City of Lodi may verify the sub-metered tenant's eligibility at any time. The master-metered Customer, not the City of Lodi, is responsible for extending the SHARE program to tenants certified to receive them. If verification establishes that the SHARE tenant is ineligible, the tenant will be removed from the master-metered Customer's qualified tenants and the City of Lodi may render corrective billings.
- (f) An additional medical discount is available as described in Schedule MR, Residential Medical Rider.
- (g) The master-metered Customer shall not bill any sub-metered tenant more than that tenant would be billed if that tenant were an individual customer of the City of Lodi. For a qualifying

SCHEDULE EM

MOBILE HOME PARK SERVICE

SHARE tenant, the master-metered Customer shall bill the qualifying tenant at the applicable rates equivalent to Schedule ED, Residential SHARE Program Service. A non-qualifying tenant shall be billed at the applicable rates equivalent to Schedule EA, Residential Service.

- (h) The master-meter/sub-meter rate discount provided herein prohibits further recovery by mobile home park owners for the costs of owning, operating and maintaining their electric sub-metered system.

FIXED INCOME DISCOUNT:

For those customers who are on fixed incomes below \$45,000 annually and who are over 62 years of age, and do not qualify for any other discount, a discount of 5% shall apply to the electric bill. Procedures as to qualification will be established by the Electric Utility Department.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

SCHEDULE EM

MOBILE HOME PARK SERVICE

APPLICABILITY:

This schedule is applicable to service supplied to mobile home parks through one meter and sub-metered to all individual mobile home units.

RATES:

Customer Charge.....	\$ 4.87
Energy Charge:	
Summer (May 1 through October 31)	
First 440 kWh, per kWh10197
Over 440 kWh, per kWh.....	.14025
Winter (November 1 through April 30)	
First 400 kWh, per kWh10197
Over 400 kWh, per kWh.....	.14025
MINIMUM CHARGE:	
All kWh, per kWh05000

DISCOUNT:

Per number of occupied mobile home park units wired for service \$ 8.13

MARKET COST ADJUSTMENT (MCA):

A market cost adjustment may be included in each bill for service. The adjustment shall be the product of the total kilowatt-hours (kWh) for which the bill is rendered times the adjustment amount per kWh. The adjustment amount per kWh will reflect amounts charged the City of Lodi by various suppliers of bulk power not covered in the above rates.

SCHEDULE EM

MOBILE HOME PARK SERVICE

BILLING CYCLE CHARGE (MONTHLY BILL):

The Billing Cycle Charge is the higher of the Minimum Charge or the sum of the Customer Charge, Energy Charge, Discount and MCA.

SPECIAL CONDITIONS:

- (a) This rate is available only for mobile home park master metering in service prior to March 31, 1989.
- (b) It is the responsibility of the master-metered customer to notify the City Finance Department within 15 days following any change in the number of occupied mobile home park units wired for service.
- (c) Miscellaneous electric loads such as general lighting, laundry rooms, general maintenance, and other similar use incidental to the operation of the premises as a multi-family accommodation will be considered domestic use.
- (d) To qualify for Single Household Alternative Rate for Energy (SHARE) the sub-metered tenants of the master-metered City of Lodi Customer will submit an application, including the tenant's unit number, to the City of Lodi Finance Department. The City of Lodi Finance Department will notify the master-metered Customer of the tenant's certification.
- (e) Certification will be required to determine income eligibility for the SHARE program. Sub-metered tenants of the master metered City of Lodi Customer must sign a statement upon application indicating that the City of Lodi may verify the sub-metered tenant's eligibility at any time. The master-metered Customer, not the City of Lodi, is responsible for extending the SHARE program to tenants certified to receive them. If verification establishes that the SHARE tenant is ineligible, the tenant will be removed from the master-metered Customer's qualified tenants and the City of Lodi may render corrective billings.
- (f) The master-metered Customer shall not bill any sub-metered tenant more than that tenant would be billed if that tenant were an individual customer of the City of Lodi. For a qualifying SHARE tenant, the master-metered Customer shall bill the qualifying tenant at the applicable rates equivalent to Schedule ED, Residential SHARE Program Service. A non-qualifying tenant shall be billed at the applicable rates equivalent to Schedule EA, Residential Service.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

SCHEDULE EA

RESIDENTIAL SERVICE

APPLICABILITY:

This schedule is applicable to single-phase domestic power service in single-family and multi-family dwellings separately metered by the City including those on discontinued all electric rate schedule, EE.

RATES:

Minimum Charge.....\$5.00

Energy Charge is by Tier of kWh usage:

	<u>Tier 1</u> (Baseline)	<u>Tier 2</u> (101-130% of baseline)	<u>Tier 3</u> 131-200% of baseline)	<u>Tier 4</u> (201-300% of baseline)	<u>Tier 5</u> (Over 300% of baseline)
\$/kWh	\$0.1420	\$0.1450	\$0.2235	\$0.3180	\$0.3300

Summer (May through October) Energy Tiers

	<u>Tier 1</u> (Baseline)	<u>Tier 2</u> (101-130% of baseline)	<u>Tier 3</u> 131-200% of baseline)	<u>Tier 4</u> (201-300% of baseline)	<u>Tier 5</u> (Over 300% of baseline)
Beginning Tier kWh/month	0	482	626	963	>1,443
Ending Tier kWh/month	481	625	962	1,443	

Winter (November through April) Energy Tiers

	<u>Tier 1</u> (Baseline)	<u>Tier 2</u> (101-130% of baseline)	<u>Tier 3</u> 131-200% of baseline)	<u>Tier 4</u> (201-300% of baseline)	<u>Tier 5</u> (Over 300% of baseline)
Beginning Tier kWh/month	0	392	509	783	>1,173
Ending Tier kWh/month	391	508	782	1,173	

MARKET COST ADJUSTMENT (MCA):

A Market cost adjustment may be included in each bill for service. The adjustment shall be the product of the total kilowatt-hours (kWh) for which the bill is rendered times the adjustment amount per kWh. The adjustment amount per kWh will be calculated to reflect amounts charged the City by various suppliers of bulk power not covered in the above rates.

SCHEDULE EA
RESIDENTIAL SERVICE

BILLING CYCLE CHARGE (MONTHLY BILL):

The billing cycle charge is the higher of the sum of the Minimum Charge and the MCA or the sum of the Energy Charge and the MCA.

SPECIAL CONDITIONS:

- (a) When a business or commercial establishment is conducted in conjunction with a residence and both are measured through one meter, this rate does not apply.
- (b) This rate does not apply to service used for common area and facilities in multi-family dwellings.
- (c) An additional first block medical quantity is available as described in Schedule MR, Residential Medical Rider.

FIXED INCOME DISCOUNT:

For those customers who are on fixed incomes below \$45,000 annually and who are over 62 years of age, and do not qualify for any other discount, a discount of 5% shall apply to the electric bill. Procedures as to qualification will be established by the Electric Utility Department.

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING CHAPTER 13.20, "ELECTRICAL SERVICE," BY REPEALING AND REENACTING SECTION 13.20.210 SCHEDULE EM, RELATING TO MOBILEHOME PARK SERVICE RATES

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 13.20.210 is hereby repealed and reenacted to read as follows:

APPLICABILITY:

This schedule is applicable to service supplied to mobile home parks through one meter and sub-metered to all individual mobile home units.

RATES:

Minimum Charge\$5.00

Energy Charge is by Tier of kWh usage:

	<u>Tier 1</u> (Baseline)	<u>Tier 2</u> (101-130% of baseline)	<u>Tier 3</u> 131-200% of baseline)	<u>Tier 4</u> (201-300% of baseline)	<u>Tier 5</u> (Over 300% of baseline)
\$/kWh	\$0.1420	\$0.1450	\$0.2235	\$0.3180	\$0.3300

Summer (May through October) Energy Tiers

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Winter (November through April) Energy Tiers

	<u>Tier 1</u> (Baseline)	<u>Tier 2</u> (101-130% of baseline)	<u>Tier 3</u> 131-200% of baseline)	<u>Tier 4</u> (201-300% of baseline)	<u>Tier 5</u> (Over 300% of baseline)
Beginning Tier kWh/month	0	392	509	783	>1,173
Ending Tier kWh/month	391	508	782	1,173	

DISCOUNT:

Per number of occupied mobile home park units wired for service..... \$ 11.38

MARKET COST ADJUSTMENT (MCA):

A market cost adjustment may be included in each bill for service. The adjustment shall be the product of the total kilowatt-hours (kWh) for which the bill is rendered times the adjustment amount per kWh. The adjustment amount per kWh will reflect amounts charged the City of Lodi by various suppliers of bulk power not covered in the above rates.

BILLING CYCLE CHARGE (MONTHLY BILL):

The Billing Cycle Charge is the higher of the Minimum Charge or the sum of the Customer Charge, Energy Charge, Discount and MCA.

SPECIAL CONDITIONS:

- (a) This rate is available only for mobile home park master metering in service prior to March 31, 1989.
- (b) It is the responsibility of the master-metered customer to notify the City Finance Department within 15 days following any change in the number of occupied mobile home park units wired for service.
- (c) Miscellaneous electric loads such as general lighting, laundry rooms, general maintenance, and other similar use incidental to the operation of the premises as a multi-family accommodation will be considered domestic use.
- (d) To qualify for Single Household Alternative Rate for Energy (SHARE) the sub-metered tenants of the master-metered City of Lodi Customer will submit an application, including the tenant's unit number, to the City of Lodi Finance Department. The City of Lodi Finance Department will notify the master-metered Customer of the tenant's certification.
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- (f) An additional medical discount is available as described in Schedule MR, Residential Medical Rider.
- (g) The master-metered Customer shall not bill any sub-metered tenant more than that tenant would be billed if that tenant were an individual customer of the City of Lodi. For a qualifying SHARE tenant, the master-metered Customer shall bill the qualifying tenant at the applicable rates equivalent to Schedule ED, Residential SHARE Program Service. A non-qualifying tenant shall be billed at the applicable rates equivalent to Schedule EA, Residential Service.
- (h) The master-meter/sub-meter rate discount provided herein prohibits further recovery by mobile home park owners for the costs of owning, operating and maintaining their electric sub-metered system.

FIXED INCOME DISCOUNT:

For those customers who are on fixed incomes below \$45,000 annually and who are over 62 years of age, and do not qualify for any other discount, a discount of 5% shall apply to the electric bill. Procedures as to qualification will be established by the Electric Utility Department.

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 one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

SECTION 6. This amended Schedule referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after July 1, 2007.

Approved this ____ day of _____, 2007.

BOB JOHNSON
MAYOR

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held May 16, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER
City Attorney



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER ORDINANCE AMENDING §13.20.210,
SCHEDULE EM (MOBILE HOME PARK SERVICE), TO BECOME
EFFECTIVE JULY 1, 2007

PUBLISH DATE: SATURDAY, MAY 5, 2007

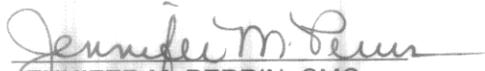
LEGAL AD

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MAY 3, 2007

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 4:05pm (time) on 5/3/07 (date) 2 (pages)
Phoned to confirm receipt of all pages at _____ (time) JMP DRC (initials)



DECLARATION OF POSTING

PUBLIC HEARING NOTICE TO CONSIDER ORDINANCE AMENDING §13.20.210, SCHEDULE EM (MOBILE HOME PARK SERVICE), TO BECOME EFFECTIVE JULY 1, 2007

On Friday, May 4, 2007, in the City of Lodi, San Joaquin County, California, a Public Hearing Notice to consider ordinance amending §13.20.210, Schedule EM (Mobile Home Park Service), to become effective July 1, 2007 (attached and marked as Exhibit A), was posted at the following locations:

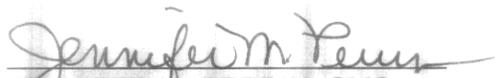
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

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

Executed on May 4, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 16, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

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

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 16, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Introduction of an ordinance amending Chapter 13.20, "Electrical Service," by amending §13.20.210, Schedule EM (Mobile Home Park Service), to become effective July 1, 2007

Information regarding this item may be obtained in the Electric Utility Department, 1331 South Ham Lane, Lodi, (209) 333-6762. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

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

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: May 2, 2007

Approved as to form:

D. Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to introduce ordinance amending Chapter 13.20, "Electrical Service," by replacing Section 13.20.175 Schedule MCA (Market Cost Adjustment) with Schedule ECA (Energy Cost Adjustment) to become effective July 1, 2007 (EUD)

MEETING DATE: May 16, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Conduct a public hearing to consider changes to Chapter 13.20, "Electrical Service," by replacing Section 13.20.175 Schedule MCA (Market Cost Adjustment) with Schedule ECA (Energy Cost Adjustment). It is recommended that implementation be effective July 1, 2007.

BACKGROUND INFORMATION: Prior to June 2001, when the Market Cost Adjustment (MCA) was implemented, Lodi's electric rate schedules included an element similar to the ECA, which was called a purchased power cost adjustment (PPCA). The MCA superseded the old PPCA. Whereas the PPCA was applied equally to all kWh on all rate schedules, the MCA has been applied differently to specific rate classes and in some cases on a tiered amount based on monthly consumption. At times, some rate classes saw as much as 19¢ per kWh MCA, while others received little or no MCA. The MCA was intended to be reviewed/revised on a quarterly basis and requires City Council action to make adjustments. The proposed ECA, on the other hand, would provide for "automatic" adjustments with reduced electricity prices theoretically just as likely as increased charges.

Similar schedules are utilized by electric utilities nationwide, including many of California's publicly owned utilities (i.e. Anaheim, Redding, Pasadena, Los Angeles, Imperial Irrigation District, and Roseville). Both of the financial rating agencies (Standard & Poors and Fitch) involved in periodic assessment of Lodi Electric Utility's financial condition and outlook have strongly supported the implementation of automated energy cost adjustment mechanisms as proposed herein.

The initial ECA base rate (\$.0831) being proposed is the approximate energy cost per kWh as reflected in current electric rates. The ECA would be recalculated each month as actual costs are determined and the resulting values implemented for bills rendered on the first day of the following month. Staff proposes to provide ECA calculations to the Lodi Budget and Finance Committee for their ongoing verification.

The ECA would be applied equally to all City of Lodi electric rate schedules, be non-discounted and would replace Schedule MCA – Market Cost Adjustment.

Attached is a copy of the proposed Schedule ECA, a 12-month example utilizing fiscal year 2008 projected sales and energy costs and a preliminary financial forecast for fiscal year 2008.

APPROVED: _____
Blair King, City Manager

FISCAL IMPACT: The ECA is intended to be revenue/cost neutral – e.g. when energy costs increase, the ECA increases to offset such costs. The reverse is true during periods of energy cost declines. At the proposed baseline ECA level of .0831 per kilowatt-hour and projected fiscal year 2008 energy costs of \$42.3 million, ECA net revenue of \$3.2 million is projected for fiscal year 2008. This is projected to result in a net increase in fiscal year 2008 working capital of \$1.4 million. (see attached.)

FUNDING: Not Applicable.

George F. Morrow
Electric Utility Director

Prepared By: Sondra Huff, Senior Rate Analyst

GFM/SH/lst

Attachments (3)



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

SCHEDULE ECA

ENERGY COST ADJUSTMENT

APPLICABILITY:

This schedule is applicable to all electric customers served by the City of Lodi. Each customer shall pay the applicable rate plus an Energy Cost Adjustment (ECA) for each kilowatt-hour (kWh) delivered to the customer. The adjustment shall be the product of the total kilowatt-hours (kWh) for which the bill is rendered times the ECA amount per kWh.

The purpose of the ECA is to adjust for increases/decreases to the City of Lodi's wholesale energy costs. This adjustment provides a mechanism to recover increased costs for wholesale energy or to lower collections when costs decrease below the base charge level.

RATES:

Effective July 1, 2007, the ECA billing factor for any given month shall be calculated as follows:

$$ECA = \frac{(a) + (b) - (c)(d+f)}{(e)} - (f)$$

Where:

- (a) equals the amount the City of Lodi is actually charged by the Northern California Power Agency for the billing month, including adjustments for prior billing periods, less any third party revenue credits.
- (b) equals the City of Lodi's estimated costs related to the acquisition of wholesale power, both financial and physical, procured directly by the City for the billing month, including adjustments for prior billing periods.
- (c) equals the difference between actual retail energy sales and projected sales level for the month which is two (2) months prior to the billing month.
- (d) equals the ECA billing factor for the month which is two (2) months prior to the billing month.
- (e) equals the forecast of projected retail energy sales for the billing month.
- (f) equals the baseline energy cost for the City of \$0.0831.

The City of Lodi will recalculate the ECA each month, and resulting amount shall be automatically implemented for bills rendered during the following billing month. The ECA shall not be discounted. ECA calculations will be presented to the Lodi Budget and Finance Committee for their ongoing audit verification.

	July 2007	August 2007	September 2007	October 2007	November 2007	December 2007	January 2008	February 2008	March 2008	April 2008	May 2008	June 2008	Total
Projected kWh Sales	47,855,123	50,777,091	45,204,178	39,096,357	33,805,787	35,250,737	36,781,484	34,100,289	34,836,715	34,723,133	36,718,520	41,954,944	471,104,356
Energy Charges	\$ 3,625,649	\$ 3,558,207	\$ 2,751,355	\$ 2,900,961	\$ 3,685,351	\$ 3,954,336	\$ 4,029,295	\$ 3,850,719	\$ 3,985,613	\$ 3,453,524	\$ 3,469,809	\$ 3,068,698	\$ 42,333,517
Average Rate	\$ 0.0758	\$ 0.0701	\$ 0.0609	\$ 0.0742	\$ 0.1090	\$ 0.1122	\$ 0.1095	\$ 0.1129	\$ 0.1144	\$ 0.0995	\$ 0.0945	\$ 0.0731	\$ 0.0899
ECA	\$ (0.0073)	\$ (0.0130)	\$ (0.0222)	\$ (0.0089)	\$ 0.0259	\$ 0.0291	\$ 0.0264	\$ 0.0298	\$ 0.0313	\$ 0.0164	\$ 0.0114	\$ (0.0100)	\$ 0.0068
Cumulative ECA		\$ (0.0103)	\$ (0.0140)	\$ (0.0129)	\$ (0.0069)	\$ (0.0018)	\$ 0.0018	\$ 0.0047	\$ 0.0073	\$ 0.0081	\$ 0.0084	\$ 0.0068	\$ 3,184,745

Baseline ECA	\$ 0.0831
---------------------	------------------

	Projected-FY08
Revenue	
Sales Revenues	66,889,770
ECA Revenue	3,188,145
Other Revenues	1,022,564
Total Revenues	71,100,478
Expenses	
Purchase Power	42,333,517
Non-Power Costs	11,300,000
Total Expenses	53,633,517
Net Revenue Available for Debt Service	17,466,961
Debt Service	9,131,628
Net Revenue Available for Other Purposes	8,335,333
In-lieu Transfer To General Fund	6,873,228
Other changes in working capital	-
Net Increase (Decrease) in Working Capital	1,462,105
Beginning Cash	5,571,823
GOR	
Ending Cash	7,033,928

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL CODE CHAPTER 13.20, "ELECTRICAL SERVICE," BY REPEALING SECTION 13.20.175 SCHEDULE MCA – MARKET COST ADJUSTMENT, AND ENACTING NEW SECTION 13.20.175 SCHEDULE ECA – ENERGY COST ADJUSTMENT

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 13.20.175 "Schedule MCA – Market Cost Adjustment" is hereby repealed in its entirety.

SECTION 2. Lodi Municipal Code Section 13.20.175 "Schedule ECA – Energy Cost Adjustment" is hereby enacted to read as follows:

APPLICABILITY:

This schedule is applicable to all electric customers served by the City of Lodi. Each customer shall pay the applicable rate plus an Energy Cost Adjustment (ECA) for each kilowatt-hour (kWh) delivered to the customer. The adjustment shall be the product of the total kilowatt-hours (kWh) for which the bill is rendered times the ECA amount per kWh.

The purpose of the ECA is to adjust for increases/decreases to the City of Lodi's wholesale energy costs. This adjustment provides a mechanism to recover increased costs for wholesale energy or to lower collections when costs decrease below the base charge level.

RATES:

Effective July 1, 2007, the ECA billing factor for any given month shall be calculated as follows:

$$ECA = \frac{(a) + (b) - (c)(d+f)}{(e)} - (f)$$

Where:

- (a) equals the amount the City of Lodi is actually charged by the Northern California Power Agency for the billing month, including adjustments for prior billing periods, less any third party revenue credits.
- (b) equals the City of Lodi's estimated costs related to the acquisition of wholesale power, both financial and physical, procured directly by the City for the billing month, including adjustments for prior billing periods.
- (c) equals the difference between actual retail energy sales and projected sales level for the month which is two (2) months prior to the billing month.
- (d) equals the ECA billing factor for the month which is two (2) months prior to the billing month.
- (e) equals the forecast of projected retail energy sales for the billing month.
- (f) equals the baseline energy cost for the City of \$0.0831.

The City of Lodi will recalculate the ECA each month, and resulting amount shall be automatically implemented for bills rendered during the following billing month. The ECA shall not be discounted. ECA calculations will be presented to the Lodi Budget and Finance Committee for their ongoing audit verification.

SECTION 3. The paragraphs referencing a Market Cost Adjustment in the Rate Schedule Exhibits in: Lodi Municipal Code Sections 13.20.190, EA-Residential Service; 13.20.200, ED-Residential Share; 13.20.210, EM-Mobile Home Park Service; 13.20.235, ES-City Facilities Service; 13.20.240, G1-Group1; 13.20.250, G2-Group 2; 13.20.260, G3-Group 3; 13.20.270, G4-Group 4; 13.20.280, G5-Group 5; 13.20.310, I1-Group 5 Optional; shall be amended to read as follows:

ENERGY COST ADJUSTMENT (SCHEDULE ECA):

An Energy Cost Adjustment (ECA) may be included in each bill for service as provided in Section 13.20.175 Schedule ECA – Energy Cost Adjustment.

SECTION 4. The reference to “EA Market Cost Adjustment” in the Exhibit to Lodi Municipal Code Section 13.20.220, MR-Medical Residential Discount” shall be amended to refer to an “Energy Cost Adjustment (ECA) as provided in Section 13.20.175 Schedule ECA – Energy Cost Adjustment.” Further, the second paragraph of the Section of the above Exhibit entitled “Applicability” shall be amended to read as follows:

Master-metered customers with qualifying tenant(s) on Schedule EA are entitled to a discount of 25% per billing cycle (monthly bill) for each qualifying household or mobile home unit. Master-metered customers with qualifying tenant(s) on Schedule ED are entitled to to a discount of 5% per billing cycle (monthly bill) for each qualifying household or mobile home unit.

SECTION 5. 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 6. 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 7. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 8. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

SECTION 9. This amended Schedule referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after July 1, 2007.

Approved this ____ day of _____, 2007.

BOB JOHNSON
MAYOR

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held May 16, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER
City Attorney



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER INTRODUCTION OF AN ORDINANCE REPLACING §13.20.175, SCHEDULE MCA (MARKET COST ADJUSTMENT), WITH SCHEDULE ECA (ENERGY COST ADJUSTMENT)

PUBLISH DATE: SATURDAY, MAY 5, 2007

LEGAL AD

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MAY 3, 2007

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 4:05 pm (time) on 5/3/07 (date) 2 (pages)
Phoned to confirm receipt of all pages at _____ (time) JLT DRC JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING NOTICE TO CONSIDER INTRODUCTION OF AN ORDINANCE REPLACING §13.20.175, SCHEDULE MCA (MARKET COST ADJUSTMENT), WITH SCHEDULE ECA (ENERGY COST ADJUSTMENT)

On Friday, May 4, 2007, in the City of Lodi, San Joaquin County, California, a Public Hearing Notice to consider introduction of an ordinance replacing §13.20.175, Schedule MCA (Market Cost Adjustment), with Schedule ECA (Energy Cost Adjustment) (attached and marked as Exhibit A), was posted at the following locations:

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

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

Executed on May 4, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 16, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 16, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Introduction of an ordinance amending Chapter 13.20, "Electrical Service," by replacing §13.20.175, Schedule MCA (Market Cost Adjustment), with Schedule ECA (Energy Cost Adjustment)

Information regarding this item may be obtained in the Electric Utility Department, 1331 South Ham Lane, Lodi, (209) 333-6762. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

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

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: May 2, 2007

Approved as to form:

D. Stephen Schwabauer
City Attorney



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Approving Control Point Adjustments for Executive Management and Cost of Living Adjustments for Unrepresented Mid-Managers

MEETING DATE: May 16, 2007

PREPARED BY: City Manager's Office

RECOMMENDED ACTION: Adopt Resolution approving control point adjustments for Executive Management and cost of living adjustments for unrepresented Mid-Managers.

BACKGROUND INFORMATION: The primary purpose of the system used by the City to compensate Executive Management and unrepresented Mid-Managers is to provide a system to recruit and retain the best available talent available and to provide incentives for peak performance. In order for that purpose to be fulfilled, pay ranges need to be competitive with other jurisdictions.

The pay system used for executive managers includes the use of control pay points as the benchmark for comparison with other jurisdictions and to provide uniformity of pay within those various positions. The pay ranges for the positions covered within this system are set at the control pay point and may vary 10% above or below this control point. Control pay points are used in place of the range and steps used for other city employees. The control pay points for all employees in this class (department heads) have not been adjusted since July, 2004. Council recently approved a cost of living increase of 4% for the Lodi City Mid Management Association (LCMMA). The following table shows the current control and high points and what those control and high points would be with a 4% cost of living adjustment. This proposal provides pay increases for those Executive Management positions that have not received any increases since July, 2004 (Police Chief, Public Works Director and Fire Chief). Other positions will not receive increases but the pay ranges are being adjusted. The following shows these adjustments:

Police Chief	119,592	131,844	124,376	137,118
Fire Chief	112,872	124,440	117,387	129,418
Public Works Director	115,320	127,140	119,933	132,226
Community Center Director	91,932	101,364	95,609	105,419
Community Development Director	113,628	127,890*	118,173	133,006
Deputy City Manager	108,432	119,556	112,769	124,338
Electric Utility Director	127,560	154,535*	132,662	160,716
Parks and Recreation Director	112,608	124,140	117,112	129,106

* The high points have been adjusted to reflect the employment contracts for these two positions.

APPROVED:

Blair King, City Manager

The following is a history of the increases received by Executive Management from July 2000 through July 2004 (the last increase received by this group of employees):

July, 2000	5.0%	Merit increase
January, 2001	3.0%	Cost of living
July, 2001	3.5%	Merit increase
January, 2002	3.0%	Cost of living
January, 2003	3.0%	Cost of living
July, 2003	2.5%	Equity
July, 2004	5.0%	Merit increase

Unrepresented Mid-Management employees have not received any cost of living increases since January, 2005 and are also recommended to receive a 4% cost of living increase at this time. This later group includes: Deputy City Attorney, Finance Division Manager, Budget Division Manager and Management Analysts I and II in the Human Resources - Risk Management Division. It is proposed that this last group receive a 4% cost of living increase that would be added to their current salary amount.

It is proposed that the pay adjustments be made retroactive back to January 1, 2007 for unrepresented Mid-Management and retroactive to May 2, 2007 for Executive Managers.

FISCAL IMPACT: The annual cost for a 4% increase for the Police Chief, Fire Chief and Public Works Director is \$20,700 and the cost for 2006-07 \$3,450. The estimated annual cost of a 4% increase for unrepresented Mid-Management is \$24,000 and the cost for 2006-07 is \$12,000.

FUNDING AVAILABLE: There are sufficient funds available in the departmental budgets to accommodate these adjustments.

Approved:

Jim Krueger, Deputy City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING CONTROL POINT ADJUSTMENTS FOR
VARIOUS EXECUTIVE MANAGEMENT POSITIONS
AND COST OF LIVING ADJUSTMENTS FOR THREE
EXECUTIVE MANAGEMENT POSITIONS AND VARIOUS
UNREPRESENTED MID-MANAGERS

WHEREAS, it is the policy of the City Council to provide fair and equitable compensation to employees for their services consistent with their qualifications, responsibilities, and performance; and

WHEREAS, the City Manager recommends adjusting the control points on the following Executive Management positions:

	Proposed Annual	
	Control Point	High Point
Police Chief	124,376	137,118
Fire Chief	117,387	129,418
Public Works Director	119,933	132,226
Community Center Director	95,609	105,419
Community Development Director	118,173	133,006
Deputy City Manager	112,769	124,338
Electric Utility Director	132,662	160,716
Parks and Recreation Director	117,112	129,106

WHEREAS, the City Manager further recommends granting the positions of Police Chief, Public Works Director, and Fire Chief a 4% cost of living increase due to the fact that they have not received any salary increases since July 2004; and

WHEREAS, the City Manager also recommends a 4% cost of living increase for unrepresented mid-management employees who have not received any cost of living increases since January 2005, i.e. Deputy City Attorney, Finance Division Manager, Budget Division Manager, and Management Analysts I and II in the Human Resources-Risk Management Division, which would be added to their current base salary; and

WHEREAS, the City Manager recommends that for unrepresented Mid-Management employees the pay adjustments be made retroactive back to January 1, 2007, and for Executive Managers the pay adjustments be made retroactive back to May 2, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the control point adjustments are hereby approved as outlined above; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby approves a 4% cost of living increase for the positions of Police Chief, Public Works Director, and Fire Chief to be retroactive back to May 2, 2007; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby approves a 4% cost of living increase for unrepresented mid-management employees i.e. Deputy City Attorney, Finance Division Manager, Budget Division Manager, and Management Analysts I and II in the Human Resources-Risk Management Division to be added to their current base salary retroactive back to January 1, 2007.

Dated: May 16, 2007

=====

I hereby certify that Resolution No. 2007-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-____



CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution approving reclassification and salary adjustment for City Engineer and equity pay adjustment for Public Works Director

MEETING DATE: May 16, 2007

PREPARED BY: City Manager's Office

RECOMMENDED ACTION: Adopt Resolution approving reclassification and salary adjustment for City Engineer and equity pay adjustment for Public Works Director.

BACKGROUND INFORMATION: The City Engineer salary was recently reviewed in relation to comparable salaries from other cities. If an open recruitment were conducted for the City Engineer, it would be evident that the market for City Engineers is extremely competitive. Many of the positions advertised in current job recruitment publications are for engineers at many different levels with salary ranges that exceed the City of Lodi's pay range for this position. The demand for engineers is high and in order to retain the position it is recommended that the salary range be adjusted to reflect market conditions.

The current pay range for Lodi's City Engineer is \$7,479 - \$9,091 per month. The attached salary survey is indicative of the need to adjust the monthly salary for this position to a range of \$8,629 - \$10,488 per month (a 15% increase). If Council agrees with the recommendation to adjust the salary range for the City Engineer, then it would be appropriate to adjust the salary range of the Public Works Director to allow for an appropriate differential between the two positions. A nine percent (9%) differential between the two would result in a salary of \$11,427 per month for the Public Works Director. The current high point for the Public Works Director is \$11,019 assuming the Council approves the proposed cost adjustment of K-1. Increasing the high point salary to \$11,427 would be a 4% increase for the Public Works Director.

Staff recommends that the City Engineer salary range be adjusted to \$8,629-\$10,488 (annual salary of \$125,856) and that the Public Works Director salary control point be adjusted to \$10,517 (annual salary of \$126,204) and that the high point be adjusted to \$11,427 per month (annual salary of \$137,118).

FISCAL IMPACT: The annual cost for both of these salary adjustments is approximately \$13,000 and the cost for 2006-07 is estimated at \$2,100.

FUNDING AVAILABLE: There are sufficient funds available in the Public Works Department budget to accommodate these adjustments in fiscal year 2006-07

Approved:

 Jim Krueger, Deputy City Manager

Attachment

APPROVED:

 Blair King, City Manager

City Engineer Survey

	Min. Mo. Salary	Max. Mo. Salary
Fairfield, City of	\$ 9,394	\$ 11,419
Galt, City of	\$ 8,229	\$ 10,003
Manteca, City of	\$ 9,642	\$ 11,719
Modesto, City of	\$ 7,822	\$ 9,531
Ripon, City of	\$ 8,992	\$ 10,930
Roseville, City of	\$ 8,288	\$ 11,106
Tracy, City of	\$ 8,320	\$ 10,113
Turlock, City of	\$ 7,519	\$ 9,138
Vacaville, City of	\$ 8,587	\$ 10,438

City of Lodi	\$ 7,480	\$ 9,092
--------------	----------	----------

High	Surveyed	\$ 11,719
Low	Surveyed	\$ 9,138
Mean	Surveyed	\$ 10,489

Difference Mean vs. Lodi \$ 1,397
 Difference as percent 15.36%

Recommended Range for Lodi

\$8,629 \$ 10,488

RESOLUTION NO. 2007-____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING RECLASSIFICATION AND SALARY
ADJUSTMENT FOR CITY ENGINEER AND EQUITY
PAY ADJUSTMENT FOR PUBLIC WORKS DIRECTOR

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the salary range adjustment for City Engineer as follows:

\$8,629 to \$10,488

BE IT FURTHER RESOLVED that the Public Works Director salary control point be adjusted as follows:

	Proposed Annual	
	Control Point	High Point
	\$10,517	\$11,427

Dated: May 16, 2007

=====

I hereby certify that Resolution No. 2007-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

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

RANDI JOHL
City Clerk

2007-____



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Overview of 2007-08 Operating and Capital Outlay Budget (CM)
MEETING DATE: May 16, 2007
PREPARED BY: Kirk J. Evans, Budget Manager

RECOMMENDED ACTION: Receive staff's presentation and discussion regarding the City of Lodi 2007-08 Operating and Capital Outlay Budget.

BACKGROUND INFORMATION: At the City Council's special meeting of May 8, 2007, the City Manager provided an overview of the FY 2007-08 Budget. In his presentation, the City Manager addressed a variety of highlights regarding the general fiscal health of the City and policy issues that will be addressed via the budget.

Continuing discussion on this subject, directors of departments throughout the City will be present at tonight's meeting to provide information regarding their projected expenditures, staffing levels, accomplishments over the past year and areas where they plan to concentrate their efforts in the upcoming year.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

James R. Krueger,
Deputy City Manager

Kirk J. Evans
Budget Manager

KJE
Attachments

cc: City Attorney

APPROVED: _____
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$221,408.56)

MEETING DATE: May 16, 2007 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$212,127.91, and various other cases being held by Outside Counsel in the amount of \$9,280.65.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard; JAMS Mediation Service; and other miscellaneous vendors, for services incurred relative to the Environmental Abatement Program litigation, and various other matters that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct. Amount
8002	101577	3/31/2007	People v M&P Investments	41,453.42
8003	101584	3/31/2007	Hartford Insurance Coverage Litigation	175,917.90
			Contingency Fee Amount Savings	-125,917.90
8008	101578	3/31/2007	City of Lodi v. Envision Law Group	78,008.47
	6675	1/31/2007	West Environmental(Peter Krasnoff)	24,942.01
	6760	2/28/2007	West Environmental(Peter Krasnoff)	3,792.50
		4/16/2007	Perry L. McCarty, Expert	450.00
Total				\$198,646.40

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323	1211.182
11233.001	232393	04/25/07	General Advice	599.76	
11233.026	232393		Lodi First v. City of Lodi	1,666.60	
11233.027	232393		Citizens for Open Govt.v.Col	133.50	
11233.029	232393		AT&T v. City of Lodi	4,934.86	
11233.032	232393		CFD Formation		1,945.93
Total				\$7,334.72	\$1,945.93

APPROVED: _____
Blair King, City Manager

JAMS Mediation Services

0001278713-110 3/30/2007 People v. M&P Investments

WaterAcct
5,500.00

Total

\$5,500.00

MISCELLANEOUS

Invoice No.	Date	Description	Water Account Amount
06-373888-LDK	Sept06-Apr07	ADR Services, Inc(Hartford v. COL)	2,553.13
325946	1/17/2007	Barkley Court Reporters	843.31
870701	4/12/2007	Harry A. Cannon, Inc.	1,149.27
68051ESF	1/22/2007	Esquire Deposition Services	821.30
20062587	3/30/2007	Legalink, Inc.	367.00
20063722	4/17/2007	Legalink, Inc.	679.00
20063740	4/18/2007	Legalink, Inc.	688.50
20063754	4/27/2007	Legalink, Inc.	880.00
Total			\$7,981.51

FISCAL IMPACT: Expenses in the amount of \$7,334.72 will be paid out of the General Fund with \$1,800.10 of that amount billed to Walmart for City's defense of the Citizens for Open Government v. City of Lodi and Lodi First v. City of Lodi litigation. The remaining expenses will be paid out of the Water Fund and the Capital Outlay Fund.

FUNDING AVAILABLE:

Water Fund	\$212,127.91
General Fund	\$ 7,334.72
Capital Outlay Fund	\$ 1,945.93

Approved:

Approved:

Kirk Evans, Budget Manager

Stephen Schwabauer, City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Ordinance No. 1797 Entitled, “An Ordinance of the City Council of the City of Lodi Levying and Apportioning the Special Tax in Community Facilities District No. 2007-1 (Public Services)”

MEETING DATE: May 16, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1797.

BACKGROUND INFORMATION: Ordinance No. 1797 entitled, “An Ordinance of the City Council of the City of Lodi Levying and Apportioning the Special Tax in Community Facilities District No. 2007-1 (Public Services)” was introduced at the regular City Council meeting of May 2, 2007.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov’t Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov’t Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmp

Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. 1797

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI LEVYING AND APPORTIONING THE
SPECIAL TAX IN COMMUNITY FACILITIES
DISTRICT NO. 2007-1 (PUBLIC SERVICES)

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WHEREAS, City Council has established Community Facilities District No. 2007-1 (Public Services) (the "District") pursuant to Resolution No. 2007-59 (the "Resolution of Formation"), duly adopted on April 4, 2007, for the purpose of providing for the financing of certain public services in and for the City; and

WHEREAS, at an election held in the District on April 11, 2007, the qualified electors of the District authorized the levy of the special tax described in the Resolution of Formation.

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

1. Recitals. The foregoing recitals are true and correct.
2. Levy of Special Tax. Pursuant to Section 53340 of the California Government Code, the special tax is hereby levied at the maximum rates and apportioned in the manner specified in the Resolution of Formation.
3. Collection of Special Tax. Pursuant to Section 53340 of the California Government Code and the Resolution of Formation, the special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes; provided, however, that the City may directly bill the special tax, may collect special taxes at a different time or in a different manner if necessary to meet the financial obligations of the District, or as otherwise determined appropriate by the City.
4. Claims for Refund. Claims for refund of the tax shall comply with the following and any additional procedures as established by the City Council:
 - (a) All claims shall be filed, in writing, with the City Treasurer during the fiscal year in which the error is believed to have occurred. The claimant shall file the claim within this time period and the claim shall be finally acted upon by the City Council as a prerequisite to bringing suit thereon.
 - (b) Pursuant to Government Code Section 935(b), the claim shall be subject to the provisions of Government Code Sections 945.6 and 946.
 - (c) The City Council shall act on a timely claim within the time period required by Government Code Section 912.4.
 - (d) The procedure described in this Ordinance, and any additional procedures established by the City Council, shall be the exclusive claims procedure for claimants seeking a refund of the tax. The decision of the City Council shall be final.
5. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

6. 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, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

7. Effective Date and Publication. This Ordinance was introduced by the Lodi City Council on May 2, 2007, and adopted by the Lodi City Council on May 16, 2007. This Ordinance shall take effect 30 days after its adoption. The City Council hereby directs the City Clerk to publish the full text of the ordinance within 15 days after its passage, with the names of the City Council members voting for and against the ordinance, pursuant to Government Code Section 36933(a).

Approved this 16th day of May, 2007

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

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State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1797 was introduced at a regular meeting of the City Council of the City of Lodi held May 2, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held May 16, 2007, by the following vote:

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

I further certify that Ordinance No. 1797 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney