



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: May 21, 2014

Time: 7:00 p.m.

*and via conference call:
437 E. Elm Street
Lodi, CA

For information regarding this Agenda please contact:
Randi Johl-Olson, City Clerk
Telephone: (209) 333-6702

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

C-1 Call to Order / Roll Call – N/A

C-2 Announcement of Closed Session – N/A

C-3 Adjourn to Closed Session – N/A

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

C-4 Return to Open Session / Disclosure of Action – N/A

A. Call to Order / Roll Call

B. Presentations

B-1 Presentation of Certificate of Recognition to the Heritage School Earth Keepers (CLK)

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

C-1 Receive Register of Claims in the Amount of \$3,950,743.94 (FIN)

C-2 Approve Minutes (CLK)

a) May 6 and 13, 2014 (Shirtsleeve Sessions)

b) May 7, 2014 (Regular Meeting)

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Lake Park – Youth Area Pathway Improvements (PW)

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Transit Station Modification Project (PW)

Res. C-5 Adopt Resolution Authorizing the City Manager to Approve the Sole Source Purchase of a Computed Radiography (X-Ray) Reader for the Lodi Police Department and Appropriating Funds (\$20,478) (PD)

C-6 Accept Memorial Bench and Plaque Project in Memory of Jennifer Katzakian (PRCS)

C-7 Accept Improvements Under Contract for Alley Improvement Project – Phase 4 (PW)

C-8 Accept Improvements Under Contract for Lodi West Wall Replacement, 2560 Paradise Drive (PW)

Res. C-9 Adopt Resolution Approving the Master Lease Agreement with the Lodi Grape Festival and National Wine Show Association for Use of Various Festival Ground Facilities (\$21,000) (PRCS)

Res. C-10 Adopt Resolution Ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2014/15 (PW)

Res. C-11 Adopt Resolution Finding Existence of a Drought Emergency (PW)

C-12 Receive Draft Allocation Methodology for the 2014-2023 Regional Housing Needs Allocation for San Joaquin County (CD)

C-13 Authorize the Mayor, on Behalf of the City Council, to Send Letter of Opposition for AB 2188 – Solar Energy Permits (Muratsuchi) (CLK)

Res. C-14 Adopt Resolution Declaring Intention to Annex Territory to Community Facilities District No. 2007-1 (Public Services) and to Levy a Special Tax Therein and Setting Public Hearing for July 16, 2014 (PW)

D. Comments by the Public on Non-Agenda Items

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

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

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

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

G. Public Hearings

Res. G-1 Public Hearing to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 145 Low-Density Residential, 55 Medium-Density Residential, and 88 High-Density Residential Growth Management Allocations for Van Ruiten Ranch Subdivision (CD)

H. Communications

H-1 Re-Post for Vacancies on the Lodi Improvement Committee (CLK)

H-2 Monthly Protocol Account Report (CLK)

I. Regular Calendar

I-1 Authorize City Manager to Execute Addendum to Memorandum of Understanding Between Visit Lodi! Conference and Visitors Bureau and the City of Lodi (CM)

I-2 Direct Staff Regarding Provision of Industrial Wastewater Treatment Service to Michael/David Winery, LLC (PW)

J. Ordinances – None

K. Adjournment

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

Randi Johl-Olson, City Clerk

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

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



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Certificate of Recognition to the Heritage School Earth Keepers
MEETING DATE: May 21, 2014
PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Katzakian to present Certificate of Recognition to the Heritage School Earth Keepers.

BACKGROUND INFORMATION: Heritage School students, in a club called the Earth Keepers, have been cleaning their campus and streets and recording the number of buckets of trash collected, totaling 400 buckets to date. The Stormwater Education Program purchased the necessary tools with a grant from the Lower Mokelumne River Partnership. Kathy Grant and students from Heritage School will be at the meeting to accept the proclamation.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None.

Randi Johl-Olson
City Clerk

RJO/JMR

APPROVED: _____
Stephen Schwabauer, Interim City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Receive Register of Claims through May 1, 2014 in the Total Amount of \$3,950,743.94.

MEETING DATE: May 21, 2014

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$3,950,743.94.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$3,950,743.94 through 05/01/14. Also attached is Payroll in the amount of \$1,280,328.79.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

Accounts Payable
Council Report

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Date - 05/06/14

As of Thursday	Fund	Name	Amount
05/01/14	00100	General Fund	1,726,015.78
	00120	Vehicle Replacement Fund	22,354.88
	00123	Info Systems Replacement Fund	10,659.44
	00160	Electric Utility Fund	114,582.91
	00161	Utility Outlay Reserve Fund	20,935.00
	00164	Public Benefits Fund	83,971.81
	00166	Solar Surcharge Fund	100,664.60
	00168	Environmental Compliance	5,821.79
	00170	Waste Water Utility Fund	93,340.12
	00171	Waste Wtr Util-Capital Outlay	1,280.73
	00175	IMF Storm Facilities	498.75
	00180	Water Utility Fund	44,687.26
	00181	Water Utility-Capital Outlay	260,814.66
	00210	Library Fund	26,240.87
	00211	Library Capital Account	187,272.75
	00234	Local Law Enforce Block Grant	364.24
	00235	LPD-Public Safety Prog AB 1913	125.20
	00236	LPD-OTS Grants	2,494.74
	00260	Internal Service/Equip Maint	60,956.20
	00270	Employee Benefits	528,741.55
	00300	General Liabilities	3,513.16
	00310	Worker's Comp Insurance	36,542.43
	00320	Street Fund	13,721.56
	00321	Gas Tax-2105,2106,2107	24,558.18
	00322	Gas Tax -2103	5,469.28
	00325	Measure K Funds	21,178.88
	00330	RTIF County/COG	3,186.56
	00331	Federal - Streets	199,617.35
	00340	Comm Dev Special Rev Fund	11,004.44
	00347	Parks, Rec & Cultural Services	31,378.87
	00459	H U D	1,733.00
	00502	L&L Dist Z1-Almond Estates	134.78
	00503	L&L Dist Z2-Century Meadows I	103.68
	00506	L&L Dist Z5-Legacy I,II,Kirst	214.41
	00507	L&L Dist Z6-The Villas	511.36
	00509	L&L Dist Z8-Vintage Oaks	37.09
	00513	L&L Dist Z11-Tate Property	12.09
	00515	L&L Dist Z13	69.12
	00516	L&L Dist Z14-Luca Place	21.63
	00517	L&L Dist Z15-Guild Ave Indust.	69.12
	00518	L&L Dist Z16-W.Kettleman Comm.	38.40
	01211	Capital Outlay/General Fund	27,009.01
	01214	Arts in Public Places-IMF	750.00
	01217	IMF Parks & Rec Facilities	725.22
	01250	Dial-a-Ride/Transportation	26,377.05
	01251	Transit Capital	1,230.84
	01252	PTMISEA	275.00
	01253	TSSSDRA	41,178.16
	01410	Expendable Trust	41,145.91
Sum			3,783,629.86
	00184	Water PCE-TCE-Settlements	126.00

Accounts Payable
Council Report

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Date - 05/06/14
Amount

As of Thursday	Fund	Name	Amount
05/01/14	00185	PCE/TCE Rate Abatement Fund	3,481.05
	00190	Central Plume	1,177.18
	00191	Southern Plume	30,566.19
	00194	South Central Western Plume	131,763.66
Sum			167,114.08
Total Sum			3,950,743.94

Council Report for Payroll

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	04/27/14	00100	General Fund	694,336.97
		00160	Electric Utility Fund	151,576.76
		00161	Utility Outlay Reserve Fund	4,726.41
		00170	Waste Water Utility Fund	120,848.46
		00180	Water Utility Fund	9,750.51
		00210	Library Fund	25,684.56
		00260	Internal Service/Equip Maint	18,266.15
		00321	Gas Tax-2105,2106,2107	28,375.83
		00340	Comm Dev Special Rev Fund	24,904.61
		00345	Community Center	222.16
		00347	Parks, Rec & Cultural Services	117,227.78
		01250	Dial-a-Ride/Transportation	7,608.30
Pay Period Total:				
			Sum	1,203,528.50
Retiree	05/31/14	00100	General Fund	76,800.29
Pay Period Total:				
			Sum	76,800.29



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) May 6, 2014 (Shirtsleeve Session)
b) May 7, 2014 (Regular Meeting)
c) May 13, 2014 (Shirtsleeve Session)

MEETING DATE: May 21, 2014

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) May 6, 2014 (Shirtsleeve Session)
b) May 7, 2014 (Regular Meeting)
c) May 13, 2014 (Shirtsleeve Session)

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl-Olson
City Clerk

Attachments

APPROVED: _____
Stephen Schwabauer, Interim City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 6, 2014**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, May 6, 2014, commencing at 7:00 a.m.

Present: Council Member Johnson, Council Member Mounce, and Mayor Pro Tempore Hansen
Absent: Council Member Nakanishi, and Mayor Katakian
Also Present: Interim City Manager Schwabauer, Interim City Attorney Magdich, and City Clerk Johl-Olson

B. Topic(s)

B-1 Receive Presentation Regarding Fiscal Year 2014/15 Budget (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the Fiscal Year 2014/15 budget. Specific topics of discussion included general economic conditions, General Fund revenue, fund balance, housing, employment, labor relations, Public Employees' Retirement System (PERS) projections, top ten revenue sources, sales tax, property tax, in-lieu transfers, operating transfers, and reserve status.

In response to Council Member Johnson, Interim City Attorney Schwabauer stated that, with respect to property tax allocation, he is doing some research to see what is being paid, what the agreement is, and what is permissible by law.

In response to Mayor Pro Tempore Hansen, Mr. Schwabauer stated that, with respect to the new development on Sargent Road, the developer will put in the new park and the community facilities district will be put toward the maintenance of that park.

In response to Council Member Johnson, Mr. Schwabauer stated the City has not received the specific numbers for the mortality rate adjustment although it is expected to be approximately one to two million dollars in excess of the 2014/15 numbers.

In response to Council Member Mounce, Mr. Ayers stated from a budgetary perspective the late payment adjustment numbers show a decrease based on actuals.

In response to Council Member Johnson, Mr. Ayers stated business licenses are compared to the County list of fictitious business names and the Franchise Tax Board list for businesses with a Lodi address.

In response to Council Member Mounce, Mr. Schwabauer stated if PG&E were in Lodi the City would receive a fee and in Stockton it also pays an additional franchise fee. Council Member Mounce requested information on what fees would be paid by PG&E to the City of Lodi if the City were with PG&E versus having its own utility.

In response to Council Member Johnson, Mr. Ayers stated the primary reason for phasing in the fee study is to avoid rate shock to the General Fund.

In response to Council Member Johnson, Mr. Ayers stated only \$245,000 is truly available from the \$545,504 figure listed on the reserve status slide.

In response to Council Member Johnson and Council Member Mounce, Parks, Recreation and Cultural Services Director Jeff Hood provided an update on DIVCA funding related projects, including video and broadcast enhancement projects, and stated he is continuing to review options for Spanish broadcast of the City Council meetings.

Alex Aliferas spoke in regard to his concerns about the increase in CalPERS projections for the future and the related impact to the City's budget.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:35 a.m.

ATTEST:

Randi Johl-Olson
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 7, 2014**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 7, 2014, was called to order by Mayor Katzakian at 6:00 p.m.

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

Absent: Council Member Nakanishi

Also Present: Interim City Manager Schwabauer, Interim City Attorney Magdich, and City Clerk Johl-Olson

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Dean Gualco, Library Services Director (Labor Negotiators), Regarding International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6
- b) Appointment of Council Appointees: City Manager and City Attorney; Pursuant to Government Code §54957; and Conference with Mayor Phil Katzakian (Labor Negotiator) Regarding City Council Appointees - City Manager, City Attorney, and City Clerk; Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:40 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

Mayor Katzakian also stated that Item Nos. I-1, I-2, and I-3 will be pulled and brought back to the City Council at a future date.

A. Call to Order / Roll Call

The Regular City Council meeting of May 7, 2014, was called to order by Mayor Katzakian at 7:00 p.m.

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

Absent: Council Member Nakanishi

Also Present: Interim City Manager Schwabauer, Interim City Attorney Magdich, and City Clerk Johl-Olson

B. Presentations

B-1 Bike to Work Week and Day Proclamation (PW)

Mayor Katzakian presented proclamation to Michael Caponio and Kristine Williams of the San Joaquin Bike Coalition proclaiming May 12-16, 2014, as "Bike to Work Week" and May 15, 2014, as "Bike to Work Day" in the City of Lodi.

B-2 National Public Works Week Proclamation (PW)

Mayor Katzakian presented proclamation to Public Works Director Wally Sandelin proclaiming the week of May 18-24, 2014, as "National Public Works Week" in the City of Lodi.

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

Council Member Johnson made a motion, second by Council Member Mounce, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

C-1 Receive Register of Claims in the Amount of \$7,185,806.38 (FIN)

Claims were approved in the amount of \$7,185,806.38.

C-2 Approve Minutes (CLK)

The minutes of April 15, 2014 (Shirtsleeve Session), April 16, 2014 (Regular Meeting), April 22, 2014 (Shirtsleeve Session), and April 29, 2014 (Shirtsleeve Session) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for 2014/15 Asphalt Materials (PW)

Approved the specifications and authorized advertisement for bids for 2014/15 asphalt materials.

C-4 Approve Specifications and Authorize Advertisement for Bids to Procure Equipment for Phase II.I Mobile Inspection/Reporting and Integration for the Electric Utility's Geographical Information System (EU)

Approved the specifications and authorized advertisement for bids to procure equipment for Phase II.I mobile inspection/reporting and integration for the Electric Utility's geographical information system.

C-5 Adopt Resolutions Approving the Purchase of GO! Sync Mobile Software (\$13,755) and Authorizing the City Manager to Execute a Professional Services Agreement for Software Implementation and Training Services (\$18,000) with TC Technology, of Carlsbad, for Phase II.I Integration of the Electric Utility's Geographical Information System (EU)

Adopted Resolution No. 2014-58 approving the purchase of GO! Sync mobile software in the amount of \$13,755 and Resolution No. 2014-59 authorizing the City Manager to execute a

Professional Services Agreement for software implementation and training services in the amount of \$18,000 with TC Technology, of Carlsbad, for Phase II.I integration of the Electric Utility's geographical information system.

C-6 Adopt Resolution Approving Purchase of Transit Fare Collection Equipment from Sole Source GFI GenFare, of Elk Grove Village, IL (\$38,938) (PW)

Adopted Resolution No. 2014-60 approving purchase of transit fare collection equipment from sole source GFI GenFare, of Elk Grove Village, IL, in the amount of \$38,938.

C-7 Adopt Resolution Awarding Contract for Americans with Disabilities Act Improvement Project Phase 3 - Church Street Parking Lots to MCI Engineering, of Stockton (\$278,926.32), and Appropriating Funds (\$47,000) (PW)

This item was pulled for further discussion by Council Member Mounce.

In response to Council Member Mounce, Public Works Director Wally Sandelin stated the proposed project is being undertaken in a manner that is similar to the way previous pavement improvements were completed to reduce the City's liability for the same. Interim City Manager Schwabauer provided a brief overview of the downtown parking district and the permitting currently in place in the parking lot behind the Bank of America. Council Member Mounce stated she preferred a cost sharing arrangement with businesses whereby they are contributing to the repair of the parking lot primarily used by business employees.

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-74 awarding contract for Americans with Disabilities Act Improvement Project Phase 3 - Church Street Parking Lots to MCI Engineering, of Stockton, in the amount of \$278,926.32 and appropriating funds in the amount of \$47,000.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

C-8 Adopt Resolution Awarding Contract for Hutchins Street Square South Entrance Americans with Disabilities Act Project, 125 South Hutchins Street, to A.M. Stephens Construction Company, Inc., of Lodi (\$64,106.50) (PW)

Adopted Resolution No. 2014-61 awarding contract for Hutchins Street Square South Entrance Americans with Disabilities Act Project, 125 South Hutchins Street, to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$64,106.50.

C-9 Adopt Resolution Awarding Contract for 2014-2015 Fence Repair Program, Various Locations, to John D. Wait Masonry, Inc., of Lodi (\$48,349.92); Authorizing the Public Works Director to Execute Extensions; and Appropriating Funds (\$50,000) (PW)

Adopted Resolution No. 2014-62 awarding contract for 2014-2015 Fence Repair Program, Various Locations, to John D. Wait Masonry, Inc., of Lodi, in the amount of \$48,349.92; authorizing the Public Works Director to execute extensions; and appropriating funds in the amount of \$50,000.

C-10 Accept Improvements Under Contract for Lodi Public Library Phase 3 Remodel Project

(PW)

Accepted the improvements under contract for Lodi Public Library Phase 3 Remodel Project.

C-11 Adopt Resolution Authorizing the City Manager to Execute Amendment No. 1 to Professional Services Agreement for Topographic Survey Work for Harney Lane Grade Separation Project with Baumbach & Piazza, Inc., of Lodi, and Appropriating Funds (\$7,800) (PW)

Adopted Resolution No. 2014-63 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement for topographic survey work for Harney Lane Grade Separation Project with Baumbach & Piazza, Inc., of Lodi, and appropriating funds in the amount of \$7,800.

C-12 Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement and Extensions with Robert Half Technology for Temporary Technical Support (\$110,000) (CM)

Adopted Resolution No. 2014-64 authorizing the City Manager to execute a Professional Services Agreement and extensions with Robert Half Technology for temporary technical support in the amount of \$110,000.

C-13 Adopt Resolution Approving the Agreement Between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program (PRCS)

Adopted Resolution No. 2014-65 approving the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program.

C-14 Adopt Resolutions Authorizing the City Manager to Execute a Power Management and Administrative Services Agreement, Amended and Restated Facilities Agreement, Amended and Restated Scheduling Coordination Program Agreement, and Second Amended and Restated Pooling Agreement with Northern California Power Agency (EU)

Adopted Resolution No. 2014-66 authorizing the City Manager to execute a Power Management and Administrative Services Agreement; Resolution No. 2014-67 authorizing the City Manager to execute an Amended and Restated Facilities Agreement; Resolution No. 2014-68 authorizing the City Manager to execute an Amended and Restated Scheduling Coordination Program Agreement; and Resolution No. 2014-69 authorizing the City Manager to execute a Second Amended and Restated Pooling Agreement with Northern California Power Agency.

C-15 Adopt Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Third Amended and Restated Northern California Power Agency Metered Subsystem Aggregator Agreement (EU)

Adopted Resolution No. 2014-70 authorizing the City Manager to execute Amendment No. 1 to the Third Amended and Restated Northern California Power Agency Metered Subsystem Aggregator Agreement.

C-16 Adopt Resolution Approving Irrevocable Dedication of Solid Waste Improvements Located at 114 West Oak Street (PW)

Adopted Resolution No. 2014-71 approving Irrevocable Dedication of solid waste improvements located at 114 West Oak Street.

C-17 Adopt Resolution Approving City's Financial Participation in Busy Bee Cleaners Site

Decommissioning (\$47,188) and Appropriating Funds (\$52,000) (PW)

Adopted Resolution No. 2014-72 approving City's financial participation in Busy Bee Cleaners site decommissioning in the amount of \$47,188 and appropriating funds in the amount of \$52,000.

C-18 Adopt Resolution Authorizing the City Manager to Execute Active Transportation Program Grant Application (PW)

Adopted Resolution No. 2014-73 authorizing the City Manager to execute Active Transportation Program Grant Application.

C-19 Authorize City Attorney to Issue "Comfort Letter" to AH Wines, Inc., of Lodi, for 25, 27, and 31 East Vine Street (PW)

Authorized the City Attorney to issue "comfort letter" to AH Wines, Inc., of Lodi, for 25, 27, and 31 East Vine Street.

C-20 Set Public Hearing for May 21, 2014, to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 145 Low-Density Residential, 55 Medium-Density Residential, and 88 High-Density Residential Growth Management Allocations for Van Ruiten Ranch Subdivision (CD)

Set public hearing for May 21, 2014, to consider adopting resolution approving the Planning Commission's recommendation to authorize 145 low-density residential, 55 medium-density residential, and 88 high-density residential Growth Management Allocations for Van Ruiten Ranch Subdivision.

- D. Comments by the Public on Non-Agenda Items
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.
Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

The following individuals spoke in regard to their concerns about the Parminder Shergill shooting incident: Palvinder Kaur, Deep Singh, Dhoom Sahota, Delite Zinmik, and John Binder.

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

Council Member Mounce asked the City Clerk to make two letters of correspondence she received via email a part of the record when Item I-3 is brought back to the City Council for consideration.

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

G. Public Hearings

- G-1 Public Hearing to Consider Adopting Resolution Setting Future Water, Wastewater, and Solid Waste Rate Schedules Pursuant to Proposition 218 for Residential, Commercial, and Industrial Customers (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider adopting resolution setting future water, wastewater, and solid waste rate schedules pursuant to Proposition 218 for residential, commercial, and industrial customers.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding Proposition 218 protest hearing regarding water, wastewater, and solid waste rates. Specific topics of discussion included meter charges, vacant residential rates, water rate structural changes, examples of monthly changes, comparisons sent to non-residential customers, five-year financial plans, capital programs, and compactor rates.

In response to Council Member Johnson, Mr. Sandelin provided an overview of how the monthly charge related to multi-family usage is affected by the structural changes.

In response to Mayor Katzakian, Mr. Sandelin confirmed that Scientific Specialties is used as a non-residential example on the slide showing water monthly changes.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated well capital maintenance refers to the hard maintenance costs at the 29 well sites and includes replacing motors.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated that, while there are no odor mitigation requirements in the waste discharge processes now, he expects there will be in the future.

In response to Council Member Johnson, Mr. Sandelin confirmed they are encouraging more compactor usage based on the prototype that is in place currently.

Mayor Katzakian opened the public hearing to receive public comment and protests.

The following individuals spoke in opposition to the proposed adoption of the resolution setting future water, wastewater and solid waste rates pursuant to Proposition 218: Maria Rufino, Cliff Weaver, Mark Rolan, David Croft, Luis Mesa, Patricia McCann, Katy Marconi, and John Slaughterback.

Mayor Katzakian closed the public hearing after receiving no further public comment.

Mr. Sandelin and Mr. Schwabauer answered a variety of questions posed by the above-referenced public speakers including those related to the Proposition 218 process, the installation of water meters, and the estimated cost savings for various customers utilizing the water meters.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated the sewer line replacement improvements should be complete by 2017 and the improvements have added 50 years of life to the City's infrastructure.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin confirmed that 100% of the water meters should be installed within five years.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-75 setting future water, wastewater, and solid waste rate schedules pursuant to Proposition 218 for residential, commercial, and industrial customers.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce
Absent: Council Member Nakanishi

G-2 Public Hearing to Consider Adopting a Resolution Approving the Final 2014-2018 Consolidated Plan for the Community Development Block Grant Program (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider adopting a resolution approving the Final 2014-2018 Consolidated Plan for the Community Development Block Grant (CDBG) Program.

Neighborhood Services Manager Joseph Wood provided a brief PowerPoint presentation regarding the 2014-2018 CDBG Consolidated Plan. Specific topics of discussion included the process for plan adoption, Strategic Plan, annual allocation process, funding availability, public service funding, community based organizations, City services and projects, and the recommended action.

In response to Council Member Mounce, Mr. Wood stated the term "slum" will be removed from the goals listed for the Strategic Plan.

In response to Council Member Mounce, Mr. Wood stated he will continue to work with the Grace and Mercy Charitable Foundation in future years to strengthen its application.

In response to Council Member Mounce, Mr. Schwabauer confirmed spay and neuter funding was made available outside of the CDBG funding in next year's budget.

A brief discussion ensued amongst Council Member Mounce, Mr. Schwabauer, and Mr. Wood regarding the request from the Committee for a Better Life in Lodi for a community center and community garden, the use of CDBG funds for the same, and partnering with interested groups and organizations to achieve the requested goals.

In response to Mayor Pro Tempore Hansen, Mr. Wood confirmed that the CDBG funding to the City from the federal government continues to decline although a change in methodology and use of changing data may improve the funding. Mr. Wood stated he believes the City is doing well since taking over the program from the County.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated the City continues to work with the Community Partnership for Families on some projects.

Mayor Katzakian opened the public hearing to receive public comment.

Maria Rosado spoke in support of allocating CDBG funds toward programs and services that support the citizens residing on the east of Lodi. The City Council, Mr. Schwabauer, and Mr. Wood encouraged the Committee for a Better Life in Lodi to continue working with the City and other organizations, including County agencies and community-based organizations, to achieve the goals it has outlined in the letter presented to the City Council.

Martin Ross spoke in support of CDBG allocation toward Salvation Army programs and services and offered to collaborate with the previous speaker in obtaining services for the citizens that reside on the east side of Lodi.

Mayor Katzakian closed the public hearing after receiving no additional public comment.

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to adopt

Resolution No. 2014-76 approving the Final 2014-2018 Consolidated Plan for the Community Development Block Grant Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

H. Communications

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

Council Member Mounce made a motion, second by Council Member Johnson, to direct the City Clerk to post for the following expiring terms and re-post for existing vacancies on the Lodi Arts Commission:

Library Board of Trustees

Charlene Martin, term to expire June 30, 2014

Lodi Arts Commission

Catherine Metcalf, term to expire July 1, 2014

REPOST

One Vacancy, term to expire July 1, 2014

One Vacancy, term to expire July 1, 2016

Planning Commission

Nick Jones, term to expire June 30, 2014

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

I. Regular Calendar

I-1 Adopt Resolution Appointing Stephen Schwabauer as City Manager and Approving the Related Employment Agreement

This item was pulled by Mayor Katzakian and continued to a future date for Council consideration.

I-2 Adopt Resolution Appointing Janice D. Magdich as City Attorney and Approving the Related Employment Agreement

This item was pulled by Mayor Katzakian and continued to a future date for Council consideration.

- I-3 Adopt Resolution Approving Addendum to Employment Agreement with City Clerk by Adding Standalone Legislative Job Duties, Reclassifying the Position as City Clerk/Legislative Affairs Officer, and Adjusting Salary

This item was pulled by Mayor Katzakian and continued to a future date for Council consideration.

- I-4 Adopt Resolution Approving the Classification and Salary Range for the Position of Property and Evidence Technician (CM)

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2014-77 approving the classification and salary range for the position of Property and Evidence Technician.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

- J. Ordinances - None

- K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:00 p.m.

ATTEST:

Randi Johl-Olson
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MAY 13, 2014**

A. Roll call by City Clerk

A Special Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held at the Lodi Public Library, 201 West Locust Street, Lodi, on Tuesday, May 13, 2014, commencing at 7:00 a.m.

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

Absent: Council Member Mounce

Also Present: Interim City Manager Schwabauer, Interim City Attorney Magdich, and City Clerk Johl-Olson

B. Topic(s)

B-1 Receive Presentation Regarding Fiscal Year 2014/15 Budget (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the Fiscal Year 2014/15 budget. Specific topics of discussion included an overview of the electric, water, and wastewater utility funds, revenue, expenditures, capital projects, and reserves.

In response to Council Member Nakanishi, Mr. Ayers confirmed that the customer charges figure has declined due to conservation.

In response to Council Member Johnson, Interim City Manager Schwabauer stated that the proposed electrical engineer position is needed for the approximately five subdivisions that are expected to build within the next few years and to handle the current technical workload of the department.

In response to Mayor Pro Tempore Hansen, Electric Utility Rate and Resources Manager Melissa Price stated there are currently two active recruitments for the line worker positions, the positions are difficult to recruit for because the City has to compete with SMUD and other agencies, the labor hall is available to pull from although the quality may not be what the City is specifically looking for, and currently while overtime has not been utilized, capital projects and maintenance has been reprioritized.

In response to Council Member Johnson, Mr. Schwabauer stated the current direct buried cable in some of the subdivisions will be replaced with conduit, which has a longer life.

In response to Council Member Nakanishi, Ms. Price stated the power costs are higher due to the transmission upgrade for increased capacity.

A brief discussion ensued between Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mr. Schwabauer regarding the revenue decreases expected in future years, the impact of new development on power costs, and how other agencies are continuing to deal with enhanced regulations and growing energy costs.

In response to Mayor Pro Tempore Hansen, Ms. Price confirmed that the street light retrofit project will be discussed at a future meeting as part of the public benefits program discussion and the bids for the project are due on June 5, 2014.

In response to Council Member Johnson, Ms. Price stated the Northern California Power Agency (NCPA) identifies items for reserves for the City as a part its annual budget process.

In response to Mayor Pro Tempore Hansen, Mr. Ayers stated the NCPA general operating reserve is similar to where it was at this time last year without any major variances.

In response to Council Member Johnson, Mr. Ayers stated the reserve amount for the utility ebbs and flows not based upon what the actual debt service is but rather when that debt service is paid from reserves and when the reserve builds itself back up. A brief discussion ensued amongst Council Member Nakanishi and Mr. Schwabauer regarding how the reserve amount is affected by debt payment and net revenue.

B-2 Third Quarter Fiscal Year 2013/14 Water, Wastewater, and Electric Utility Department Financial Reports (CM)

Electric Utility Rate and Resources Manager Melissa Price provided a PowerPoint presentation regarding the electric utility quarterly update. Specific topics of discussion included cash flow summary, reserve policy, cash balances, power sales, Energy Cost Adjustment (ECA) revenue, operating results, power supply costs, billing statistics, bad debt write off, rolling load coverage, and utility activities.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the water and wastewater utility quarterly update. Specific topics of discussion included cash flow summary, operating results, cash balances, bad debt write off, and utility activities.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin provided an overview of the duties and responsibilities that will be assigned to the proposed watershed program coordinator position, including coordinating water related discussions and activities with outside agencies and conducting public outreach activities. Mr. Sandelin stated a specific skill set will be required for the position.

In response to Council Member Johnson, Mr. Ayers stated the financial system upgrade will be complete by August 1, 2016.

In response to Mayor Katzakian, Ms. Price confirmed that the open position is a reflection of the load and there will not be a need to sell excess load.

In response to Mayor Pro Tempore Hansen, Ms. Price and Mr. Schwabauer stated that some power costs will go up as a result of the decline in hydro availability, gas purchases are the primary replacement for hydro purchases, the City's hydro portfolio is approximately 5% to 8% and will therefore not be significantly impacted, and the ECA will capture power cost fluctuation but not capital costs.

In response to Council Member Nakanishi, Mr. Schwabauer confirmed that the purchases are made up to three years in advance consistent with the City's policy and NCPA's policy.

In response to Mayor Pro Tempore Hansen, Ms. Price stated the state mandated reports are primarily handled by in-house staff although a consultant assists with greenhouse gas emission compliance.

In response to Council Member Johnson, Mr. Sandelin stated the department will be proposing a new position of Utilities Manager to replace the position previously held by Larry Parlin.

Ed Miller spoke in regard to his concerns about the staff report information being presented in a manner that is not understandable by the public and the lack of data presented to support fee and cost assertions.

John Slaughterback spoke in regard to his concerns about the reduction of developer impact fees, adding to the number of City employees versus contracting services, and the lack of information presented to the City Council and the public when decisions are made.

C. Comments by public on non-agenda items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:30 a.m.

ATTEST:

Randi Johl-Olson
City Clerk



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Lake Park – Youth Area Pathway Improvements

MEETING DATE: May 21, 2014

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve plans and specifications and authorize advertisement for bids for Lodi Lake Park – Youth Area Pathway Improvements.

BACKGROUND INFORMATION: This project consists of constructing a new asphalt concrete pathway from the existing parking lot area to the existing picnic structure, as shown on Exhibit A. The new pathway will be constructed to meet ADA requirements, provide a more stable surface for maintenance operations and help guide vehicles on a stable surface appropriate for occasional vehicle use.

The plans and specifications are on file in the Public Works office. The planned bid opening date is June 11, 2014.

FISCAL IMPACT: The Engineer's Estimate is \$23,000.

FUNDING AVAILABLE: Funding will be identified at project award.

F. Wally Sandelin
Public Works Director

Prepared by Dorothy Kam, Assistant Engineer

FWS/DK/pmf

Attachment

cc: City Engineer/Deputy Public Works Director

Parks, Recreation and Cultural Services Director

APPROVED: _____
Stephen Schwabauer, Interim City Manager



Lodi Lake Park - Youth Area Pathway Improvementst Map



1 in = 300 ft



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Transit Station Modification Project

MEETING DATE: May 21, 2014

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve plans and specifications and authorize advertisement for bids for Lodi Transit Station Modification Project.

BACKGROUND INFORMATION: This project consists of modifying the Dispatch/North Annex to accommodate a fare collection room and vault installation; and constructing additional restrooms totaling eight stalls (four men and four women), one family/employee restroom and a janitor/supply room at the Lodi Transit Station main lobby.

In addition, the main lobby will be modified to include a roll-up security door between the Station lobby and the new restrooms with an exterior door at the end of the restroom hallway.

The planned bid opening date is June 7, 2014.

FISCAL IMPACT: Staff expects a slight increase in building maintenance.

FUNDING AVAILABLE: Funding will be identified at project award.

F. Wally Sandelin
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Transportation Engineer

FWS/PJF/pmf

cc: Transportation Manager/Senior Traffic Engineer
Matthew C. Boyer & Associates
KPF Consulting Engineers

APPROVED: _____
Stephen Schwabauer, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Approve the Sole Source Purchase of a Computed Radiography (X-ray) Reader for the Lodi Police Department and Appropriate Funds in the Amount of \$20,478

MEETING DATE: May 21, 2014

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to approve the sole source purchase of a Computed Radiography (X-ray) Reader for the Lodi Police Department and appropriate funds in the amount of \$20,478

BACKGROUND INFORMATION: The Lodi Police Department's Explosive Ordnance Disposal (EOD) team currently owns an outdated and inoperable imaging machine, similar to an X-ray machine. Because of this, the Lodi Police Department is not in compliance with FBI guidelines on mandatory equipment for EOD teams and must rely on allied agencies to obtain the necessary equipment when issues arise.

Currently, the EOD team must wait several hours to procure the equipment from allied agencies to identify any hidden explosive devices, thus increasing the threat of danger to the immediate public. The purchase of this imaging machine will provide the EOD team the ability to X-ray items that may contain explosives in a more expedient and efficient manner and provide the opportunity to assist other departments in need. The purchase of this equipment will also bring the Lodi Police Department into compliance with FBI guidelines on mandatory equipment for EOD teams.

FISCAL IMPACT: This purchase will be made through the Justice Assistance Grant (JAG) (\$20,478) and General Fund (\$2,906).

FUNDING AVAILABLE: Existing Funding:
101033.7352 \$ 2,906

Appropriation Requested:
2341207.7718 \$18,803
2341205.7718 \$ 1,675

Jordan Ayers, Deputy City Manager

Mark Helms
Chief of Police

MH/DG/po
cc: City Attorney

APPROVED: _____
Stephen Schwabauer, Interim City Manager

Quotation



Logos Imaging LLC
 6835 Sherman Street
 Loveland CO 80538
 (765) 939-4044
 www.logosimaging.com
 Tax ID # 05-0533782

Date	Quote #
2/24/2014	2877

Bill To		Ship To			
Lodi Police Department		Lodi Police Department 215 West Elm St Lodi CA 95240			
Quote Expires	Sales Rep	Currency	Memo		
5/24/2014	Melanie C Munn	USA			
Payment Terms	Shipping Via	Shipment Terms	Contract #	Est. Delivery	
	UPS Ground	EXW - Ex Works		4 - 6 Weeks ARO	
Item #	Description	Qty	Units	Rate	Amount
9115	Logos+ Standard System includes CR Reader with integrated erasing light, TPM compliant notebook computer, 2 - 8x17 image plate kits, base software, carousel, and carrying case. Includes three year warranty, three years maintenance on base Logos Imaging software, and three years web and telephone tech support.	1	EA	20,111.00	20,111.00
9030	Logos Series 8x17 image plate with IP holder and frame	2		733.40	1,466.80
				Subtotal	21,577.80
				Shipping Cost (UPS Ground)	80.27
				Total	\$21,658.07



Logos Imaging LLC
6835 Sherman Street
Loveland, CO 80538

Tel: (765) 939-4044
Toll Free: (866) 939-4044
Fax: (765) 939-4040

www.logosimaging.com

To Whom It May Concern:

This letter serves as our official statement that Logos Imaging is the sole, worldwide supplier of the Logos and EVRÝ Series CR Imaging System and accessories. We are also the exclusive worldwide supplier of the NEOS and ORAMA DR Imaging Systems.

The Logos and EVRÝ Series CR Imaging Systems are comprised of three primary components: a computed radiography (CR) reader, image processing software, and storage phosphor image plates.

CR Readers

The readers utilize a patented, contact-free scanning method to process storage phosphor image plates. The Logos CR Readers are manufactured by Logos Imaging LLC in Loveland, CO.

Logos Imaging Application

The Logos Imaging Application is proprietary software developed by Logos Imaging. The software includes proprietary automated enhancement algorithms developed by Logos Imaging.

Image Plates

The Logos Digital Imaging System uses GE image plates with a customized clipping mechanism used to attach the plates for processing. These customized image plates are assembled products of Logos Imaging and are not available through other sources.

The NEOS and ORAMA DR Imaging Systems are comprised of three primary components: a computed DR panel, image processing software, and a power and communications interface.

DR Panels

Logos Imaging uses DR panels supplied by Rayence Co. Ltd.

Logos Imaging Application

The Logos Imaging Application is proprietary software developed by Logos Imaging. The software includes proprietary automated enhancement algorithms developed by Logos Imaging

Interface

Logos Imaging DR systems utilize the ASÝRMATOS interface to provide power and PC-to-panel communications. The ASÝRMATOS interface is designed and manufactured by Logos Imaging LLC in Loveland, CO.

Please contact me if you have any questions or if you require additional information.

Regards

A handwritten signature in black ink that reads "Shawn Munn". The signature is written in a cursive, flowing style.

Shawn Munn
Logos Imaging LLC

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division
 3. FROM: Police Department 5. DATE: 5/13/14
 4. DEPARTMENT/DIVISION:

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

	FUND #	BUS. UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	234		5566	2013 JAG Funds	\$ 18,803.00
	234		5566	2011 JAG Funds	\$ 1,675.00
B. USE OF FINANCING	234	2341205	7718	Grant Equip	\$ 1,675.00
	234	2341207	7718	Grant Equip	\$ 18,803.00

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

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

This is to appropriate funds for JAG 2013-DJ-BX-0877, approved via Council on October 2, 2013. The additional appropriation adjustment is to re-appropriate existing funds awarded in the 2011 JAG in the FY 13/14.

If Council has authorized the appropriation adjustment, complete the following:
 Meeting Date: _____ Res No: 18 Attach copy of resolution to this form.
 Department Head Signature: [Signature]

8. APPROVAL SIGNATURES

 Deputy City Manager/Internal Services Manager Date

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

RESOLUTION NO. 2014-_____

ADOPT RESOLUTION AUTHORIZING CITY MANAGER TO APPROVE THE SOLE SOURCE PURCHASE OF A COMPUTED RADIOGRAPHY (CR) READER FOR THE LODI POLICE DEPARTMENT AND APPROPRIATE FUNDS IN THE AMOUNT OF \$20,478

=====

WHEREAS, the Lodi Police Department's Explosive Ordinance Disposal (EOD) team currently owns an outdated and inoperable imaging machine; and

WHEREAS, the EOD team must wait several hours to procure the equipment necessary to identify any hidden explosive devices, thus increasing the threat of danger to the immediate public; and,

WHEREAS, the purchase of this imaging machine will provide the EOD team the ability to x-ray items that may contain explosives in a more expedient and efficient manner and provide the opportunity to assist other departments in need; and

WHEREAS, the purchase of this equipment will bring the Lodi Police Department into compliance with FBI guidelines on mandatory equipment for EOD teams.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to approve the sole source purchase of a computed radiography (CR) reader for the Lodi Police Department and appropriate funds in the amount of \$20,478.

Date: May 21, 2014

=====

I hereby certify that Resolution No. 2014-_____ was passed and adopted by the Lodi City Council in a regular meeting held May 21, 2014, by the following vote:

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

RANDI JOHL-OLSON
City Clerk

2014-_____



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Accept Memorial Bench and Plaque Project in Memory of Jennifer Katakian

MEETING DATE: May 21, 2014

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Accept memorial bench and plaque project in memory of Jennifer Katakian.

BACKGROUND INFORMATION: On April 24, 2014, staff received a written request for a memorial park bench project at Katakian Park in memory of Jennifer Katakian. Kathy Polenske, project requester was provided a copy of the current Memorial Park Bench and Tree Policy and additional information related to her request. Staff has discussed the project location, project costs and policy protocol.

At the May 6, 2014, Parks and Recreation Commission meeting, the Commission voted unanimously to approve this request and recommend that City Council support the project.

FISCAL IMPACT: The project is estimated to cost \$1,500. Kathy Polenske has agreed to provide all necessary funding.

FUNDING AVAILABLE: Donated funds from Kathy Polenske and friends.



Jeff Hood
Parks, Recreation and Cultural Services Director

Prepared by Steve Dutra, Park Superintendent

JMR\SD:tl

cc: City Attorney

APPROVED: _____
Steve Schwabauer, Interim City Manager

AGENDA ITEM



**PARKS, RECREATION, AND CULTURAL SERVICES
MEMORANDUM**

5/6/14

Kathy Polenske

RE: Engineer's Estimate

Project materials – lumber, concrete and fasters	\$ 180.00
Project staff labor – 12 hours @ \$34.50 per hour	\$ 414.00
Project park bench w/tax and shipping	\$ 592.25
Project plaque estimated (Final plaque cost based on finished design)	\$ 250.00
Project Estimate	\$1436.25

Payment will not be necessary until we have an exact final project cost, which typically come under our estimate.



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Accept Improvements Under Contract for Alley Improvement Project – Phase 4
MEETING DATE: May 21, 2014
PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept improvements under contract for Alley Improvement Project – Phase 4.

BACKGROUND INFORMATION: The contract was awarded to A. M. Stephens Construction Company, Inc., of Lodi, in the amount of \$151,356.75, on June 5, 2013. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

This project consisted of reconstructing the alleys north of Lodi Avenue and west of Church Street; and north of Elm Street from Central Avenue to Garfield Street, as shown on Exhibit A. The work included installing approximately 500 tons of asphalt concrete, 2,000 square feet of concrete alley gutter, 1,700 square feet of alley approach concrete, and other incidental and related work.

These alleys were selected based on field review of the City's alleys. They appeared to have the most severe drainage and/or pothole problems from the site survey. Community Development Block Grant (CDBG) funds were used to reconstruct the alleys with new asphalt concrete pavement and pervious concrete alley gutter. The pervious alley concrete gutter was used in previous alley reconstruction projects and has proven to enhance the alley storm water drainage.

The contract completion date was April 25, 2014. The final contract price was \$162,282.18. The difference between the contract amount and the final contract price is due to additional time working through wet conditions and working around utilities that were shallower than shown on the plans.

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

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

FUNDING AVAILABLE: This project was funded by 2012 Community Development Block Grant (CDBG) funds made available through San Joaquin County.

F. Wally Sandelin
Public Works Director

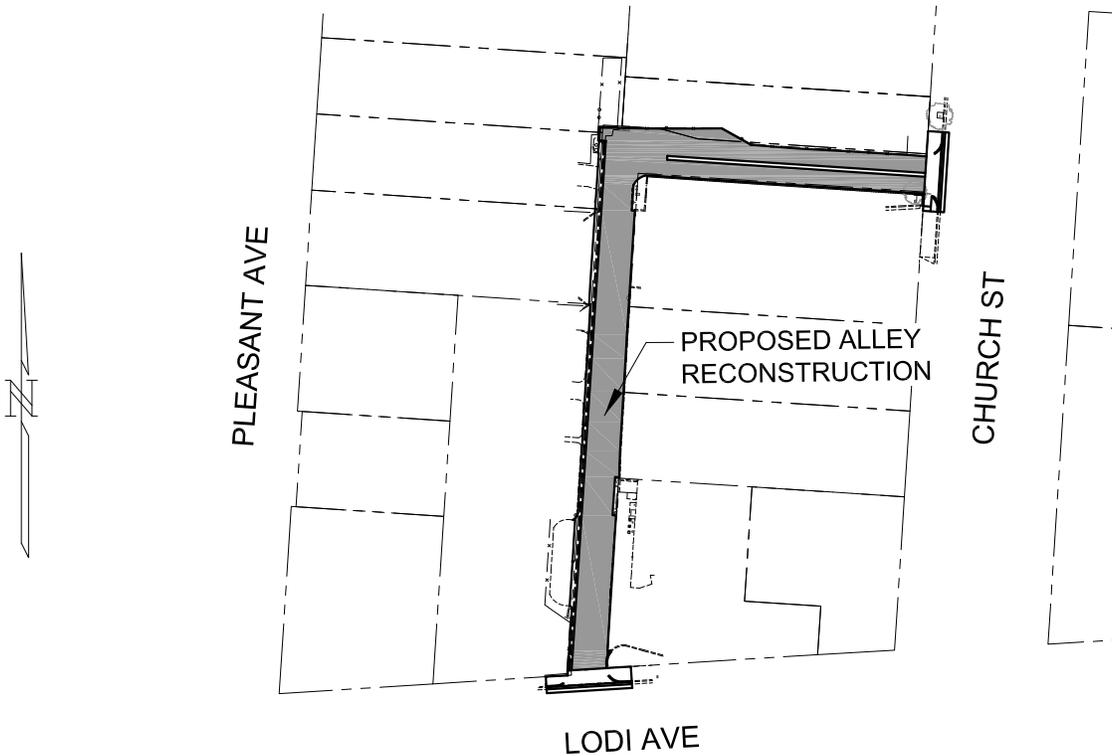
Prepared by Sean Nathan, Associate Civil Engineer
FWS/SN/pmf
Attachment

cc: Deputy Public Works Director – Utilities
Neighborhood Services Manager
City Engineer/Deputy Public Works Director

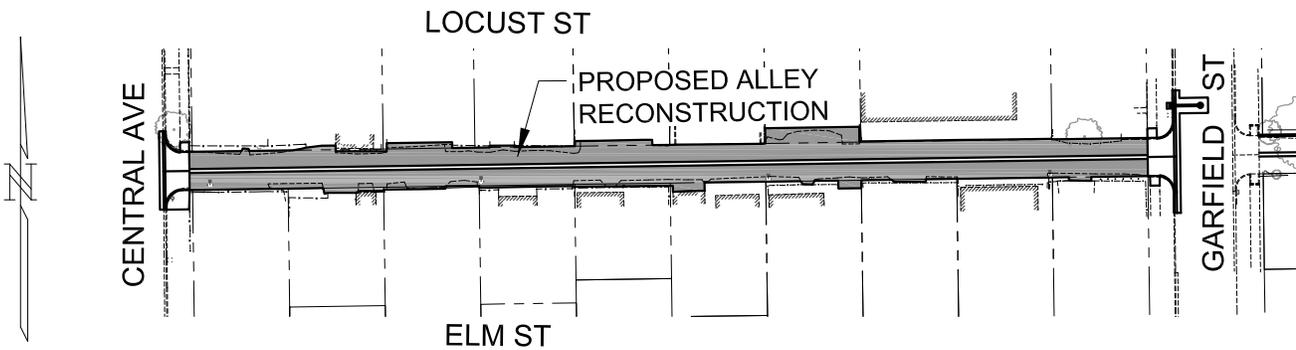
APPROVED: _____
Stephen Schwabauer, Interim City Manager

EXHIBIT A

ALLEY IMPROVEMENT PROJECT - PHASE 4



ALLEY NORTH OF LODI AVE. & WEST OF CHURCH ST.
NOT TO SCALE



ALLEY NORTH OF ELM ST., CENTRAL TO GARFIELD
NOT TO SCALE





CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Accept Improvements Under Contract for Lodi West Wall Replacement, 2560 Paradise Drive

MEETING DATE: May 21, 2014

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept improvements under contract for Lodi West Wall Replacement, 2560 Paradise Drive.

BACKGROUND INFORMATION: The contract was awarded to John D. Wait Masonry, of Lodi, in the amount of \$17,444, on March 5, 2014. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

In September 2013, a vehicle hit the 8-foot high block wall and entrance sign at 2560 Paradise Drive. The wall and sign were damaged beyond repair and needed to be fully removed and replaced.

The project consisted of removing 22 linear feet of 8-foot wall, removing the entrance sign, reconstructing the wall with the matching stone, replacing the entrance sign, and other incidental and related work, all as shown on the plans and specifications for the project.

The contract completion date was April 25, 2014. The final contract price was \$17,444. There was no difference between the contract amount and the final contract price.

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

FISCAL IMPACT: The project will not have an impact to the maintenance costs of the facility but will reduce the City's liability associated with a damaged structure.

FUNDING AVAILABLE: This project was initially be funded by Damage to Property (100200). That account will be reimbursed once the insurance claim payment is received.

F. Wally Sandelin
Public Works Director

Prepared by Sean Nathan, Associate Civil Engineer
FWS/SN/pmf
cc: Deputy Public Works Director – Utilities
City Engineer/Deputy Public Works Director

APPROVED: _____
Stephen Schwabauer, Interim City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Approving the Master Lease Agreement with the Lodi Grape Festival and National Wine Show Association for Use of Various Festival Ground Facilities (\$21,000)

MEETING DATE: May 21, 2014

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Adopt resolution approving the master lease agreement with the Lodi Grape Festival and National Wine Show Association for use of various festival ground facilities for amount not to exceed \$21,000.

BACKGROUND INFORMATION: The Parks and Recreation Department has leased facilities from the Lodi Grape Festival and National Wine Show Association for more than 40 years for various indoor and outdoor programs. The proposed agreement includes use of the Grape Pavilion, Cabernet Hall, and an area known as the soccer field. Management of the Lodi Grape Festival has also been quick to accommodate the City's needs when other space and/or facilities are required.

The term of the agreement is one year, commencing on July 1, 2014 and ending June 30, 2015. The terms and conditions are consistent with those of the previous agreement. The annual lease payment is \$21,000.

Staff recommends approving the use agreement, which provides facilities for youth and adult basketball, soccer, and other miscellaneous programming. There are no suitable alternative sites. The City Attorney has approved the agreement as to form.

FISCAL IMPACT: \$21,000 from the Recreation Fund, the majority of which is generated from user fees.

FUNDING AVAILABLE: Account #347211.7321 – 2014/15 Recreation Administration

Jordan Ayers, Deputy City Manager



Jeff Hood
Parks, Recreation and Cultural Services Director

cc: City Attorney

APPROVED: _____
Stephen Schwabauer, Interim City Manager

**INTERIM USE RENTAL AGREEMENT
LODI GRAPE FESTIVAL & NATIONAL WINE SHOW ASSN., INC. FACILITIES**

THIS AGREEMENT made this 22nd of April, 2014, at Lodi, County of San Joaquin, State of California, by and between the **LODI GRAPE FESTIVAL AND NATIONAL WINE SHOW ASSN., INC.**, a non-profit corporation, hereinafter called the Festival, and **CITY OF LODI, PARKS & RECREATION DEPARMENT** hereinafter called the Renter.

WITNESSETH:

1. Permission is hereby granted to the Renter to use the following described property of the Festival for a period beginning **JULY 1, 2014** and ending **JUNE 30, 2015** upon the conditions, agreements and terms hereinafter set out in this agreement in attached Exhibit A.
2. The description of the premises of the Festival, located in Lodi, County of San Joaquin, State of California, permitted to be used is described as: **CABERNET HALL, THE EAST FIELD AND THE GRAPE PAVILION.**
3. Renter hereby agrees to pay the Festival for use of said premises: **\$21,000 (TWENTY ONE THOUSAND DOLLARS)** for rental of facilities as outlined in the attached Exhibit A.
4. Amount due is payable as follows: **\$21,000 (TWENTY ONE THOUSAND DOLLARS)**, return of signed contract and certificate of insurance due no later than June 30, 2014.

SEE EXHIBIT "A" ATTACHED, THE CONTENTS OF WHICH ARE MADE PART OF THIS AGREEMENT BY REFERENCE AS THOUGH FULLY INCORPORATED HEREIN.

5. Said premises shall be used for the **PARKS & RECREATION PROGRAMS** and for no other purpose without the written consent of the Festival first had and obtained. Renter agrees to comply with all ordinances, statues, rules and regulations applicable to the conduct or operation of the activities of Renter herein permitted to be conducted. Renter shall provide adequate police protection to maintain order in and about the premises permitted to be used herein or to which necessary or expedient access has been granted at all times during the use of the premises herein permitted to the Renter. Renter shall not permit a breach of the peace or any unlawful act or omission by any person.
6. Renter agrees to maintain the premises herein permitted to be used and other portions of the premises of the Festival to which it, its employees, agents, licensees or ay member of the public has access to by reason of this agreement in good condition, reasonable wear and tear, damage by the elements, act of God, or casualties beyond the control of Renter only excepted, and Renter agrees to return said premises in the same condition as the premises were before use of the same was permitted hereunder, ordinary wear and tear, damage by the elements, act of God, or casualties beyond the control of the Renter excepted. The Festival shall have the privilege of inspecting the premises at any or all times.
7. Renter shall provide Festival with an original certificate of liability insurance with original signature, naming the **STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, LODI GRAPE FESTIVAL AND NATIONAL WINE SHOW ASSN., INC., THEIR AGENTS, DIRECTORS, OFFICERS, SERVANTS AND EMPLOYEES** as additional insured insofar as the operations under this agreement are concerned. The amounts of public liability coverage shall not be less than \$1,000,000 / \$1,000,000 and the amount of property damage coverage shall not be less than \$1,000,000, neither coverage to involve a deductible feature. Said certificates shall contain a statement by the insurance company that it will not cancel said policy without giving 30 days prior written notice to the Festival.
8. Renter does further expressly agree to indemnify, defend, and save the Festival, its agents, employees or licensees, harmless from any and all claims for loss, damage, injury or liability of whatsoever nature and howsoever the same may be caused or may arise resulting directly or indirectly from the exercise of this agreement or the occupation of the premises herein permitted to be used or the premises of the Festival to which the Renter, its agents, employees or licensees may have access by reason of this agreement.

Initials: *mw*
Festival

Initials: *JH*
Hood

Initials: _____
Schwabauer

Initials: _____
~~Schwabauer~~
Magdich

Initials: _____
Johl=Olson

- 9. This agreement shall not be assigned in whole or in part nor may any right hereunder granted to the Renter be granted in turn to any person without the written consent of the Festival first had and obtained.
- 10. The Festival may terminate this agreement and be relieved of any further performance if Renter fails to perform any covenant herein contained at the time and in the manner herein provided, which said right shall be cumulative to any other legal right or remedy. Notwithstanding anything, herein contained to the contrary, this agreement may be terminated and the provisions of this agreement may be altered, changed or amended, by mutual consent of the parties hereto. Any fees paid in addition to the non-refundable deposit will not be refunded if event is terminated by either party 30 days or less prior to the event.
- 11. The parties hereto agree that the Renter in the performance of this agreement shall be an independent contractor and shall not be an employee of the Festival.
- 12. Time is of the essence of each and all the provisions of this agreement and the provisions of this agreement shall extend to and be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the respective parties hereto.
- 13. It is mutually understood and agreed that no alteration or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties hereto, and that no oral understanding or agreements not incorporated herein, and no alterations or variations of the terms hereof unless made in writing between the parties hereto shall be binding on any of the parties hereto.
- 14. All safety orders of the Division of Industry Safety, Department of Industrial Relations, must be strictly observed.
- 15. NOTICE, Pursuant to Section 107.6 California Rev. & Tax Code. Renter recognizes and understands that this tenancy may create a possessory interest subject to property taxation and that the Renter may be subject to the payment of property taxes levied on such interest.
- 16. Additional provisions, if any, and/or alterations to existing provisions contained herein, shall be attached to this agreement and marked "EXHIBIT A." Such attached sheets when properly signed by both parties become a party of this agreement and shall be binding upon the parties hereto.

IN WITNESS WHEREOF, this agreement has been executed in duplicate by and on behalf of the parties hereto, the day and year first written above.

LODI GRAPE FESTIVAL & NATIONAL WINE SHOW ASSN., INC.
P.O. BOX 848 ~ 413 E. LOCKEFORD ST.
LODI, CA 95241
(209) 369-2771

CITY OF LODI, a municipal corporation
125 N. STOCKTON ST.
LODI, CA 95240
(209) 333-6800

By: 
MARK A. ARMSTRONG
GENERAL MANAGER

By: 
JEFF HOOD
DIRECTOR, PARKS & RECREATION

By: _____
STEVE SCHWABAUER
INTERIM CITY MANAGER

APPROVE AS TO FORM:

By: _____
JANICE MAGDICH
INTERIM CITY ATTORNEY 

By: _____
RANDI JOHL-OLSON
CITY CLERK

EXHIBIT A

RENTER AGREES THAT:

- 1. Festival does hereby lease to Renter, Cabernet Hall, the Grape Pavilion and the East Feld for programs sponsored by and conducted under the supervision of the City of Lodi Parks & Recreation Department on the Lodi Grape Festival grounds, situated in the City of Lodi, County of San Joaquin, and State of California. Festival grants Renter the non-exclusive right to utilize necessary parking lot space and access routes to the buildings which are necessary to conduct its recreation program.
- 2. Renter's use is limited to the following:

GRAPE PAVILION

Grape Pavilion shall be reserved for Renter's use approximately October 1, 2014 through March 15, 2015 unless other dates are established by mutual written agreement prior to October 1, 2014. Renter may request additional Saturday dates from March 15, 2015 through July 13, 2015, subject to availability. The hours of use for Renter are:

Monday through Friday 5 p.m. to 11 p.m.
 Saturday 7 a.m. to 1 a.m. (Sunday)
 Sunday 7 a.m. to 11 p.m.

(Renter shall use the weekend schedule on legal holidays falling on weekdays.)

Festival reserves the right to rent Pavilion for basketball practice Monday through Friday until 5 p.m. and Renter shall be pre-empted from the building on the following dates: Wednesday, December 10, 2014 through Sunday, December 14, 2014 and Friday, January 23, 2015 through Sunday, January 24, 2015. In the event Festival schedules use of the Pavilion to another user, that user or the Festival will immediately thereafter provide custodial care and/or maintenance of the Pavilion in order to return it to Renter in satisfactory condition for Renter's continued use.

CABERNET HALL

Cabernet Hall shall be reserved for Renter's use from October 1, 2014 through August 15, 2015 on Monday through Thursday from 4:30 p.m. to 11 p.m. Use of Cabernet Hall is reserved by the Festival on Fridays, Saturdays and Sundays.

EAST FIELD

The East Field shall be reserved for Renter's use from October 15, 2014 through April 15, 2015 on Monday through Friday from 4 p.m. to 11 p.m. Festival reserves the right to pre-empt Renter when other events conflict. Renter will provide no less than one (1) portable restroom for its own use and will provide daily pickup of trash in the East Field during the lease period. In exchange for use of East Field, Renter will mow field lawn every third week during winter months (October 15 through April 15) and every week during the summer months (April 16 through October 14). On Thursday and Fridays, renter agrees to practice soccer in the North area of the East Field if set up or tear down is taking place for the weekly Grape Festival Flea Market.

- 3. Renter shall provide sufficient personnel to monitor crowd control, including policing of parking lot areas and grounds adjacent to the facilities being used to insure no disturbance of other Renters on the Festival grounds. Festival shall have the right to pre-empt usage of any facility when other renters will be in the immediate vicinity of the buildings. Festival will notify Renter in advance of these pre-empted dates.
- 4. Renter shall be diligent in turning out lights, turning off heaters and/or coolers and locking building doors and outside gates daily and nightly after each use. If this provision is not observed Festival shall bill renter for use of utilities beyond scheduled hours of use. Each staff member requesting keys shall check them out individually from Festival office. Renter shall be billed \$50 (fifty dollars) for each key not returned to Festival at end of each lease year.

Initials: ma
Festival

Initials: JH
Hood

Initials: _____
Schwabauer

Initials: _____
Magdich

Initials: _____
Johl -Olson

5. Renter agrees to provide adequate qualified supervision at all times when using any of Festival's facilities. Renter agrees to clean up all areas used, outside and inside, including parking areas, on a daily basis, and all areas of the buildings and grounds are to be kept free of papers, cups, cans, bottles and other debris deposited as a result of Renter's activities. Renter agrees to repair or replace, at its own expense, any and all damage to Festival buildings, facilities, equipment and/or grounds caused by Renters activities.

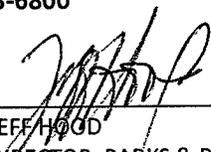
6. It is expressly agreed and understood that this lease is for use by the Renter for its recreational programs and NO SUBLETTING or assignment of this lease is permitted unless otherwise approved by mutual written agreement. Any programs or activities other than the basketball program shall first be approved by Festival. Renter shall have concession rights for its events only and may operate a concession during all applicable events under this lease specifically granted to Renter. Concession shall comply with all health, fire and safety regulations, including no propane or gas cooking inside the buildings.

7. Renter does hereby agree to indemnify, defend and save Festival free and harmless from any and all claims for loss, damage, injury or liability to persons or property that may arise during the time the Renter is using the buildings, facilities and/or grounds which arise from the acts or omissions of Renter, except for claims for loss, damage, injury or liability to persons or property which arise from the acts or omissions of the Festival. For such claims, the Festival does hereby agree to indemnify, defend and save Renter free and harmless. Renter agrees at all times during the continuance of the lease to maintain adequate public liability and property damage insurance covering its use, occupancy and operation of said premises. Such policy or policies shall carry a specific endorsement providing that the Lodi Grape Festival and National Wine Show Assn., Inc., the County of San Joaquin, the State of California, and their agents, directors, officers, servants and employees are named as additional insured and that such liability policy or policies are primary insurance as to any similar insurance carried by Festival. Renter shall furnish Festival with satisfactory proof of insurance coverage required by Festival, and there shall be a specific contractual liability assumed by Renter pursuant to this lease. Any policy of insurance required of Renter under this lease shall also contain an endorsement providing that at least thirty (30) days of notice must be given in writing to Festival of any pending change in the limits of liability or of any cancellation or modification of the policy or policies. In the event that the Renter is self-insured, Renter shall provide a certificate of self-insurance in a form satisfactory to Festival.

LODI GRAPE FESTIVAL & NATIONAL WINE SHOW ASSN., INC.
P.O. BOX 848 ~ 413 E. LOCKEFORD ST.
LODI, CA 95241
(209) 369-2771

By: 
MARK A. ARMSTRONG
GENERAL MANAGER

CITY OF LODI, a municipal corporation
125 N. STOCKTON ST.
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By: 
JEFF HOOD
DIRECTOR, PARKS & RECREATION

By: _____
STEVE SCHWABAUER
INTERIM CITY MANAGER

APPROVE AS TO FORM:

By: _____
JANICE MAGDICH
INTERIM CITY ATTORNEY 

By: _____
RANDI JOHL-OLSON
CITY CLERK

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE MASTER LEASE AGREEMENT WITH THE LODI GRAPE FESTIVAL AND NATIONAL WINE SHOW ASSOCIATION FOR USE OF VARIOUS FESTIVAL GROUND FACILITIES FOR THE PERIOD JULY 1, 2014 TO JUNE 30, 2015, AT A LEASE RATE OF \$21,000 PER YEAR

WHEREAS, the Parks and Recreation Department has leased facilities from the Lodi Grape Festival and National Wine Show Association for more than 40 years for various indoor and outdoor programs; and

WHEREAS, this agreement allow the City use of the Grape Pavilion, Cabernet Hall, and an outdoor area know as the soccer field; and

WHEREAS, management of the Lodi Grape Festival has also been quick to accommodate our needs when other space and/or facilities are required; and

WHEREAS, the term of the agreement is for one (1) year, commencing on July 1, 2014, and ending June 30, 2015; and

WHEREAS, the annual lease payment is \$21,000; and

WHEREAS, staff therefore recommends that the City Council approve the use agreement, which provides facilities for youth and adult basketball, soccer, and other miscellaneous programming.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Master Lease Agreement with the Lodi Grape Festival and National Wine Show Association, for use of the Grape Pavilion, Cabernet Hall, and an area known as the soccer field for the period July 1, 2014, to June 30, 2015 at a cost not to exceed \$21,000.

Dated: May 21, 2014

I hereby certify that Resolution No. 2014-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2014, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL-OLSON
City Clerk



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2014/15

MEETING DATE: May 21, 2014

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2014/15.

BACKGROUND INFORMATION: Attached is a summary of the San Joaquin Council of Governments' (COG) Annual Financial Plan (AFP) for Fiscal Year 2014/15. The COG Board adopted the AFP on March 27, 2014. Pursuant to COG's Joint Powers Agreement, the budget is to be ratified by the City of Lodi and the other agencies in the County following adoption by the COG Board.

Staff would like to acknowledge both the importance of the work COG performs and the significant and excellent assistance their staff provides in delivering transportation projects in the City and the entire County.

FISCAL IMPACT: This is the operating plan for COG. COG oversees Measure K funding for several projects in Lodi, including street maintenance and Transit, as well as the administration of several federal funding sources.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer

FWS/PJF/pmf

Attachment

cc: D. Stephen Schwabauer, City Attorney
Steve Dial, COG Deputy Executive Director/Chief Financial Officer

APPROVED: _____
Stephen Schwabauer, Interim City Manager



RESOLUTION
SAN JOAQUIN COUNCIL OF GOVERNMENTS

R-14-22

RESOLUTION APPROVING THE ADOPTION OF THE 2014-15
ANNUAL FINANCIAL PLAN
FOR THE SAN JOAQUIN COUNCIL OF GOVERNMENTS

WHEREAS, the San Joaquin Council of Governments is required by the Joint Powers Agreement to adopt a budget (Annual Financial Plan) annually, and

WHEREAS, the adopted budget is to be sent to the member agencies for ratification.

NOW THEREFORE BE IT RESOLVED, that the San Joaquin Council of Governments adopts the FY 2014-15 Annual Financial Plan and directs the Executive Director to transmit it to the member agencies for ratification.

PASSED AND ADOPTED this 27th day of March 2014 by the following vote of the San Joaquin Council of Governments, to wit:

AYES: Supervisor Bestolarides, SJ County; Mayor Pro Tem DeBrum, Manteca; Councilman Dresser, Lathrop; Mayor Pro Tem Hansen, Lodi; Councilman Haskin, Escalon; Councilman Holman, Stockton; Mayor Pro Tem Maciel, Tracy; Mayor Silva, Stockton; Supervisor Villapudua, SJ County; Supervisor Vogel, SJ County; Vice Mayor Winn, Ripon; Councilman Zapien, Stockton.

NOES: None.

ABSENT: None.

STEVE DRESSER
Chair

San Joaquin Council of Governments
ANNUAL FINANCIAL PLAN
Fiscal Year 2014/15
Proposed March 27, 2014

REVENUES	FY 2012-13 Actual	FY 2013-14 Amend. #1	FY 2014-15 Proposed 3/27/14	+/- Change
Federal Grants	\$ 2,051,653	\$ 2,503,638	\$ 2,398,348	\$ (105,290)
State Grants	\$ 820,731	\$ 2,175,050	\$ 1,753,700	\$ (421,350)
Local	\$ 3,240,992	\$ 3,668,971	\$ 3,750,818	\$ 81,847
Interest	\$ 5,158	\$ 5,000	\$ 5,000	\$ -
Other	\$ 2,633	\$ 15,000	\$ 15,000	\$ -
SJCOG OPERATING REVENUE	\$ 6,121,168	\$ 8,367,660	\$ 7,922,866	\$ (444,794)

EXPENDITURES				
Salaries & Benefits	\$ 3,461,739	\$ 3,682,482	\$ 3,803,775	\$ 121,293
Services & Supplies	\$ 731,419	\$ 1,091,600	\$ 1,091,600	\$ -
Office Expense	\$ 125,455	\$ 255,800	\$ 255,800	\$ -
Communications	\$ 51,399	\$ 60,000	\$ 60,000	\$ -
Memberships	\$ 33,562	\$ 42,000	\$ 42,000	\$ -
Maintenance - Equipment	\$ 4,569	\$ 13,000	\$ 13,000	\$ -
Rents & Leases - Equipment	\$ 144,076	\$ 210,000	\$ 210,000	\$ -
Transportation, Travel & Training (In & Out of State)	\$ 96,052	\$ 110,000	\$ 110,000	\$ -
Publications & Legal Notices	\$ 3,227	\$ 27,000	\$ 27,000	\$ -
Insurance	\$ 91,666	\$ 103,000	\$ 103,000	\$ -
Building Maintenance	\$ 161,490	\$ 170,800	\$ 170,800	\$ -
Debt Service	\$ 19,923	\$ 100,000	\$ 100,000	\$ -
Professional Services	\$ 1,696,236	\$ 3,433,078	\$ 2,886,991	\$ 980,158
Capital Outlay	\$ 170,562	\$ 160,500	\$ 140,500	\$ 20,000
Unallocated/Reserve				0
SJCOG OPERATING EXPENDITURES	\$ 6,059,956	\$ 8,367,660	\$ 7,922,866	\$ 1,021,158

Excess (Deficit) Revenues	\$ 61,212	\$ 0	\$ 0
Over Expenditures (Operating)			

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE LODI CITY COUNCIL
RATIFYING THE SAN JOAQUIN COUNCIL OF
GOVERNMENTS' (SJCOG) 2014-15 ANNUAL
FINANCIAL PLAN

=====

WHEREAS, the San Joaquin Council of Governments (SJCOG) has approved its fiscal year 2014-15 budget by adopting Resolution No. R-14-22 as shown on the attached, marked Exhibit A; and

WHEREAS, SJCOG is required to forward such Resolution to its member governments for their review and ratification.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby ratify the 2014-15 Annual Financial Plan for SJCOG.

Dated: May 21, 2014

=====

I hereby certify that Resolution No. 2014-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2014, by the following vote:

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

RANDI JOHL-OLSON
City Clerk



RESOLUTION
SAN JOAQUIN COUNCIL OF GOVERNMENTS

R-14-22

RESOLUTION APPROVING THE ADOPTION OF THE 2014-15
ANNUAL FINANCIAL PLAN
FOR THE SAN JOAQUIN COUNCIL OF GOVERNMENTS

WHEREAS, the San Joaquin Council of Governments is required by the Joint Powers Agreement to adopt a budget (Annual Financial Plan) annually, and

WHEREAS, the adopted budget is to be sent to the member agencies for ratification.

NOW THEREFORE BE IT RESOLVED, that the San Joaquin Council of Governments adopts the FY 2014-15 Annual Financial Plan and directs the Executive Director to transmit it to the member agencies for ratification.

PASSED AND ADOPTED this 27th day of March 2014 by the following vote of the San Joaquin Council of Governments, to wit:

AYES: Supervisor Bestolarides, SJ County; Mayor Pro Tem DeBrum, Manteca; Councilman Dresser, Lathrop; Mayor Pro Tem Hansen, Lodi; Councilman Haskin, Escalon; Councilman Holman, Stockton; Mayor Pro Tem Maciel, Tracy; Mayor Silva, Stockton; Supervisor Villapudua, SJ County; Supervisor Vogel, SJ County; Vice Mayor Winn, Ripon; Councilman Zapien, Stockton.

NOES: None.

ABSENT: None.

STEVE DRESSER
Chair

San Joaquin Council of Governments
ANNUAL FINANCIAL PLAN
Fiscal Year 2014/15
Proposed March 27, 2014

REVENUES	FY 2012-13 Actual	FY 2013-14 Amend. #1	FY 2014-15 Proposed 3/27/14	+/- Change
Federal Grants	\$ 2,051,653	\$ 2,503,638	\$ 2,398,348	\$ (105,290)
State Grants	\$ 820,731	\$ 2,175,050	\$ 1,753,700	\$ (421,350)
Local	\$ 3,240,992	\$ 3,668,971	\$ 3,750,818	\$ 81,847
Interest	\$ 5,158	\$ 5,000	\$ 5,000	\$ -
Other	\$ 2,633	\$ 15,000	\$ 15,000	\$ -
SJCOG OPERATING REVENUE	\$ 6,121,168	\$ 8,367,660	\$ 7,922,866	\$ (444,794)

EXPENDITURES				
Salaries & Benefits	\$ 3,461,739	\$ 3,682,482	\$ 3,803,775	\$ 121,293
Services & Supplies	\$ 731,419	\$ 1,091,600	\$ 1,091,600	\$ -
Office Expense	\$ 125,455	\$ 255,800	\$ 255,800	\$ -
Communications	\$ 51,399	\$ 60,000	\$ 60,000	\$ -
Memberships	\$ 33,562	\$ 42,000	\$ 42,000	\$ -
Maintenance - Equipment	\$ 4,569	\$ 13,000	\$ 13,000	\$ -
Rents & Leases - Equipment	\$ 144,076	\$ 210,000	\$ 210,000	\$ -
Transportation, Travel & Training (In & Out of State)	\$ 96,052	\$ 110,000	\$ 110,000	\$ -
Publications & Legal Notices	\$ 3,227	\$ 27,000	\$ 27,000	\$ -
Insurance	\$ 91,666	\$ 103,000	\$ 103,000	\$ -
Building Maintenance	\$ 161,490	\$ 170,800	\$ 170,800	\$ -
Debt Service	\$ 19,923	\$ 100,000	\$ 100,000	\$ -
Professional Services	\$ 1,696,236	\$ 3,433,078	\$ 2,886,991	\$ 980,158
Capital Outlay	\$ 170,562	\$ 160,500	\$ 140,500	\$ 20,000
Unallocated/Reserve				0
SJCOG OPERATING EXPENDITURES	\$ 6,059,956	\$ 8,367,660	\$ 7,922,866	\$ 1,021,158

Excess (Deficit) Revenues	\$ 61,212	\$ 0	\$ 0
Over Expenditures (Operating)			



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Finding Existence of a Drought Emergency
MEETING DATE: May 21, 2014
PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution finding existence of a drought emergency.

BACKGROUND INFORMATION: On January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to drought conditions in the state. On April 25, 2014, the Governor proclaimed a continued state of emergency in the State of California due to drought conditions that have persisted for the last three years and the duration of this drought is unknown.

Lodi Municipal Code, Chapter 13.08, Article III, Section 13.08.290, Emergency Water Conservation, allows the Public Works Director to determine the degree of emergency and determine what additional restrictions of water use or other appropriate actions must be taken to protect the water system and the citizens of Lodi.

Staff recommends that City Council adopt a resolution finding the existence of a drought emergency and that the emergency will be presumed to be in effect until a contrary finding is made by the Council. Staff also recommends that Council supports the Public Works Director declaring a Stage 1 water emergency and support any future water emergency restrictions in accordance with the City's Water Shortage Contingency.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Kathryn E. Garcia, Compliance Engineer
FWS/KMG/pmf

APPROVED: _____
Stephen Schwabauer, Interim City Manager

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE LODI CITY
COUNCIL FINDING THE EXISTENCE OF
A DROUGHT EMERGENCY

=====

WHEREAS, California Water Code section 71642 authorizes the governing body of a municipal water district to find the existence or threat of a drought emergency or other threatened or existing water shortage, and that finding is prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding is made by the City by resolution or ordinance; and

WHEREAS, pursuant to Water Code section 71640, the City may restrict the use of municipal water during the drought emergency or other water shortage condition and may prohibit the wastage of municipal water or the use of municipal water during such periods for any purpose other than household uses or other restricted uses as the City determines to be necessary; and

WHEREAS, pursuant to Water Code section 71641 and Government Code section 6061, the City of Lodi must publish in a newspaper of general circulation any ordinance setting forth the restrictions, prohibitions, and exclusions determined to be necessary under Water Code section 71640 within 10 days after its adoption; and

WHEREAS, on January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to drought conditions in the state; and

WHEREAS, the Governor's proclamation acknowledged the State of California is experiencing extremely dry conditions that have persisted since 2012; and

WHEREAS, the Governor's proclamation also noted the snowpack in California's mountains is approximately 20 percent of the normal average for this date; and

WHEREAS, the Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and

WHEREAS, the Governor's proclamation called upon local urban water suppliers and municipalities to implement any local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season; and

WHEREAS, on January 17, 2014, the California State Water Resources Control Board notified all water rights holders in California that, in the coming months, if dry weather conditions persist, the State Water Board will notify water rights holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based upon the priority of their right; and

WHEREAS, Lodi Municipal Code, Chapter 13.08, Article III, Section 13.08.290, Emergency Water Conservation allows the Public Works Director to determine the degree of emergency and determine what additional restrictions of water use or other appropriate actions must be taken to protect the water system and the citizens of Lodi.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council, as follows:

1. Pursuant to Water Code section 71642, and for the reasons set forth herein, the Lodi City Council finds the existence or threat of a drought emergency or other water shortage condition; and
2. The City may adopt restriction and prohibitions on the delivery and consumption of water within the service area so that the water supply can be conserved for the greater public benefit; and
3. The Lodi City Council confirms Stage 1 Water Shortage Contingency - Normal Conditions, per the City of Lodi Water Shortage Contingency, is in effect; and
4. Pursuant to Water Code section 71641 and Government Code section 6061, the City of Lodi shall publish in a newspaper of general circulation any ordinance setting forth the restrictions, prohibitions, and exclusions determined by the City to be necessary under Water Code section 71640; and
5. This emergency or water shortage condition shall be presumed to continue unchanged unless and until a contrary finding is made by the Lodi City Council by resolution or ordinance; and
6. The Lodi City Council requests that federal and state agencies provide financial and other assistance to residents, water suppliers, water rights holders, ranchers, farmers, business owners and any local governments who are harmed by the drought emergency in its territorial limits to help them mitigate the effects of the persistent drought conditions.

Dated: May 21, 2014

=====

I hereby certify that Resolution No. 2014-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2014, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL-OLSON
City Clerk

2014-____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Receive Draft Allocation Methodology for the 2014-2023 Regional Housing Needs Allocation (RHNA) for San Joaquin County

MEETING DATE: May 21, 2014

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Receive draft allocation methodology for the 2014-2023 Regional Housing Needs Allocation (RHNA) for San Joaquin County.

BACKGROUND INFORMATION: The San Joaquin Council of Governments (SJCOG), as the Metropolitan Planning Organization for San Joaquin County, has been actively working on the draft allocation methodology for the 2014-2023 RHNA for San Joaquin County.

The goal of the RHNA methodology is to equitably assign to each jurisdiction a portion of the 40,360 countywide RHNA target. The proposed RHNA methodology takes into consideration the following objectives:

1. Relationship between jobs and housing.
2. Identify any existing local, regional, or state incentives available to local governments that are willing to accept a higher RHNA share than proposed in the draft allocation.
3. Ensure that the total regional housing need, by income category is maintained and that each jurisdiction in the region receives an allocation of units for low- and very low- income households.
4. Consistency with the Sustainable Communities Strategy (SCS) development pattern.

City of Lodi staff actively participated in the RHNA process and will continue to participate in the process and ensure that City concerns and short and long term housing needs are met on a regional basis.

The draft document is out for a 55-day public comment period that ends May 27, 2014 and can be found on the SJCOG website. Staff has been reviewing the draft document to ensure City concerns are incorporated into the plan. A copy of the draft RHNA Executive Summary is provided as Attachment A. A final RHNA will be published in the future.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Stephen Schwabauer
Interim Community Development Director

Attachments

APPROVED: _____
Stephen Schwabauer, Interim City Manager



SAN JOAQUIN COUNCIL OF GOVERNMENTS

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MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

MEMORANDUM

DATE: April 29, 2014

TO: Interested Parties

FROM: Kim Anderson, Associate Regional Planner

RE: Adoption of Regional Housing Needs Allocation (RHNA)
Methodology and Issuance of Draft Allocation / 60-Day
Review Period Deadline May 27, 2014

A handwritten signature in blue ink that reads "Kim Anderson".

At its January 23, 2014 Board meeting, the SJCOG Board of Directors authorized the release of the Draft RHNA Allocation Methodology for a required 60-day public review and comment period. The draft methodology included a preliminary allocation of the regional RHNA total to the seven incorporated jurisdictions and the unincorporated county area of San Joaquin County. Subsequently, SJCOG held two public hearings on February 26, 2014 to allow interested parties to provide public input on the methodology. During the comment period, one comment letter was received. This input resulted in a refinement of the methodology to insure that the regional targets for very-low, low, moderate, and above moderate income limits were consistent with those issued by HCD.

The refined RHNA Methodology was approved by the SJCOG Board of Directors on March 27, 2014. The approved methodology included a draft RHNA allocation as shown in the table on the next page.

Draft RHNA Allocation Summary by Jurisdiction

Agency	Extremely Low (\$16,129 & Below)	Very Low (\$16,130 to \$26,882)	Low (\$26,883 to \$43,011)	Moderate (\$43,012 to \$64,517)	Above Moderate (\$64,518 & Above)	Total RHNA
Escalon	60	42	66	65	192	425
Lathrop	526	493	759	957	2,421	5,156
Lodi	244	253	331	333	770	1,931
Manteca	459	466	693	825	1,958	4,401
Ripon	154	154	215	231	726	1,480
Stockton	1,675	1,482	2,004	2,103	4,560	11,824
Tracy	513	467	705	828	2,463	4,976
SJ County	1,257	1,239	1,727	1,724	4,220	10,167
Total	4,888	4,596	6,500	7,066	17,310	40,360
	12.11%	11.39%	16.11%	17.51%	42.89%	100.00%

Pursuant to State housing law, Government Code (GC) Section 65584.05, a jurisdiction has 60 days from the date of issuance of the draft allocation to request a revision of its share of the regional housing need. Given the 60-day time line, revision requests are due to SJCOG no later than May 27, 2014.

Requests, comments, or questions relating to the draft allocation may be directed to:

San Joaquin Council of Governments
Kim Anderson, Associate Regional Planner
555 E Weber Avenue, Stockton, CA 95202
anderson@sjcog.org
209-235-0565

Attachments:

SJCOG Board Approved 5th Cycle (2014-2023) RHNA Methodology & Draft Allocation

***San Joaquin
County***

SJCOG Board Approval

March 27, 2014

**RHNA Period of 2014 ~
2023**

**REGIONAL HOUSING NEEDS ASSESSMENT
Allocation Methodology**



SAN JOAQUIN

COUNCIL OF GOVERNMENTS



555 E. Weber Ave.
Stockton, California 95202
Phone: 209.468.3913
Fax: 209.468.1084
Website: www.sjcog.org

Draft Regional Housing Needs Assessment Allocation Methodology San Joaquin Council of Governments

(March 2014)

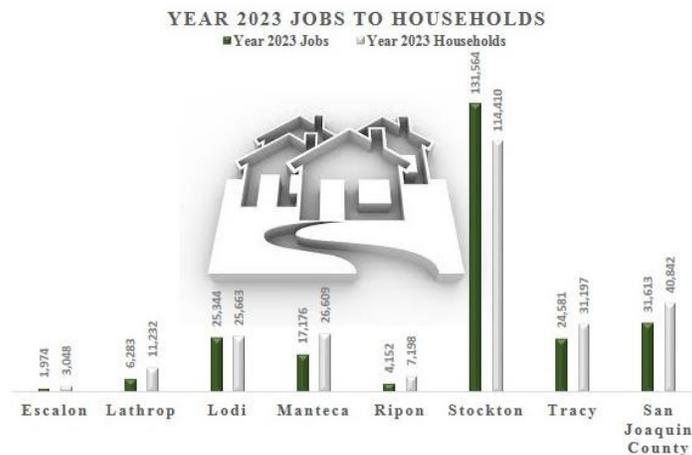
The goal of the RHNA methodology is to equitably assign to each jurisdiction a portion of the 40,360 countywide RHNA target. The proposed RHNA methodology takes into consideration the following objectives:

- 1) Relationship between jobs and housing.
- 2) Identify any existing local, regional, or state incentives available to local governments that are willing to accept a higher RHNA share than proposed in the draft allocation.
- 3) Ensure that the total regional housing need, by income category is maintained, and that each jurisdiction in the region receives an allocation of units for low- and very low income households.
- 4) Consistency with the SCS's development pattern.

PROPOSED RHNA ALLOCATION METHODOLOGY FACTORS

FACTOR 1: Jobs & Household Relationship

Objective: The objective is to establish an individualized job and household relationship factor for each jurisdiction. These factors allow the methodology to be more sensitive to the jobs and household characteristics of the region to the individual jurisdictions in order to promote a more balanced allocation of the countywide RHNA target.



The data needed to arrive at the Job Household Relationship Factors includes:



The methodology to arrive at the individualized jobs to household relationship factors is as follows:

Jobs Relationship Factor	=	Year 2013 Job Growth	÷	Working Adults per Household
Household Relationship Factor	=	Year 2023 Household Growth	÷	Working Adults per Household

The following Table I provides the draft calculation to arrive at the individualized jobs and households relationship factors:

Table I: Jobs & Housing Relationship

AGENCY	Year 2023 Jobs	Year 2023 Households	Workers per Household	Working Adults (Ages 19-64)	Jobs Relations Factor (JRF)	Households Relations Factor (HRF)
Escalon	1,974	3,048	1.92	5,850	33.7%	52%
Lathrop	6,283	11,232	2.05	23,020	27.3%	49%
Lodi	25,344	25,663	1.86	47,620	53.2%	54%
Manteca	17,176	26,609	2.07	55,000	31.2%	48%
Ripon	4,152	7,198	2.01	14,470	28.7%	50%
Stockton	131,564	114,410	1.97	225,790	58.3%	51%
Tracy	24,581	31,197	2.08	64,820	37.9%	48%
San Joaquin County	31,613	40,842	1.93	79,020	40.0%	52%
Total	242,687	260,199		515,590	38.80%	50.24%

Data sources: Employment (Business Forecasting Center, Eberhardt School of Business), Population & Household (Planning Center), Working Adults per Household (Year 2010 United States Census Bureau)

FACTOR 2: Sustainable Housing

Objective: The objective of this factor is to meet the intent of SB 375 by accounting for each jurisdiction’s portion of the countywide RHNA subject to the projected year 2035 SCS. The following initial step would be applied to convert SCS related households to housing units:

RHNA & SCS housing units	=	RHNA/SCS period households	×	Healthy vacancy rate
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The use of year 2000 United States Census Bureau vacancy rates for each jurisdiction are proposed to be used because they best correspond to what is considered a “healthy” vacancy rate by industry standards. The following Table II documents and compares the year 2000 and year 2010 vacancy rates:

Table II: Housing Vacancy Rates

AGENCY	Escalon	Lathrop	Lodi	Manteca	Ripon	Stockton	Tracy	SJ County	Average
Year 2000 Vancancy Rate	3.56%	2.77%	3.21%	3.36%	2.26%	4.25%	2.58%	4.95%	3.37%
Year 2010 Vancancy Rate	5.13%	9.10%	7.12%	6.55%	5.34%	9.06%	6.29%	8.27%	7.11%
Difference	1.57%	6.33%	3.91%	3.19%	3.08%	4.81%	3.71%	3.32%	

The data needed to arrive at the Sustainable Housing Factors includes:



Applying the SCS period average growth rate to the RHNA period total provides an average RHNA to SCS housing unit outcome based on each jurisdiction’s SCS development pattern to the region. The methodology to arrive at a sustainable housing factor for each jurisdiction is as follows:

Sustainable Housing Factor	=	RHNA period housing	×	2035 SCS percentage growth rate	+	RHNA period housing based on SCS unit rate	÷	2
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The following Table III provides the preliminary sustainable housing factor results:

Table III: Sustainable Housing Factor

AGENCY	Healthy Vacancy Rate	Year 2014 Households	Year 2014 Housing Units	Year 2023 Households	Year 2023 Housing Units	RHNA Period Housing Units	2035 SCS Housing Unit Rate	SCS Period Housing Units	Average RHNA to SCS
Escalon	3.56%	2,658	2,753	3,048	3,157	404	1.00%	340	372
Lathrop	2.77%	6,812	7,001	11,232	11,543	4,542	14.18%	4,820	4,681
Lodi	3.21%	24,219	24,996	25,663	26,487	1,490	4.24%	1,440	1,465
Manteca	3.36%	23,444	24,232	26,609	27,503	3,271	13.77%	4,681	3,976
Ripon	2.26%	5,835	5,967	7,198	7,361	1,394	3.67%	1,246	1,320
Stockton	4.25%	107,629	112,203	114,410	119,272	7,069	34.11%	11,591	9,330
Tracy	2.58%	27,056	27,754	31,197	32,002	4,248	13.08%	4,446	4,347
SJ County	4.95%	29,822	31,298	40,842	42,864	11,565	15.95%	5,420	8,492
Total		227,475	236,204	260,199	270,188	33,984	100.00%	33,984	33,984

Data sources: Vacancy Rates (United States Federal Census Bureau), Households (Planning Center)

FACTOR 3: Family Income Characteristics

Objective: The objective of this factor is to ensure that an equitable share of each jurisdiction’s RHNA target is responsive to family income limits characteristics of the jurisdiction.

The family income characteristic factor recognizes the difference between the total households regionally in each income category to the jurisdiction’s proportion for that same income category. The following Table IV outlines the households to family income ranges from the United States Census Bureau:

Table IV: Family Income Limits by Jurisdiction

Agency		City of Escalon	City of Lathrop	City of Lodi	City of Manteca	City of Ripon	City of Stockton	City of Tracy	SJ County (Unincorporated Area)	San Joaquin County Region
Family Income Limits		Households to Medium Family Income of \$53,764								
\$0	\$10,000	118	200	966	650	102	5,993	864	2,080	10,973
\$10,000	\$14,999	252	112	1,376	860	199	6,203	749	2,441	12,192
\$15,000	\$24,999	178	293	2,903	1,789	348	10,861	1,468	4,863	22,703
\$25,000	\$34,999	259	370	2,506	1,818	406	9,681	1,450	5,290	21,780
\$35,000	\$49,999	314	562	3,395	3,234	424	14,145	2,966	6,161	31,201
\$50,000	\$74,999	334	1,146	3,763	4,890	725	16,717	4,073	7,569	39,217
\$75,000	\$99,999	523	839	2,302	3,614	575	10,373	3,292	5,387	26,905
\$100,000	\$149,999	480	817	2,932	3,182	772	10,199	5,487	5,746	29,615
\$150,000	\$199,999	150	273	1,039	1,199	470	3,431	2,079	2,261	10,902
\$200,000	or more	28	90	851	382	446	2,213	1,185	2,219	7,414
Total households		2,636	4,702	22,033	21,618	4,467	89,816	23,613	44,017	212,902

Data Source: United States Census Bureau, American Fact Finder (2011 American Community Survey)

Based on a countywide medium household income of \$53,764, the RHNA medium family income limits include:

Extremely Low (30% median)	\$0~\$16,129	Very Low (50% median)	\$16,130~\$26,882
Low (80% median)	\$26,883 ~\$43,011	Moderate (120% median)	\$43,012 to \$64,517
Above moderate (all else)	\$64,518 and Above		

Using the United States Census Bureau to realign the RHNA income limits ensures that jurisdictions are not disproportionately allocated RHNA targets in any particular income category. The following Table V provides the results of the alignment of the family income characteristics by jurisdiction:

Table V: RHNA Family Income Characteristics by Jurisdiction

Agency	Extremely Low (\$16,129 & Below)	Very Low (\$16,130 to \$26,882)	Low (\$26,883 to \$43,011)	Moderate (\$43,012 to \$64,517)	Above Moderate (\$64,518 & Above)	Total Households
Escalon	391	208	378	340	1,321	2,637
	14.8%	7.9%	14.3%	12.9%	50.1%	100.0%
Lathrop	346	331	601	927	2,498	4,703
	7.4%	7.0%	12.8%	19.7%	53.1%	100.0%
Lodi	2,675	3,053	3,848	3,766	8,693	22,034
	12.1%	13.9%	17.5%	17.1%	39.5%	100.0%
Manteca	1,715	1,935	3,204	4,345	10,419	21,618
	7.9%	9.0%	14.8%	20.1%	48.2%	100.0%
Ripon	341	386	556	618	2,567	4,468
	7.6%	8.6%	12.4%	13.8%	57.4%	100.0%
Stockton	13,450	11,477	15,417	16,292	33,180	89,816
	15.0%	12.8%	17.2%	18.1%	36.9%	100.0%
Tracy	1,786	1,582	2,762	3,746	13,740	23,615
	7.6%	6.7%	11.7%	15.9%	58.2%	100.0%
SJ County	5,078	5,321	7,587	7,267	18,757	44,009
	11.5%	12.1%	17.2%	16.5%	42.6%	100.0%
Total	25,782	24,292	34,353	37,298	91,176	212,902
Regional %	12.1%	11.4%	16.1%	17.5%	42.8%	100.0%

Data sources: Median Family Income (2010 United States Census Bureau) Median Family Income Limits (2010 United States Census Bureau)

The methodology to distribute the individualized RHNA target by the family income limit is as follows:

RHNA by Family Income Limits	=	Net RHNA	×	Income percentage limits by jurisdiction
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PROPOSED RHNA ALLOCATION METHODOLOGY

The countywide and individualized data for each jurisdiction is applied to the proposed RHNA Allocation Methodology. The following Sample RHNA Allocation Methodology, uses the outcomes of the three factors of: 1) Jobs to Housing Relationship; 2) Sustainable Housing; and, 3) Family Income Characteristics to arrive at the RHNA share per jurisdiction.

SAMPLE RHNA ALLOCATION METHODOLOGY										
	A		B		C		D		E	F
1 -	Households 2023		Households 2014	=	Household Growth		Regional Household Growth		Share of Household Growth	
	# Households	-	# Households	=	Difference 1B-1A		Yr. 2014-2023		1C/1D	
2 -	Jobs 2023		Jobs 2014	=	Job Growth		Regional Job Growth		Share of Job Growth	
	# Jobs	-	# Jobs	=	Difference 2B-2A		Yr. 2014-2023		2C/2D	
3 -	Share of Job Growth		Jobs Relationship Factor (JRF)		Share of Household Growth		Household Relationship Factor (HRF)		Remaining RHNA SHF of 16%	Total Projected Housing Target
	Value of 2E	x	3A x JRF	+	Value of 1E	x	3C x HRF	x	Net RHNA Value	=
4 -										Sustainable Housing Factor
5 -										TOTAL RHNA
Household Income Distribution										
6 -	Income Category		Household Income Percentage by Jurisdiction		Household Income Percentage for Region		Average of Agency & Regional Income		Reconciliation of Income Limit Differentials	Housing Unit Allocation by Income Category
	*Very Low		0.00%		0.00%		0.00%		Plus & or Minus	RHNA to Income
	Low		0.00%		0.00%		0.00%		Plus & or Minus	RHNA to Income
	Moderate		0.00%		0.00%		0.00%		Plus & or Minus	RHNA to Income
	Above Moderate		0.00%		0.00%		0.00%		Plus & or Minus	RHNA to Income
	TOTAL		0%		0%		0%			Total RHNA

* Includes Extremely Low

The description of the values found in the Sample RHNA Allocation Methodology are as follows:

- 1) Section 1C is the difference of year 2023 (1A) and year 2014 (1B) household growth.
- 2) Section 1D is the year 2023 countywide household growth.
- 3) Section 1E is the percentage share of housing growth (1C/1D).
- 4) Section 2C is the difference of the year 2023 (2A) and year 2014 (2B) jobs growth.
- 5) Section 2D is the year 2023 countywide jobs growth.
- 6) Section 2E is the percentage share of job growth (2C/2D).
- 7) The sub total of RHNA in Section 3F is derived by multiplying the share of job growth (3A) by the individualized jobs relationship factor (3B) and the share of household growth (3C) by the individualized household relationship factor (3D). The amount in (3E), represents the remaining 15.8% of the countywide RHNA after the SHF is applied. The amount in (3E) is slightly higher (6,434) than the difference between the total SHF and the countywide RHNA (6,376) to adjust for

an under allocation of 58 units. The jobs and housing factors are unique to each jurisdiction because they are based on working adults per household. Therefore, the jobs and housing factors for each jurisdiction never equal exactly 100%. Increasing the difference from the SHF and the countywide RHNA offsets the under allocation and ensures that these units are allocated based on the same individualized jobs/housing factor formula.

- 8) Section 3F is the countywide net RHNA determination to the individual jurisdiction.
- 9) Section 4F is the proportional Sustainable Housing factor supported by the SCS.
- 10) Section 5E is the sum of the portion of net RHNA (3E) and the Sustainable Housing Factor (4E).
- 11) Section 6E includes the results of any reconciliation needs across the family income limits based on the results of Table VII below.
- 12) Section 6F includes the sub total allocations by mandated family income limit categories.

Based on the draft methodology, the following Table VI provides a preliminary RHNA allocation summary for each jurisdiction by family income limits:

**Table VI: Preliminary RHNA Allocation by Jurisdiction
(Prior to Reconciliation Step in Section 6E)**

Agency	Extremely Low (\$16,129 & Below)	Very Low (\$16,130 to \$26,882)	Low (\$26,883 to \$43,011)	Moderate (\$43,012 to \$64,517)	Above Moderate (\$64,518 & Above)	Total RHNA
Escalon	57	41	65	65	197	425
Lathrop	503	475	745	960	2,473	5,156
Lodi	233	244	325	334	795	1,931
Manteca	439	449	681	828	2,005	4,402
Ripon	147	148	211	232	742	1,480
Stockton	1,600	1,428	1,968	2,109	4,718	11,824
Tracy	490	450	692	831	2,513	4,976
SJ County	1,201	1,193	1,696	1,730	4,346	10,166
Total	4,670	4,428	6,383	7,089	17,789	40,360

The prescribed family income limit targets compared to the preliminary outcomes of the allocation methodology in Table VI are as follows:

Family Income Categories	Extremely low	Very low	Low	Moderate	Above moderate
State Mandated Outcomes	4,888	4,596	6,500	7,065	17,310
Allocation Outcomes	4,670	4,428	6,383	7,089	17,789
Differential	218 (Under)	169 (Under)	117 (Under)	25 (Over)	479 (Over)

To maintain consistency, the percentages representing each jurisdiction from the allocation formula are applied to the over and under amounts to balance the distribution across the family income limit controls totals prescribed by the state. The results of the reconciliation step is on the following Table VII:

**Table VII: Preliminary RHNA Allocation Summary by Jurisdiction
(After Reconciliation)**

Agency	Extremely Low (\$16,129 & Below)	Very Low (\$16,130 to \$26,882)	Low (\$26,883 to \$43,011)	Moderate (\$43,012 to \$64,517)	Above Moderate (\$64,518 & Above)	Total RHNA
Escalon	60	42	66	65	192	425
Lathrop	526	493	759	957	2,421	5,156
Lodi	244	253	331	333	770	1,931
Manteca	459	466	693	825	1,958	4,401
Ripon	154	154	215	231	726	1,480
Stockton	1,675	1,482	2,004	2,103	4,560	11,824
Tracy	513	467	705	828	2,463	4,976
SJ County	1,257	1,239	1,727	1,724	4,220	10,167
Total	4,888	4,596	6,500	7,066	17,310	40,360
	12.11%	11.39%	16.11%	17.51%	42.89%	100.00%



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Opposition for AB 2188 – Solar Energy Permits (Muratsuchi)

MEETING DATE: May 21, 2014

PREPARED BY: City Clerk

RECOMMENDED ACTION: Authorize the mayor, on behalf of the City Council, to send a letter of opposition for AB 2188 – Solar Energy Permits (Muratsuchi).

BACKGROUND INFORMATION: On May 6, 2014, the City received correspondence from the League of California Cities to oppose AB 2188 (Muratsuchi), legislation pertaining to solar energy permits.

As you may be aware, existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. Existing law states the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair but instead a matter of statewide concern. The law currently requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit and requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would additionally require a city or county to adopt, on or before September 30, 2015, an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems as specified. It also would require the local agency to inspect a small residential rooftop solar energy system eligible for expedited review within 5 business days of any request and to perform only one inspection. The bill would prohibit a local agency from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. Finally, the bill would require a solar energy system for heating water to be certified by an accredited listing agency.

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

FISCAL IMPACT: Not applicable at this time.

FUNDING AVAILABLE: Not applicable at this time.

Randi Johl-Olson
City Clerk

APPROVED: _____
Stephen Schwabauer, Interim City Manager

Randi Johl

From: Stephen R. Qualls [squalls@cacities.org]
Sent: Tuesday, May 06, 2014 05:31 PM
Subject: LETTERS NEEDED

Attachments: AB 2188 (Muratsuchi) Action Alert 042814.pdf; AB 2188 (Muratsuchi) SAMPLE Oppose Letter 5 5 2014.docx; Background on AB 2188 (Muratsuchi).pdf; Talking Points for AB 2188 (Muratsuchi).pdf



AB 2188



AB 2188



Background on AB



Talking Points for

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ACTION ALERT!!

AB 2188 (Muratsuchi). Solar energy: permits

Oppose

Background:

AB 2188 would, among other things, require cities and counties to adopt a new, costly ordinance that would essentially create a separate permitting and inspection process specifically for residential solar installations of less than 10 kilowatts.

AB 2188 would be an economic burden on local governments. Requiring local jurisdictions to uniformly issue solar permits in an "over the counter" fashion within 24 hours and inspect solar installations within two days of the request would be very problematic for many local governments still recovering from the historic economic downturn. A local jurisdiction's ability to process a permit application and complete an inspection in an expedited manner is largely driven by available funding and trained staff. Furthermore, many municipalities still impose mandatory furloughs on Fridays, which limit their ability to provide services under a specified timeline.

AB 2188 could pose a threat to public safety by limiting the inspection process and thereby increasing the risk of fire hazard. During the permit review process, many cities perform an onsite inspection, prior to issuing the permit, to ensure structural soundness. This most often occurs when a city lacks adequate building records of the dwelling. AB 2188, as amended April 21, 2014, would limit a city to one inspection, thus essentially prohibiting a city from visually inspecting a dwelling prior to installation. Additionally, due to the this measure's 24 hour permit approval mandate, local fire departments may no longer have the ability to participate in the "plan check" phase of the permit approval process to verify that no fire hazards are present and the installation complies with all applicable fire codes.

Talking Points:

- While we remain supportive of expanding access to renewable energy resources, including residential solar, we do not believe that the rigid solar permit and inspection process as mandated in AB 2188 is the right approach.
- A local jurisdiction's ability to process a permit application and complete an inspection in an expedited manner is largely driven by available funding and trained staff. The 24-hour issuance and two-day inspection deadlines would be very problematic for

many local governments still recovering from the historic economic downturn.

- AB 2188 could pose a threat to public safety by limiting the inspection process and thereby increasing the risk of fire hazard.
- Building permits and inspections are required by state law, regulations, and local ordinances to help ensure public safety. By enforcing these laws, local governments essentially act as a consumer protection agency. AB 2188 could jeopardize this proven process by forcing cities and counties to potentially overlook shortcomings in solar permit applications or installations in order to comply with the bill's highly restrictive approval timeline.
- Please contact your legislator and share any specific examples of how this bill will impact your city/town.

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

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

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

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AMENDED IN ASSEMBLY MAY 8, 2014

AMENDED IN ASSEMBLY MAY 5, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2188

Introduced by Assembly Member Muratsuchi

February 20, 2014

An act to amend Section 714 of the Civil Code, and to amend Section 65850.5 of the Government Code, relating to solar energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2188, as amended, Muratsuchi. Solar energy: permits.

(1) Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law states that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would specify that these provisions address a statewide concern. The bill would additionally require a city, county, or city and county to adopt, on or before September 30, 2015, an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill would additionally

require a city, county, or city and county to inspect a small residential rooftop solar energy system eligible for expedited review within 25 business days of any request, as specified, and to perform only one inspection, as specified. The bill would prohibit a city, county, or city and county from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. The bill would require a solar energy system for heating water to be certified by an accredited listing agency, as defined.

(2) Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law exempts from that prohibition provisions that impose reasonable restrictions on a solar energy system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law defines the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$2,000 over the system cost or a decrease in system efficiency of an amount exceeding 20%, as specified. Existing law requires a solar energy system for heating water subject to the provisions described above to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would instead define the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 10% of the cost of the system, not to exceed \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$1,000 over the system cost or a decrease in system efficiency of an amount exceeding 10%, as specified. The bill would require a solar energy system for heating water subject to the provisions described above to be certified by an accredited listing agency, as defined.

(3) Existing law requires an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application if the application is denied, as specified.

The bill would instead require the approving entity to notify the applicant in writing within 30 days of receipt of the application if the application is denied, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In recent years, the state has both encouraged the
4 development of innovative distributed generation technology and
5 prioritized the widespread adoption of solar power as a renewable
6 energy resource through programs such as the California Solar
7 Initiative.

8 (b) Rooftop solar energy is a leading renewable energy
9 technology that will help this state reach its energy and
10 environmental goals.

11 (c) To reach the state’s Million Solar Roofs goal, hundreds of
12 thousands of additional rooftop solar energy systems will need to
13 be deployed in the coming years.

14 (d) Various studies, including one by the Lawrence Berkeley
15 National Laboratory, show that, despite the 1978 California Solar
16 Rights Act, declaring that the “implementation of consistent
17 statewide standards to achieve the timely and cost-effective
18 installation of solar energy systems is not a municipal affair ... but
19 is instead a matter of statewide concern,” the permitting process

1 governing the installation of rooftop solar energy systems varies
2 widely across jurisdictions and, contrary to the intent of the law,
3 is both an “obstacle” to the state’s clean energy and greenhouse
4 reduction goals and a “burdensome cost” to homeowners,
5 businesses, schools, and public agencies.

6 (e) The United States Department of Energy, through its SunShot
7 Initiative, has distributed millions of dollars in grants to local and
8 state governments, including California jurisdictions, and nonprofit
9 organizations to reduce the costs of distributed solar through
10 streamlined and standardized permitting.

11 (f) A modernized and standardized permitting process for
12 installations of small-scale solar distributed generation technology
13 on residential rooftops will increase the deployment of solar
14 distributed generation, help to expand access to lower income
15 households, provide solar customers greater installation ease,
16 improve the state’s ability to reach its clean energy goals, and
17 generate much needed jobs in the state, all while maintaining safety
18 standards.

19 SEC. 2. Section 714 of the Civil Code is amended to read:

20 714. (a) Any covenant, restriction, or condition contained in
21 any deed, contract, security instrument, or other instrument
22 affecting the transfer or sale of, or any interest in, real property,
23 and any provision of a governing document, as defined in Section
24 4150 or 6552, that effectively prohibits or restricts the installation
25 or use of a solar energy system is void and unenforceable.

26 (b) This section does not apply to provisions that impose
27 reasonable restrictions on solar energy systems. However, it is the
28 policy of the state to promote and encourage the use of solar energy
29 systems and to remove obstacles thereto. Accordingly, reasonable
30 restrictions on a solar energy system are those restrictions that do
31 not significantly increase the cost of the system or significantly
32 decrease its efficiency or specified performance, or that allow for
33 an alternative system of comparable cost, efficiency, and energy
34 conservation benefits.

35 (c) (1) A solar energy system shall meet applicable health and
36 safety standards and requirements imposed by state and local
37 permitting authorities, consistent with Section 65850.5 of the
38 Government Code.

1 (2) Every solar energy system for heating water shall be certified
2 by an accredited listing agency as defined in Section 65850.5 of
3 the Government Code.

4 (3) A solar energy system for producing electricity shall also
5 meet all applicable safety and performance standards established
6 by the National Electrical Code, the Institute of Electrical and
7 Electronics Engineers, and accredited testing laboratories such as
8 Underwriters Laboratories and, where applicable, rules of the
9 Public Utilities Commission regarding safety and reliability.

10 (d) For the purposes of this section:

11 (1) (A) For solar domestic water heating systems or solar
12 swimming pool heating systems that comply with state and federal
13 law, “significantly” means an amount exceeding 10 percent of the
14 cost of the system, but in no case more than one thousand dollars
15 (\$1,000), or decreasing the efficiency of the solar energy system
16 by an amount exceeding 10 percent, as originally specified and
17 proposed.

18 (B) For photovoltaic systems that comply with state and federal
19 law, “significantly” means an amount not to exceed one thousand
20 dollars (\$1,000) over the system cost as originally specified and
21 proposed, or a decrease in system efficiency of an amount
22 exceeding 10 percent as originally specified and proposed.

23 (2) “Solar energy system” has the same meaning as defined in
24 paragraphs (1) and (2) of subdivision (a) of Section 801.5.

25 (e) (1) Whenever approval is required for the installation or
26 use of a solar energy system, the application for approval shall be
27 processed and approved by the appropriate approving entity in the
28 same manner as an application for approval of an architectural
29 modification to the property, and shall not be willfully avoided or
30 delayed.

31 (2) For an approving entity that is an association, as defined in
32 Section 4080 or 6528, and that is not a public entity, both of the
33 following shall apply:

34 (A) The approval or denial of an application shall be in writing.

35 (B) If an application is not denied in writing within 30 days
36 from the date of receipt of the application, the application shall be
37 deemed approved, unless that delay is the result of a reasonable
38 request for additional information.

39 (f) Any entity, other than a public entity, that willfully violates
40 this section shall be liable to the applicant or other party for actual

1 damages occasioned thereby, and shall pay a civil penalty to the
2 applicant or other party in an amount not to exceed one thousand
3 dollars (\$1,000).

4 (g) In any action to enforce compliance with this section, the
5 prevailing party shall be awarded reasonable attorney's fees.

6 (h) (1) A public entity that fails to comply with this section
7 may not receive funds from a state-sponsored grant or loan program
8 for solar energy. A public entity shall certify its compliance with
9 the requirements of this section when applying for funds from a
10 state-sponsored grant or loan program.

11 (2) A local public entity may not exempt residents in its
12 jurisdiction from the requirements of this section.

13 SEC. 3. Section 65850.5 of the Government Code is amended
14 to read:

15 65850.5. (a) The implementation of consistent statewide
16 standards to achieve the timely and cost-effective installation of
17 solar energy systems is not a municipal affair, as that term is used
18 in Section 5 of Article XI of the California Constitution, but is
19 instead a matter of statewide concern. It is the intent of the
20 Legislature that local agencies not adopt ordinances that create
21 unreasonable barriers to the installation of solar energy systems,
22 including, but not limited to, design review for aesthetic purposes,
23 and not unreasonably restrict the ability of homeowners and
24 agricultural and business concerns to install solar energy systems.
25 It is the policy of the state to promote and encourage the use of
26 solar energy systems and to limit obstacles to their use. It is the
27 intent of the Legislature that local agencies comply not only with
28 the language of this section, but also the legislative intent to
29 encourage the installation of solar energy systems by removing
30 obstacles to, and minimizing costs of, permitting for such systems.

31 (b) A city or county shall administratively approve applications
32 to install solar energy systems through the issuance of a building
33 permit or similar nondiscretionary permit. Review of the
34 application to install a solar energy system shall be limited to the
35 building official's review of whether it meets all health and safety
36 requirements of local, state, and federal law. The requirements of
37 local law shall be limited to those standards and regulations
38 necessary to ensure that the solar energy system will not have a
39 specific, adverse impact upon the public health or safety. However,
40 if the building official of the city or county makes a finding, based

1 on substantial evidence, that the solar energy system could have
2 a specific, adverse impact upon the public health and safety, the
3 city or county may require the applicant to apply for a use permit.

4 (c) A city, county, or city and county may not deny an
5 application for a use permit to install a solar energy system unless
6 it makes written findings based upon substantial evidence in the
7 record that the proposed installation would have a specific, adverse
8 impact upon the public health or safety, and there is no feasible
9 method to satisfactorily mitigate or avoid the specific, adverse
10 impact. The findings shall include the basis for the rejection of
11 potential feasible alternatives of preventing the adverse impact.

12 (d) The decision of the building official pursuant to subdivisions
13 (b) and (c) may be appealed to the planning commission of the
14 city, county, or city and county.

15 (e) Any conditions imposed on an application to install a solar
16 energy system shall be designed to mitigate the specific, adverse
17 impact upon the public health and safety at the lowest cost possible.

18 (f) (1) A solar energy system shall meet applicable health and
19 safety standards and requirements imposed by state and local
20 permitting authorities.

21 (2) Every solar energy system for heating water shall be certified
22 by an accredited listing agency.

23 (3) A solar energy system for producing electricity shall meet
24 all applicable safety and performance standards established by the
25 National Electrical Code, the Institute of Electrical and Electronics
26 Engineers, and accredited testing laboratories such as Underwriters
27 Laboratories and, where applicable, rules of the Public Utilities
28 Commission regarding safety and reliability.

29 (g) On or before September 30, 2015, every city, county, or city
30 and county shall adopt an ordinance, consistent with the goals and
31 intent of subdivision (a), that creates an expedited, streamlined
32 permitting process for small residential rooftop solar energy
33 systems. In developing an expedited permitting process, the city,
34 county, or city and county shall adopt a checklist of all
35 requirements with which small rooftop solar energy systems shall
36 comply to be eligible for expedited review. ~~If submitted during~~
37 ~~business hours, an~~ *An* application that meet the requirements in
38 the checklist shall be reviewed ~~within 24 business hours of deemed~~
39 *approved upon receipt of the completed* application submittal. ~~If~~
40 ~~submitted after business hours, an application that meet the~~

1 requirements in the checklist shall be reviewed within 24 business
2 hours of the beginning of the next business day after submittal of
3 the application. The checklist and required permitting
4 documentation shall be published on a publically accessible Internet
5 Web site and the city, county, or city and county shall allow for
6 electronic submittal of a permit application and associated
7 documentation, and shall authorize the electronic signature on all
8 forms, applications, and other documentation in lieu of a wet
9 signature by an applicant. In developing the ordinance, the city,
10 county, or city and county shall strive to conform with standardized
11 checklists based on existing statewide solar permitting guidelines
12 or best practices including those developed through the United
13 States Department of Energy's SunShot Initiative.

14 (h) For a small residential rooftop solar energy system eligible
15 for expedited review, only one inspection shall be required and
16 that one inspection shall be scheduled within ~~two~~ *five* business
17 days of a request, if the request is received during business hours.
18 If the request is received after business hours, the inspection shall
19 be scheduled within ~~two~~ *five* business days of the beginning of the
20 next business day after receipt of the request. If a city, county, or
21 city and county *determines that it* is unable to provide *an* inspection
22 within ~~two~~ *five* business days of a request, the city, county, or city
23 and county may authorize a ~~third-party inspection, using a qualified~~
24 ~~or certified inspector.~~ *hold a public hearing and adopt an*
25 *ordinance or resolution providing for a different time period or*
26 *different means for scheduling inspections.* If the small residential
27 rooftop solar energy system fails inspection, a subsequent
28 inspection shall also conform to the requirements of this
29 subdivision.

30 (i) A city, county, or city and county shall not condition approval
31 for any solar energy system permit on the approval of a solar
32 energy system by an association, as that term is defined in Section
33 4080 of the Civil Code.

34 (j) The following definitions apply to this section:

35 (1) "A feasible method to satisfactorily mitigate or avoid the
36 specific, adverse impact" includes, but is not limited to, any
37 cost-effective method, condition, or mitigation imposed by a city,
38 county, or city and county on another similarly situated application
39 in a prior successful application for a permit. A city, county, or
40 city and county shall use its best efforts to ensure that the selected

1 method, condition, or mitigation meets the conditions of
2 subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of
3 Section 714 of the Civil Code.

4 (2) "Accredited listing agency" means a standards or testing
5 organization that evaluates solar energy systems according to
6 specified, independent criteria and allows its mark to be used on
7 qualifying systems as a stamp of approval, such as the American
8 National Standards Institute or the American Association for
9 Laboratory Accreditation.

10 (3) "Electronic submittal" means the utilization any of the
11 following:

12 (A) Email.

13 (B) The Internet.

14 (C) Facsimile.

15 (4) "Small residential solar energy system" means all of the
16 following:

17 (A) A solar energy system that is no larger than 10 kilowatts
18 alternating current nameplate rating or 30 kilowatts thermal.

19 (B) A solar energy system that conforms to all applicable state
20 fire, structural, electrical, and other building codes as adopted or
21 amended by the city, county, or city and county and paragraph (3)
22 of subdivision (c) of Section 714 of the Civil Code.

23 (C) A solar energy system that is installed on a single or duplex
24 family dwelling.

25 (D) A solar panel or module array that does not exceed the
26 maximum legal building height.

27 (5) "Solar energy system" has the same meaning set forth in
28 paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the
29 Civil Code.

30 (6) "Specific, adverse impact" means a significant, quantifiable,
31 direct, and unavoidable impact, based on objective, identified, and
32 written public health or safety standards, policies, or conditions
33 as they existed on the date the application was deemed complete.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 a local agency or school district has the authority to levy service
37 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

O

CITY COUNCIL

PHIL KATZAKIAN, Mayor
LARRY D. HANSEN,
Mayor Pro Tempore
BOB JOHNSON
JOANNE MOUNCE
ALAN NAKANISHI

CITY OF LODI

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

STEPHEN SCHWABAUER
Interim City Manager
RANDI JOHL-OLSON
City Clerk
JANICE D. MAGDICH
Interim City Attorney

May 21, 2014

Honorable Al Muratsuchi
Member, California State Assembly
State Capitol Building, Room 4117
Sacramento, California 95814
Via Facsimile: (916) 319-2166

**SUBJECT: AB 2188 (Muratsuchi) Solar Permits (as amended May 5, 2014)
NOTICE OF OPPOSITION**

Dear Assembly Member/Senator:

The City of Lodi is writing to express our opposition to AB 2188. This measure would, among other things, require cities and counties to adopt a new, costly ordinance that would essentially create a separate permitting and inspection process specifically for residential solar installations of less than 10 kilowatts.

While we remain supportive of expanding access to renewable energy resources, including residential solar, we do not believe that the rigid solar permit and inspection process as mandated in AB 2188 is the right approach. Requiring every local jurisdiction to uniformly issue solar permits and inspect solar installations within five days of the request would be very problematic and costly for many local governments still recovering from the historic economic downturn. A local jurisdiction's ability to process a permit application and complete an inspection in an expedited manner is largely driven by available funding and trained staff. Furthermore, many municipalities still impose mandatory furloughs on Fridays, which limit their ability to provide services under a specified timeline.

It should also be noted that AB 2188 could pose a significant threat to public safety. Amendments taken in the Assembly Local Government Committee on April 30, 2014 completely eliminate the review process for solar permits and instead require local jurisdictions to issue the permit in a ministerial manner upon receipt of a completed application. Eliminating the permit review process would prohibit cities from involving their fire department or utility department in the permit approval process, thus removing a jurisdiction's ability to verify that no fire hazards are present and the installation complies with all applicable fire codes.

Building permits and inspections are required by state law, regulations, and local ordinances to help ensure public safety. By enforcing these laws, local governments essentially act as a consumer protection agency. AB 2188 could jeopardize this proven process by forcing cities and counties to potentially overlook shortcomings in solar permit applications or installations in order to comply with the bill's highly restrictive approval timeline. For these reasons, the City of Lodi opposes AB 2188.

Sincerely,

Phil Katzakian
Mayor

C: Senator Cathleen Galgiani / Assembly Member Richard Pan
Stephen Qualls, League of California Cities



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Declaring Intention to Annex Territory to Community Facilities District No. 2007-1 (Public Services) and to Levy a Special Tax Therein and Setting Public Hearing for July 16, 2014

MEETING DATE: May 21, 2014

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution declaring intention to annex territory to Community Facilities District No. 2007-1 (Public Services) and to levy a special tax therein and setting public hearing for July 16, 2014.

BACKGROUND INFORMATION: The resolution, if adopted by the City Council, will begin the process to annex five parcels into the City of Lodi Community Facilities District No. 2007-1 (Public Services) (CFD). The boundaries of these are shown in Attachment A and include those certain parcels commonly known as the Rose Gate and Van Ruiten Ranch subdivisions. Approved tentative subdivision map conditions require the private landowners to cooperate in the annexation of those parcels into the CFD, the purpose of which is to offset a portion of the costs caused by new development.

The resolution is provided as Attachment B and establishes, among other things, the City's intent to approve Annexation No. 1 to the CFD which includes the levy of a special tax to pay for public services and related costs. The resolution calls a public hearing for July 16, 2014, at which time interested parties may comment upon the annexation to the CFD.

Exhibit A to the Resolution contains the description of the services to be provided as presented below.

- (a) Police protection services, including, but not limited to, criminal justice services. However, criminal justice services shall be limited to providing services for jails, detention facilities, and juvenile halls.
- (b) Fire protection and suppression services, and ambulance and paramedic services.
- (c) Maintenance of parks, parkways, and open space.
- (d) Flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems, and sandstorm protection systems.
- (e) Services with respect to removal or remedial action for the cleanup of any hazardous substance released or threatened to be released into the environment.

Exhibit B to the resolution is a special tax formula entitled "Rate, Method of Apportionment, and Manner of Collection of Special Tax." The special tax provides for an annual tax of \$766 for single-family units (increased 5 percent per year from the initial \$600) and \$223 for multi-family units (increased 5 percent per year from the initial \$175). All special taxes are subject to an annual inflation adjustment that shall be the greater of the Consumer Price Index (San Francisco – Urban) or 5 percent. Certain properties, such as governmental property and undeveloped property, are not subject to the special tax program. The special taxes may not be prepaid. The special tax shall be levied in perpetuity.

APPROVED: _____
Stephen Schwabauer, Interim City Manager

Exhibit C to the resolution is a form of the Notice of Public Hearing that will be published and posted calling for a public hearing to be held by the City Council. Following that public hearing, the City Council will be in a position to approve a separate, future resolution that will form the CFD and will call the election for the CFD.

FISCAL IMPACT: The public services and administration of the CFD shall be paid from the special taxes collected within the CFD. The developer has agreed to reimburse the City for all costs incurred in establishing the CFD. The estimated annual revenues at buildout of these projects will amount to approximately \$475,000.

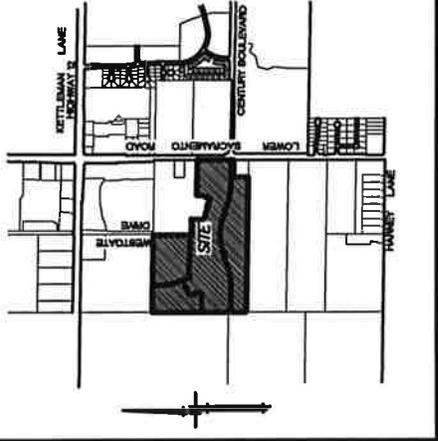
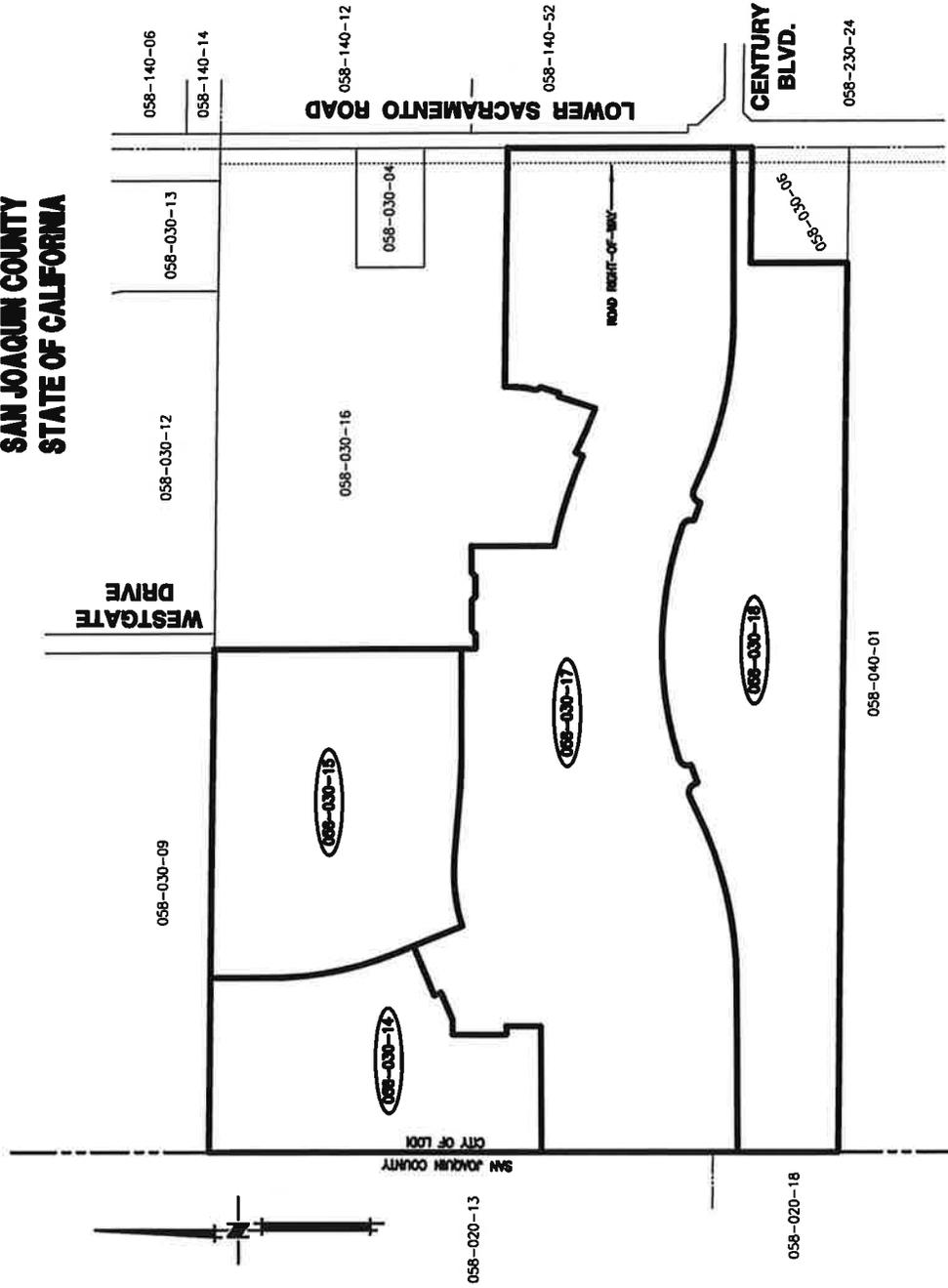
FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/pmf

Attachments

**ANNEXATION MAP NO. 1
 COMMUNITY FACILITIES DISTRICT NO. 2007-1
 (PUBLIC SERVICES)
 CITY OF LODI,
 SAN JOAQUIN COUNTY
 STATE OF CALIFORNIA**



VICINITY MAP

LEGEND:
 EXISTING CITY LIMIT LINE SHOWN THUS
 PROPOSED ANNEXATION BOUNDARY
 ASSESSOR'S PARCEL NO.'s INCLUDED IN ANNEXATION

MCE ENGINEERING, INC.
 1243 DUPONT COURT
 MANTENA, CA 95336
 TEL: (209) 239-6229
 FAX: (209) 239-6859

mce ENGINEERING
 CIVIL/MECHANICAL/ELECTRICAL

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES) AND TO LEVY A SPECIAL TAX TO PAY FOR CERTAIN PUBLIC SERVICES (Annexation No. 1)

=====

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), the City Council (the "City Council") of the City of Lodi (the "City"), on April 4, 2007 approved Resolution No. 2007-59 establishing the City of Lodi Community Facilities District No. 2007-1 (Public Services) (the "CFD"); and

WHEREAS, the City Council called a special election for April 11, 2007 at which the questions of levying a special tax and establishing an appropriations limit with respect to the CFD were submitted to the qualified electors within the CFD; and

WHEREAS, on May 2, 2007 the City Council adopted Resolution No. 2007-82 determining the results of the special election and finding that more than two-thirds (2/3) of all votes cast at the special election were cast in favor of the proposition presented, and such proposition passed; and

WHEREAS, the City Council has determined, because of the proposed development of certain property within the City, to initiate proceedings for the annexation of such property to the CFD in accordance with the Act.

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

Section 1. Description of Territory to be Annexed. Public convenience and necessity require, and this City Council proposes and intends, that the City annex certain territory to the CFD. The territory to be annexed is described in a map entitled "Annexation Map No. 1 Community Facilities District No. 2007-1 (Public Services), City of Lodi, San Joaquin County, State of California" which is on file with the City Clerk. The City Clerk is hereby authorized and directed to endorse the certificates set forth on the map and to record the map in accordance with the provisions of Section 3111 of the Streets and Highways Code of the State of California.

Section 2. Description of Territory Included in Existing CFD. The boundaries of the territory currently included in the CFD are described in a map entitled "Amended Map of Community Facilities District No. 2007-1 (Public Services), City of Lodi, County of San Joaquin," recorded on April 19, 2007 in Book 5 of Assessment Maps at Page 13 in the Office of the San Joaquin County Recorder.

Section 3. Specification of the Type of Services Provided. The type of services to be provided in the territory proposed to be annexed to the CFD is the same as that provided in the existing CFD and are more particularly described in Exhibit A attached hereto. The services authorized to be financed by the CFD are in addition to those currently provided in the territory of the CFD and do not supplant services already available within that territory.

Section 4. Plan for Providing Services. The public services that are financed by taxes collected in the CFD will be provided to residents of the current CFD and residents of the territory proposed to be annexed on the same basis.

Section 5. Specification of Special Taxes to be Levied. Except where funds are otherwise available, a special tax sufficient to pay for all services (including incidental expenses) to be provided in or for the territory to be annexed and secured by a continuing lien against all nonexempt real property in the CFD will be annually levied within the territory proposed to be annexed to the CFD. The rate, method of apportionment, and manner of collection of such special tax is set forth in Exhibit B hereto (the "Special Tax Formula"). For purposes of the Special Tax Formula, the territory proposed to be annexed to the CFD will be designated as Annexation No.1.

Section 6. No Alteration of the Special Tax Levied in the Existing Community Facilities District. The City Council does not propose to alter the special tax rate levied within the existing CFD as a result of the proposed annexation.

Section 7. Public Hearing. The City Council hereby fixes 7:00 p.m., or as soon thereafter as practicable, on Wednesday, July 16, 2014, at the regular meeting place of the City Council, Carnegie Forum, 305 W. Pine Street, Lodi, California, as the time and place for a public hearing on the annexation of territory to the CFD.

Section 8. Notice of Hearing. The City Council directs the City Clerk to publish a notice of the hearing, in substantially the form attached hereto as Exhibit C, once not later than seven days prior to the date fixed for the hearing, in a newspaper of general circulation published in the area of the CFD.

Section 9. Effective Date. This Resolution shall take effect immediately upon its passage.

Dated: May 21, 2014

=====

I hereby certify that Resolution No. 2014-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2014, by the following vote:

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

RANDI JOHL-OLSON
City Clerk

2014-____

EXHIBIT A

DESCRIPTION OF SERVICES

The community facilities district is established to finance any one or more of the following types of services within the District:

(a) Police protection services, including, but not limited to, criminal justice services. However, criminal justice services shall be limited to providing services for jails, detention facilities, and juvenile halls.

(b) Fire protection and suppression services, and ambulance and paramedic services.

(c) Maintenance of parks, parkways, and open space.

(d) Flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems, and sandstorm protection systems.

(e) Services with respect to removal or remedial action for the cleanup of any hazardous substance released or threatened to be released into the environment.

EXHIBIT B

CITY OF LODI
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SERVICES)

RATE AND METHOD OF APPORTIONMENT (RMA) OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District (CFD) No. 2007-1 (Public Services) shall be levied and collected according to the tax liability determined by the City Council acting in its capacity as the legislative body of CFD No. 2007-1, through the application of the appropriate Special Tax rate, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate RMA is adopted for the annexation area.

A. **DEFINITIONS**

The terms hereinafter set forth have the following meanings:

"Accessory Dwelling Unit" means a second residential unit of limited size (i.e., granny cottage, second unit) that shares a Parcel with a Single Family Unit.

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties for the CFD, including, but not limited to, the levy and collection of the Special Tax, the fees and expenses of its counsel, charges levied by the County, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person(s) or firm designated by the City to administer the Special Taxes according to this RMA.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel number.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD No. 2007-1" or "CFD" means the City of Lodi Community Facilities District No. 2007-1 (Public Services).

"City" means the City of Lodi.

“City Council” means the City Council of the City of Lodi.

“County” means the County of San Joaquin.

“Fiscal Year” means the period starting on July 1 and ending on the following June 30.

“Maximum Special Tax” means the maximum Special Taxes determined in accordance with Section C below that can be levied on Single Family Property and Multi-Family Property in any Fiscal Year.

“Multi-Family Property” means, in any Fiscal Year, all Parcels in the CFD for which final building permit inspections were conducted prior to January 1 of the preceding Fiscal Year, but not prior to January 1, 2007, for construction of Multi-Family Units.

“Multi-Family Unit” means an individual residential unit within a structure with three or more residential units that share a single Assessor’s Parcel number, all of which are offered for rent to the general public and cannot be purchased by individual homebuyers. Residential units located above commercial establishments that are available exclusively for rent and cannot be purchased by individual owners shall also be characterized as Multi-Family Units for purposes of this RMA.

“RMA” means this Rate and Method of Apportionment.

“Single Family Property” means, in any Fiscal Year, all Parcels in the CFD for which final building permit inspections were conducted prior to January 1 of the preceding Fiscal Year, but not prior to January 1, 2007, for construction of Single Family Units.

“Single Family Unit” means an individual single family detached residential unit or an individual residential unit within a half-plex, duplex, triplex, fourplex, townhome, condominium, or other structure with attached residential units that are available for sale to individual buyers, whether or not such a unit is ultimately offered for rent by an individual buyer. For-sale residential units located above commercial establishments shall also be categorized as Single Family Units for purposes of this RMA.

“Special Tax” means any tax levied within the CFD to pay the Special Tax Requirement.

“Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services, (ii) Administrative Expenses, and (iii) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the tax will be collected.

“Taxable Property” means both Single Family Property and Multi-Family Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel number for all Parcels of Taxable Property within the CFD. The Administrator shall also determine the number of Single Family and Multi-Family Units built or to be built on each Parcel of Taxable Property by referencing the building permit, condominium plan, apartment plan, site plan, or other development plan for the property.

In any Fiscal Year, if it is determined that (i) a parcel or subdivision map for a portion of property in the CFD was recorded after January 1 of the preceding Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel or subdivision map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel or subdivision map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel or subdivision map by determining the Special Tax that applies separately to each Parcel of Taxable Property, then applying the sum of the individual Special Taxes to the original Parcel that was subdivided by recordation of the parcel or subdivision map.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax for all Parcels of Taxable Property within the CFD shall be \$600 per Single Family Unit and \$175 per Multi Family Unit for Fiscal Year 2007-08. Beginning July 1, 2008 and each July 1 thereafter, the Maximum Special Tax in effect in the prior Fiscal Year shall be increased by the greater of (i) the increase, if any, in the Local Consumer Price Index for the San Francisco-Oakland-San Jose Area for All Urban Consumers, or (ii) five percent (5%).

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAX

Each Fiscal Year, the Special Tax shall be levied proportionately on each Parcel of Taxable Property in the CFD up to 100% of the Maximum Special Tax determined pursuant to Section C above until the total amount levied is equal to the Special Tax Requirement for the Fiscal Year.

The Special Tax for the CFD shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet CFD No. 2007-1 financial obligations, and the Special Tax shall be equally subject to foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels within the CFD that are not Single Family Property or Multi-Family Property. Furthermore, Accessory Dwelling Units shall not be counted in determining the Special Tax to be levied on the Parcels on which such units are located.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this RMA.

EXHIBIT C

**NOTICE OF PUBLIC HEARING ON RESOLUTION OF INTENTION TO ANNEX TERRITORY
TO AN EXISTING COMMUNITY FACILITIES DISTRICT**

NOTICE IS HEREBY GIVEN that the City Council of the City of Lodi on May 21, 2014, adopted its Resolution No. 2014-____, in which it declared its intention to annex territory to existing Community Facilities District No. 2007-1 (Public Services) (the "CFD"), and to levy a special tax to pay for certain public services, all pursuant to the provisions of the Mello Roos Community Facilities Act of 1982, Chapter 2.5, Part 1, Division 2, Title 5 of the California Government Code. The resolution describes the territory to be annexed, specifies the type of services to be financed, and describes the rate and method of apportionment of the proposed special tax. No change in the tax levied in the existing CFD is proposed. For further details, the resolution is available at the office of the City Clerk, Carnegie Forum, 305 W. Pine Street, Lodi, California.

NOTICE IS HEREBY FURTHER GIVEN that the City Council has fixed July 16, 2014, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, at the regular meeting place of the City Council, Carnegie Forum, 305 W. Pine Street, Lodi, California, as the time and place when and where the City Council will hold a public hearing to consider the annexation. At the hearing, the testimony of all interested persons for or against the annexation of the territory or the levying of the special taxes will be heard.

DATED: _____

Randi Johl-Olson, City Clerk, City of Lodi

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: Conduct a Public Hearing to Consider Adopting a Resolution Approving the Planning Commission's Recommendation to Authorize 145 Low-Density Residential, 55 Medium-Density Residential and 88 High-Density Residential Growth Management Allocations for Van Ruiten Ranch Subdivision

MEETING DATE: May 21, 2014

PREPARED BY: Interim Community Development Director

RECOMMENDED ACTION: Conduct a public hearing to consider adopting a resolution approving the Planning Commission's recommendation to authorize 145 Low-Density residential, 55 Medium-Density residential and 88 High-Density residential Growth Management Allocations for Van Ruiten Ranch Subdivision.

BACKGROUND INFORMATION: The project site annexed into the City of Lodi as part of the Southwest Gateway area. The City of Lodi certified the project EIR, State Clearinghouse No. 2005092096, on March 21, 2006. The Project EIR was prepared as a program-level EIR, pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.).

Subsequently, the City of Lodi adopted the Lodi General Plan in April 2010. This land use document utilizes the same land use designations as the previous annexation documents. The Lodi Zoning/Development Code was adopted in March 2013. On June 17, 2013, Van Ruiten Ranch, Ltd. submitted an application for the Van Ruiten Ranch Subdivision project, which includes a Vesting Tentative Subdivision Map and review of the development standards for the Planned Development Unit.

As part of the City's Growth Management program and subdivision map approval process, the Planning Commission reviews the requests that have been submitted to the City. Following a public hearing, the Commission makes a recommendation for City Council consideration.

On April 9, 2014, the Planning Commission held a public hearing regarding the 2014 Residential Growth Management Development Allocation. At this hearing the Planning Commission reviewed a request by Van Ruiten Ranch, Ltd. for (i) Growth Management Allocation for 145 Low-Density Residential Lots 55 Medium-Density Residential Lots and 88 High-Density Units; (ii) a Vested Subdivision Map for the Proposed Van Ruiten Ranch Subdivision, a 74-acre, 288 unit subdivision; and (iii) adopted Development Standards for the subdivision known as Van Ruiten Ranch Subdivision located within Planned Development 41 Zoning District.

The Commission received a staff report, heard the staff presentation; asked questions of staff as well as the applicant, opened the hearing to the public for testimony in support and in opposition to the application, closed the public hearing and voted 5-0 to recommend the City

APPROVED: _____
Stephen Schwabauer, Interim City Manager

Council approve the applicant’s request for 145 Low-Density Residential, 55 Medium-Density Residential, and 88 High-Density growth management allocation units

ANALYSIS

The proposed Vesting Tentative Map would subdivide the project parcel into 145 Low-Density residential single-family lots, 55 Medium-Density residential single-family lots, 1 High-Density lot (5.03 acres – 4.2 acres net) for future development, 1 - 5.83 acre detention basin, 1 - 5.15 acre park site, 1 - 15.2 acre future school site and associated public roadways.

The subject site consists of a vacant 74-acre parcel located at the extension of Century Boulevard, west of Lower Sacramento Road. The parcel represents 74 acres of the 257 acre “Southwest Gateway Project” annexed into the City in 2007. Surrounding land uses include agricultural land to the north, south and west and urban uses to the east. The topography of the site is relatively flat and vineyards make up the entire site.

The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of two percent of the City’s population, compounded annually. Once the number of allocable units is figured, the City requires that the allocation units be distributed among housing types as follows; 65 percent low density, 10 percent medium density and 25 percent high density. The following calculation explains the current City population of **63,651** as of January 1, 2014 and **453** units available for 2014:

1. Calculate two percent of the City’s current population: **63,651** x 2% = 1,273.02
2. Divide 1,273 by the average number of persons per household 1,273/2.812 = 452.70
3. Divide the 452.70 (**453** du) units into the 3 housing types:
 - 65% low density = 294 units
 - 10% medium density = 46 units
 - 25% high density = 113 units

In 2013, the City Council expired allocations accumulated since 2008. In the five-year period since 2008, 2,235 allocations were added to the reserve. The Council eliminated 800 Low Density and 1,435 High Density allocations. This Council action created a new balance of **4,674** as detailed below in Table A.

Table A: Growth Management Allocation History

Density	Base Available Allocations		
	Total Available for 2012	2% Allocations for 2013	Total Available for 2013
Low (0.1-7)	2,995	291	3,286
Medium (7.1-20)	557	45	602
High (20.1-30)	1,122	112	1,234
TOTAL	4,674	448	5,122

Table B identifies the available Allocations in 2013, Allocations provided to projects in 2013 and those available for 2014.

Table B: Growth Management Allocation for 2014

	Available Allocations			
	Total Available for 2013	Total Allocated in 2013 (Rose Gate)	2% Allocations for 2014	Total Available for 2014
Low (0.1-7)	3,286	- 232 (3,054)	294	3,348
Medium (7.1-20)	602	- 0 (602)	46	648
High (20.1-30)	1,234	- 0 (1,234)	113	1,347
TOTAL	5,122	4,890	453	5,343

As indicated above in the background discussion, the present project is being reviewed for growth management allocations for 2014. The applicant has submitted an application for 145 Low-Density growth management allocation units (0.1-7 units/acre), 55 Medium-Density growth management allocation units (7.1-20 units/acre) and 88 High-Density growth management allocation units (20 plus units/acre). **Table C** identifies the 2014 Total Allocations, the requested Allocations for the project, and the remaining overall Allocations.

Table C: Growth Management Allocation for Van Ruiten Ranch

Density	Available Allocations			
	Total Available for 2014	Requested Allocation for Van Ruiten Ranch	Remaining Allocations for 2014	Total Remaining for 2014
Low (0.1-7)	3,348	145	145 – 294 (149)	3,203
Medium (7.1-20)	648	55	55 – 46 (-9)	593
High (20.1-30)	1,347	88	88 – 113 (25)	1,259
TOTAL	5,343	288	165	5,055

The Growth Management Ordinance includes a priority location area and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location area designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police, fire and parks). The proposed project site is classified as an in-fill project. For scoring purposes in-fill projects are considered Priority Area 1 projects. The point system was established to rate projects based on various project merits in order to determine if one project should be approved before another, particularly if there are more allocation requests than there are available allocations. However, because the City hasn't had growth management allocation requests since 2006, surplus allocations have been accumulated.

The proposed vesting tentative map is consistent with the current General Plan (2010). The proposed exclusively residential development aligns with the residential land use designations and densities assigned to the site in the current General Plan. The site for the proposed subdivision is suitable for the density and type of development proposed in that it is a flat piece of land. The project design of the subdivision and type of improvements proposed would not

conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision in that there are no existing public access easements on the site. The Planning Commission reviewed the project in its entirety and recommended the City Council grant the applicant 145 Low-Density Residential, 55 Medium-Density Residential and 88 High-Density Residential Growth Management Allocations.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

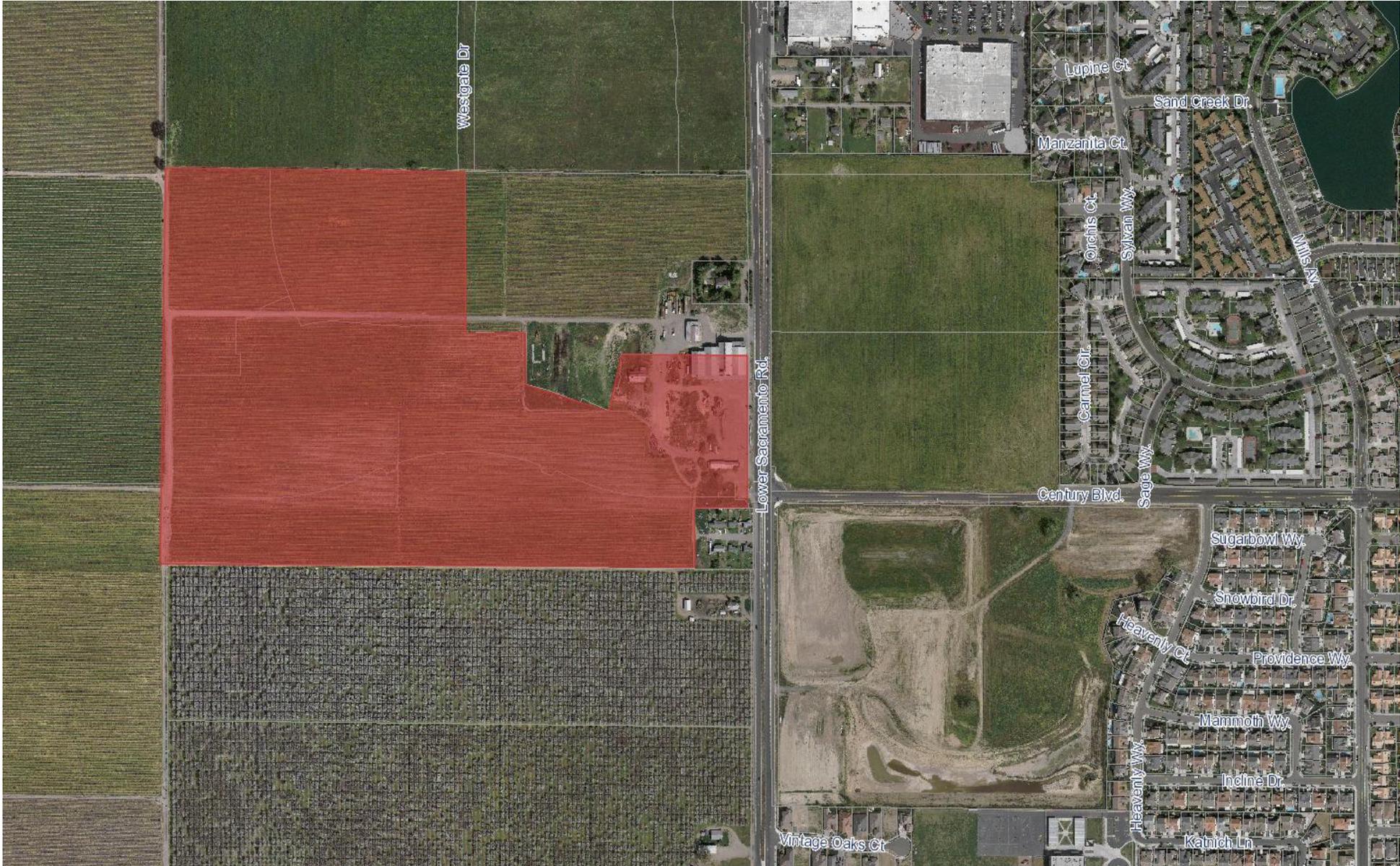
Stephen Schwabauer
Interim Community Development Director

CH

Attachment:

1. Aerial /Vicinity Map
2. Tentative Subdivision Map
3. Planning Commission Staff Report
4. Planning Commission Resolution
5. Planning Commission minutes of April 9, 2014
6. Draft Resolution

VICINITY/ AERIAL MAP



Lower Sacramento Road / Extension of Century Boulevard

**VESTING TENTATIVE MAP
VAN RUITEN RANCH**

BEING A PORTION OF THE WEST HALF
OF SECTION 15, T.3N., R.6E., M.D.B.&M.
CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA
MARCH, 2014 SCALE: 1" = 100'
SHEET 1 of 2

PROPERTY OWNER
VAN RUITEN RANCH, LTD.

DEVELOPER BENNETT DEVELOPMENT
P.O. BOX 1597
LODI, CA 95241-1597
PH: (209) 334-6385

MAP PREPARER: BAUMBACH & PIAZZA, INC.
323 W. ELM ST.
LODI, CA 95240
PH: (209) 368-6618

A.P.N. & SITUS ADDRESS:
A. P. N.: 058-030-14, 15, 17, & 18
SITUS ADDRESS: 14509 NORTH LOWER SACRAMENTO ROAD
LODI, CA 95242

GENERAL PLAN DESIGNATION & PROPOSED ZONING:
GENERAL PLAN DESIGNATION: PR (PLANNED RESIDENTIAL)
ZONING: PD 41 (PLANNED DEVELOPMENT)

PROPOSED PHASING and DENSITY:					
PHASE NO.	LAND USE	GROSS AREA (Acres)	NET AREA (Acres)	# OF UNITS	NET DENSITY
①	MDR	6.92	5.96	45	3,200 SF 8 UPA
	Basin	5.83	4.90	N/A	N/A
	Open Space	0.43	0.17	N/A	N/A
②	LDR	9.30	8.05	35	5,500 SF 4 UPA
	MDR	1.23	1.07	10	3,200 SF 9 UPA
	Park	5.15	4.29	N/A	N/A
③	LDR	9.53	8.52	40	6,000 SF 5 UPA
④	LDR	9.87	8.97	42	6,000 SF 5 UPA
⑤	LDR	5.79	5.79	28	6,000 SF 5 UPA
⑥	HDR	5.09	4.23	88	N/A 21 UPA

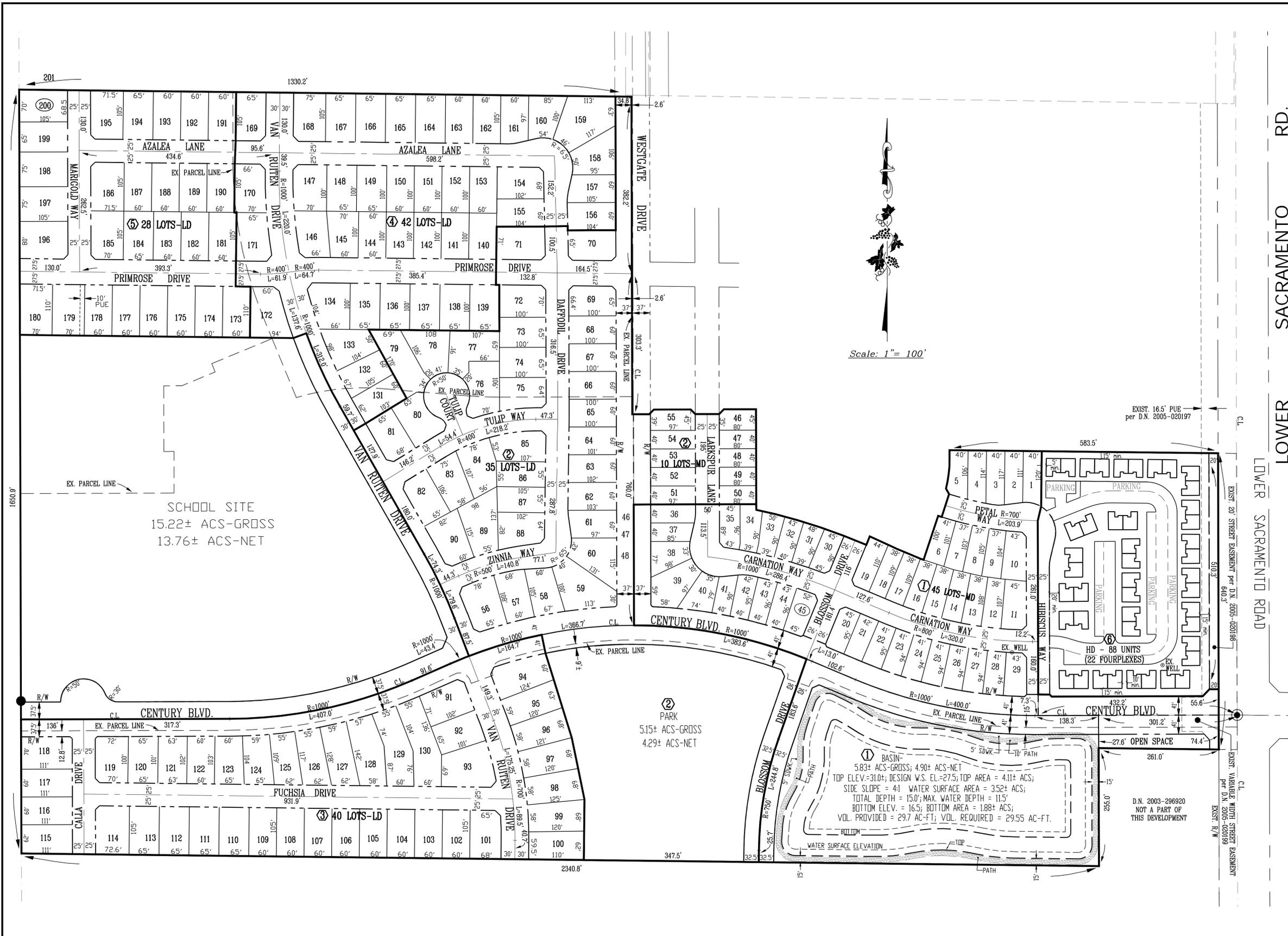
SUMMARY:
NUMBER OF LDR-TYPE UNITS = 145
NUMBER OF MDR-TYPE UNITS = 55
NUMBER OF HDR-TYPE UNITS = 88
TOTAL # OF UNITS = 288

OPEN SPACE = 0.43± ACS.
DRAINAGE BASIN = 5.83± ACS.
PARK = 5.15± ACS.
SCHOOL SITE = 15.22± ACS.
RESIDENTIAL AREA = 47.73± ACS.
TOTAL GROSS AREA = 74.36± ACS.

LEGEND

R/W RIGHT-OF-WAY
CL CENTERLINE
PUE PUBLIC UTILITY EASEMENT
SF SQUARE FEET
ACS ACRES
UPA UNITS PER ACRE
EX. EXISTING
① INDICATES PHASE NUMBER

- NOTES:**
- THIS DEVELOPMENT CONTAINS 74.36± TOTAL ACRES, CONSISTING OF 200 LOTS, 88 HIGH DENSITY UNITS, DRAINAGE BASIN, PARK SITE, OPEN SPACE, AND A SCHOOL SITE.
 - THIS PROJECT WILL BE DEVELOPED IN PHASES, AS SHOWN ON THIS TENTATIVE MAP, WITH MULTIPLE FINAL MAPS.
 - THIS PROPERTY IS NOT SUBJECT TO A 100-YEAR FLOOD.
 - UTILITIES:
WATER - CITY OF LODI
SEWER - CITY OF LODI
STORM DRAIN - CITY OF LODI
ELECTRICAL - CITY OF LODI EUD
GAS - PG&E
TELEPHONE - SBC
 - SEE SHEET 2 FOR: STREET CROSS-SECTIONS, TYPICAL PLOT PLANS, BUILDING SETBACKS, TYPICAL LOT COVERAGE, DETAILS OF SOUND WALL, AND LANDSCAPING STANDARDS.



Scale: 1" = 100'

NO.	REVISIONS	DATE	BY	DRAWN	SEP	DESIGN	SEP
0							

CAUTION
0 1/2 1
Do not scale drawing if this bar does not measure 1 inch.

PREPARED IN THE OFFICE OF:
BAUMBACH & PIAZZA, INC.
CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240
DESIGNED UNDER THE SUPERVISION OF:
STEVEN E. PECHIN RCE 42764

PREPARED FOR:
BENNETT HOMES/VAN RUITEN RANCH, LTD
P.O. BOX 1237
LODI, CA 95241
(209) 367-7600

VAN RUITEN RANCH
VESTING TENTATIVE MAP
MARCH, 2014 SCALE: 1" = 100'

SHEET 1 OF 2
JOB NO. 12036
FILE NO. G-1422

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 9, 2014

APPLICATION NO: Subdivision Application: 13-S-02
Growth Management Allocation: 13-GM-02

REQUEST: Request for Planning Commission approval of:

- a) Growth Management Allocation for 145 Low Density Residential Lots 55 Medium Density Residential Lots and 88 High Density Units; and
- b) A Vested Subdivision Map for the Van Ruiten Ranch Subdivision, a 74 acre, 288 unit subdivision; and
- c) Adopt Development Standards for the subdivision known as Van Ruiten Ranch Subdivision located within Planned Development 41 Zoning District.
(Applicant: Bennett Homes.; File #'s: 13-S-02 and 13-GM-02; CEQA Status: Project Environmental Impact Report, State Clearinghouse No. 2005092096, Certified on March 21, 2007)

LOCATION: Lower Sacramento Road / Century Boulevard
APN: 058-030-14, 15, 17, 18
Lodi, CA 95240

APPLICANT: Bennett Homes, Inc.
Dennis Bennett
P.O. Box 1579
Lodi, CA 95241

PROPERTY OWNER: Van Ruiten Ranch Limited
Jim Van Ruiten
340 W. Highway 12
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council approval of the request of Bennett Homes for 288 growth management allocations and a vesting subdivision map for the proposed Van Ruiten Ranch Subdivision to be located at Lower Sacramento Road / Century Blvd., subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Low Density Residential, Medium Density Residential, High Density Residential, Public / Quasi Public, Open Space
Zoning Designation: Planned Development 41 (PD-41)
Property Size: 74 acres

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Low Density Residential, Medium Density Residential, High Density Residential	Planned Development 41 (PD-41)	Vacant Land
South	Low Density Residential, Medium Density Residential, Open Space	Planned Development 41 (PD-41)	Vacant land / Cherry Orchard
East	Medium Density Residential, Open Space	Medium Density Residential, Open Space	Vacant and DeBenedetti Park
West	San Joaquin County	San Joaquin County	Agricultural use

SUMMARY

The proposed vesting subdivision map seeks to create 200 single family lots with a 5 acre high density lot. The project includes a 5.8 acre regional detention basin, 5.15 acre park site and 15.2 acre school site. The proposed uses are consistent with the General Plan and Zoning designations. The project is accessed of the Century Boulevard extension with access points to the north and south.

BACKGROUND

The project site was annexed into the City of Lodi as part of the Southwest Gateway area. The City of Lodi certified the project EIR, State Clearinghouse No. 2005092096, on March 21, 2006. The Project EIR was prepared as a program-level EIR, pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*).

Subsequently, the City of Lodi adopted the Lodi General Plan in April 2010. This land use document utilizes the same land use designations as the previous annexation documents. The Lodi Zoning/Development Code was adopted in March 2013.

On June 17, 2013, Bennett Homes submitted an application for the Van Ruiten Ranch Subdivision project, which includes a Vesting Tentative Subdivision Map and review of the development standards for the Planned Development Unit.

ANALYSIS

Existing Conditions: The subject site consists of a vacant 74-acre parcel located at the extension of Century Boulevard, west of Lower Sacramento Road. The parcel represents 74 acres of the 257 acre “Southwest Gateway Project” annexed into the City in 2007. Surrounding land uses include agricultural land to the north, south and west and urban uses to the east. The topography of the site is relatively flat and vineyards make up the entire site.

Vesting Subdivision Map: The proposed Vesting Tentative Map would subdivide the project parcel into 145 low density residential single-family lots, 55 medium density residential single-family lots, 1 high density lot (5.03 acres – 4.2 acres net) for future development, 1 - 5.83 acre detention basin, 1 - 5.15 acre park site, 1 - 15.2 acre future school site and associated public roadways.

The typical low density residential lot is 65 X 105 and 6,800 sq. ft. The typical medium density residential lot is 40 X 95 and 3,800 sq. ft. The high density parcel is 4.2 acres in size net and anticipates 88 residential units. The development is separated into 3 distinct areas based upon density with varying housing types specified for each area.

The Planning Commission is embodied to review the vesting tentative map and recommend approval or denial of the vesting map to the City Council. If the Commission approves, a Final Map for a subdivision of five or more parcels must be prepared, filed, processed and recorded as set forth in Chapter 17.54 (Parcel Maps and Final Maps), to complete the subdivision. The City Council has a final say on the approval or disapproval of the vesting tentative map.

In accordance with Lodi Municipal Code Section, 17.52.130, an approved Tentative Map is valid for 24 months after its effective date (Section 17.66.130). At the end of 24 months, the approval shall expire and become void unless, the applicant petitions the Planning Commission for an extension and the Commission grants an extension in accordance with Lodi Municipal Code Section 17.52.130 (B)(1).

Access and Circulation: The project is accessed by the extension of Century Boulevard with access points to the north and south consistent with land use diagrams in the General Plan. The project incorporated the extension of Westgate Drive from the north. The overall circulation pattern anticipates development to the north, south and west. Streets have detached sidewalks to create a tree canopy consistent with historical Lodi residential areas.

General Plan Compliance: The project site includes General Plan Land Use designations of Low Density Residential, Medium Density Residential, High Density Residential, Open Space and Public/Quasi Public. The proposed project is consistent with the current General Plan (2010) land use designations, layout and required density.

The Low Density Residential designation mandates density ranges between two (2) to eight (8) units per acre. The Medium Density Residential designation mandates density ranges between eight (8) to twenty (20) units per acre. The High Density Residential designation mandates density ranges between twenty (20) to thirty-five (35) units per acre. The Van Ruiten Ranch project densities are: Low Density Residential – 5 units per acre, Medium Density Residential – 8.0 units for acre and High Density Residential 21 units per acre. The General Plan Land Use Policy 3 (LU P3) prohibits development at less than the minimum and maximum density prescribed by each residential land use category. The proposed project does comply with applicable General Plan density requirements.

Zoning Compliance: The project site is zoned Planned Development 41 (PD-41). Planned Development zoning designations provide flexibility in the application of development standards that will produce development projects of superior quality, including retention of unique site characteristics, creative and efficient project design, etc., than would have been achieved through strict application of the development standards required by the primary zoning district. The proposed project is divided into three distinct land uses areas; low density, medium density and high density. The project provides for a wide range of housing options for the community.

Planned Development Guidelines: The applicant has prepared the Van Ruiten Ranch Planned Development Standards and Guidelines. The organization of these guidelines is presented as a series of community design components that when combined create a comprehensive project design. The chapters highlight and articulate the various community design components, establishing specific development guidelines and standards for how the project will develop.

As depicted in the development plans, the applicant is proposing to use several different elevation styles throughout the subdivision. The elevations use varying massing and architectural articulations. In addition, the subdivision is expected to allow custom homes and other builders to build homes at the project site, which will add architectural variations. Staff believes that the proposed design will provide not only an attractive streetscape, but interesting views from neighboring property owners as well.

The project also includes a preliminary landscape plan that generally places one large street tree in each front yard among other accent landscaping including various shrubs, ground cover and lawn. The

landscaping plan would have to comply with the requirements of the Lodi Municipal Code Section 17.03.070 which regulate landscape water efficiency.

Growth Management Compliance: The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of two percent of the City’s population, compounded annually. Once the amount of allocation units is figured, the City requires that the allocation units be distributed among housing types as follows; 65 percent low density, 10 percent medium density and 25 percent high density. For example, the following explains the 447 units available for 2014:

1. Calculate two percent of the City’s current population: **62,930 x 2% = 1,258.6**
2. Divide 1,259 by the average number of persons per household 1,259/2.812 = 447.72
3. Divide the 447.72 (448 du) units into the 3 housing types:
 - 65% low density = 291 units
 - 10% medium density = 45 units
 - 25% high density = 112 units

In 2013, the City Council expired allocations accumulated since 2008. In the five-year period since 2008, 2,235 allocations were added to the reserve. The Council eliminated 800 Low Density and 1,435 High Density allocations. This Council action created a new balance of 4,634 as detailed below in **Table A**.

Table A: Growth Management Allocation History

Density	Available Allocations		
	Total Available for 2012	2% Allocations for 2013	Total Available for 2013
Low (0.1-7)	2,995	291	3,286
Medium (7.1-20)	557	45	602
High (20.1-30)	1,122	112	1,234
TOTAL	4,634	448	5,122

Table B identifies the available Allocations in 2013, Allocations provided to projects in 2013 and those available for 2014.

Table B: Growth Management Allocation for 2014

Density	Available Allocations			
	Total Available for 2013	Total Allocated in 2013 (Rose Gate)	2% Allocations for 2014	Total Available for 2014
Low (0.1-7)	3,286	- 232 (3,054)	291	3,345
Medium (7.1-20)	602	- 0 (602)	45	647
High (20.1-30)	1,234	- 0 (1,234)	112	1,346
TOTAL	5,122	4,890	448	5,348

As indicated above in the background discussion, the present project is being reviewed for growth management allocations for 2014. The applicant has submitted an application for 145 low density growth management allocation units (0.1-7 units/acre), 55 medium density growth management allocation units (7.1-20 units/acre) and 88 high density growth management allocation units (20 plus

units/acre). **Table C** identifies the 2014 Total Allocations, the requested Allocations for the project, and the remaining overall Allocations.

Table C: Growth Management Allocation for Van Ruiten Ranch

Density	Available Allocations			
	Total Available for 2014	Requested Allocation for Van Ruiten Ranch	Remaining Allocations for 2014	Total Remaining for 2014
Low (0.1-7)	3,345	145	145 – 291 (146)	3,200
Medium (7.1-20)	647	55	55 – 45 (-10)	592
High (20.1-30)	1,346	88	88 – 112 (24)	1,258
TOTAL	5,348	288	160	5,060

Staff recommends approval of the growth allocations requested.

Conclusion

Staff sent a copy of the application to various City departments for review and comment. Their comments and requirements have been incorporated into the attached resolution. Staff believes that the Commission can make the findings in order to approve the proposed project, subject to conditions outlined in the attached resolution. The proposed vesting tentative map, as described in the code compliance sections above, is consistent with the current General Plan (2010).

The proposed exclusively residential development aligns with the residential land use designations and densities assigned to site in the current General Plan. The site for the proposed subdivision is suitable for the density and type of development proposed in that it is a flat piece of land. Also the design of the subdivision and type of improvements would not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision in that there are no existing public access easements on the site. Further, as stated in the code compliance sections above, the applicant has proposed development standards for this subdivision that are consistent with the historical development of the City.

ENVIRONMENTAL ASSESSMENT

The project is subject to the requirements of the California Environmental Quality Act (CEQA). All potentially significant environmental impacts were publicly disclosed and made available for comment via Lodi Annexation Environmental Impact Report, State Clearinghouse No. 2005092096, dated April 2006, prior to any decisions to approve any part of the whole project. On March 21, 2007, the City Council adopted Lodi Annexation Environmental Impact Report, State Clearinghouse No. 2005092096, and Mitigation and Monitoring Plan that analyzed environmental impact aspects of the proposed project.

Subsequently, the City Council, by Resolution No. 2010-41, which became effective on April 7, 2010, certified an Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi General Plan. This General Plan designated the project site as Low Density Residential, Medium Density Residential, High Density Residential, Public / Quasi Public and Open Space.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, March 29 2014. Sixteen (16) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff’s recommendation, the following motions are suggested:

1. “I move that the Planning Commission adopt a Resolution finding that the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15153. The project is consistent with the findings of the previous environmental documents prepared for the Van Ruiten Ranch development and recommend the City Council approve the requested growth allocation and vesting tentative subdivision map.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the request with attached or alternate conditions
- Deny the request
- Continue the request.

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Interim Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Subdivision Map
- C. Planned Development Standards
- D. Draft Resolution

RESOLUTION NO. 14-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF BENNETT HOMES FOR APPROVAL OF VESTED SUBDIVISION MAP FOR VAN RUITEN RANCH SUBDIVISION, A 74-ACRE, 288 UNIT SUBDIVISION AND 288 GROWTH MANAGEMENT ALLOCATION REQUEST AT LOWER SACRAMENTO ROAD

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Vested Subdivision application, in accordance with the Lodi Municipal Code, Section 17.74; and
- WHEREAS**, the project site is located at Lower Sacramento Road / Century Boulevard, Lodi, CA 95240 (APN: 058-030-14, 15, 17, 18); and
- WHEREAS**, the applicant is Van Ruiten Ranch Limited, c/o Jim Van Ruiten, 340 w. Highway 12, Lodi, CA 95242; and
- WHEREAS**, the applicant's agent is Bennett Homes, Inc., c/o Dennis Bennett, P.O. Box 1579, Lodi, CA 95241; and
- WHEREAS**, the project properties owners of record are Van Ruiten Ranch Limited, c/o Jim Van Ruiten, 340 W. Highway 12, Lodi, CA 95242 ; and
- WHEREAS**, the applicant, Bennett Homes, has filed the "Van Ruiten Ranch" Vested Subdivision Map and Growth Management Application with the City of Lodi; and
- WHEREAS**, City Council Resolution No. 2010-41 adopted by the City Council on April 7, 2010, approved the land use designation as Low Density Residential, Medium Density Residential, High Density Residential, Public / Quasi Public and Open Space, for the project site; and
- WHEREAS**, the City Council by Ordinance No. 1869, which became effective on March 21, 2013, granted Planned Development Zone P-D(41), to allow Low Density Residential, Medium Density Residential, High Density Residential, Public / Quasi Public and Open Space for the project site; and
- WHEREAS**, the City Council by Resolution No. 2007-48, which became effective on March 21, , 2007, approved certified an Environmental Impact Report (EIR), State Clearinghouse No. 2005092096, for the annexation of the project site; and
- WHEREAS**, a copy of the Environmental Impact Report (EIR), State Clearinghouse No. 2005092096, is kept on file for public review within the Community Development Department by the Community Development Director at 221 West Pine Street, Lodi, CA; and
- WHEREAS**, the City Council by Resolution No. 2010-41, which became effective on April 7, 2010, certified an Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi General Plan; and
- WHEREAS**, a copy of the Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, is kept on file for public review within the Community Development Department by the Community Development Director at 221 West Pine Street, Lodi, CA; and
- WHEREAS**, the Vested Subdivision Map contains 74 acres, 200-single family residential lots, a high density parcel and 288 overall units and is located at Lower Sacramento Road / Century Boulevard and is consistent with the density ranges of the General Plan; and
- WHEREAS**, the Community Development Department did study and recommend approval of said request; and

WHEREAS, after due consideration of the project, the Planning Commission did conditionally approve the project; and

WHEREAS, the Planning Commission's recommendation is based upon the following findings and determinations:

1. The proposed design and improvement of the tentative subdivision, as conditioned, will conform to the standards and improvements mandated by the adopted City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance, as well as all other applicable standards.
2. The standard size, shape and topography of the site is physically suitable for residential development proposed in that the site is generally flat and is not within an identified natural hazard area.
3. The site is suitable for the density proposed by the tentative subdivision map in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
4. The standard design of the proposed tentative subdivision and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat in that the site has been previously disturbed by agricultural activities and no significant environmental issues or concerns were identified through the Initial Study prepared for this development.
5. The design of the proposed tentative subdivision and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.
6. The design of the proposed tentative subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed tentative subdivision.
7. The vested subdivision is conditioned to construct public street improvements thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
8. An Environmental Impact Reports and Mitigation Monitoring and Reporting Program, Environmental Impact Report (EIR), State Clearinghouse No. 2005092096, were prepared for this project in compliance with Public Resources Code section 21000 et seq, and were independently reviewed and certified by the City Council. All potentially significant environmental impacts were publicly disclosed and made available for comment prior to any decisions to approve any part of the whole project. On March 21, 2007, the City Council adopted an Environmental Impact Report and Mitigation Monitoring and Reporting Program for all aspects of the proposed project. all mitigation measures for the project identified in the initial study and accompanying studies are hereby incorporated into this approval.
9. The project is required to comply with all the mitigation measures outlined for the project in the Environmental Impact Report and in the Mitigation Monitoring and Report Program.
10. The vested subdivision map allows for the orderly growth of Lodi in that the Land Use and Growth Management Element allows for the development of Low Density Residential, Medium Density Residential, High Density Residential on the project site.
11. Said Vested Subdivision map complies with the requirements of Article 5 of the Lodi Development Code, governing subdivision maps.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED, by the Planning Commission of the City of Lodi hereby recommends that the City Council approve the Vested Subdivision Map, associated Development Standards for the Van Ruiten Ranch Subdivision, and award Bennett Homes 145 low density growth management allocation units, 55 medium density growth management allocation units

and 88 high density growth management allocation units, subject to the following development conditions and standards:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. This recommendation for approval by the Planning Commission shall not constitute an authorization to begin any construction.
3. The developer shall comply with all the applicable requirements of the City's Community Development Department including Planning and Building Divisions; Public Works, Fire and Electric Utility Departments; and all other applicable local, state and federal agencies. It is the responsibility of the applicant to check with each agency for requirements that may pertain to the project.
4. The Vesting Tentative Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
5. The Final Map shall be in substantial conformance to the approved Vesting Tentative Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
6. The developer shall install, on each residence, minimum four-inch high block style numbers for address identification. The numbers shall be in color that is contrasting to the background surface to which they are adhered and shall be readily visible from the street during the day and night. The construction drawings for the house plans shall identify the location of the address boxes or numbers on the house façades, along with a detail or keynote that describes how the house numbers will be illuminated or made identifiable from the street.
7. The developer shall submit detailed landscape and irrigation plans (concurrently with the improvement plans) for the review and approval of the Parks & Recreation Department. The landscape plan shall include, in addition to normal landscape and irrigation details, screening of any above ground utility vaults and anti-siphon water valves.
8. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
9. A conceptual fencing/wall plan shall be submitted for the entire subdivision with the grading plan and a detailed fencing/wall plan shall be submitted with the improvement plans for each phase of development. The design, height, and location of walls shall be subject to approval of the Community Development Director prior to approval of improvement plans. Where fencing is adjacent to public parks and/or trails, plans shall be approved by the Recreation Commission at the time of park plan approval. When the adjacent area is sloped, the fence/wall design shall include a 4' bench (sloped no more than 2%) along the fence/wall for maintenance purposes, as determined by the Parks and Recreation and Cultural Services Department.
10. The project shall incorporate all applicable mitigation measures as specified in the adopted Final Revised Environmental Impact Report EIR-05-01 (State Clearinghouse No. 2005092096) for the project.

11. Pursuant to project Environmental Impact Report, State Clearinghouse No. 2005092096, prior to recordation of the final map(s) for homes adjacent to existing agricultural operations, the applicant shall submit a detailed wall and fencing plan for review and approval by the Community Development Department (Land Use Mitigation Measure 1).
12. Pursuant to project Environmental Impact Report, State Clearinghouse No. 2005092096, Agriculture Resources Mitigation Measures 2 and 3, the applicant shall provide and undertake a phasing and financing plan (to be approved by the City Council) for one of the following mitigation measures:
 - a. Identify approximately 74 acres to protect for a period of time to be determined (but not less than 15 years) as an agricultural use in a location as determined appropriate by the City of Lodi in consultation with the Central Valley Land Trust; or
 - b. Pay a fee equal to the value of 74 acres as determined by an independent qualified consultant retained by the City in consultation with the Central Valley Land Trust. The City will determine to whom the fee shall be paid.
13. Pursuant to project Environmental Impact Report, State Clearinghouse No. 2005092096, Biological Resources Mitigation Measures 1, 2, and 3, the applicant shall contact the San Joaquin County Council of Governments (SJCOG, Inc) for a pre-ground disturbance survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (ITMMS). The City shall not authorize any form of site disturbance until it receives an Agreement to Implement ITMMS from SJCOG, Inc. The City shall not issue a building permit for the proposed project until the San Joaquin County Council of Governments determine what, if any, Incidental Take Minimization Measures (ITMMS) apply to the project and until the San Joaquin County Council of Governments verifies all applicable ITMMS have been fully and faithfully implemented.
14. If archeological materials are uncovered during any construction or pre-construction activities on the site, all earthworks within one hundred feet (100') of these materials shall be stopped, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find, and outline appropriate mitigation measures, if they are deemed necessary.
15. All stub end streets planned for future continuation and undeveloped cul-de-sacs shall be temporarily protected with warning barricades and redwood headers to be approved by the City Engineer.
16. The developer shall pay for and install all street name signs, traffic regulatory and warning signs, and any necessary street striping and markings required by the City Engineer. Street striping and markings shall be raised ceramic markers or thermoplastic material, as directed by the City Engineer.
17. Road or street names shall not duplicate any existing road or street name in the City, except where a new road or street is a continuation of an existing street. Road or street names that may be spelled differently but sound the same shall also be avoided. Road or street names shall be approved by the Fire Chief and the Community Development Director.
18. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City Plans and all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
19. The developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for San Joaquin County, California. The developer shall be responsible

for all necessary activities, applications, documentation and costs to amend floodplain maps for their development.

20. In accordance with the Growth Management and Infrastructure/Public Facilities Element of the City's General Plan, the environmental review prepared for this project, and the regulations of the applicable school districts, the Developer shall demonstrate that adequate provision is made for school facilities. To the extent permitted by law, this may include the payment of school facility mitigation fees adopted by the Lodi Unified School district, or alternative financial arrangements negotiated by agreement between the Developer and the applicable school districts.
21. A master street tree plan shall be approved by the Public Works Department for each phase of this vesting tentative subdivision map. A minimum of one street tree shall be provided for each lot within this subdivision. On corner lots, three street trees shall be provided; one on the shorter lineal frontage and two on the longer lineal frontage. Street trees shall be a species selected from the City's adopted tree list, shall be a minimum fifteen (15) gallon size, spaced at thirty (30) feet intervals, and planted as reflected in the Engineering Department's Standard Plans and Specifications, with branches above average eye level. The trees selected shall be deep rooted and drought tolerant. Location and species shall be to the approval of the Public Works Department.
22. The developer, in order to reduce tracking of mud throughout the City, shall be responsible for cleaning up or any expenses incurred by the City for cleaning up mud, debris, etc. from City streets that is attributed to this project during construction.
23. Construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday, consistent with the City's Ordinance.
24. The Developer shall notify all purchasers of homes or lots, either through the Department of Real Estate Subdivision Report or, if there is no Subdivision Report, through a statement signed by each buyer and submitted to the City, that the this subdivision is adjacent to an agricultural area, and as such, there are ground and aerial applications of chemicals, and early morning/night time farming operations which may create noise and dust, etc. In addition, all purchasers of homes or lots shall be made aware of the future possibility of oil and gas well exploration on surrounding and adjacent properties and that farm animals may be kept on adjacent properties that may be outside the City limits. The wording and format for notifying home buyers of this information is subject to approval by the Community Development Director.
25. All conditions of approval for this project shall be written by the project developer on all master building permit plan check sets submitted for review and approval. It is the responsibility of the developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. If the subdivision is to be built out using master plans. Please follow City of Lodi, Community Development Department Policies and Procedures # B-[08]-[13] Plan Submittal - Residential Master Plans and # B-[08]-[14] Permit Processing – Production Homes.
26. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

City of Lodi Fire Department

27. The developer shall comply with all applicable requirements of the California Fire Code and the adopted policies of the City of Lodi.
28. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the California Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches. (Ord. No. 1840, § 1, 11-17-2010)

29. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
30. The developer shall install on-site and/or boundary water mains, fire hydrants and related services. Hydrants shall adhere to the City's standard details, with their location determined by the Fire District and City Engineer, and shall be installed and in service prior to any combustible construction on the site. Public fire hydrant spacing and distribution shall be determined as follows:
 - a. At 300 feet spacing in high density, commercial, industrial zoning or high-value areas;
 - b. At 500 feet spacing in low density residential areas;
 - c. At 1000 feet spacing in residential reverse frontage;
 - d. A fire hydrant shall be located within 200 feet of the radius point of all cul-de-sacs;
 - e. Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:
 - i. Streets have median center dividers that make access to hydrants difficult, cause time delays, or create undue hazards or both;
 - ii. On major arterials where there is more than four lanes of traffic;
 - iii. Width of street in excess of 88 feet;
 - iv. The existing street being widened or having a raised median center divider in the future pursuant to the General Plan Roadway Improvement Plans for the City of Lodi.
31. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

City of Lodi Public Works Department

The following conditions of approval are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with, final map filing unless noted otherwise:

32. Use the 2012 City of Lodi Storm Drainage Master Plan design criteria for all pipe sizing calculations and basin sizing calculations. Storm drain coefficient of runoff, C-factor, for low-density residential shall be a minimum of 0.4, medium-density residential shall be a minimum of 0.5 and high-density residential shall be a minimum of 0.5. The rainfall intensity used for design of the pipelines shall be based on a five-year, 48-hour rain event. Be sure all pipelines and basins locations follow the Master Plans.
33. The permanent basin will require outfall structures, including a storm water pump station lifting water from the basin to the pipeline at the intersection of Lower Sacramento Road and Century Boulevard. The pump station shall be sized to service Basins I-1, I-2 and I-3, in accordance with the Storm Drain Master Plan. Developer will also be required to connect the existing 48-inch diameter storm drain pipe in Century Boulevard to the existing 48-inch diameter storm drain pipe that discharges to the pump station at Beckman Park.
34. All pump stations shall have mechanical trash screening capabilities (1/2-inch sphere size), oil skimming capabilities, automatic controls, flow and level measuring gauges, SCADA remote control and all-weather access. SCADA communication facilities are required that connect the Control Center at the Water Treatment Plant and each pump station to permit flow pacing between the inter-related pump stations.
35. An overland flood release pathway shall be incorporated into the streets and circulation design plan for each subarea. For example, when any particular catch basin is obstructed or overwhelmed with water, the street drainage design (high points and low points) for that subarea shall be calculated so that no water shall pond higher than the lowest right of way elevation without releasing the excess water toward the planned flood release point of the subarea.

36. Use the 2012 City of Lodi Water Master Plan design criteria for all calculations, pipeline sizes and pipeline locations. As shown in Appendix D, a 10-inch water main shall be located on the western edge of the development for water circulation purposes, as shown in the City's Water Master Plan. Water line may follow proposed north/south street alignments that are located within 500 feet of the west limit of the project.
37. Developer shall dedicate a street easement (up to 10 feet wide) to the City of Lodi adjacent to the easterly project boundary. The purpose of the street easement is to construct the ultimate roadway section of Lower Sacramento Road while accommodating the existing transmission poles, future landscaping and reverse frontage wall.
38. As part of Phase 2, provide a water connection onto Westgate Drive at Primrose Drive. The water connection will conform to the Water Master Plans by connecting the 8-inch water main to the 10-inch water main in Westgate Drive.
39. Add temporary blow-off valves per Standard Plan 409 (or temporary hydrants) to the ends of all dead-end water mains planned for future extension.
40. Provide locations of all water valves and fire hydrants within the development. All water valves and fire hydrants shall have a maximum spacing conforming to the City Design Standards section 4.501 and 4.502, respectively. Install up to five water automatic flushing valves at locations to be determined.
41. With Phase 2 of the project, Westgate Drive shall connect to Kettleman Lane if the Lodi Shopping Center project has not extended Westgate Drive first. The Lodi Shopping Center project is conditioned to extend Westgate Drive and all of the underground utilities (water, recycled water, wastewater and storm drainage) from Kettleman Lane to the northern edge of this development. However, the extension of Westgate Drive and the underground utilities shall be built by whichever development occurs first. If Phase 2 of this development occurs first, a reimbursement agreement may be obtained through the City for the portion of Westgate Drive outside of the development.
42. Label the width of the sidewalk in the typical cross section for Westgate Drive.
43. Show masonry walls along Westgate Drive in the typical cross section. No reverse frontage walls constructed of wood will be allowed.
44. Provide all necessary traffic signs for the entire subdivision, including any necessary traffic signs needed along Westgate Drive and Century Boulevard.
45. All dead-end streets shall install barricades per City of Lodi Standard Plans 128.
46. Install public improvements, including street widening, bicycle lane, curb and gutter, sidewalk, landscaping and reverse frontage masonry wall improvements within the limits of the signal modification/intersection improvements required at Century Boulevard and Lower Sacramento Road.
47. Use the 2012 City of Lodi Wastewater Master Plan design criteria for all calculations, pipeline sizing and pipeline locations. Revise the Westgate Trunk Line and the City's Wastewater outfall pipeline to match the pipe sizing shown in the Master Plans. The 48-inch Domestic Outfall pipeline shall be resized to a 42-inch pipe.
48. Abandon the existing 42-inch wastewater pipeline in Lower Sacramento Road north of Century Boulevard and install new 42-inch wastewater pipeline in Century Boulevard. The Developer shall pay all installation costs; however, pipe material costs will be reimbursed by City upon acceptance of the pipeline installation work.
49. Per the Master Plans, the future high/medium-density residential properties located between Westgate Drive and Lower Sacramento Road and north of Century Boulevard must have their

wastewater flow south into Century Boulevard wastewater main(s) unless otherwise approved by the Public Works Director.

50. With Phase 2 of the project, the City's 24 or 42-inch Domestic and 30-inch Industrial Wastewater Outfall pipelines shall be relocated from Lower Sacramento Road (MH R1109/MH R1119) to Westgate Drive by this project if the Lodi Shopping Center project has not relocated the pipeline first. The Lodi Shopping Center project is conditioned to relocate the 24 or 42-inch and the 30-inch wastewater pipeline; however, the wastewater pipelines shall be relocated by whichever development occurs first. Pipe materials shall be determined by City. The Developer shall pay all installation costs; however, pipe material costs for both pipelines will be reimbursed by City upon acceptance of the pipeline installation work. The existing public utility easement and access easement shall be abandoned.
51. The Domestic Outfall and Industrial Waste pipeline realignment shall intercept existing pipelines with manhole or vault structures upstream of existing diversion structure located at the westerly end of the development. No pipeline penetrations will be allowed in the existing diversion structure.
52. Wastewater infrastructure construction sequence shall not interfere with operations associated with the Domestic Outfall or Industrial Waste pipelines.
53. Developer shall be responsible for preserving the integrity of the existing Domestic Outfall and Industrial Waste pipelines during all phases of Project construction.
54. Developer shall obtain a Public Utilities Easement from the adjacent property owner to the west of the project limits for the installation of the domestic and industrial wastewater pipelines.
55. Provide a slope easement or retaining wall along the boundary of the development for all grade differentials of one foot or greater.
56. Provide a wall easement for the public masonry wall footings along all parcels that will have a public masonry wall along their property.
57. The park/basin shall not have two basins in the future. Provide details showing the design of the future basin as one basin and showing placement of the park/basin amenities.
58. The park amenities will require the following items:
 - a) Bike rack
 - b) Water play
 - c) Basketball
 - d) Bocce
 - e) Horseshoes
 - f) Playground
 - g) Picnic tables
 - h) Picnic shelter (rental) BBQ
 - i) Passive area
 - j) Fields
 - k) Trees
 - l) Turf
 - m) Irrigation booster pump
 - n) Restroom
 - o) Drinking fountain
 - p) Furniture
 - q) Lights
 - r) Signs
 - s) Handicap parking
 - t) Maxicom Equipment or equivalent

59. The development must conform to the General Plan Bike Master Plan. Provide a Class II bike route along Century Boulevard, Westgate Drive and Blossom Drive, as shown in the Master Plan.
60. All landscaping proposed within the development must conform to the City of Lodi Landscape Maintenance Ordinance.
61. Engineering and preparation of improvement plans and estimate are required per City Public Improvement Design Standards for all public improvements prior to final map filing. Plan submittal to include:
 - a) Approved tentative map, signed by the Community Development Director.
 - b) Approved detailed utility (water, wastewater, storm drainage, recycled water and circulation) master plans, including engineering calculations, for all phases of the development. Storm drainage facilities design shall conform to the City of Lodi Storm Water Development Design Standards. Plans must include recycled water (purple pipe) master plans.
 - c) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
 - d) Grading, drainage and erosion control plan.
 - e) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP) and WDID number.
 - f) Reverse frontage wall, landscaping and irrigation system. Minimum wall height shall be 6 feet above the adjacent pad and/or ground elevation or as required by Community Development Department to satisfy general plan requirements.
 - g) Street tree planting plan for parkway strip along lot frontages. Requires approval of the Community Development Director and Public Works Director.
 - h) All utilities, including street lights and electrical, gas, telephone and cable television facilities.
 - i) Joint Trench plans.
 - j) All street improvements within the development.
 - k) Traffic striping plan for Century Boulevard and Westgate Drive.
 - l) Signal modification plans if there are impacts to the signals or loop detectors in Century Boulevard at the Lower Sacramento Road intersection and in Westgate Drive at the Kettleman Lane intersection.

A complete plan check submittal package, including all the items listed above plus the Map/Improvement Plan Submittal cover letter, Improvement Plan Checklist and engineering plan check fees, is required to initiate the Public Works Department plan review process for the engineered improvement plans.

62. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
63. Installation of all public utilities and street improvements within the limits of the map, plus the following "off-site" improvements:
 - a) Street improvements in Westgate Drive from Kettleman Lane to the north end of the development.
 - b) Installation of curb, gutter, sidewalk, street lights and landscaping along Westgate Drive from Kettleman Lane to the north end of the development.
 - c) Installation/extension of the wastewater, water, recycled water (purple pipe) and storm drainage public mains from the intersection of Century Boulevard and Lower Sacramento Road to the west end of the project site and from the Westgate Drive and Kettleman Lane intersection to the north end of the development.
 - d) Utility and service stubs (water, recycled water, wastewater, electric, telephone, cable, etc.) for the parcels adjacent to the west subdivision boundary, the south subdivision boundary and the north subdivision boundary.

- e) Transit amenities, including, but not limited to, bus stops, bus pullouts, bus shelters and signage, in conformance with the GrapeLine Short Range Transit Plan and as approved by the Transit Manager.
64. All public improvements to be installed within one year of final map filing under the terms of an improvement agreement to be approved by the City Council prior to final map filing. The Developer will be required to provide warranty security in the amount of 10% of the value of the public improvements. The warranty period will be two (2) years, commencing on the date of acceptance of the public improvements.
65. The project will install landscape areas along Lower Sacramento Road, Century Boulevard and Westgate Drive. After the City accepts the landscape improvements, the Developer will be required to maintain the landscaping for two years. Provide a two-year maintenance agreement and surety for the landscaping along Lower Sacramento Road, Century Boulevard and Westgate Drive.
66. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) and shall employ the Best Management Practices (BMPs) identified in the SMP.
- a) Stormwater Development Standards will be required for this project. The design of projects containing more than 10 units in a home subdivision is required to follow these Standards.
 - b) State-mandated construction site inspections to assure compliance with the City of Lodi Storm Discharge Permit are required. The fee for the inspections is the responsibility of the Developer and must be paid prior to map filing or commencement of construction operations, whichever occurs first.
67. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA) and California Title 24. Project compliance with ADA standards is the Developer's responsibility.
68. The City of Lodi is a participant in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). An application for evaluation of the project site with respect to SJMSCP requirements shall be submitted to the San Joaquin Council of Governments (SJCOG) prior to commencement of any clearing, grading or construction activities on the project site.
69. The following improvements shall be constructed with the first phase:
- a) Full width street and public utility improvements along the Century Boulevard Phase 1 boundary, including installation of a reverse frontage wall, landscaping and irrigation.
 - b) Traffic striping modifications in Century Boulevard.
 - c) Traffic signal modifications at Century Boulevard and Lower Sacramento Road.
 - d) Transit amenities, including, but not limited to, bus stops, bus pullouts, bus shelters and signage, in conformance with the GrapeLine Short Range Transit Plan and as approved by the Transit Manager.
 - e) Temporary connection into the Domestic Outfall pipeline.
70. The following improvements shall be constructed with the second phase:
- a) Full width street and public utility improvements along the phase 2 boundary, including Century Boulevard and Westgate Drive; installation of a reverse frontage wall; landscaping; and irrigation.
 - b) The water system shall have a minimum of two connections to the City system. A connection from Kettleman Lane, south down Westgate Drive and connecting to the water line in Century Boulevard will be required.
 - c) Realignment of the Domestic Outfall and Industrial Waste pipelines to the diversion structure.
 - d) The park and the amenities listed shall be installed.
 - e) All required public improvements shall be installed, including the extension of Century Boulevard, extension of Westgate Drive to Kettleman Lane, and realignment of the Domestic and Industrial wastewater outfall pipelines.

71. The following improvements shall be constructed with the third phase and all remaining phases:
 - a) Each phase shall be required to have a minimum of two connections to the City water system and two access points for traffic circulation.
72. All shared driveways will require private access and maintenance agreements that must be recorded and submitted to the City.
73. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
74. Acquisition of the following easements outside the limits of the map:
 - a) Utility easements for the relocation of the Domestic and Industrial wastewater outfall pipeline and 10-inch water pipeline for APNs 058-030-12 and 058-030-13 to the approval of the Public Works Director.
75. All property dedicated to the City of Lodi shall be free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste. Developer shall prepare and submit a hazardous materials report and shall indemnify the City against any and all hazardous materials and/or ground water contamination for all property/easements dedicated to the City.
76. Submit final map per City and County requirements including the following:
 - a) Preliminary title report including copies of all referenced exception documents.
 - b) Waiver of access rights at:
 - i) All lots adjacent to Lower Sacramento Road, Westgate Drive and Century Boulevard.
 - c) Standard note regarding requirements to be met at subsequent date.
77. Payment of the following:
 - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of project acceptance.
 - c) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
 - d) Stormwater compliance inspection fee prior to map filing or commencement of construction operations, whichever occurs first.
 - e) Annexation into the City of Lodi Community Facilities District – Estimated at \$10,000.
 - f) Reimbursement fees per existing agreements:
 - i) Resolution No. 2007-52 – Reimbursement for Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements in the amount of \$596,004 in 2007. This number is adjusted annually until time of payment.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

78. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed Van Ruiten Ranch subdivision, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriate or prescriptive rights to the City. The agreement will establish conditions and covenants running with the land for all lots in the subdivision and provide deed provisions to be included in each conveyance.
79. Reverse frontage walls, landscaping and irrigation improvements in Century Boulevard, Westgate Drive and Lower Sacramento Road and street trees in the parkways in the public rights-of-way within the subdivision boundaries are required and shall be constructed by the Developer at the Developer's expense to the approval of the Public Works Director and Community Development Director.

80. The Developer shall provide for on-going maintenance and replacement of reverse frontage walls, landscaping and irrigation improvements, street trees in the parkways, as well as other public services as set forth in Resolution No. 2007-59 approved by the City Council on April 4, 2007, by annexation to the City of Lodi Community Facilities District No 2007-1 prior to final map filing. All costs associated with annexation to the District shall be the Developer's responsibility. Developer shall be responsible for the regular and ongoing maintenance and replacement of the landscaping and irrigation improvements and street trees in the parkways until the first revenues are received by the City from the District.
81. Obtain the following permits:
- a) San Joaquin County well/septic abandonment permit.
 - b) Caltrans encroachment permit for work within their right-of-way.
 - c) City of Lodi encroachment permit for work within their right-of-way.
 - d) Construction General Permit for the SWPPP.

Dated: April 9, 2014

I certify that Resolution No. 14-13 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 9, 2014 by the following vote:

AYES: Commissioners: Heinitz, Kiser, Olson, Slater and Chair Jones

NOES: Commissioners: None

ABSENT: Commissioners: Hennecke and Kirsten

ATTEST


Secretary, Planning Commission

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 9, 2014**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 9, 2014 was called to order by Chair Jones at 7:00 p.m.

Present: Planning Commissioners – Heinitz, Kiser, Olson, Slater and Chair Jones

Absent: Planning Commissioners – Hennecke and Kirsten

Also Present: Interim Community Development Director Stephen Schwabauer, Senior Planner Craig Hoffman, Interim City Attorney Janice Magdich, Deputy Public Works Director Charles Swimley and Administrative Secretary Kari Chadwick

2. MINUTES

None

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for a Use Permit to allow a Type-48 On-Sale Beer, Wine and Distilled Spirits for The Barking Dog at 302 N. California Street. (Applicant: David Smith; File 13-U-15; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is not making a recommendation due to the past history with the establishment. A draft resolution for approval has been provided and some of the conditions were read allowed for the benefit of the audience.

Vice Chair Kiser asked why we are not considering the 300 foot measurement that is a part of our ordinance. Planner Hoffman stated that section is no longer a part of this Development Code. The new Development Code uses the General Plan requirements for noise and it is much more restrictive.

Commissioner Slater asked where the patrons are going to smoke. Planner Hoffman stated that to applicant would be a better person to answer that question.

Commissioner Heinitz disclosed that he walked the neighborhood and spoke with Ms Docktor, a resident who filed a letter against the project.

Hearing Opened to the Public

- David Smith, applicant, came forward to answer questions. Mr. Smith addressed the smoking issued brought up by Commissioner Slater. Smoking will need to be at least 20 feet from any entrance to the establishment. He stated that he personally walked the neighborhood and was able to speak with some, not all, of the residences. He was able to get a few signatures on a petition showing favor for the project.
- Commissioner Heinitz asked about the room that was built to shelter the noise from getting outside. Mr. Smith stated that he does not have any intentions of having loud music. He would like to take this back to what it was before the previous operator turned it into a nuisance.
- Commissioner Slater asked if the patrons will be smoking inside. Mr. Smith stated that they will not. Slater asked if they will be smoking out back. Mr. Smith stated that would be the preferred spot. Slater asked if Mr. Smith is prepared to conduct a smoke free bar. Smith stated he is prepared to have a smoke free bar.

- Chair Jones asked for clarification regarding the back patio. Hoffman stated that no one is to be on the back patio. It is only provided as an emergency exit.
- Larry Sausada, neighborhood resident, came forward to object to the project. He stated that the applicant and owner came to his residence to talk with him regarding the project and asked him to give them a chance to prove themselves. Mr. Sausada stated that he signed the petition based on what the gentleman told him. He is still concerned about the fact that he was told they wanted three months, but he isn't seeing that condition in the project. The problem with the smoking isn't the smoke; it's the volume and language.
- Lesley Docktor, neighborhood resident, came forward to object to the project. She pointed out her letter that she submitted. Ms Docktor does not feel this is a good location for a bar. In the past the problems have occurred typically after midnight, so if the applicant is going to be allowed to increase the hours that will be an issue. Commissioner Heinitz asked if Ms Docktor lived in the neighborhood when the bar was operated as the original Barking Dog. Ms. Docktor stated that yes she has lived there for a long time. She restated her concern for having a bar at this location.
- Tyler Montgomery, neighborhood resident, came forward to object to the project. He stated that Holly Drive is already an issue for speeding. In the past the bar patrons have parked on Holly so that the police won't see their vehicle in the bar parking lot.
- Mike Albert, neighborhood resident, came forward to object to the project. Since the bar has been closed the walking traffic from the bar and questionable driving traffic has not been an issue.
- Sarah Lee, neighborhood resident, came forward to object to the project. She stated that she is a long-time resident and was a patron on occasion of the original barking dog, but the current actions have been bad enough to convince her that this is not a good location for a bar.

Public Portion of Hearing Closed

- Commissioner Slater asked if the project can be conditioned to bring it back in ninety days. Planner Hoffman stated yes. Slater asked if the smoking can be conditioned. Director Schwabauer stated not the smoking, but the noise of the people congregating can be.
- Vice Chair Kiser stated that he cannot support this project in this location.
- Commissioner Heinitz stated that just because it was a bar doesn't mean it should be a bar again. The location no longer meets the criteria for allowing this type of establishment.
- Commissioner Olson stated that after all the concerns that have been expressed from the neighborhood residences she does not feel this is a good use at this location. If the bar is supposed to be a neighborhood bar the neighbor should want it there.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Slater second, denied the Use Permit to allow the sale of beer, wine and distilled spirits Alcoholic Beverage Control (ABC) Type 48 license at 302 / 310 North California Street. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Kiser, Olson, Slater and Chair Jones
Noes: Commissioners – None
Absent: Commissioners - Hennecke and Kirsten

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for Growth Management Allocation for 145 Low Density Residential Lots 55 Medium Density Residential Lots and 88 High Density Units; and A Vested Subdivision Map for the Van Ruiten Ranch Subdivision, a 74 acre, 288 unit subdivision; and Adopt Development Standards for the subdivision known as Van Ruiten Ranch Subdivision located within

Planned Development 41 Zoning District. (Applicant: Bennett Homes.; File #'s: 13-S-02 and 13-GM-02; CEQA Status: Project Environmental Impact Report, State Clearinghouse No. 2005092096, Certified on November 15, 2006)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Commissioner Kiser asked about the off-street parking and accessibility of the fire life safety vehicles. Planner Hoffman point out the area in the document to find the information that shows that there is room for those items. Kiser asked if there will be any mello rues for the project. Staff stated that the applicant will need to answer that question.

Commissioner Slater asked why Century Blvd isn't straighter. Hoffman stated that the bend is intended to slow drivers down. Slater stated that the future growth will extend west beyond the edge of this development and if Century Blvd is intended to be a thoroughfare shouldn't the street be straighter to allow for better traffic flow. Hoffman stated that the intent for this street is to be maintained as residential through this area. Slater stated his concerns about the planting areas being too small to accommodate mature trees. Hoffman stated that there will not be a meandering sidewalk which will allow for the five to six foot planting strips. Public Works Staff has taken a look at that and it is consistent with the City Standards.

Commissioner Heintz asked what type of buffer will be put in place to protect the residences from the current ag land operations. Hoffman stated that a right to farm notice will be a part of the disclosure to the property owners that will purchase in that area. Heintz stated that it would be a good idea to put some type of buffer until the future growth can occur.

Vice Chair Kiser expressed the same concern. A buffer can always be taken out when the growth occurs, but a buffer is a legitimate concern.

Chair Jones stated that as a good neighbor a buffer should be put in by the developer.

Commissioner Olson asked for clarification regarding the landscaping. Hoffman stated that the concern in the email states that the meandering sidewalk would cause the landscape area to narrow to a point that would not sustain a tree. Olson asked if staff is finding that the past landscape area isn't working. Schwabauer stated trees and sidewalks will never get along. When you start expanding the landscape strip then it affects the Housing Element standard. HCD gets concerned when you start building developments that are priced outside of the market. Olson asked if this is still going to add to a future expense. Schwabauer stated that every development could plant Crape Myrtles or maybe Chinese Pistash, but if you want a tree that is going to have a canopy you will eventually run into sidewalk issues. Olson asked about the storm water runoff running through the landscape strip. Deputy Public Works Director Swimley stated that this type of landscape strip will be similar to the one on Lower Sacramento Road north of Lodi Avenue without the meandering sidewalk, so it is not conducive to storm water runoff.

Vice Chair Kiser asked if purple pipe will be used on this project. Swimley stated that yes purple pipe will be used. Kiser asked if the standard regarding the type of trees to be planted in the landscape strip is being enforced on this project and he would also like to see a block wall built along the west side of the project. Swimley stated that the standard will be required to be followed. Block walls are required on reverse frontage, but not as a project boundary. This fence requirement is similar to what was approved with the Rose Gate project.

Commissioner Slater asked if the tree list has trees that are missile toe resistant. Swimley stated that staff has attempted to identify the trees that have shown resistance in the past to missile toe. Controlling it is a combination of annual maintenance an choosing the right trees.

Hearing Opened to the Public

- Dennis Bennett, representative for the Van Ruiten Ranch, came forward to answer questions.
- Commissioner Slater stated that he is also concerned about the wood fencing. Bennett stated that there are issues with any type of wall or fence. The wood fences will rot, but the block wall is a graffiti magnet. Slater asked if the wood will be pressure treated. Bennett

stated that he cannot guarantee that they will be. Slater asked staff if a requirement can be made to make the post for the fence pressure treated. Hoffman asked if this is only going to be along the western boundary. Slater state that he would like to see it there and it would be nice if all the wood fences in the development utilized pressure treated posts. Hoffman stated that the requirement could be justified for the western edge.

- Miranda O'Mahony, resident, came forward to express her concerns with the water shortage the area is experiencing and what steps this development is taking to alleviate the demand on the supply. Kiser stated that the purple pipe will address some of the recycling or repurposing of some of the water. Ms. O'Mahony stated that there are also landscaping choices that can help with water conservation. Swimley stated that the City has adopted the State's water conservation guidelines as part of our landscape ordinance.

Public Portion of Hearing Closed

- Commissioner Slater would like to amend the conditions to state that the fence posts in the fence on the western edge be pressure treated. Kiser stated that metal posts are now made and will last twice as long. Slater stated that he would defer to Kiser. Schwabauer asked for clarification that the fence will be built with that phase of development not prior. Commissioners agreed. Jones disagreed with the requirement. He doesn't feel that it is going to be necessary once the development gets to that stage.
- Planner Hoffman pointed out that a revised resolution has been provided on blue sheet.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Olson second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15153. The project is consistent with the findings of the previous environmental documents prepared for the Van Ruiten Ranch development and recommend the City Council approve the requested growth allocation and vesting tentative subdivision map. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Kiser, Olson, Slater and Chair Jones
Noes: Commissioners – None
Absent: Commissioners - Hennecke and Kirsten

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for a Use Permit to allow a personal fitness training studio within an existing industrial building located at 700 E. Pine Street. (Applicant: Carl Hultgren; File 2014-05 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Hearing Opened to the Public

- Carl Hultgren, applicant, came forward to answer questions. He believes this is a perfect location for his project.
- Chair Jones asked if there will be equipment put in the building. Mr. Hultgren stated that the purpose is to use your own body weight. Primarily resistance training.
- Commissioner Olson asked if there are set class times. Hultgren stated that it is mostly group training in specific classes.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Slater second, finds the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15032 and approves the Use Permit for the Pure Form PFT to operate within the Industrial zone subject to the findings and conditions of approval contained in the draft Resolution. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Kiser, Olson, Slater and Chair Jones
Noes: Commissioners – None
Absent: Commissioners - Hennecke and Kirsten

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

4. ART IN PUBLIC PLACES

None

8. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

9. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

Commissioner Heinitz wanted clarification as to whether or not a condition was added on item 3b for the fence. Slater stated that he did not add that for this project, but would like to bring the discussion back for future developments. Other Commissioners stated their desire to see an improvement to the fencing requirements for these types of developments.

Commissioner Jones stated that he has more problems with the requirements for low-density and medium-density lot sizes and the narrow streets. He also added that he is a fan of gated communities, but acknowledges that those are the guidelines the Commission has to follow.

Vice Chair Kiser asked if development agreements are going to be reconsidered. Schwabauer stated that you need to have a hammer to get a developer to agree. In the past we had the annexation as that hammer. We are not looking forward to an annexation in the near future.

10. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:51 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LODI APPROVING THE PLANNING
COMMISSION'S RECOMMENDATION FOR THE
2014 GROWTH MANAGEMENT ALLOCATIONS
FOR VAN RUITEN RANCH

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the 2014 Growth Management Allocation as recommended by the Lodi Planning Commission, as shown as follows:

	<u>Requested 2014 Allocations</u>	<u>Recommended 2014 Allocations</u>
Van Ruiten Ranch	145 Low-Density	145 Low-Density
Van Ruiten Ranch	55 Medium-Density	55 Medium-Density
Van Ruiten Ranch	88 High-Density	88 High-Density
TOTAL	288	288

Dated: May 21, 2014

=====

I hereby certify that Resolution No. 2014-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 21, 2014, by the following vote:

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

RANDI JOHL-OLSON
City Clerk



*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 ADOPTING RESOLUTION APPROVING THE PLANNING COMMISSION'S RECOMMENDATION TO AUTHORIZE 145 LOW-DENSITY RESIDENTIAL, 55 MEDIUM-DENSITY RESIDENTIAL, AND 88 HIGH-DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS FOR VAN RUITEN RANCH SUBDIVISION

PUBLISH DATE: SATURDAY, MAY 10, 2014

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL-OLSON
LNS ACCT. #0510052 CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MAY 8, 2014

ORDERED BY: RANDI JOHL-OLSON
CITY CLERK

Jennifer M. Robison
JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK

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

LNS Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ JMR _____ MD (initials)



DECLARATION OF POSTING

**PUBLIC HEARING TO CONSIDER ADOPTING RESOLUTION APPROVING
THE PLANNING COMMISSION'S RECOMMENDATION TO AUTHORIZE
145 LOW-DENSITY RESIDENTIAL, 55 MEDIUM-DENSITY RESIDENTIAL, AND
88 HIGH-DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS
FOR VAN RUITEN RANCH SUBDIVISION**

On Thursday, May 8, 2014, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adopting resolution approving the Planning Commission's recommendation to authorize 145 low-density residential, 55 medium-density residential, and 88 high-density residential Growth Management Allocations for Van Ruiten Ranch Subdivision (attached and marked as Exhibit A) was posted at the following locations:

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 8, 2014, at Lodi, California.

ORDERED BY:

**RANDI JOHL-OLSON
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER ADOPTING RESOLUTION APPROVING THE PLANNING COMMISSION'S RECOMMENDATION TO AUTHORIZE 145 LOW-DENSITY RESIDENTIAL, 55 MEDIUM-DENSITY RESIDENTIAL, AND 88 HIGH-DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS FOR VAN RUITEN RANCH SUBDIVISION

On Thursday, May 8, 2014, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider adopting resolution approving the Planning Commission's recommendation to authorize 145 low-density residential, 55 medium-density residential, and 88 high-density residential Growth Management Allocations for Van Ruiten Ranch Subdivision, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

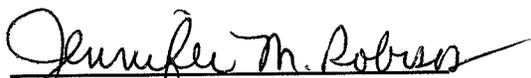
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

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

Executed on May 8, 2014, at Lodi, California.

ORDERED BY:

RANDI JOHL-OLSON
CITY CLERK, CITY OF LODI


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 21, 2014

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl-Olson

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 21, 2014**, 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 item:

- a) **Adopt resolution approving the Planning Commission's recommendation to authorize 145 low-density residential, 55 medium-density residential, and 88 high-density residential Growth Management Allocations for Van Ruiten Ranch Subdivision.**

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

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

By Order of the Lodi City Council:

Randi Johl-Olson
City Clerk

Dated: May 7, 2014

Approved as to form:

Janice Magdich
Interim City Attorney

PARCEL	OWNER	ATTN	ADDRESS	CITY	STATE	ZIP
5803004	LODI LSR PROPERTIES LLC		10100 TRINITY PKWY STE 420	STOCKTON	CA	95219
5803006	HOWARD INVESTMENTS LLC ETAL	MATTEUCCI	2522 GRAND CANAL BLVD STE 15	STOCKTON	CA	95207
5803009	REICHMUTH, ANDREW T ETAL	VICTORIA L BOCK TR	424 DAISY AVE	LODI	CA	95240
5803012	WAL MART REAL EST BUSINESS TRU	RE PROPERTY TAX DEPT	MAIL STOP 0555	BENTONVILLE	AR	72716
5803014	VAN RUITEN RANCH LP		PO BOX 520	WOODBIDGE	CA	95258
5803015	VAN RUITEN RANCH LP		PO BOX 520	WOODBIDGE	CA	95258
5803016	LODI LSR PROPERTIES LLC		10100 TRINITY PKWY STE 420	STOCKTON	CA	95219
5803017	VAN RUITEN RANCH LP		PO BOX 520	WOODBIDGE	CA	95258
5803018	VAN RUITEN RANCH LP		PO BOX 520	WOODBIDGE	CA	95258
5804001	SCHUMACHER, WELDON & BONNIE TR		1303 RIVERGATE DR	LODI	CA	95240
5814012	PETERSON, MINTON BILLIE & KARL		PO BOX 473	LOCKEFORD	CA	95237
5814051	LODI CITY OF		PO BOX 3006	LODI	CA	95241
5814052	PETERSON, MINTON BILLIE & KARL		PO BOX 473	LOCKEFORD	CA	95237
5823023	LODI, CITY OF		CITY HALL	LODI	CA	95240
5823024	LODI CITY OF		PO BOX 3006	LODI	CA	95241
applicant	BENNETT HOMES, INC		P.O. BOX 1597	LODI	CA	95241



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Re-Post for Vacancies on the Lodi Improvement Committee

MEETING DATE: May 21, 2014

PREPARED BY: City Clerk

RECOMMENDED ACTION: Direct the City Clerk to re-post for vacancies on the Lodi Improvement Committee.

BACKGROUND INFORMATION: On two occasions, the City Clerk was directed to post for vacancies on the Lodi Improvement Committee. No applications were received during the recruiting process. Therefore, it is recommended that the City Council direct the City Clerk to re-post for the two existing vacancies on the Committee to remain open until filled. Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

Lodi Improvement Committee

One Vacancy	Term to expire March 1, 2014
One Vacancy	Term to expire March 1, 2015

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Randi Johl-Olson
City Clerk

RJO/JMR

APPROVED: _____
Stephen Schwabauer, Interim City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report
MEETING DATE: May 21, 2014
PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through April 30, 2014.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: See attached.

Randi Johl-Olson
City Clerk

RJO/JMR

Attachment

APPROVED: _____
Stephen Schwabauer, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Authorize City Manager to Execute Addendum to Memorandum of Understanding between Visit Lodi! Conference and Visitors Bureau and the City of Lodi

MEETING DATE: May 21, 2014

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Authorize City Manager to execute Addendum to Memorandum of Understanding between Visit Lodi! Conference and Visitors Bureau and the City of Lodi

BACKGROUND INFORMATION: The City and Visit Lodi! Conference and Visitors Bureau (Visit Lodi!) entered into a Memorandum of Understanding (MOU) in 2009 that expires on June 30, 2014. Council indicated to staff during a Shirt-sleeve meeting on April 29, 2014 their desire to extend the term of that MOU for an additional 3 years. The attached addendum accomplishes that desire.

Financial terms remain the same in that the City will provide 19 percent of its Transient Occupancy Tax (TOT) to Visit Lodi!. Additionally, the addendum requires that Visit Lodi! work diligently toward raising their business improvement district fees from three percent (3%) to four and a half percent (4.5%) before the end of the extended term of the MOU.

FISCAL IMPACT: Funding for Visit Lodi! Is expected to generate an unknown amount of additional funding for local merchants and the City as tourism dollars are spent locally.

FUNDING AVAILABLE: Funding of \$114,500 is included in FY 2014/15 budget

Jordan Ayers
Deputy City Manager

JA/

Attachments

cc: Nancy Beckman

APPROVED: _____
Stephen Schwabauer, Interim City Manager

ADDENDUM TO MEMORANDUM OF UNDERSTANDING
(VISIT LODI! CONFERENCE & VISITORS BUREAU FUNDING)

THIS ADDENDUM made and effective this ____ day of _____, 2014, by and between the CITY OF LODI, a municipal corporation, hereinafter called "CITY", and VISIT LODI! CONFERENCE AND VISITORS BUREAU, hereinafter called ("Visit Lodi!")

WITNESSETH:

1. AGREEMENT: Visit Lodi! and City, entered into a Memorandum of Understanding for funding of the Visit Lodi! Conference & Visitors Bureau on September 4, 2009. Visit Lodi! and City now desire to extend the term of the Agreement.
2. TERM AND TERMS: The term of the Addendum shall be for the period commencing on July 1, 2014 and terminating June 30, 2017. All other terms and conditions, including compensation paid to Visit Lodi!, will remain as set forth in the Memorandum of Understanding, attached hereto as Exhibit A and made a part hereof as though fully set forth herein.
3. Visit Lodi! shall pursue good faith efforts to propose, promote, and attempt to implement a 1.5 percent addition to its current business improvement district (BID) assessment to be in place prior to the expiration of this Addendum.

CITY OF LODI, a municipal corporation

VISIT LODI! LODI CONFERENCE AND
VISITORS BUREAU

STEPHEN SCHWABAUER
Interim City Manager

NANCY BECKMAN
Executive Director

Attest:

RANDI JOHL-OLSON
City Clerk

Approved as to Form:

JANICE D. MAGDICH
Interim City Attorney



Memorandum of Understanding
(Visit Lodi! Conference & Visitors Bureau Funding)

THIS Memorandum of Understanding ("Agreement") is entered into as of this 4th day of September, 2009, by VISIT LODI! CONFERENCE AND VISITORS BUREAU ("Visit Lodi!") and the CITY OF LODI, ("City").

Background

A. The Lodi City Council formed the Lodi Tourism Business Improvement District (LTBID) in adopting Ordinance 1753 pursuant to Streets and Highways Code Sections 36500. Ordinance 1753 was codified in Lodi Municipal Code Section 12.07 and later repealed and reenacted by Ordinance 1818. Visit Lodi! Administers the funds raised under the LTBID assessments. The City has historically provided additional funding for Visit Lodi! programs without a written agreement.

B. It is the intent of this agreement to replace any prior agreements, clarify the relationship between the parties and foster the continued positive working relationship for the betterment of tourism in Lodi.

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

Agreement

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

1. Funding. The City will provide funding for Visit Lodi! programs laid out in paragraph 2 of this Agreement equal to 19% of the City's Transient Occupancy Tax (TOT) collections. Payments will be made quarterly in the first 15 days of each quarter based upon the TOT revenue projections made in the applicable year's adopted budget. If actual revenues exceed budget projections, true-up payments will be made semi-annually in arrears. If actual revenues are lower than budget projections, true-up reductions will be applied to the following quarter's payments. City Funding shall not be used for any purpose prohibited by law with regard to public dollars including but not limited to political or religious purposes.

2. Visit Lodi! Services: Contract funding will be used to market and sell Lodi as a visitor destination. Scope of services include:

- Advertising
- Direct mail marketing
- Attending leisure travel tradeshow
- Attending group sales shows
- Producing quarterly mailers to group decision makers
- Hold quarterly FAM tours for meeting planners and group decision makers
- Produce annual Taste of Lodi event
- Produce visitor publications including:
 - Visitor guide
 - LodiView (monthly email event calendar)
 - Annual Attraction Map & Guide
 - Meeting Facilities brochure

Maintain visitor website
Fulfill requests for visitor information

3. Annual Reporting/Consultation. Visit Lodi shall account for all expenditures made of funds provided pursuant to this Agreement and shall annually report to the City Council regarding the same. To the extent feasible, the required annual report shall designate those tasks funded by TOT revenue, and shall include performance measures so success can be verified. No less than annually, Visit Lodi shall meet and confer with the City Manager or designee in order to evaluate activities and tasks.

4. No Joint Venture. The parties acknowledge that no joint venture is created by this contract and that no relationship or rights exist between the parties other than those expressly created by this Agreement.

5. Term. The term of this Agreement shall be from July 1, 2009 to June 30, 2014 unless otherwise terminated as provided herein.

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

7. Optional Termination. The City may terminate this Agreement without notice if successful efforts to dissolve the LTBID are instituted under the provisions of Streets and Highways Code Sections 36500 and following.

8. Indemnity and Insurance.

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

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

b. Defense of Indemnitees: In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, Indemnitor shall, upon reasonable prior written notice from any of the Indemnitees, at Indemnitor's sole cost and expense, resist and defend the same with legal counsel mutually selected by the parties; provided however, that the parties must not admit liability in any such matter without written consent, which consent must not be unreasonably withheld, conditioned or delayed, nor enter into any compromise or settlement of, any claim for which

they are indemnified hereunder, without prior written consent. The indemnifying party's duty to defend shall begin upon receipt of a written notice identifying with specificity the allegations that give rise to this duty to defend and shall be co-extensive with the indemnifying party's indemnification obligation.

- c. Notice, Cooperation and Expenses: Each party must give the other prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this paragraph. Nothing herein shall be deemed to prevent either party from cooperating with the other and participating in the defense of any litigation by its own counsel. However, Indemnitor shall pay all reasonable expenses incurred by Indemnitees in response to any such actions, suits or proceedings. These expenses shall include all reasonable out-of-pocket expenses such as reasonable attorney fees and shall also include the reasonable value of any services rendered by Indemnitees' attorney, and the actual reasonable expenses of Indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by Indemnitees in connection with such suits, actions or proceedings but shall not include attorneys' fees for services that are unnecessarily duplicative of services provided Indemnitees by Indemnitor.

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

- d. Insurance: During the term of the Agreement, Visit Lodi! must maintain, or cause to be maintained, in full force and effect and at their sole cost and expense, the following types and limits of insurance:
- i. To the extent required by law, worker's compensation insurance meeting applicable statutory requirements and employer's liability insurance with minimum limits of One Hundred Thousand Dollars (\$100,000.00) for each accident.
 - ii. Comprehensive commercial general liability insurance with minimum limits of Two Million Dollars (\$2,000,000.00) as the combined single limit for each occurrence of bodily injury, personal injury and property damage.
 - iii. All policies other than those for Worker's Compensation shall be written on an occurrence and not on a "claims made" basis.
 - iv. The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as in combination the limits equal or exceed those stated.
- e. Named Insureds: All policies, except for workers compensation policies, shall name City and all of their associated, affiliated, allied and subsidiary entities, now existing or hereafter created, and their respective officers, boards, commissions,

employees, agents and contractors, as their respective interests may appear as additional insureds (herein referred to as the "Additional Insureds"). Each policy which is to be endorsed to add Additional Insureds hereunder shall contain cross-liability wording, as follows:

"In the event of a claim being made hereunder by one insured for which another insured is or may be liable, then this policy shall cover such insured against whom a claim is or may be made in the same manner as if separate policies had been issued to each insured hereunder."

f. Evidence of Insurance: Visit Lodi! shall file certificates of insurance for each insurance policy required to be obtained in compliance with this paragraph, along with written evidence of payment of required premiums with the City annually during the term of the Agreement. City shall immediately advise Visit Lodi! of any claim or litigation that may result in liability to Visit Lodi!. Visit Lodi! shall immediately advise City of any claim or litigation that may result in liability to City.

g. Cancellation of Policies of Insurance: Visit Lodi!' insurance policies maintained pursuant to this Agreement shall contain the following endorsement:

"At least thirty (30) days prior written notice shall be given to City by the insurer of any intention not to renew such policy or to cancel, replace or materially alter same, such notice to be given by registered mail to the parties named in this paragraph of the Agreement."

h. Self-Insurance: The City's insurance requirements set forth herein may be satisfied by a self-insurance program that complies with all laws and regulations governing self-insurance.

9. Notices. Except as otherwise provided for in this Agreement to the contrary, all notices, demands and other communications required or contemplated to be given under this Agreement shall be in writing and shall be delivered either by (i) postage prepaid, Returned Receipt Requested, Registered or Certified Mail, (ii) local or air courier messenger service, (iii) personal delivery, or (iv) facsimile addressed to the party or parties for whom intended at the address shown below or such other address as the intended recipient previously shall have designated by written notice from time to time (provided, however, notice of a change of address or facsimile number shall be effective only upon receipt):

If to City, to:

City of Lodi
P. O. Box 3006
221 W. Pine Street
Lodi, CA 94240
Fax # (209) 333-6807
Attn: Jordan Ayers

If to VISIT LODI!, to:

Visit Lodi! Lodi Conference and Visitors Bureau
115 South School Street, Suite 9
Lodi, California 95240
Fax# (209) 365-1191
Attn: Nancy Beckman

10. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties, their respective successors, personal representatives and assigns.

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

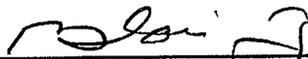
12. Miscellaneous.

- a. Visit Lodi! and City represent that each, respectively, has full right, power, and authority to execute this Agreement.
- b. This Agreement constitutes the entire agreement and understanding of the parties and supersedes all offers, negotiations, and other agreements of any kind. There are no representations or understandings of any kind not set forth herein. Any modification of or amendment to this Agreement must be in writing and executed by both parties.
- c. This Agreement shall be construed in accordance with the laws of the State of California.
- d. This Agreement supersedes any prior written or oral agreement between the City and Visit Lodi!.

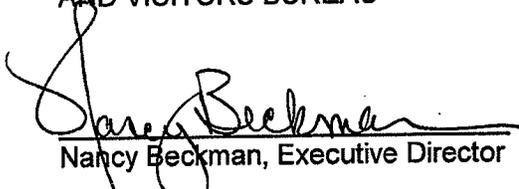
This Agreement was executed as of the date first set forth above and effective as of the date set forth in Section 4 above.

CITY OF LODI, a municipal corporation

VISIT LODI! LODI CONFERENCE
AND VISITORS BUREAU



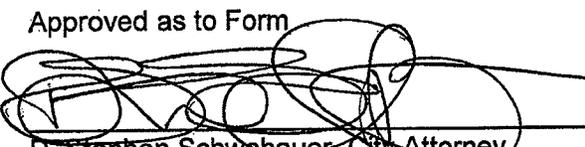
Blair King, City Manager



Nancy Beckman, Executive Director

Attest:


Randi Johi, J.D., City Clerk

Approved as to Form


D. Stephen Schwabauer, City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Direct Staff Regarding Provision of Industrial Wastewater Treatment Service to Michael/David Winery, LLC

MEETING DATE: May 21, 2014

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Direct staff regarding provision of industrial wastewater treatment service to Michael/David Winery, LLC.

BACKGROUND INFORMATION: On March 15, 2006, City Council approved the Memorandum of Understanding (MOU) with Michael/David Winery, LLC (Winery) and Jesse's Grove Winery to truck industrial effluent to White Slough Water Pollution Control Facility and to open a joint downtown wine tasting room that is provided in Exhibit A. The MOU granted to Michael/David Winery, LLC, up to 700,000 gallons per year of industrial treatment capacity. Subsequently, additional industrial treatment capacity has been granted in increments of 300,000 and 500,000 gallons for a total of 1.5 million gallons per year.

The Winery has requested permission to discharge up to 10.0 million gallons per year of winery waste (no domestic waste) into the City's industrial wastewater line located south of the Winery. The Winery would construct a storage tank and pumping facilities, to be owned and operated by the Winery, and an 11,500 foot long force main pipe, to be owned and operated by the City, from the Winery to the industrial wastewater line. The conceptual design and alignment information is presented in Exhibit B.

The public facilities would be located within San Joaquin County road right-of-way. Permitting and environmental review would be performed by the County at the Winery's cost. City staff and other costs would be reimbursed by the Winery under an existing reimbursement agreement between the City and Winery. The City and Winery would construct, operate and maintain the facilities under an agreement to be presented to the City Council for consideration at a future date.

In exchange for the industrial wastewater treatment service, the Winery will pay 150 percent of the normal industrial waste treatment charge and will agree to accept recycled water for all vineyard irrigation at the future time the City makes that water available at the property.

Staff requests the City Council provide direction regarding its desire to process the Winery's request and express its intention to enter into a long-term construction, maintenance and operations agreement for the treatment of up to 10.0 million gallons per year of industrial wastewater from the Winery operations.

FISCAL IMPACT: Not applicable

FUNDING AVAILABLE: Not applicable

F. Wally Sandelin
Public Works Director

FWS/pmf
Attachments

APPROVED: _____
Stephen Schwabauer, Interim City Manager

**Michael/David Winery
Industrial Waste Connection Memorandum of Understanding**

THIS AGREEMENT is entered into this 10th day of October 2006, (the "Effective Date"), between MICHAEL/DAVID WINERY, LLC ("Winery") and the CITY OF LODI, a municipal corporation organized and existing under the laws of the State of California ("City").

RECITALS

This Agreement is predicated upon the following findings:

A. Winery is the owner of a Wine Production Facility located at 4580 W. Highway 12, San Joaquin County, California which is outside the corporate limits of the City of Lodi. Winery intends to submit an application to truck in their Industrial effluent to the City's Industrial Waste Water Treatment Plant. ("Project")

B. As more fully detailed in Ordinance No. 1764, the City, through its general plan is committed to encouraging agricultural uses in the area surrounding the City and discouraging urban uses. Providing industrial sewer service to wineries encourages agricultural uses by making them more economical.

NOW THEREFORE, the parties agree as follows:

1. Definitions. Unless otherwise defined in this agreement, all capitalized terms will have the definitions ascribed to them in Lodi Municipal Code Section 13.12.020.
 - a. "Downtown Lodi" means the area bordered by Church Street, Lodi Avenue, Union Pacific Railroad and Lockeford Street.
2. Terms of Connection. Any delivery of trucked effluent permitted pursuant to the Agreement shall be subject to the following minimum terms:
 - a. Permit: Winery shall comply with the terms of the Industrial System Discharge Permit to be issued by the City which will include but not be limited to limitations on maximum flow, BOD, ph, TDS and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the City's NPDES Permit. Winery will only be allowed to dispose of Industrial Waste water. No sanitary waste will be delivered to the City's Industrial Waste Water Treatment Plant.
 - b. Volume: The volume of trucked effluent shall not exceed 525,000 gallons between September 1 and May 31.
 - c. Rate/Surcharge: Winery's charge for trucked effluent will be as established by the City for Industrial Waste system customers plus a 50% surcharge at the current rates. Current annual charge based on 700,000 gallons with a BOD of 8,170 mg/L is \$3,008.00 including the surcharge.

- d. **Capacity Charge:** Winery shall pay a one-time capacity charge of \$16,492.00 upon delivery of the first load of trucked effluent. Additional one time capacity charges at the current City rates will apply for each increment of effluent over 700,000 gallons.
 - e. **Downtown Tasting Room:** Winery shall open and operate a tasting room in Downtown Lodi during the entire term of its trucked effluent disposal agreement with the City. The tasting room shall be operated within the following minimum requirements:
 - i) The wine tasting room must be established and open for business before delivery of trucked effluent.
 - ii) The tasting room shall be at least 500 square feet and have wine available for tasting and sale, wine related merchandise for sale and be open a minimum of 40 hours per week, including Saturday and Sunday.
 - iii) If Downtown Tasting Room closes, this Agreement will terminate and the City will not consider a new agreement to treat winery's effluent for 12 months from the closure date.
 - f. The agreement cannot be assigned and is only for the use of Winery.
3. Binding Effect of Agreement. Winery's obligations under paragraph two of this Agreement will only be triggered if all approvals necessary to secure that the trucked effluent disposal agreement is secured.
4. Reimbursement. Winery shall reimburse the City for all costs incurred by the City in connection with the Project. The City will provide Winery with an estimate of these costs in advance of delivery of trucked effluent. Winery shall deposit the estimate with the City within 30 days of receiving the estimate. City will bill all costs against the deposit. In the event the deposit is exceeded, Winery shall pay the difference to the City within 30 days of notice. Any excess will be refunded to Winery within 30 days.
5. Delivery. Winery shall be solely responsible for delivering the trucked effluent to Lodi's Industrial Waste Water Treatment Plant.
6. Relationship of Parties.
- a. It is understood that the contractual relationship between the City and Winery is such that Winery is an independent contractor and not the agent of the City; and nothing herein shall be construed to the contrary.
 - b. City and Winery agree that nothing contained herein or in any document executed in connection herewith shall be construed as making Winery and City joint venturers or partners.

- c. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.

7. No Entitlements Granted. Nothing in this Agreement shall provide Winery with any right to secure approval of any connection or other entitlement. In addition, Winery agrees that it will have no rights to: select the Environmental Review Consultant, if one is required; or direct the work, response times, recommendations or approvals of the Consultant.

8. Notices. All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the City and Winery and its representative and Winery's successors and assigns. Notice shall be effective on the date it is delivered in person, or the date when the postal authorities indicate the mailing was delivered to the address of the receiving party indicated below:

Notice to City: City of Lodi
City Manager
221 W. Pine Street
Lodi, CA 95240

Notice to Winery: Michael/David Winery, LLC
4580 West Highway 12
Lodi, CA 95242

9. Indemnification, Defense and Hold Harmless.

- a. Winery agrees to and shall indemnify, defend and hold the City, its council members, officers, agents, employees and representatives harmless from liability for damage or claims of damage, for personal injury, including death, and claims for property damage which may arise from this agreement.
- b. Winery's obligation under this section to indemnify, defend and hold harmless the City, its council members, officers, agents employees, and representatives shall not extend to liability for damage or claims for damage arising out of the sole negligence or willful act of the City, its council members, officers, agents, employees or representatives. In addition, Winery's obligation shall not extend to any award of punitive damages against the City resulting from the conduct of the City, its council members, officers, agents, employees or representatives.
- c. With respect to any action challenging the validity of this Agreement or any environmental, financial or other documentation related to approval of this Agreement, Winery further agrees to defend, indemnify, hold harmless, pay all damages, costs and fees, if any incurred to either the City or plaintiff (s) filing such an action should a court award plaintiff(s)

damages, costs and fees, and to provide a defense for the City in any such action.

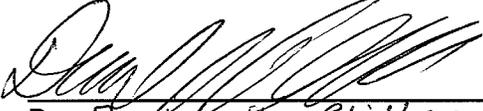
IN WITNESS WHEREOF this Agreement has been executed by the parties on the day and year first above written.

CITY OF LODI, a municipal corporation

MICHAEL/DAVID WINERY, LLC

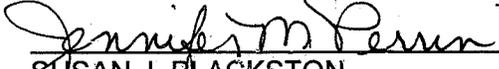


BLAIR KING
City Manager



By: David J. Phillips
Its: President

ATTEST:


for SUSAN J. BLACKSTON
City Clerk

APPROVED AS TO FORM:



D. STEPHEN SCHWABAUER
City Attorney

MEMORANDUM

May 1, 2014

To: Wally Sandelin, City of Lodi Public Works Director

Subject: Preliminary Pipeline Alignment and Design Concepts

Project: City of Lodi / Michael David Winery Force Main Project

From: Neal T. Colwell, P.E. and Elizabeth R. Schlegel, P.E.

This memorandum has been prepared to present preliminary design concepts and preliminary pipeline alignments as previously presented to the City of Lodi Public Works Department by Michael-David Winery. The purpose of developing these preliminary alignments is to garner concurrence by the City of Lodi Public Works Department prior to proceeding with topographic surveys and preliminary design engineering for the pipeline design. The attached preliminary alignment is based on the following design concepts:

1. The City of Lodi force main discharge pipe will commence at the Michael-David winery site at the right-of-way line adjacent to Ray Road at the approximate location of the winery's truck delivery driveway. The pipeline will consist of a buried 6" HDPE force main pipeline, located within the following County Roads:
 - a. Ray Road
 - b. Kingdon Road (preferred alignment only)
 - c. Neely Road (preferred alignment only)
 - d. Tredway Road
 - e. DeVries Road

The pipeline location will be determined to minimize potential conflicts with existing utilities in the project area, and to minimize traffic and access impacts during both construction and future maintenance activities. The force main pipeline diameter has been determined based on both existing and proposed future design pumping rates, and will achieve moderate flow velocities to minimize power consumption while reaching self-cleansing velocities.

2. The pipeline alignment will follow a clear route along one of the two proposed alignments. KSN has completed right-of-way research along both alignments, and has located no documentation that would disallow the installation of the proposed force main in either alignment.
3. The proposed alignment will be designed to run adjacent to or underneath the county roads identified above, as right-of-way and site conditions permit. Where the pipeline is installed under unpaved surfaces, the trench area will be restored and stabilized to prevent erosion. Where the pipeline is installed under county roadways,

the road structural section will be matched, with the asphalt and aggregate base depths meeting the San Joaquin County Improvement Standards.

4. At the connection with the existing City of Lodi industrial wastewater outfall, the force main will be connected into the existing pipeline with an outfall structure or pipe system yet to be determined. This structure will direct the discharge from the force main into the existing pipeline to minimize spray, splashing, and conditions with potential to cause corrosion and odor problems.
5. The pump station and associated structures connecting to the force main will be located on the Michael-David Winery property, and will be built as a separate project to the right-of-way line adjacent to Ray Road. These facilities will be sized according to the flow requirements of the Winery to accommodate the Winery's existing peak washwater flow rate and future projected peak washwater flow rate. The winery's flow rates are anticipated to be approximately as follows:

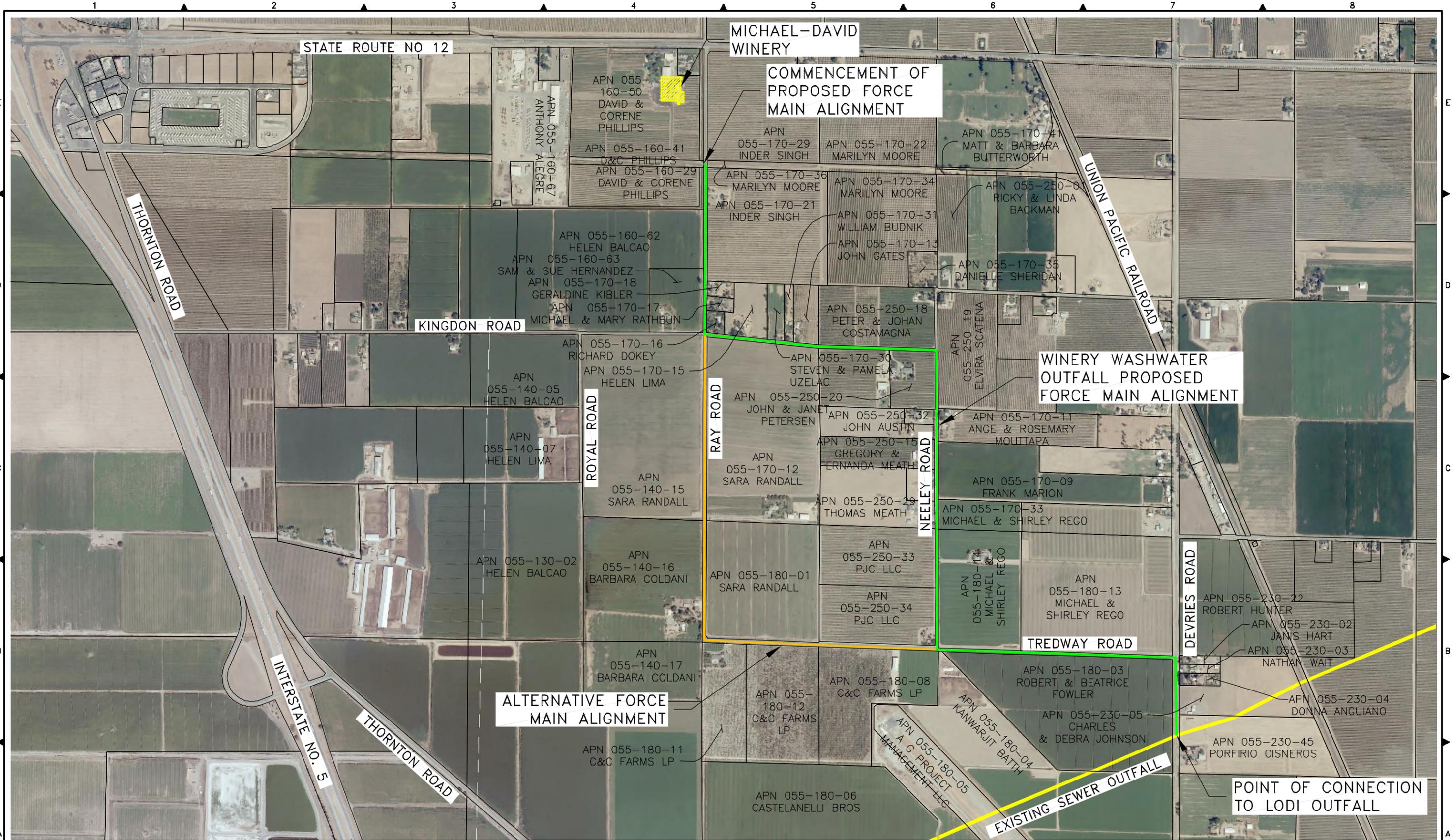
Flow Rate Type	Annual Flow Rate (MG/year)	Anticipated Peak Flow Rate (gpm)	Design Pumping Rate (gpm)
Existing Washwater Usage Rate	1.2	45	200
Future Projected Washwater Usage Rate	10	376	460

6. The pumps selected for the existing washwater usage flow rate will be sized so that the flow rate out of the pump station will reach self-cleansing velocities in the force main.
7. The pump station design will include a source of water to flush residual washwater and solids out of the force main.
8. A Preliminary Opinion of Probable Construction Cost has been provided as Exhibit B. This reflects the probable cost of constructing the force main from the Michael-David Winery right-of-way line adjacent to Ray Road to the outfall at the City of Lodi industrial wastewater pipeline, and does not include costs associated with construction of the pump station.

Enclosure

- Exhibit A – Preliminary Alignment
- Exhibit B – Preliminary Opinion of Probable Construction Cost

FILE SPEC: P:\2199_Michael-David_Winery\0010_Process_Washwater_ROW&Prelim_Design\05_Civil\700_Exhibits\140501-COL-WW_Pipeline_Alignments.dwg
 PLOT DATE: May 02, 2014 - 5:34pm



LEGEND:
 — SJCO GIS PARCEL LINEWORK
 — APPROXIMATE CITY OF LODI SEWER OUTFALL

KSN INC.
KJELDSSEN SINNOCK NEUDECK
 Civil Engineers and Land Surveyors
 711 N. Pershing Avenue
 Stockton, CA 95203-2152
 Office: (209) 946-0268
 Faxes: (209) 946-0296
 E-mail: KSN@ksninc.com

Scale
 1" = 800'
 Original Drawing Scale
 0 1/2" 1"



CITY OF LODI /
 MICHAEL-DAVID WINERY
 PROCESS WASHWATER PIPELINE
 PROPOSED ALIGNMENT

EXHIBIT
 A
 PAGE 1

City of Lodi / Michael-David Winery					
Industrial Process Washwater Discharge Force Main					
Preliminary Design					
Preliminary Opinion of Probable Construction Costs					
Division & Item No.	Item Description	Qty.	Unit	Unit Price⁽¹⁾	Total⁽²⁾
1 GENERAL REQUIREMENTS					
1.1	Mobilization and Demobilization	1.0	LS	\$ 62,000.00	\$ 62,000
1.2	Construction Staking	1.0	LS	\$ 25,000.00	\$ 25,000
1.3	Traffic Control & Signage	1.0	LS	\$ 52,000.00	\$ 52,000
2 SITE WORK					
2.1	Pipeline Excavation and Shoring	8,519	CY	\$ 25.00	\$ 210,000
2.2	6" HDPE Force Main Pipe	11,500.0	LF	\$ 25.00	\$ 460,000
2.3	Pipeline Backfill (Native)	8,519	CY	\$ 25.00	\$ 210,000
2.4	AC Patching	852	TON	\$ 100.00	\$ 85,000
2.5	Access Structures (Manholes or Utility Vaults)	29	EA	\$ 5,500.00	\$ 160,000
15 MECHANICAL					
15.1	Small Piping	1.0	LS	\$ 20,000.00	\$ 20,000
15.2	Air/Vacuum Valves (Locations TBD)	1.0	LS	\$ 28,800.00	\$ 29,000
15.3	6-inch Plug Valve	31.0	EA	\$ 1,500.00	\$ 47,000
SUBTOTAL					\$ 1,360,000
CONTINGENCY 30%					\$ 408,000
TOTAL, 6-INCH FORCE MAIN					\$ 1,768,000

NOTES:

(1) Based on an ENR CCI of 9749.51, April 2014.

(2) Total costs are rounded to two significant figures.