



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: September 21, 2016

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo

City Clerk

Telephone: (209) 333-6702

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

C-1 Call to Order / Roll Call – 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 Appreciation to Family of Rowland Cheney for Art Contributions to City of Lodi and Arts Commission (PRCS)

B-2 Fire Prevention Week Proclamation (FD)

B-3 Firefighter Memorial Month Proclamation (FD)

B-4 Lodi Fire Department Pink October Breast Cancer Awareness Month Fundraiser Proclamation (FD)

B-5 #PinkPatchProject Proclamation (PD)

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

C-1 Receive Register of Claims in the Amount of \$4,474,640.41 (FIN)

C-2 Approve Minutes (CLK)

a) August 30 and September 6, 2016 (Shirtsleeve Sessions)

b) September 7, 2016 (Regular Meeting)

Res. C-3 Adopt Resolution Accepting Improvements Under Contract for Lodi Lake Park – Boat Launch Facility Improvements and Appropriating Funds (\$46,000) (PW)

Res. C-4 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with DC Frost Associates, Inc., of Walnut Creek, for Purchase of Ultra Violet Disinfection Replacement Parts (\$220,000) (PW)

Res. C-5 Adopt Resolution Authorizing City Manager to Execute TASER Body Camera Contract for Four Docking Stations and Wall Mounts (\$10,851.91) (PD)

Res. C-6 Adopt Resolution Authorizing City Manager to Execute Improvement Deferral Agreement for 25, 27, and 31 East Vine Street (PW)

Res. C-7 Adopt Resolution Approving Application for Youth Soccer and Recreational Development Program Grant for Blakely Park (PRCS)

C-8 Request San Joaquin County Board of Supervisors Adopt 5 MPH Boating Speed Limit on the Mokelumne River Adjacent to Lodi Lake Park and Nature Area Until March 1, 2022 (PRCS)

Res. C-9 Adopt Resolution Approving Bylaw Changes for Lodi Arts Commission (PRCS)

Res. C-10 Rescind Resolution No. 2007-72 and Adopt Resolution Approving Travel Policy in Accordance with Government Code Section 53232 (CM)

D. Comments by the Public on Non-Agenda Items

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

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

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

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

G. Public Hearings – None

H. Communications

H-1 Appointments to the Greater Lodi Area Youth Commission (Student Members) and Post for Vacancy on Greater Lodi Area Youth Commission (Adult Advisor) (CLK)

H-2 Monthly Protocol Account Report (CLK)

I. Regular Calendar

Ord. I-1 Introduce Ordinance Amending Lodi Municipal Code Title 17 – Development Code – by
(Introduce) Repealing and Re-Enacting Section 17.30.070, “Water Efficient Landscape Requirements,” in Its Entirety (PW)

Ord. I-2 Introduce Ordinance Amending Lodi Municipal Code Title 5 – Permits and Regulations – by
Ord. Repealing and Re-Enacting Chapter 5.24, “Taxicab Transportation Service,” and Chapter 5.25,
(Introduce) “Pedicabs,” in Their Entirety to Update, Standardize, and Clarify Appeal Procedures, Renewal Procedures and Requirements, Insurance Requirements, Health and Safety Requirements, and Definitions (CA)

J. Ordinances – None

K. Adjournment

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

Jennifer M. Ferraiolo
City Clerk

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

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



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Certificate of Appreciation to Family of Rowland Cheney for Art Contributions to the City of Lodi and Arts Commission

MEETING DATE: September 21, 2016

PREPARED BY: Parks, Recreation, and Cultural Services Director

RECOMMENDED ACTION: Mayor Chandler will present a Certificate of Appreciation to the family of Rowland Cheney for his art contributions to the City of Lodi and Lodi Arts Commission.

BACKGROUND INFORMATION: Rowland Cheney was commissioned to create two beautiful bronze sculptures for Lodi in the last decade. "Celebrate the Harvest" is located at the northwest corner of Oak and School streets. This sculpture, commissioned by the Art Advisory Board in 2009, accurately reflects the importance of family in the Lodi wine industry and its influence on our community.

The second sculpture, "Leaving & Coming Home", placed at the Lodi transit station in 2002, portrays the annual migration of the sandhill cranes that winter in the surrounding fields and attracts thousands of visitors to the Lodi region.

Mr. Cheney passed away on June 25, 2015. In recognition of his work, which will honor and celebrate Lodi's heritage for decades to come, the Lodi Arts Commission requests Mayor Chandler present a Certificate of Appreciation to Mr. Cheney's family.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation and Cultural Services Director

JHJW:tl

cc: City Attorney

APPROVED: _____
Stephen Schwabauer, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Fire Prevention Week Proclamation

MEETING DATE: September 21, 2016

PREPARED BY: Fire Chief

RECOMMENDED ACTION: Mayor Chandler to present a proclamation proclaiming the week of October 9-15, 2016 as "Fire Prevention Week" in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the week of October 9-15, 2016 as "Fire Prevention Week" in the City of Lodi. "Don't Wait: Check the Date! Replace Smoke Alarms Every 10 Years" is the official theme for this year's Fire Prevention Week campaign (Attachment 1). Lodi Fire Chief Larry Rooney will be at the meeting to accept the proclamation.

FISCAL IMPACT: Not applicable.

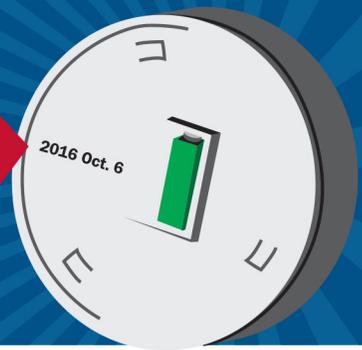
FUNDING AVAILABLE: Not applicable.

Larry Rooney, Fire Chief

APPROVED: _____
Stephen Schwabauer, City Manager

Don't Wait — Check the Date!

Replace Smoke Alarms Every 10 Years



Fire Prevention Week
Oct. 9-15, 2016

Age matters when it comes to your smoke alarms.
Check the manufacture dates on your smoke alarms today!

1

Remove the smoke alarm from the wall or ceiling.



October 6, 2016



2

Look at the back of the alarm for the date of manufacture.

3

Smoke alarms should be replaced 10 years from the date of manufacture.



4

Put the alarm back on the ceiling or wall if it is less than 10 years old.



A closed door may slow the spread of smoke, heat and fire.



Test smoke alarms at least once a month by pushing the test button.



If the smoke alarm sounds, get outside and stay outside. Go to your outside meeting place.



Install smoke alarms in every bedroom, outside each separate sleeping area, and on every level of the home, including the basement. Larger homes may need more alarms. For the best protection, make sure all smoke alarms are interconnected. When one sounds, they all sound.



Call the fire department from a cellphone or a neighbor's phone. Stay outside until the fire department says it's safe to go back inside.

For more information about smoke alarms, visit usfa.fema.gov and firepreventionweek.org.

U.S. Fire Administration



NFPA is the official sponsor of Fire Prevention Week since 1922



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Firefighter Memorial Month Proclamation

MEETING DATE: September 21, 2016

PREPARED BY: Fire Chief

RECOMMENDED ACTION: Mayor Chandler to present a proclamation proclaiming the month of October 2016 as “Firefighter Memorial Month” in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the month of October 2016 as “Firefighter Memorial Month” in the City of Lodi. Lodi Fire Chief, Larry Rooney will be at the meeting to accept the proclamation.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Larry Rooney, Fire Chief

LR/lh

APPROVED: _____
Stephen Schwabauer, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Lodi Fire Department Pink October Breast Cancer Awareness Month Fundraiser Proclamation

MEETING DATE: September 21, 2016

PREPARED BY: Fire Chief

RECOMMENDED ACTION: Mayor Chandler to present a proclamation proclaiming the month of October 2016 as “Lodi Fire Department Pink October Breast Cancer Awareness Month” fundraiser in the City of Lodi.

BACKGROUND INFORMATION: The Lodi Fire Department will be wearing pink T-shirts during the month of October and selling the shirts to the public at the Street Faire on October 2, 2016. The department will also be hosting a Pink October event at Chili’s Bar & Grill in Lodi on October 11 and 25, 2016. Chili’s servers will be wearing the pink T-shirts to bring awareness to the fundraiser and firefighters will join them by selling T-shirts and collecting donations. All proceeds will go to the Breast Cancer Research Foundation.

The Mayor has been requested to present a proclamation proclaiming the month of October 2016 as “Lodi Fire Department Pink October Breast Cancer Awareness Month” fundraiser in the City of Lodi. Fire Chief Larry Rooney will be at the meeting to accept the proclamation.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Larry Rooney, Fire Chief

APPROVED: _____
Stephen Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Presentation of Proclamation Proclaiming the Month of October as #PinkPatchProject

MEETING DATE: September 21, 2016

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Presentation of Proclamation proclaiming the month of October as #PinkPatchProject.

BACKGROUND INFORMATION: In October 2015, the #PinkPatchProject was launched at the Irwindale Police Department. The idea arose in 2013 after the Irwindale Police Chief discovered that several family members of the department had lost their battles with breast cancer.

The Irwindale Police Officers Association created pink patches and T-shirts and raised over \$20,000 for the City of Hope nonprofit by selling their items at Coffee with a Cop and National Night Out events. The pink patches were also displayed on uniforms for the entire month of October 2015. Through the use of social media and news outlets, the #PinkPatchProject became a statewide campaign, with hopes of establishing nationwide recognition. The City of Lodi Police Department will be the 45th California law enforcement agency to participate in the #PinkPatchProject. All agencies donate all proceeds to local non-profits in support of cancer awareness and survival.

The Lodi Police Department would like to declare the month of October #PinkPatchProject and proudly display pink patches and hash marks to support cancer awareness and survival. The Lodi Police Officers Association (LPOA), Lodi Police Mid-Management Organization (LPMO), and the Lodi Police Dispatchers Association (LPDA) will procure the patches, which will be displayed on their uniforms for the month of October. The LPOA, LPMO, and LPDA will also sell approximately 800 patches throughout the month of October for \$10 and will be available for sale at the Police Department lobby during normal business hours. All proceeds from the patch will be given to a local cancer charitable organization, Cancer Kids of San Joaquin County.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Tod Patterson
Chief of Police

Prepared by Paula O'Keefe, Management Analyst

APPROVED: _____
Stephen Schwabauer, City Manager





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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims through September 1, 2016 in the total amount of \$4,474,640.41

MEETING DATE: September 21, 2016

PREPARED BY: Internal Services Director

RECOMMENDED ACTION: Receive the attached Register of Claims for \$4,474,640.41

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$4,474,640.41 through 9/01/16. Also attached is Payroll in the amount of \$1,391,129.98

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Jordan Ayers
Internal Services Director

JA/nes

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

Council Report

City of Lodi, CA - v10.5 Live

8/19/2016 through 9/1/2016

Fund			Amount
100 - General Fund			1,921,036.55
120 - Library Fund			10,873.65
140 - Expendable Trust			223,437.26
200 - Parks Rec & Cultural Services			35,237.71
205 - Boating & Waterways Grant			3,288.95
213 - LPD-Public Safety Prog AB 1913			21,635.01
270 - Comm Dev Special Rev Fund			14,711.21
301 - Gas Tax-2105 2106 2107			20,989.60
303 - Measure K Funds			8,376.32
307 - Federal - Streets			130.68
314 - IMF-Regional Transportation			21,903.46
350 - H U D			5,712.84
402 - Info Systems Replacement Fund			17,980.88
403 - Vehicle Replacement Fund - PD			20,427.40
431 - Capital Outlay/General Fund			140,571.31
432 - Parks & Rec Capital			43,533.40
500 - Electric Utility Fund			85,781.00
501 - Utility Outlay Reserve Fund			520,180.94
504 - Public Benefits Fund			88,519.86
506 - Solar Surcharge Fund			196,684.20
530 - Waste Water Utility Fund			76,038.16
531 - Waste Wtr Util-Capital Outlay			188,061.73
560 - Water Utility Fund			57,650.25
561 - Water Utility-Capital Outlay			268,971.12
590 - Central Plume			38,638.62
600 - Dial-a-Ride/Transportation			187,814.94
601 - Transit Capital			61,857.81
603 - Prop 1B - TSSSDRA			3,250.00
650 - Internal Service/Equip Maint			43,776.66
655 - Employee Benefits			147,568.89
Total			4,474,640.41

Council Report: Payroll
City of Lodi, CA - v10.5 Live
Pay Period 8/14/2016

Fund	Description	Amount
100	General Fund	808,260.70
120	Library Fund	21,944.34
200	Parks Rec & Cultural Services	129,585.94
214	LPD-OTS Grants	3,183.51
219	LPD-ABC Grant	1,700.56
270	Comm Dev Special Rev Fund	31,810.50
301	Gas Tax-2105 2106 2107	33,246.36
500	Electric Utility Fund	176,510.69
530	Waste Water Utility Fund	134,880.50
560	Water Utility Fund	22,339.07
600	Dial-a-Ride/Transportation	9,107.35
650	Internal Service/Equip Maint	18,560.46
Report Total		1,391,129.98



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Approve Minutes
a) August 30, 2016 (Shirtsleeve Session)
b) September 6, 2016 (Shirtsleeve Session)
c) September 7, 2016 (Regular Meeting)

MEETING DATE: September 21, 2016

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) August 30, 2016 (Shirtsleeve Session)
b) September 6, 2016 (Shirtsleeve Session)
c) September 7, 2016 (Regular Meeting)

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

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, AUGUST 30, 2016**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, August 30, 2016, commencing at 7:00 a.m.

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

Absent: None

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

B. Topic(s)

B-1 Review of Fleet Replacement Policy (PW)

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the Fleet Replacement Policy. Specific topics of discussion included Fleet Services overview, division's service to City departments, in-house services, outsourced services, Fleet Policy history and objectives, policy guidelines, replacement/utilization guidelines, replacement process, fleet status, and comparisons to other cities and local companies.

In response to Council Member Mounce, Mr. Swimley stated that OSHA regulates vehicles with cranes and that vehicles with diesel engines have regulation requirements as well.

In response to Council Member Mounce, Mr. Swimley confirmed there are grants available for vehicles, adding that the City purchased a tractor utilizing federal grant money that replaced an aging, non-compliant vehicle.

Mayor Pro Tempore Kuehne suggested that the vehicles used for undercover purposes in the Police Department be used cars and the stock be rotated. With regard to police motorcycles, he questioned why the mileage threshold was low at 60,000 miles, to which Fleet Services Supervisor Randy Laney responded that 60,000 miles is a good lifespan for a motorcycle since they typically last only 100,000 miles depending on highway mileage versus in-town mileage. In further response, Mr. Laney stated there are currently two electric motorcycles in the fleet; the new bikes are experimental; and staff is uncertain of their expected lifespan, but is hoping for at least 60,000 miles if the batteries last that long.

Council Member Mounce pointed out that battery replacement on electric motorcycles is costly and staff will have to weigh the benefits of purchasing a new battery versus replacing the motorcycle.

Mayor Pro Tempore Kuehne further suggested that the mileage limit for general purpose and light/medium commercial vehicles be increased. In response to Mayor Pro Tempore Kuehne, Mr. Swimley stated that older vehicles are sold at auction, and City Manager Schwabauer stated the City's policy prohibits the sale of vehicles and equipment to employees to prevent the appearance and encouragement of self dealing via subpar maintenance.

Council Member Mounce stated that the sale of vehicles and equipment at a local auction would create competition among buyers and should be open to both employees and citizens alike and suggested amending the policy to make purchases at auction open to anyone.

In response to Mayor Pro Tempore Kuehne, Mr. Laney stated that the City has utilized First

Capital from Vallejo for the last 15 years for auctioneering services. He stated the local company that Lodi previously utilized went out of business, the Galt company is not the most ideal situation, and the Modesto company may have also gone out of business. Mr. Laney stated that Lodi has a great working relationship with First Capital and the items are typically sold for higher amounts due to the Bay Area environment. He further stated that the City has utilized the public surplus website in the past; however, there was a problem with purchasers failing to re-register the City's vehicles. Mr. Laney stated that staff is considering utilizing the site again because new Shop staff may have time to invest in the endeavor. In further response, Mr. Laney stated there has been no discussion about collaborating efforts with the county.

Council Member Mounce stated that the City should notify local citizens that vehicles will be available for auction so they have an opportunity to bid.

In response to Council Member Nakanishi, Mr. Swimley stated the underground tanks are the diesel and gas tanks that store fuel under the fueling stations at the Municipal Service Center. Mr. Laney confirmed that all California Air Resources Board testing is done on site with a complete inspection. Council Member Nakanishi agreed with comments by Council Member Johnson at previous meetings that the City should consider adjusting the mileage requirements because they are too low as they currently stand. Mr. Laney reminded that the mileage levels are minimum guidelines and the City has many vehicles in current operation that are well over 150,000 miles.

Council Member Johnson stated that he remains skeptical about the process; the comparison of other governmental agencies was not beneficial for him; he would have preferred to see further comparisons to private entities; and he believes the policy should be adjusted. He apologized for not meeting with Fleet staff previously after they provided him with requested information, but assured Council that he would meet with them in the near future for a further explanation on the policy. He believed the cost of parts and labor seem to be excessive, especially when there are advertisements for the same services for much less. With regard to the mileage guidelines, he believed those need to increase, but added there are more issues to be addressed in order to adequately maintain the City's fleet asset while saving money.

Council Member Mounce thanked staff for doing a stellar job and expressed hope that a succession plan is in place to pass along staff's mentality of treating vehicles and equipment as one's own because it serves the City well.

Mayor Chandler stated that he believed the policy is prudent, but agreed there could be room for further scrutiny and review.

Myrna Wetzel suggested that the vehicle auctions be handled locally, similar to Lodi's bike auctions, so citizens can easily participate.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:54 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, SEPTEMBER 6, 2016**

The September 6, 2016, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 7, 2016**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 7, 2016, was called to order by Mayor Pro Tempore Kuehne at 6:35 p.m.

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

Absent: Mayor Chandler

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

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9; One Application; Curtis Edwards v. City of Lodi; WCAB Case No. ADJ8077767-STK (DOI: 7/12/2010) (CM)
- b) Conference with Adele Post, Human Resources Manager, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding AFSCME General Services and Maintenance and Operators Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 6:35 p.m., Mayor Pro Tempore Kuehne adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:56 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Chandler reconvened the City Council meeting, and Deputy City Attorney Fukasawa disclosed the following actions.

Item No. C-2 (a) was discussion and direction only with no reportable action.

Item No. C-2 (b) was discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of September 7, 2016, was called to order by Mayor Chandler at 7:00 p.m.

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

Absent: None

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

B. Presentations

B-1 Lodi Law Enforcement Appreciation Month Proclamation (CLK)

Mayor Chandler presented a proclamation proclaiming the month of September 2016 as Lodi Law Enforcement Appreciation Month in the City of Lodi to Lodi Citizens in Action member June Aaker

who invited the Council and public to attend a special event honoring local law enforcement members on Saturday, September 24, at Lodi Lake from 11 a.m. to 3 p.m. The event is free to the community and will include games, raffles, food, and a "Hug-A-Cop" booth. Ms. Aaker encouraged the public to support local law enforcement by purchasing blue light bulbs at \$5 each and proudly illuminating the lights on front porches. Net proceeds from the event and sales of the blue light bulbs will be presented to the Lodi Police Foundation at a future City Council meeting.

B-2 Public Power Week Proclamation (EU)

Mayor Chandler presented a proclamation to Electric Utility Director Elizabeth Kirkley proclaiming the week of October 16 - 22, 2016, as Public Power Week in Lodi. Ms. Kirkley introduced Electric Utility staff in attendance and invited the Council and public to attend Lodi Electric Utility's annual open house on October 19, 2016.

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

Council Member Mounce made a motion, second by Council Member Johnson, 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, Council Member Nakanishi, Mayor Pro Tempore Kuehne, and Mayor Chandler

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$5,029,005.23 (FIN)

Claims were approved in the amount of \$5,029,005.23.

C-2 Approve Minutes (CLK)

The minutes of August 16, 2016 (Shirtsleeve Session), August 17, 2016 (Regular Meeting), August 23, 2016 (Shirtsleeve Session) and August 23, 2016 (Special Meeting) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for 2016 Downtown Concrete Cleaning (PW)

This item was removed from the Consent Calendar at the request of Mayor Pro Tempore Kuehne for discussion purposes.

Mayor Pro Tempore Kuehne stated that the last time the sidewalks were pressure washed and cleaned, the medallion design on Elm Street was overlooked and he questioned if that could be built into the contract this time, to which Public Works Director Charlie Swimley responded in the affirmative.

Council Member Mounce made a motion, second by Council Member Johnson, to approve the specifications and authorize advertisement for bids for 2016 Downtown Concrete Cleaning.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-4 Approve Specifications and Authorize Advertisement for Bids for Beckman Park Storm Water Pump Station Improvement Project (PW)

Approved specifications and authorized advertisement for bids for the Beckman Park Storm Water Pump Station Improvement project.

- C-5 Adopt Resolution Authorizing City Manager to Accept Donation of a Multi-Purpose Robot from the Lodi Police Foundation (\$66,120) (PD)

Adopted Resolution No. 2016-160 authorizing the City Manager to accept donation of a multi-purpose robot from the Lodi Police Foundation valued at \$66,120.

- C-6 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One 2016 Ford F-550 with Dump Body and Hoist from Downtown Ford, of Sacramento, Utilizing the Competitively-Bid State of California Contract No. 1-16-23-20A (\$59,226) (PW)

Adopted Resolution No. 2016-161 authorizing the City Manager to waive the bid process and purchase one 2016 Ford F-550 with dump body and hoist from Downtown Ford, of Sacramento, utilizing the competitively-bid State of California Contract No. 1-16-23-20A, in the amount of \$59,226.

- C-7 Accept Improvements Under Contract for Lodi Electric Utility Storage Yard Block Wall (PW)

Accepted the improvements under the contract for the Lodi Electric Utility Storage Yard Block Wall project.

- C-8 Adopt Resolution Authorizing City Manager to Execute Support Services Program Agreement with Northern California Power Agency (EU)

Adopted Resolution No. 2016-162 authorizing the City Manager to execute the Support Services Program Agreement with Northern California Power Agency.

- C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Pre-Sort Center, Inc., of Stockton, for Print, Insert, and Mail Services in the Aggregate Amount of \$204,248 (CM)

Adopted Resolution No. 2016-163 authorizing the City Manager to execute a Professional Services Agreement with Pre-Sort Center, Inc., of Stockton, for print, insert, and mail services in the aggregate amount of \$204,248.

- C-10 Adopt Resolution Authorizing City Manager to Execute Two-Year Professional Services Agreements with 1) 4 Leaf, Inc., of Pleasanton, 2) Interwest Consulting Group, of Roseville, and 3) Bureau Veritas, of Sacramento, for Building Codes Plans Examining, Building Codes Inspection, Fire Codes Plans Examining, and Fire Codes Inspection Services on an As-Needed Basis; and Further Authorizing City Manager to Execute Two Two-Year Extension Options with Each Consultant with the Total Contracts Not to Exceed Six Years or \$900,000 (CD)

Adopted Resolution No. 2016-164 authorizing the City Manager to execute two-year Professional Services Agreements with 1) 4 Leaf, Inc., of Pleasanton, 2) Interwest Consulting Group, of Roseville, and 3) Bureau Veritas, of Sacramento, for Building Codes plans examining, Building Codes inspection, Fire Codes plans examining, and Fire Codes inspection services on an as-needed basis; and further authorizing the City Manager to execute two two-year extension options with each consultant with the total contracts not to exceed six years or \$900,000.

- C-11 Adopt Resolution Accepting 2016 Edward Byrnes Memorial Justice Assistance Grant and Authorizing Police Chief to Execute Grant Agreement and All Necessary Forms (\$22,863) (PD)

Adopted Resolution No. 2016-165 accepting the 2016 Edward Byrnes Memorial Justice Assistance Grant and authorizing the Police Chief to execute the grant agreement and all necessary forms, in the amount of \$22,863.

C-12 Adopt Resolution Amending Language in Resolution No. 2016-87 to Include Required Language as Set Forth in the Grant Administered by the Department of Alcoholic Beverage Control (PD)

Adopted Resolution No. 2016-166 amending language in Resolution No. 2016-87 to include required language as set forth in the grant administered by the Department of Alcoholic Beverage Control.

C-13 Authorize City Clerk to Deny Request for Leave to Present Late Claim, Filed on Behalf of Valentin Valencia, Pursuant to Government Code Section 911.6(a) (CA)

Authorized the City Clerk to deny request for leave to present late claim, filed on behalf of Valentin Valencia, pursuant to Government Code Section 911.6(a).

C-14 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2015/16 (PW)

This item was removed from the Consent Calendar at the request of a member of the public for discussion purposes.

In response to Mike Lusk, Public Works Director Charlie Swimley stated that the \$200,000 transfer from the wastewater impact fund was a payment to the debt service that is owed to the operating fund. Mr. Lusk questioned if any project was delayed due to insufficient impact funds, to which Mr. Swimley responded in the negative. Further, Mr. Swimley stated that the impact fees are adjusted annually based on the Engineering News Record index.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2016-167 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2015/16.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-15 Receive Report Regarding Communication Pertaining to Assembly Bill 2835 (Cooper) - Orientations and Informational Programs (CLK)

Received report regarding communication pertaining to Assembly Bill 2835 (Cooper) - Orientations and Informational Programs.

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.

John Slaughterback commented on a recent article in the Lodi News-Sentinel that reported Lodi has \$211,800 in unpaid utility bills owed to the City, adding that he recalled the City previously lost \$375,000 because of this problem and that, while some corrective actions have been taken,

more effort is needed to eliminate that debt. He expressed concern that other utility customers are carrying the load of that loss. Mr. Slaughterback stated other cities eliminate this loss by making property owners responsible for the debt through a lien on the property, adding that Sacramento County added the unpaid amount to his property tax bill when his renters did not pay the account. He suggested the City implement a similar approach or require a larger deposit up front to eliminate the City's losses.

Council Member Mounce pointed out that the article failed to mention that Lodi collects over \$1 million in late fees from customers who fail to pay their bills on time, which far exceeds the debt write off amount. Deputy City Manager Jordan Ayers verified those figures, stating over \$1 million was collected in late fees, while \$211,000 was referred to a collection agency. Council Member Mounce stated that five years ago members of the public expressed the same concern that the rest of the rate payers were paying the cost and, in response, the City shortened the timeframe on collections and increased the late fees. She acknowledged that the City experiences a loss from non-payment of accounts; however, that amount is offset with late fees.

Council Member Nakanishi stated this issue has been discussed many times in the past and that Lodi is in a better position than most cities with regard to bad debt write off. Lodi shortened the timeframe, which many felt was unfairly gouging citizens. Council Member Nakanishi stated that he believed property owners would be opposed to being penalized for their tenants' failure to pay utility accounts and questioned what other cities were doing in that regard. Mr. Ayers stated he would look into the matter, but did confirm that Sacramento County collects from property owners for sewer, water, and refuse if not paid.

Council Member Johnson requested that Mr. Ayers also research what it costs an agency to implement such a program in comparison to the amount each is trying to collect. He stated it seems improbable that any business can have a zero sum for bad debt and there will always be some sort of write off.

Mike Lusk stated the San Joaquin Registrar of Voters Office reports that absentee ballots will be mailed on October 10 with voters' pamphlets going out the week prior. He stated he supports both Measures R (Parks and Recreation) and S (Public Safety) and encouraged citizens to read the pamphlet, study the issues, and see for themselves that this is a special tax designated specifically for Parks, Police, and Fire.

Representatives from the Community Partnership for Families Breakers group reported that it meets on Mondays and Wednesdays to plan events and announced that the free event, Celebration on Central, will be September 25 and 26 from 11 a.m. to 3 p.m. on South Central Avenue.

Pat Patrick, President/CEO of the Lodi District Chamber of Commerce, announced that the Chamber has partnered with the City of Lodi Neighborhood Services Division to bring the concept of Asset Based Community Development (ABCD) to Lodi. This program will work to increase the value on the east side, now referred to as the Heritage District, and he invited Council to the kickoff event on September 16 and 17 at the Lodi Boys and Girls Club. Neighborhood Services Manager Joseph Wood explained this concept is a new methodology that breaks from past practice by looking at issues within neighborhood communities, receiving input from residents, and determining an effective approach. This program will evaluate and identify a community's strengths versus its problems and determine how to build on those qualities. Mr. Wood reported that he will be distributing further information and a video to Council to explain the program in greater detail. Mr. Patrick stated that the costs associated with hosting the ABCD consultants are covered through a mini grant from Farmers and Merchants Bank.

In response to Mayor Pro Tempore Kuehne, Mr. Wood stated he would ensure that Neighborhood Watch captains are invited to participate, adding that he already reached out to the Partners Program for assistance and that the flyers were printed in both English and Spanish. Mr. Patrick added that workshop information has also been provided to the Lodi Unified School District, local churches, and Parent-Teacher Associations and through California Human Development.

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

Council Member Mounce referred to an email correspondence from a citizen requesting a refund for her water meter, which was installed during the course of constructing upgrades to the home and cost more than those who did not remodel their homes. She requested a Shirtsleeve Session to further discuss the issue and consider a time limit for refunding the difference of the water meter installation, possibly one year within Council's decision. City Manager Schwabauer stated that, in this case, one year would not qualify the citizen in question because the remodel was in 2008; however, he stated he would gather the pertinent information.

Mayor Chandler reported on the success of the well-attended Field and Fair Day event at Hutchins Street Square on Monday, September 5, which included balloon rides and breakfast sponsored by the Kiwanis and Rotary Clubs. Later on Labor Day, he and his family rented kayaks and utilized the new boathouse, adding that he was pleased to see no motorized vehicles on the lake or river that day. Mayor Chandler reported that the Recreation Commission will be coming to Council to request a temporary 5 mile per hour speed limit on the river from the Youth Area to the end of the Nature Area that should help diminish the shoreline erosion.

Council Member Johnson, in response to Council Member Mounce's request, stated he was uncertain that a Shirtsleeve Session was necessary to discuss the water meter refund issue as only one citizen has complained. He stated if this were a rampant issue, he would be willing to discuss the matter further.

Council Member Mounce responded that whether or not there is a need for a Shirtsleeve Session will depend on the City Manager's report back to Council.

F. Comments by the City Manager on Non-Agenda Items - None

G. Public Hearings

G-1 Continue Public Hearing to October 19, 2016, to Consider Adopting Resolution Eliminating the Reduced Residential Impact Fee Structure for Low- and Medium-Density Zoning Designations (PW)

City Manager Schwabauer reported that staff recommends continuing the public hearing to October 19, 2016, in order to republish the hearing to include Parks impact fees, which were previously overlooked.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to continue public hearing to October 19, 2016, to consider adopting resolution eliminating the reduced Residential Impact Fee Structure for low- and medium-density zoning designations.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G-2 Public Hearing to Consider Adopting Resolution Approving the 2015/16 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (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 Chandler called for the public hearing to consider adopting resolution approving the 2015/16 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER).

Community Services Manager Joseph Wood provided a PowerPoint presentation regarding the CDBG CAPER. Specific topics of discussion included CAPER Year 2 of 5 accomplishments, public review, and comment period.

In response to Council Member Johnson, Mr. Wood stated the reason for the significant increase in service for the Emergency Food Bank is that it expanded its service locations by adding schools, working at California Human Development, and participating in the Health and Wellness Fair through the Junior Giants program. Council Member Johnson questioned if the City is prepared to handle the fair housing and discrimination testing, stating this function seems more appropriate for the County because it has specialized individuals who deal with those types of issues. Mr. Wood stated that the Department of Housing and Urban Development has emphasized the need for all agencies to do more with discrimination testing, and Lodi included that element in the scope of services for San Joaquin Fair Housing. Further review will determine whether or not it has been effective, but next year staff is considering utilizing a separate entity that has the ability to handle the testing and can provide a decent and thorough inventory. In further response, Mr. Wood stated there is only one fair housing agency throughout the County and, if the agency cannot handle this particular element, the City would reduce its allocation accordingly.

In response to Mayor Pro Tempore Kuehne, Mr. Wood stated that all of the figures quoted in the PowerPoint presentation are strictly related to Lodi and are not County-wide results. In further response, Mr. Wood stated that fair housing services include landlord-tenant disputes, counseling, discrimination, and assistance with code enforcement issues, but it does not provide housing. Mayor Pro Tempore Kuehne commented on how much food was provided to Lodi residents this past year through agencies such as Salvation Army, Grace and Mercy Charitable Foundation, Emergency Food Bank, Second Harvest Food Bank, and supplemental groceries and questioned if it was more than enough for this community. Mr. Wood responded that the program aims to ensure people know where to get food and that agencies are getting more actively involved and expanding their activities to ensure the target audience is being adequately served. In response to Mayor Pro Tempore Kuehne, City Manager Schwabauer stated that the graffiti van has a City of Lodi logo on the side doors, but he would work with the Public Works Director to ensure the logo is more visible.

Council Member Nakanishi questioned how staff can be absolutely certain the recipients of these services are Lodi residents because homeless individuals could be from anywhere. Mr. Wood stated that the program serves low-income Lodi residents, not the homeless, and participants are required to complete a benefits qualification statement, which includes information on where they live, income, demographics, and financial background. The information is tracked for the Federal government and for the City to ascertain who is being served and from which areas. In further response, Mr. Wood stated that he was uncertain of the standard cost of tattoo removal, but the center that handles the service for the program charges \$25 a session.

Council Member Mounce stressed the importance of the services provided by San Joaquin Fair Housing, stating the agency helped many individuals while she served on the Lodi Improvement Committee, particularly with landlord-tenant issues because many of the properties were absentee landlords. She pointed out that the east side of Lodi is the poorest section of the entire County, it needs significant assistance, and the City should not lose sight of that fact.

Mayor Chandler opened the public hearing for public comment.

There being no public comments, Mayor Chandler closed the public hearing.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2016-168 approving the 2015/16 Community Development Block Grant Consolidated Annual Performance and Evaluation Report.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications

H-1 Appointments to the Lodi Arts Commission and Greater Lodi Area Youth Commission (Adult Advisor) (CLK)

Mayor Pro Tempore Kuehne made a motion, second by Council Member Johnson, to make the following appointments:

Lodi Arts Commission

Richard Dentino, term to expire July 1, 2019

Jean Justeau Payne, term to expire July 1, 2019

Greater Lodi Area Youth Commission - Adult Advisor

Breanna Meyer, term to expire May 31, 2019

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar - None

J. Ordinances

J-1 Adopt Ordinance No. 1928 Entitled, "An Uncodified Ordinance of the Lodi City Council Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 4)" (CLK)

Mayor Pro Tempore Kuehne made a motion, second by Council Member Mounce, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1928 entitled, "An Uncodified Ordinance of the Lodi City Council Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 4)."

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:00 p.m., in memory of Maria Lopresti, a local business owner, who passed away on September 1, 2016.

ATTEST:

Jennifer M. Ferraiolo
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Accepting Improvements Under Contract for Lodi Lake Park – Boat Launch Facility Improvements and Appropriating Funds (\$46,000)

MEETING DATE: September 21, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution accepting improvements under contract for Lodi Lake Park – Boat Launch Facility Improvements and appropriating funds, in the amount of \$46,000.

BACKGROUND INFORMATION: In 2012, Council approved a grant application to the State Division of Boating and Waterways for improvements to the boat ramp at Lodi Lake. The very old ramp was in disrepair and the parking lot only provided six boat trailer parking stalls. Neither the boat ramp or parking area provided Americans with Disabilities Act (ADA) compliant access. In 2014, the City was awarded a grant in the amount of \$710,000 from the California Division of Boating and Waterways.

The Public Works and Parks Departments worked together to prepare the plans and specifications for the project. While the focal point of the project was the new dock and ramp, the improvements also included full reconstruction of the parking lot, lighting upgrades, additional ADA accessible parking stalls, ADA accessible path improvements, drainage improvements, and landscape modifications. The new parking configuration allows for 27 boat trailer stalls, including one ADA accessible boat trailer stall.

The project was awarded to PBM Construction, Inc., of Rocklin, in the amount of \$893,898. Authorization to award the contract was given on November 4, 2015 and the contract was executed on January 19, 2016. The contract has been completed in substantial conformance with the specifications approved by City Council.

The contract was substantially complete within the original contract schedule. The final cost of the project was \$956,339.20. The difference between the contract amount and the final contract price was due to eight change orders totaling \$62,441.20. The majority of the extra costs are due to the existing soil being unsuitable for compaction beneath the boat ramp and in the utility trenches; and the replacement of existing water main (old asbestos pipe) that started to leak during construction. The decision was made to replace the asbestos pipe beneath the new pavement to reduce the chances of it leaking in the future and causing damage to the newly paved surface. Photos of the completed project are attached in Exhibit A.

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.

APPROVED: _____
Stephen Schwabauer, City Manager

The appropriation requested is the remainder of the original grant funded appropriation that was not rolled into the Fiscal Year 2016/17 budget. This appropriation will cover outstanding testing and inspection invoices and staff time.

FISCAL IMPACT: The long term fiscal impact is negligible.

FUNDING AVAILABLE: This project was funded by the following accounts:

Capital Fund – Boating & Waterways Grant (20599000)
Parks Capital Unreserved (43299000)
Parks Impact Mitigation Fee (43799000)
Water Capital (56199000)

Appropriation requested:

Boating & Waterways Grant (20599000) - \$46,000

Jordan Ayers
Deputy City Manager/Internal Services Director

Charles E. Swimley, Jr.
Public Works Director

Prepared by Sean Nathan, Senior Civil Engineer
CES/SN/tdb
Attachments

Cc: Parks, Recreation, and Cultural Services Director
Public Works Management Analyst
PBM Construction, Inc.

Exhibit A







1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division
 3. FROM: Rebecca Areida-Yadav 5. DATE: 9/6/2016
 4. DEPARTMENT/DIVISION: Public Works

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

	FUND #	BUS. UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	205	20500000	56421	Boating & Waterways Grant	\$ 46,000.00
B. USE OF FINANCING	205	20599000	77020	Boating & Waterways Grant Project	\$ 46,000.00

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

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

Reappropriation of FY 15/16 remaining grant funds for Lodi Lake Boat Ramp project.

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

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

Department Head Signature: Cheryl 9-7-16

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. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING THE IMPROVEMENTS UNDER CONTRACT FOR LODI LAKE PARK – BOAT LAUNCH FACILITY IMPROVEMENTS AND APPROPRIATING FUNDS

WHEREAS, at the November 4, 2015 City Council meeting, the contract for the Lodi Lake Park – Boat Launch Facility Improvements Project was awarded to PBM Construction, Inc., of Rocklin, in the amount of \$893,898; and

WHEREAS, the contract has been completed in substantial conformance with the plans and specifications approved by City Council; and

WHEREAS, the difference between the original contract amount and the final contract amount was due to eight necessary change orders; and

WHEREAS, the appropriation is to cover the remainder of the original grant-funded appropriation that was not rolled into the Fiscal Year 2016/17 budget for outstanding testing and inspection invoices and staff time; and

WHEREAS, staff recommends that the City Council accept the improvements under the contract for the Lodi Lake Park – Boat Launch Facility Improvements Project; and

WHEREAS, staff further recommends that the City Council appropriate the remaining Boating and Waterways grant funds in the amount of \$46,000 in Fiscal Year 2016/17 for outstanding testing and inspection invoices and staff time for the Lodi Lake Park – Boat Launch Facility Improvements Project.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby accept the improvements under the contract for the Lodi Lake Park – Boat Launch Facility Improvements Project; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby appropriate the remaining Boating and Waterways grant funds in the amount of \$46,000 for outstanding testing and inspection invoices and staff time for the Lodi Lake Park – Boat Launch Facility Improvements Project.

Dated: September 21, 2016

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 21, 2016, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAILOLO
City Clerk

2016-_____



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with DC Frost Associates, Inc., of Walnut Creek, for Purchase of Ultra Violet Disinfection Replacement Parts (\$220,000)

MEETING DATE: September 21, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION Adopt resolution authorizing City Manager to execute Professional Services Agreement with DC Frost Associates, Inc., of Walnut Creek, for purchase of ultra violet disinfection replacement parts, in the amount of \$220,000.

BACKGROUND INFORMATION: The ultra violet (UV) system disinfects the City's tertiary treated wastewater and is regulated by the California Regional Water Quality Control Board. More than 10 years ago, the City of Lodi switched from chlorine gas to UV disinfection for safety and water quality reasons.

The system consists of two UV channels with five banks of UV lamps in each channel. Each bank contains 176 UV lamps, for a total of 1,760 lamps in the system. Regulatory requirements allow each lamp to remain in service for a maximum of 8,000 hours. There is one set of wipers for each lamp and one ballast for every two lamps. The lamps, wipers, ballasts, and additional components need to be checked daily for proper operation. Staff must regularly replace ballasts, lamps (due to either failure or service life), and wipers to maintain compliance.

By nature, the City's UV system is complex and expensive to maintain. For now, it remains a reliable component of the City's wastewater treatment facility. In 2015, the City commissioned Carollo Engineers, Inc., of Sacramento, to evaluate the current UV system. The evaluations compared 10-year and 20-year life cycle costs for five alternatives that ranged from retrofitting the existing facility with new, more-efficient components, to complete replacement. While the evaluation suggests replacing the existing system, requiring a capital investment of over \$4 million dollars, the system continues to operate reliably and parts remain available.

This Council action represents the annual anticipated parts and materials needs to properly maintain the City's UV system and to maintain water quality compliance for Fiscal Year 2016/17.

DC Frost Associates, Inc. is a sole-source vendor (Exhibit A). Per Lodi Municipal Code Section 3.20.070, Bidding, the bidding process may be dispensed when City Council determines that the purchase, or method of purchase, is in the best interests of the City. Staff recommends waiving the bidding process and authorizing City Manager to execute Professional Services Agreement with DC Frost Associates, Inc., of Walnut Creek, for UV disinfection equipment.

FISCAL IMPACT: If the UV system is not properly maintained, WSWPCF may not meet discharge permit requirements, resulting in fines or penalties.

APPROVED: _____
Stephen Schwabauer, City Manager

FUNDING AVAILABLE: Funds are budgeted in the WSWPCF Plant Operations (53053003) for Fiscal Year 2016/17.

Jordan Ayers
Deputy City Manager/Internal Services Director

Charles E. Swimley, Jr.
Public Works Director

Prepared by Karen Honer, Wastewater Plant Superintendent
CES/KDH/trb
Attachments



August 23, 2016

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

Mr. Ken Capitanich

RE: Trojan System UV3000Plus™ Replacement Parts

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

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

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

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

Best regards,
TROJAN TECHNOLOGIES

Judy Georgijev

Judy Georgijev
Municipal Territory Representative

Cc: Catherine Frost

AGREEMENT FOR PROFESSIONAL SERVICES

ARTICLE 1 PARTIES AND PURPOSE

Section 1.1 Parties

THIS AGREEMENT is entered into on October_____, 2016, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and DC Frost Associates, Inc (hereinafter "CONTRACTOR").

Section 1.2 Purpose

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

CITY wishes to enter into an agreement with CONTRACTOR for purchase of ultra violet disinfection equipment for White Slough Water Pollution Control Facility (hereinafter "Project") as set forth in the Scope of Services attached here as Exhibit A. CONTRACTOR acknowledges that it is qualified to provide such services to CITY.

ARTICLE 2 SCOPE OF SERVICES

Section 2.1 Scope of Services

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

Section 2.2 Time For Commencement and Completion of Work

CONTRACTOR shall commence work pursuant to this Agreement, upon receipt of a written notice to proceed from CITY or on the date set forth in Section 2.6, whichever occurs first, and shall perform all services diligently and complete work under this Agreement based on a mutually agreed upon timeline or as otherwise designated in the Scope of Services.

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

CONTRACTOR shall not be responsible for delays caused by the failure of CITY staff to provide required data or review documents within the appropriate time frames. The review time by CITY and any other agencies involved in the project shall not be counted against CONTRACTOR's contract performance period. Also, any delays due to

weather, vandalism, acts of God, etc., shall not be counted. CONTRACTOR shall remain in contact with reviewing agencies and make all efforts to review and return all comments.

Section 2.3 Meetings

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

Section 2.4 Staffing

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

CONTRACTOR represents it is prepared to and can perform all services within the Scope of Services (Exhibit A) and is prepared to and can perform all services specified therein. CONTRACTOR represents that it has, or will have at the time this Agreement is executed, all licenses, permits, qualifications, insurance and approvals of whatsoever nature are legally required for CONTRACTOR to practice its profession, and that CONTRACTOR shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and approvals, and shall indemnify, defend and hold harmless CITY against any costs associated with such licenses, permits, qualifications, insurance and approvals which may be imposed against CITY under this Agreement.

Section 2.5 Subcontracts

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

Section 2.6 Term

The term of this Agreement commences on October _____, 2016 and terminates upon the completion of the Scope of Services or on October _____, 2017, whichever occurs first.

ARTICLE 3 COMPENSATION

Section 3.1 Compensation

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

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

Section 3.2 Method of Payment

CONTRACTOR shall submit invoices for completed work on a monthly basis, or as otherwise agreed, providing, without limitation, details as to amount of hours, individual performing said work, hourly rate, and indicating to what aspect of the Scope of Services said work is attributable. CONTRACTOR's compensation for all work under this Agreement shall not exceed the amount of the Fee Proposal.

Section 3.3 Costs

The Fee Proposal shall include all reimbursable costs required for the performance of the Scope of Services. Payment of additional reimbursable costs considered to be over and above those inherent in the original Scope of Services shall be approved in advanced and in writing, by CITY.

Section 3.4 Auditing

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

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

ARTICLE 4
MISCELLANEOUS PROVISIONS

Section 4.1 Nondiscrimination

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

Section 4.2 ADA Compliance

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

Section 4.3 Indemnification and Responsibility for Damage

CONTRACTOR to the fullest extent permitted by law, shall indemnify and hold harmless CITY, its elected and appointed officials, directors, officers, employees and volunteers from and against any claims, damages, losses, and expenses (including reasonable attorney's fees and costs), arising out of performance of the services to be performed under this Agreement, provided that any such claim, damage, loss, or expense is caused by the negligent acts, errors or omissions of CONTRACTOR, any subcontractor employed directly by CONTRACTOR, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, except those injuries or damages arising out of the active negligence, sole negligence, or sole willful misconduct of the City of Lodi, its elected and appointed officials, directors, officers, employees and volunteers. CITY may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CITY chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, CONTRACTOR shall pay all of the costs related thereto, including without limitation reasonable attorney fees and costs. The defense and indemnification obligations required by this Agreement are undertaken in addition to, and shall not in any way be limited by the insurance obligations set forth herein.

Section 4.4 No Personal Liability

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

Section 4.5 Responsibility of CITY

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

Section 4.6 Insurance Requirements for CONTRACTOR

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

Section 4.7 Successors and Assigns

CITY and CONTRACTOR each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONTRACTOR shall not assign or transfer any interest in this Agreement without the prior written consent of CITY. Consent to any such transfer shall be at the sole discretion of CITY.

Section 4.8 Notices

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

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

To CONTRACTOR: DC Frost Associates, Inc.
2855 Mitchell Drive, Suite 215
Walnut Creek, CA 94598
Attn: Catherine Frost

Section 4.9 Cooperation of CITY

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

Section 4.10 CONTRACTOR is Not an Employee of CITY

CONTRACTOR agrees that in undertaking the duties to be performed under this Agreement, it shall act as an independent contractor for and on behalf of CITY and not an employee of CITY. CITY shall not direct the work and means for accomplishment of

the services and work to be performed hereunder. CITY, however, retains the right to require that work performed by CONTRACTOR meet specific standards without regard to the manner and means of accomplishment thereof.

Section 4.11 Termination

CITY may terminate this Agreement, with or without cause, by giving CONTRACTOR at least ten (10) days written notice. Where phases are anticipated within the Scope of Services, at which an intermediate decision is required concerning whether to proceed further, CITY may terminate at the conclusion of any such phase. Upon termination, CONTRACTOR shall be entitled to payment as set forth in the attached Exhibit B to the extent that the work has been performed. Upon termination, CONTRACTOR shall immediately suspend all work on the Project and deliver any documents or work in progress to CITY. However, CITY shall assume no liability for costs, expenses or lost profits resulting from services not completed or for contracts entered into by CONTRACTOR with third parties in reliance upon this Agreement.

Section 4.12 Confidentiality

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

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

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

Section 4.14 City Business License Requirement

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

Section 4.15 Captions

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

Section 4.16 Integration and Modification

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

Section 4.17 Contract Terms Prevail

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

Section 4.18 Severability

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

Section 4.19 Ownership of Documents

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

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

Section 4.20 Authority

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

Section 4.21 Federal Transit Funding Conditions

If the box at left is checked, the Federal Transit Funding conditions attached as Exhibit D apply to this Agreement. In the event of a conflict between the terms of this Agreement or any of its other exhibits, and the Federal Transit Funding Conditions, the Federal Transit Funding Conditions will control.

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

CITY OF LODI, a municipal corporation

ATTEST:

JENNIFER M. FERRAILOLO
City Clerk

STEPHEN SCHWABAUER
City Manager

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

DC FROST ASSOCIATES, INC.

By: _____

By: _____

Name: CATHERINE FROST
Title: Aftermarket Sales Manager

- Attachments:**
- Exhibit A – Scope of Services**
- Exhibit B – Fee Proposal**
- Exhibit C – Insurance Requirements**
- Exhibit D – Federal Transit Funding Conditions (if applicable)**

Funding Source: 53053003.72352 (50%) 53053003.77030 (50%)

(Business Unit & Account No.)

Doc ID:

CA:Rev.01.2015

2016 AFTERMARKET PARTS PRICE LIST

TROJAN UV3000PLUS™

Part Number	Subpart Number	Part Description	Notes	Unit Price
Lamps, Sleeves & Ballasts				
 Don't forget to mention Trojan's Recycling Program (see Box.com for more details) 				
794447-0YW		Lamp, GA64T6HE Flat Base	Replaces PN 794447-0SM (Use with 316508)	\$ 312.00
316508		Lamp adapter	For use with 794447-0YW Yellow base	\$ 20.00
794447-0GN		Lamp, GA64T6HE Step Base		\$ 312.00
302509-004	Lamp, GA64T6L Amalgam 4Pk		4 Pack	\$ 1,026.00
	302509	Lamp, GA64T6L Amalgam		\$ 257.00
316136-004	Sleeve, Quartz UV3+ 28x25x1950 4Pk		4 Pack	\$ 391.00
	316136	Sleeve, Quartz		\$ 98.00
915379		Ballast Kit, UV3+ G 3	With Aluminum End Caps; Replaces PN 914182	\$ 725.00
Commonly Used Components				
316144P		O-Ring, Sleeve Seal	Pkg. of 10	\$ 1.60
316145		O-Ring, Sleeve Support UV3+		\$ 0.10
901376P		Spring, Compression SST	Pkg. of 10	\$ 16.00
302366P		Dessiccant, Desi Pak 1/6 Unit	2 Per Module; Pkg. of 10	\$ 2.30
316148P		Sleeve Cup Nut, UV3+ Mod Ryton	Pkg. of 10	\$ 15.00
010215-125P		Screw, 1/4-20x1 1/4" CTD SHCS	Pkg. of 10	\$ 1.40
316148P		Sleeve Cup Nut, UV3+ Mod Ryton	Pkg. of 10	\$ 15.00
901507		Acticlean Gel Cleaner Case (4 x 4L Bottles)	Required amount /Canister: 38ml/1.29oz	\$ 158.00
Module Components				
316506-002		End Cap Kit, UV3+ Plain	New Orange Silicone Seal; Lamp-Ballast Connection	\$ 49.00
316506-001		End Cap Kit, UV3+ Power	New Orange Silicone Seal; Lamp-Ballast Connection	\$ 77.00
316506-003		End Cap Kit, UV3+ Power & Plain	New Orange Silicone Seal; Lamp-Ballast Connection	\$ 118.00
316509		Seal Kit, End Cap UV3+	Includes: 2 Seals, Lubricant & Dessiccant	\$ 42.00
302839-072		Plug Assy, 6P 16AWG 6'		\$ 135.00
302839-084		Plug Assy, 6P 16AWG 7'		\$ 170.00
302839-096		Plug Assy, 6P 16AWG 8'		\$ 170.00
327095P		Plug, Rubber Wiper Filler	Pkg. of 10	\$ 16.00
915517-06		Plug, UV3 6P 16AWG 6'	4-8L; Replaces PN 302455	\$ 82.00
914374-006GF		PLUG, UV3+ PDC MODULE 6' GF	Replaces PN 914374-006; 6ft Power Cord	\$ 105.00
914374-010GF		PLUG, UV3+ PDC MODULE 10' GF	Replaces PN 914374-010; 10ft Power Cord	\$ 112.00
302832P		Plug, 1-3/8" ID Locking Unvent	Pkg. of 10	\$ 2.50
608063P		Washer, #10 Split Lock SST304	Pkg. of 10	\$ 0.13
Ballast Enclosure Components				
914238		Module Board Kit, UV3+	Includes: 912356-001 W/Board; MFR #2371G	\$ 150.00
316168P		Seal, Ballast Enclosure UV3+	O-Ring, Seal; Aluminum End Caps; Pkg. of 10	\$ 69.00
912181P		Connector, Cap 6POS Amp	Pkg. of 10	\$ 7.00
912166P		Connector, Cap 9 Position	Pkg. of 10	\$ 7.60
912180P		Connector, Plug 6POS Amp	Pkg. of 10	\$ 7.70
912196P		Connector, Plug 9POS Amp Mini	Pkg. of 10	\$ 12.00
912193		Extractor, UNIV MATE-N-LOK		\$ 129.00
912192		Extractor, Mini-Univ Mate-N-Lok		\$ 54.00
316174P		Grommet, Rubber 3/16, UV3+	Pkg. of 10	\$ 0.70
912362		IC, RS485 Transceiver	Transceiver Chip (Comm.)	\$ 14.00
316182		Pressure Cone		\$ 15.00
316141		Isolator, Leg UV3+ 8 LP		\$ 3.40
328029-002		Wire Harness, UV3+ 2BLS CTL		\$ 32.00
328029-003		Wire Harness, UV3+ 3BLS CTL		\$ 38.00
328029-004		Wire Harness, UV3+ 4BLS CTL		\$ 50.00
328025		Wire Harness, UV3+ MOD PRI 3BL		\$ 29.00
328023		Wire Harness, UV3+ MOD PRI 4BL		\$ 29.00
915742		Wire Harness, UV3+ MOD PWR LT	For systems pre '07; Replaces PN 328078	\$ 22.00
915743		Wire Harness, UV3+ MOD PWR RT	For systems pre '07; Replaces PN 328079	\$ 34.00
328024-001X		Wire Harness, UV3+ MOD SEC 21X	Replaces PN 328024-001	\$ 6.40
328024-002X		Wire Harness, UV3+ MOD SEC 40X	Replaces PN 328024-002	\$ 9.70
328024-003X		Wire Harness, UV3+ MOD SEC 60X	Replaces PN 328024-003	\$ 11.00
Module Leg Components				

316135-060X		Lampholder, UV3+ Amalgam 60"X	6L-all spacing; 8L-3" spacing; Replaces PN 316135-060	\$	46.00
316135-078X		Lampholder, UV3+ Amalgam 78"X	8L- 3.5" & 4" spacing; Replaces PN 316135-078	\$	59.00
316135-096X		Lampholder, UV3+ Amalgam 96"X	Stretch Modules; Replaces PN 316135-096	\$	79.00
003084		Lubricant, DOW 111 6g Pack		\$	1.70
302394P		Brass Hex Nut #10-24	Pkg. of 10	\$	0.60
002229		Bushing, UV3+ Tube Leg		\$	0.09
011009P		Nut, 1/4-20 Hex Nylok 18-8 SST	Pkg. of 10	\$	0.60
002226-108ULP		O-Ring, 1/4 x 3/32 Nitrile UL	Pkg. of 10	\$	1.40
912182P		Pin, 19A 14-18 AWG	Pkg. of 10	\$	1.80
912194P		Pin, 9.5A 20-16WG Amp Mini	Pkg. of 10	\$	1.20
01033282AAC1704P		Screw, Hex #10 UNC x 1	Pkg. of 10	\$	1.70
010203-001P		Screw, Thread Cutting 6-32x1/4	Pkg. of 10	\$	0.19
912183P		Socket, 19A 18-14AWG AMP	Socket for Plug; Pkg. of 10;	\$	2.30
913028P		Socket, 9.5A 20-16AWG Amp Mini	Pkg. of 10	\$	0.60
912165P		Socket, 9.5A 20-16WG Amp Mini	Pkg. of 10	\$	1.40
012015P		Squash Plate, 0.45 OD Nylon	Pkg. of 10	\$	62.00
Wiper System					
326411		Cylinder, Wiper UV3+ Gen 2		\$	1,486.00
005068		Grease Kit, UV3+ Cylinder		\$	49.00
326399		Grease Nipple	For Hydraulic Cylinder	\$	5.00
005066		Grease, Food Grade FMG	1 Tube/15 Modules	\$	12.00
327066P		Fitting, Inter-Wiper 90 Deg Elbow	Pkg. of 10	\$	12.00
327027P		Fitting, Inter-Wiper Straight	Pkg. of 10	\$	6.10
327122	Seal Kit, UV3+ Plastic Canister			\$	22.00
	327017	Spacer, Wiper Seal UV3+	2 per Seal Kit		n/a
	327021	Wiper Seal	2 per Seal Kit; price per unit	\$	7.40
	327029	Spring, UV3+ Seal	Wiper Seal Spring; 2 per Seal Kit; Part required must purchase 327029P		n/a
	327030	Tube, 1/4 DIA Viton UV3+	Minimum Purchase - 12" price per inch	\$	0.50
327118	O-Ring, UV3+ Wiper Canister	2 per Seal Kit; Part required must purchase 327118P		n/a	
327118P		O-Ring, UV3+ Wiper Canister 4P	Pkg. of 4	\$	1.40
327095P		Plug, Rubber Wiper Filler	Pkg. of 10	\$	16.00
327094		Pressure Injector, Gel		\$	143.00
327096		Pressure injector, Gel UV3+ Plug	Overflow bottle included	\$	152.00
327045		Pump Assy, Lime-A-Way UV3+		\$	60.00
327016		Reservoir	Use w/ Stamped Carriage	\$	384.00
327040		Reservoir, Wiper UV3+	Use w/ Laser Cut Carriage	\$	437.00
327043P		Ring, Retaining SQ UV3+ Wiper		\$	2.90
331005		Rust Inhibitor, Safeguard M-1	Hydraulic Hose Fittings; Comes with PN 110156	\$	152.00
010314-AAF083160		Screw, BHSCP #10-UNF x 3/8		\$	0.60
010313-AAF063160		Screw, Shcap #10-UNF X 1/4		\$	0.60
010315-AAF061650		Set Screw, #10-UNF x 1/4 Cup	Replaces PN 010176	\$	0.50
327039	Seal Kit			\$	34.00
	327017	Spacer, Wiper Seal UV3+	2 per Seal Kit		n/a
	327021	Wiper Seal	2 per Seal Kit; price per unit	\$	7.40
	327022	Washer, Canister UV3+	4 per Seal Kit		n/a
	327029	Spring, UV3+ Seal	Wiper Seal Spring; 2 per Seal Kit; Part required must purchase 327029P		n/a
	327030	Tube, 1/4 DIA Viton UV3+	Price per inch Minimum Purchase - 12" price per inch	\$	0.50
327043	Snap Ring	2 per Seal Kit; Part required must purchase 327043P		n/a	
327029P		Spring, UV3+ Seal 4 Pack		\$	0.70
327110		Valve, UV3+ Gel Overflow		\$	7.80
010301P		Vent Screw	Pkg. of 10	\$	0.28
010116P		Washer, #10 Flat 316 SST	NSF Certified; Pkg. of 10	\$	0.19
327110		Valve, UV3+ Gel Overflow		\$	7.80
327107		Fitting, Overflow UV3+		\$	29.00
445053		Adapter, Pressure Injector		\$	11.00
327041		Breather	Use w/ PN 327040 Only	\$	16.00
326447		NIPPLE, UV3+ 1/4NPT x 1/16D NB	Nickle Brass	\$	4.60
327024		Coupling, Lime-A-Way, Female		\$	49.00
327113		Barb, 1/8"x1/8" 90° MA Nylon		\$	0.24
327766-LWR		Bracket, UV3+ G2 D.Bar Lower		\$	9.70
327766-UPR		Bracket, UV3+ G2 D.Bar Upper		\$	9.70
Power Distribution Center (PDC)					
915731	Receptacle Kit, UV3+ 6P		4-8L; Replaces PN 316074	\$	63.00
	915729	RECEPTACLE ASSY, UV3+ 6P		\$	38.00
	915730	ADAPTER, UV3+ RECEPTACLE		\$	32.00

	Relay Board Kit, UV3+ PDC		For PDC's built after 2011 only.	\$ 340.00
328439	303221	Standoff, #8-32x1.25 Hex Brass		n/a
	303417	Washer, #8 SPRG Zinc Plated	Washer Spring; For Relay Board; Part required must purchase 303417P	n/a
	600665	Screw, Pan 8-32UNCx3/8" SST304	Part required must purchase 600665P	n/a
	912706	Board, Relay 220-277V	MFR# 2382	\$ 297.00
	915729	RECEPTACLE ASSY, UV3 6P		\$ 38.00
912261-013		Receptacle, Female 4 Pin 1/2"NPT 13'	MFR# 8R4000A09F130/80647	\$ 40.00
931039-002		Board Kit, CCB 16PT G3	Includes: PN 328507 CCB Board; MFR# 2322	\$ 3,643.00
931039-003		Board Kit, CCB 24PT Gen 3	Includes: PN 328508 CCB Board; MFR #2323	\$ 4,690.00
931039-004		Board Kit, CCB 32PT G3	Includes: 328509 CCB Board; MFR# 2324	\$ 8,199.00
931039-001		Board Kit, CCB 8PT G3	Includes: 328506 CCB Board; MFR# 2321	\$ 8,517.00
912706		Board, Relay 220-277V	MFR# 2382	\$ 297.00
912555		Cable, 24AWG 4Con 300V Shld		\$ 1.40
914569-120		Fuse, 12A 600V CC Time Delay	For Relay Board	\$ 4.90
791309		Fuse, 5A 250V SB 0.25X1.25"	For CCB	\$ 5.20
912519		IC, Isolated RS485/422 Maxim		\$ 69.00
912352		IC, RS485 Transc Low Power		\$ 20.00
912362		IC, RS485 Transceiver	Transceiver Chip (Comm.)	\$ 14.00
903326		Module, Digital In 24V/5V Logic		\$ 25.00
903327		Module, Digital Out 120V/5V Logic		\$ 26.00
903805		Module, Digital Out 24V/5V		\$ 21.00
328000-018		Wire Harness, PDC UV3+ 18"		\$ 21.00
328000-024		Wire Harness, PDC UV3+ 24"		\$ 20.00
328000-036		Wire Harness, PDC UV3+ 36"		\$ 22.00
328000-048		Wire Harness, PDC UV3+ 48"		\$ 36.00
328000-060		Wire Harness, PDC UV3+ 60"		\$ 40.00
328000-072		Wire Harness, PDC UV3+ 72"		\$ 27.00
328000-084		Wire Harness, PDC UV3+ 84"		\$ 28.00
328000-096		Wire Harness, PDC UV3+ 96"		\$ 30.00
328000-108		Wire Harness, PDC UV3+ 108"		\$ 34.00
Hydraulic System Center (HSC)				
931012-120		Board, UV3+ HCB 120V 1FU	MFR# 2401B	\$ 3,748.00
931012-230		Board, UV3+ HCB 230V 1FU		\$ 3,620.00
907566-06-06		ELBOW, 90D 06JICMX06ORBM ST-Z	Replaces PN 907316-0606	\$ 4.20
912705		Fuse, 0.5A 250V MDA Time Delay	On HCB	\$ 2.60
914568-060		Fuse, 6A 600V Class CC ATDR	Fuse 6 Amp	\$ 4.60
326044		Hose, Bleeder UV3+ Hydraulic		\$ 87.00
907541		Hose, UV3+ Hydraulic Bleeder		\$ 75.00
326085		Hydraulic Fluid, FR WG150-D	Water Glycol - 20L Pail (Pink Color)	\$ 552.00
907666-020P		Hydraulic Fluid, Neptune AW15 ECO 20L	Pure Drive Hydraulic Fluid	\$ 669.00
912519		IC, Isolated RS485/422 Maxim		\$ 69.00
444295		Oil, Hydraulic Low Viscosity	20L Pail	\$ 179.00
326042		Pump, HSC 3GPM 115/60		\$ 3,096.00
907384		Signa Hydraulic Filter	Replaces PN 444413; Compact	\$ 43.00
444948-007		Switch, Cal Hydraulic - 250PSI	Combined HSC & PDC	\$ 182.00
444948-009		Switch, Cal Hydraulic 60 - 250PSI	PDC Only	\$ 751.00
System Control Center (SCC)				
915338-002		Kit, UV3+ Type-M Upgrade		Contact MTR
903796		Module, Analog IN 4-20mA		\$ 358.00
903797		Module, Analog Out 4-20mA	White	\$ 422.00
903794		Module, Digital In 120V/5V Logic		\$ 38.00
912170		Module, Digital In 240V/5V Logic		\$ 13.00
903326		Module, Digital In 24V/5V Logic		\$ 25.00
903804		Module, Digital In 5-28/5V Logic		\$ 32.00
903327		Module, Digital Out 120V/5V Logic		\$ 26.00
903795		Module, Digital Out 240V/5V Logic		\$ 44.00
903805		Module, Digital Out 24V/5V		\$ 21.00
903452		Module, Digital Out 60V/5V Logic		\$ 33.00
913677		PLC, AB CNTL Battery		\$ 92.00
931091		Srv FW Kit, UV3+ CCB	9000 Hr. - 12000 Hr. Upgrade	\$ 197.00
Sensors				
912179		Board, Low Level Relay 120VAC	Replaces PN 903237.	\$ 243.00
903243		Level Sensor Kit, Low 230V		\$ 995.00
903237		Level Sensor, LOW 120V 50/60HZ		\$ 1,069.00
912440		Electrode, Holder 2 Probe		\$ 89.00
903957-002		Electrode, Level Sensor W/Sheath 2'	Replaces PN 903237	\$ 65.00
010126		Screw, 10-32 Slot Hex SST18-8		\$ 0.07
015229	also quote 015244	Sensor Assy, UV3+		\$ 2,532.00
015239		Sleeve, Sensor UV3+ 25x28x1832		\$ 118.00
015244		Washer, Sensor Sleeve UV3+		\$ 1.50

327080		Sensor Sleeve Collar		\$	14.00
010215-125P		Screw, 1/4-20x1 1/4" CTD SHCS	Pkg. of 10	\$	1.40
Cleaning Equipment					
309416		Crane, UV3+ Module Thern		\$	3,600.00
Configured Part	329324C Reference Part only	Maintenance Rack UV3/UV3+	Configured Part		Contact MTR
309465		Pedestal, Crane Base Upright		\$	616.00
309400		Rack, Storage10M UV3+ 304SST		\$	3,217.00
309504		Sling Kit, UV3+ 2Leg SBAL		\$	735.00
Miscellaneous					
906002		Face Shield, UV Protection		\$	29.00
906031		Kit, Mercury Spill Cleanup		\$	493.00
906015-330		Operator Kit, UV3000Plus		\$	759.00

**Not to Exceed
\$220,000**



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

1. **COMPREHENSIVE GENERAL LIABILITY**
 \$1,000,000 Each Occurrence
 \$2,000,000 General Aggregate
2. **COMPREHENSIVE AUTOMOBILE LIABILITY**
 \$1,000,000 Combined Single Limit
 Such insurance shall cover liability arising out of any vehicle (including, owned, hired and non-hired vehicles) operated in performing any and all services pursuant to this Agreement. Coverage shall be written on ISO form CA 00 01 12 90, or a later version, that provides liability coverage at least as broad as this form.

All limits are to be designated strictly for the City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers. All deductibles or self-insured retentions (SIR) must be disclosed to City's Risk Manager for approval and shall not reduce the limits of liability set forth hereinabove. Insurance policies containing any deductible or SIR provision shall provide, or be endorsed to provide, that the deductible or SIR may be satisfied by either the Named Insured(s) or the City of Lodi.

It is required that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits set forth above, shall be available to City as an additional insured. Furthermore, the requirements for coverage and limits shall be (i) the minimum coverage and limits specified in these insurance requirements; or (ii) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the Contractor, whichever is greater.

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

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

- (a) **Additional Named Insured Endorsement**
 Pursuant to a separate endorsement (ISO form CG 2010 (11/85) or a later version, that provides liability coverage at least as broad as this form) such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers as additional named insureds. An additional named insured endorsement is also required for Auto Liability.
- (b) **Primary and Non-Contributory Insurance Endorsement**
 Additional insurance coverage under the Contractor's policy shall be "primary and non-contributory" and will not seek contribution from City's insurance or self-insurance and shall be at least as broad as ISO form CG 20 01 04 13.

NOTE: (1) The street address of the **CITY OF LODI** must be shown along with (a) and (b) above: 221 West Pine Street, Lodi, California, 95240; (2) The insurance certificate must state, on its face or as an endorsement, a description of the project that it is insuring.

- (c) **Waiver of Subrogation**
 Include a waiver of subrogation against the City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers. A waiver is required for General Liability and Auto Liability.
- (d) **Limits of Coverage**
 The limits of insurance coverage required may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance of Contractor shall contain, or be endorsed to contain, a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City's own insurance or self-insurance shall be called upon to protect the City as a named insured.

- (e) Severability of Interest Clause
The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.
- (f) Notice of Cancellation or Change in Coverage Endorsement
This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 West Pine St., Lodi, CA 95240.
- (g) Continuity of Coverage
All policies shall be in effect on or before the first day of the Term of this Agreement. At least thirty (30) days prior to the expiration of each insurance policy, Contractor shall furnish a certificate(s) showing that a new or extended policy has been obtained which meets the minimum requirements of this Agreement. Contractor shall provide proof of continuing insurance on at least an annual basis during the Term. If Contractor's insurance lapses or is discontinued for any reason, Contractor shall immediately notify the City and immediately obtain replacement insurance.
- (h) Failure to Comply
If Contractor fails or refuses to obtain and maintain the required insurance, or fails to provide proof of coverage, the City may obtain the insurance. Contractor shall reimburse the City for premiums paid, with interest on the premium paid by the City at the maximum allowable legal rate then in effect in California. The City shall notify Contractor of such payment of premiums within thirty (30) days of payment stating the amount paid, the name(s) of the insurer(s), and rate of interest. Contractor shall pay such reimbursement and interest on the first (1st) day of the month following the City's notice. Notwithstanding and other provision of this Agreement, if Contractor fails or refuses to obtain or maintain insurance as required by this agreement, or fails to provide proof of insurance, the City may terminate this Agreement upon such breach. Upon such termination, Contractor shall immediately cease use of the Site or facilities and commence and diligently pursue the removal of any and all of its personal property from the site or facilities.
- (i) Qualified Insurer(s)
All insurance required by the terms of this Agreement must be provided by insurers licensed to do business in the State of California which are rated at least "A-, VI" by the AM Best Ratings Guide, and which are acceptable to the City. Non-admitted surplus lines carriers may be accepted provided they are included on the most recent list of California eligible surplus lines insurers (LESLI list) and otherwise meet City requirements.

Workers Compensation Insurance The Contractor shall take out and maintain during the life of this Agreement, Worker's Compensation Insurance for all of Contractor's employees employed at the site of the project and, if any work is sublet, Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Contractor. In case any class of employees engaged in hazardous work under this Agreement at the site of the project is not protected under the Worker's Compensation Statute, the Contractor shall provide and shall cause each subcontractor to provide insurance for the protection of said employees. **A waiver of subrogation is required for workers compensation insurance.** This policy may not be canceled nor the coverage reduced without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 West Pine St., Lodi, CA 95240.

NOTE: The City reserves the right to obtain a full certified copy of any insurance policy or endorsements required. Failure to exercise this right shall not constitute a waiver of the City's right to exercise after the effective date.

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE A
PROFESSIONAL SERVICES AGREEMENT WITH
DC FROST ASSOCIATES, INC., OF WALNUT CREEK,
FOR PURCHASE OF ULTRA VIOLET DISINFECTION
REPLACEMENT PARTS

=====

WHEREAS, White Slough Water Pollution Control Facility uses ultra violet (UV) system functions as a disinfectant for the tertiary-treated wastewater, as directed by the California Regional Water Quality Control Board; and

WHEREAS, the UV system is complex, requiring annual operational costs for parts, equipment replacement, and continuous staff hours to maintain; and

WHEREAS, DC Frost Associates, Inc., is a sole-source vendor. Per Lodi Municipal Code Section 3.20.070, Bidding, the bidding process may be dispensed when City Council determines that the purchase, or method of purchase, is in the best interests of the City; and

WHEREAS, staff recommends waiving the bidding process per Lodi Municipal Code Section 3.20.070; and

WHEREAS, staff also recommends authorizing the City Manager to execute a Professional Services Agreement for ultra violet disinfection equipment with DC Frost Associates, Inc., of Walnut Creek.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby waive the bidding process per Lodi Municipal Code Section 3.20.070; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a Professional Services Agreement for ultra violet disinfection equipment with DC Frost Associates, Inc., of Walnut Creek, California, in the amount of \$220,000.

Dated: September 21, 2016

=====

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 21, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute TASER Body Camera Contract for Four Docking Stations and Wall Mounts in the Amount of \$10,851.91

MEETING DATE: September 21, 2016

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute TASER body camera contract for four docking stations and wall mounts in the amount of \$10,851.91.

BACKGROUND INFORMATION: On December 15, 2015, the Lodi Police Department received Council approval on a five-year contract with TASER for 75 body cameras, eight docking stations and the TASER Assurance Plan.

All items were received in July 2016 and it was determined that the department needed an additional four docking stations with wall mounts and requested an additional quote to amend the contract. The department requests Council approval for the purchase of four additional docking stations and wall mounts.

FISCAL IMPACT: The total cost of the amendment will be \$10,851.91 over the next five fiscal years. Funds for equipment and data storage (\$7,080.48) are included in the projected expenditures for the Police Department's FY 2016/17. Future expenditures to be projected in the department's annual budgets.

FUNDING AVAILABLE: 10032000.72306

Jordan Ayers
Deputy City Manager/Internal Services Director

Tod Patterson
Chief of Police

Prepared by: Paula O'Keefe, Management Analyst

APPROVED: _____
Stephen Schwabauer, City Manager

TASER International

Protect Life. Protect Truth.

17800 N 85th St.
 Scottsdale, Arizona 85255
 United States
 Phone: (800) 978-2737
 Fax: (480) 991-0791



Eric VerSteeg
 (209) 333-6727
 eversteeg@pd.lodi.gov

Quotation

Quote: Q-73187-2
Date: 8/2/2016 8:14 AM
Quote Expiration: 9/30/2016
Effective Date*: 10/1/2016
Contract Number: 00006752
Contract Expiration Date: 6/14/2021
AX Account Number: 115490

Ship To:
 Eric VerSteeg
 Lodi Police Dept. - CA
 215 W. Elm Street
 Lodi, CA 95240
 US

Bill To:
 Lodi Police Dept. - CA
 215 W. Elm Street
 Lodi, CA 95240
 US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Bob Dillon	480.905.2012	rdillon@taser.com	Fedex - Ground	Net 30

*These subscriptions have been prorated for the duration of the existing contract and will be up for renewal at the expiration date listed above.

Axon Dock 2 Hardware / TASER Assurance Plan Prorated October, 2016 - June, 2017
 Due: Net 30

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	74008	AXON DOCK, 6 BAY + CORE, AXON BODY 2	USD 1,495.00	USD 5,980.00	USD 0.00	USD 5,980.00
4	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	USD 35.00	USD 140.00	USD 140.00	USD 0.00
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 144.00	USD 576.00	USD 0.00	USD 576.00
Axon Dock 2 Hardware / TASER Assurance Plan Due: Net 30 Tax Amount:						USD 524.48
Axon Dock 2 Hardware / TASER Assurance Plan Due: Net 30 Discount:						USD 140.00
Axon Dock 2 Hardware / TASER Assurance Plan Due: Net 30 Net Amount Due Including Taxes:						USD 7,080.48

TASER Assurance Plan Year 2: Due 2017

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
TASER Assurance Plan Year 2: Due 2017 Tax Amount:						USD 69.12
TASER Assurance Plan Year 2: Due 2017 Net Amount Due Including Taxes:						USD 933.12

TASER Assurance Plan Year 3: Due 2018

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
TASER Assurance Plan Year 3: Due 2018 Tax Amount:						USD 69.12
TASER Assurance Plan Year 3: Due 2018 Net Amount Due Including Taxes:						USD 933.12

TASER Assurance Plan Year 4: Due 2019

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
TASER Assurance Plan Year 4: Due 2019 Tax Amount:						USD 69.12
TASER Assurance Plan Year 4: Due 2019 Net Amount Due Including Taxes:						USD 933.12

TASER Assurance Plan Year 5: Due 2020

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
TASER Assurance Plan Year 5: Due 2020 Tax Amount:						USD 69.12
TASER Assurance Plan Year 5: Due 2020 Net Amount Due Including Taxes:						USD 933.12

Subtotal	USD 10,012.00
Estimated Shipping & Handling Cost	USD 38.95
Estimated Tax	USD 800.96
Grand Total	USD 10,851.91

**TASER International, Inc.'s Sales Terms and Conditions
for Direct Sales to End User Purchasers**

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and TASER's Master Services and Purchasing Agreement posted at www.taser.com/legal. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to TASER that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

Signature: _____ Date: _____
Name (Print): _____ Title: _____
PO# (if needed): _____

Quote: Q-73187-2

Please sign and email to Bob Dillon at rdillon@taser.com or fax to 480.658.0734

THANK YOU FOR YOUR BUSINESS!

'Protect Life' and © are trademarks of TASER International, Inc., and TASER® is a registered trademark of TASER International, Inc., registered in the U.S.
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Approved as to form

Deputy City Attorney 

RESOLUTION NO. 2016-

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO
EXECUTE TASER BODY CAMERA CONTRACT
OVER A PERIOD OF FIVE YEARS

=====

WHEREAS, on December 15, 2015, the Lodi Police Department received Council approval of a five-year contract with TASER International, Inc., of Scottsdale Arizona, ("TASER") for 75 body cameras, eight docking stations and the TASER Assurance Plan ("TASER contract"); and

WHEREAS, after all items of the original TASER contract were received in July 2016, the department determined that four additional docking stations and wall mounts were needed to properly store and charge the body cameras; and

WHEREAS, the full cost of the additional purchases is \$10,851.91 over the five fiscal years.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the TASER body camera contract for the purchase of four additional docking stations with wall mounts, in an amount not to exceed \$10,851.91, over a period of five years.

Dated: September 21, 2016

=====

I hereby certify that Resolution No. 2016-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 21, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Improvement Deferral Agreement for 25, 27, and 31 East Vine Street

MEETING DATE: September 21, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute Improvement Deferral Agreement for 25, 27, and 31 East Vine Street.

BACKGROUND INFORMATION: The owner of the property, AH Wines, Inc., has recently constructed tenant improvements to existing buildings located at 25, 27, and 31 East Vine Street. Building Permit #20150675 required public improvements that include removal and replacement of 227 lineal feet of curb, gutter and sidewalk, and Americans with Disabilities Act compliant driveways along the north side of East Vine Street, at an estimated cost of \$34,500.

AH Wines, Inc., has requested that construction of public improvements required by the building permit be deferred for 24 months to accommodate a request from Pacific Coast Producers (PCP) to vacate the portion of East Vine Street from Stockton Street west to its termination. The properties surrounding this portion of Vine Street are owned by either AH Wines, Inc. or PCP (Exhibit A).

The vacation will be subject to PCP granting a permanent access easement to 25, 27, and 31 East Vine Street, along with various other conditions to be approved by Council at a later date. If the vacation is approved, the public improvements fronting 25, 27, and 31 East Vine Street will no longer be required because the property will be privately owned. The Owner understands if the proposed vacation is not approved, the City will require the public improvements to be constructed.

The Owner has agreed to the terms and conditions of the Improvement Deferral Agreement (Agreement) and has paid the necessary fees. The Agreement requires AH Wines, Inc. to pay for the design and installation of the required improvements on East Vine Street in accordance with City standards, within 24 months, unless the Vine Street vacation request is approved by Council prior to this deadline. Staff recommends authorizing the City Manager to execute the Improvement Deferral Agreement for 25, 27, and 31 East Vine Street.

FISCAL IMPACT: Not applicable.

FUNDING: Not applicable.

Charles E. Swimley, Jr.
Public Works Director

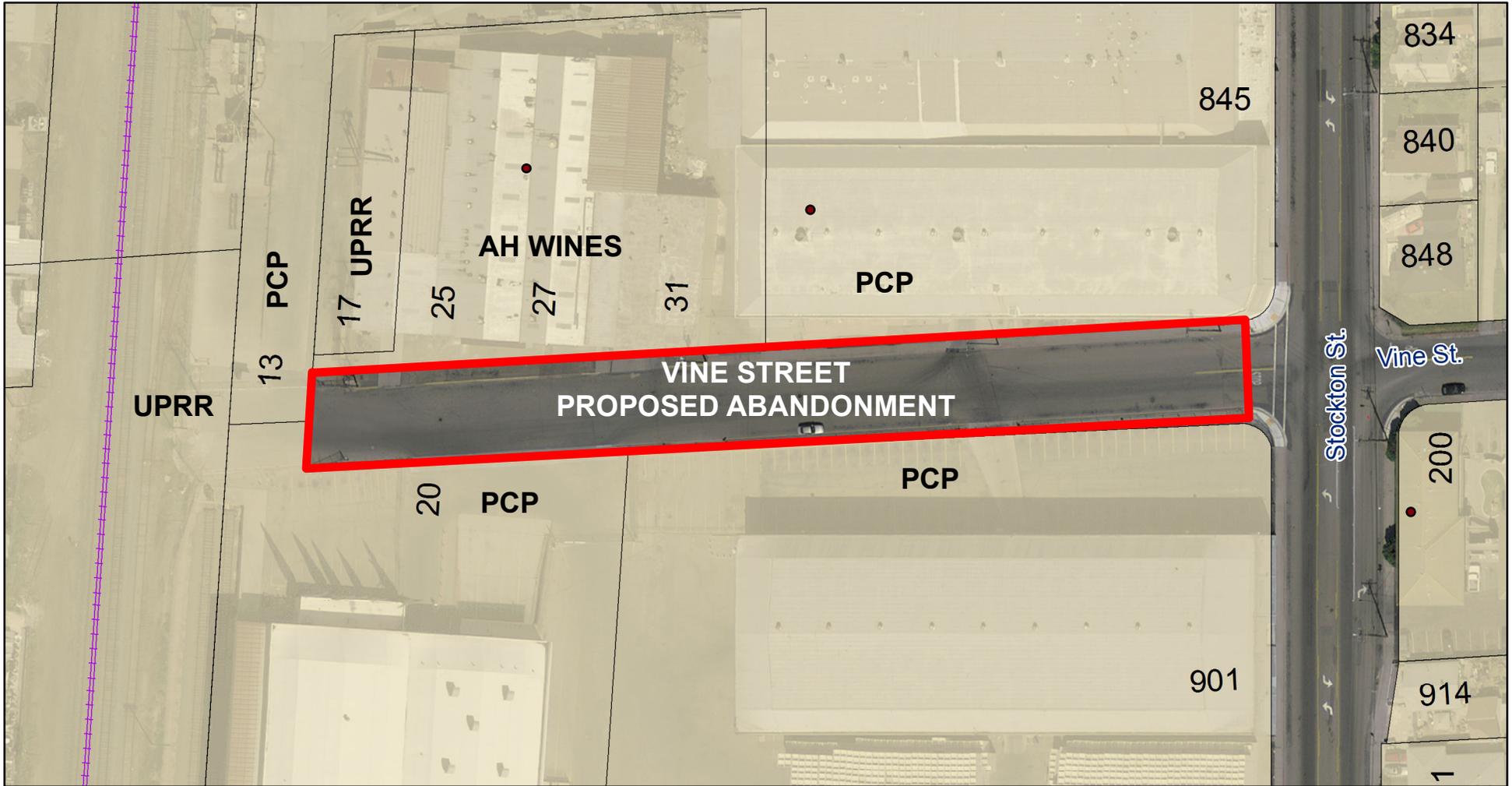
Prepared by Denise Wiman, Sr. Engineering Technician
CES/DSW/tdb
Attachments

cc: Development Services
City Engineer - Chang
Jeff Hansen, 27 East Vine Street, Lodi CA 95240

APPROVED: _____
Stephen Schwabauer, City Manager



PROPOSED STREET ABANDONMENT 0 BLOCK OF EAST VINE STREET



UPRR
PCP

PROPOSED ABANDONMENT
UNION PACIFIC RAILROAD
PACIFIC COAST PRODUCERS



1 in = 93 ft

WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

IMPROVEMENT DEFERRAL AGREEMENT

25, 27 and 31 East Vine Street, Lodi, California
(APN 047-030-02)

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and AH WINES, INCORPORATED, hereinafter referred to as "Owner".

RECITALS:

Owner is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, known as 25, 27 AND 31 East Vine Street (APN 047-030-20) and described in Exhibit A, which is attached hereto and incorporated by reference.

Owner has submitted building application #20150675 to allow a tenant improvement to an existing building on the subject property. Installation of public improvements along Vine Street are required as a condition of permit issuance in accordance with existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code. Required improvements include, but are not limited to, the installation 240 linear feet of concrete curb, gutter and sidewalk in accordance with the City's Standard Plans and Specifications, see Exhibit B for total improvements quantities. Owner is desirous of complying with existing City ordinances and policies regarding off-site improvements. Owner has requested that the improvements on Vine Street be deferred for 24 months.

Council of the City will approve the deferral of the required Vine Street improvements on condition that the Owner first enters into and executes this agreement with City.

NOW THEREFORE, in order to insure satisfactory performance by Owner of Owner's obligations under said City Code, the parties agree as follows:

1. Owner agrees to pay for and complete the design and installation of the required improvements on Vine Street in accordance with City Standards, including payment for engineering and other applicable City fees. The improvements shall commence at such time the Owner requests or at the time Vine Street is improved, or at the request of the City, whichever occurs first.
2. Owner agrees to undertake the design and construction of the required improvements within 30 days after written notice is given by the City, subject to Item #1 above, and will complete the required improvements within 120 days from the date of notice.
3. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.

4. If Owner fails to complete the required improvements, or make the fee payments as required by Item #1 of this Agreement within the time period specified in Item #2 above, the City shall be entitled, at its election, to either 1) file suit against Owner, its heirs, successors or assigns, for the full value of the improvements at the time period specific in Item #2 above plus attorney fees, or 2) complete the improvements at the expense of Owner, and file suit against Owner, its heirs, successors or assigns for the costs incurred, plus attorney fees. In either case, the obligations of this Agreement shall be secured by a lien against said property for the full value of the improvement costs set forth in Exhibit B.
5. A copy of the Agreement shall be recorded in the office of the San Joaquin County Records, P. O. Box 1968, Stockton, California 95201-1968.
6. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

Charles E. Swimley, Jr.
Public Works Director
City of Lodi
P. O. Box 3006
Lodi, CA 95240-1910

Notices required to be given to Owner shall be addressed as follows:

Jeff Hansen, President
AH Wines
27 East Vine Street
Lodi, CA 95240

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: _____ 2016

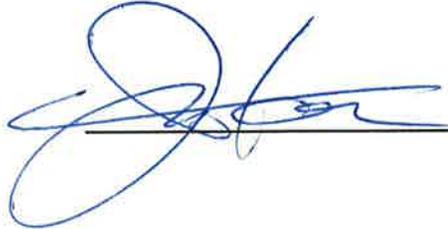
By: _____
Stephen Schwabauer, Interim City

Manager

Attest: _____
Jennifer M Ferraiolo, City Clerk

AH Wines

Dated: 18 August 2016

 _____

Approved as to form: _____
Janice D Magdich
City Attorney 

Dated: _____ 2016

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Joaquin)
On August 18 2016 before me, B. Chandler Notary
Date Here Insert Name and Title of the Officer
personally appeared Jeff Hansen
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature B. Chandler
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Agreement

Document Date: _____ Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Jeff Hansen

Corporate Officer — Title(s): President

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: AH Wines Inc.

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

APN: 047-030-02
Address: 25, 27 & 31 East Vine Street

Exhibit "A"

A portion of Lot 68, as shown upon that certain map entitled, LODI BARNHART TRACT filed for record November 5, 1906 in Volume 3 of Maps and Plats, at Page 48, San Joaquin County Records, more particularly described as follows:

Beginning at a point on the South line of said Lot 68, said point being North 68 degrees 23 minutes East 100.00 feet from the southwest corner of said lot 68; thence North 3 degrees 45 minutes East and parallel with the west line of said Lot 68, 241.11 feet to the south line of the North 1.70 acres lot said lot 68, being also the north line of the South 4 acres of said Lot 68; thence North 86 degrees 23 minutes West, 261.68 feet from the east line of said Lot 68; being also the center line of Stockton Street; thence due South, parallel with said east lot line, and being also the west line of the East 1 acre of the North 2 acres of the South 4 acres of said Lot 68 and its Southerly extension, 239.32 feet to the point of beginning.

EXCEPT THEREFROM the South 30 feet thereof as described in that certain indenture of the City of Lodi, dated February 1, 1966, recorded March 15, 1966 in Volume 3033 of Official records, at page 264, San Joaquin County Records.

ALSO EXCEPTING THEREFROM that portion lying within the 400 foot Congressional Grant.

Popuch
Concrete
Contracting

COMMERICAL . INDUSTRIAL . RESIDENTIAL

DIR #1000004985

License #327940

Estimator & contact for bid day: John Popuch - 209-993-1633

Date 8/26/2016

Project name: **Lodi Winery Offsite Concrete**

Spec Section: Concrete

Inclusions:

- **Remove & replace 227 LF of 5' sidewalk, curb & gutter.**
- **Includes driveways.**
- **Grading & compaction.**
- **Removal of spoils.**

Exclusions:

- **Staking & surveying**
- **Sawcutting & demo**
- **Sealants & caulking**
- **Masonry, Light standards, bollards**
- **Bond, permits, inspections, SWPP**
- **All other concrete**

Base bid amount: \$34,500

Price good for 30 days

P.O. Box 2570 Lodi, CA 95241
Tel. (209) 369-0829 Fax (209) 367-0865 Cell (209) 993-1633

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE AN
IMPROVEMENT DEFERRAL AGREEMENT FOR 25, 27,
AND 31 EAST VINE STREET

=====

WHEREAS, the owner of the property, AH Wines, Inc., has recently constructed tenant improvements to existing buildings located at 25, 27, and 31 East Vine Street; and

WHEREAS, required public improvements include removal and replacement of 227 lineal feet of curb, gutter and sidewalk, and Americans with Disabilities Act compliant driveways along the north side of East Vine Street; and

WHEREAS, AH Wines, Inc., has requested that the construction of the public improvements be deferred for 24 months to accommodate a request from Pacific Coast Producers to vacate the portion of East Vine Street from Stockton Street west to its termination; and

WHEREAS, the Agreement requires AH Wines, Inc., to pay for the design and installation of the required improvements on East Vine Street in accordance with City standards, within 24 months, unless the Vine Street vacation request is approved by Council prior to this deadline; and

WHEREAS, staff recommends authorizing the City Manager to execute an Improvement Deferral Agreement for 25, 27, and 31 East Vine Street.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute an Improvement Deferral Agreement with AH Wines, Inc., for 25, 27, and 31 East Vine Street, Lodi, California, on behalf of the City of Lodi.

Dated: September 21, 2016

=====

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 21, 2016 by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Approving Application for Youth Soccer and Recreational Development Program Grant for Blakely Park

MEETING DATE: September 21, 2016

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Adopt resolution approving the application for Youth Soccer and Recreational Development Program Grant for Blakely Park.

BACKGROUND INFORMATION: The Parks, Recreation and Cultural Services Department desires to pursue a grant that, if successful, would result in new turf, irrigation system, restrooms, ball diamond renovations and a new soccer field at Blakely Park.

The grant opportunity is the 2016 California Youth Soccer and Recreation Development Program. Applications are due November 1, 2016. The competitive grant is being administered by the State Parks, Office of Grants and Local Services, and is intended to provide funds for new youth soccer, baseball, softball and basketball recreation opportunities in heavily populated, low-income urban areas with high youth crime and unemployment rate. Cities, recreation districts, school districts and community-based organizations are eligible to apply for the grants, which may not exceed \$1 million per project. The projects must include a water conservation measure, and may not be used for land acquisition.

Blakely Park is the site that best meets the grant objectives. It has one usable baseball diamond on the west side. This project would convert the east diamond into an all-dirt infield, remove the existing turf/weed surface and replace it with turf grass, and add a new soccer field that would span both outfields. Additionally, it is in one of Lodi's lowest-income neighborhoods. Within a half-mile radius (area established by grant instructions), the median household income is \$35,025 (vs. \$49,000 citywide) and the unemployment rate is 19.8 percent, compared to 7.8 percent citywide. The area also has a history of gang and other crime, with 84 calls for police service to the park and adjacent streets in a recent seven-month period.

The water savings would be significant. Blakely Park's existing irrigation system is outdated and underpowered, resulting in some turf areas receiving excess water so that others receive sufficient amounts. Installing a new irrigation system, including a booster pump, is estimated to save approximately 1 million gallons of water a year.

The Recreation Commission has expressed its support for this project, provided an opportunity for public comment at its September 6, 2016, meeting and PRCS held a public workshop on September 15 at the Lodi Boys & Girls Club to receive public input on the proposal.

Other than the Grape Bowl, the City does not have a defined soccer field outside a basin park, providing an opportunity for soccer during late fall and winter, when basins may be closed for an extended period to hold storm water.

APPROVED: _____
Stephen Schwabauer, City Manager

Adopt Resolution Approving Application for Youth Soccer and Recreational Development Program Grant for Blakely Park

September 21, 2016

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FISCAL IMPACT: The grant would provide funds for a project the department can't otherwise afford. Measure R, if passed, includes funding for a similar project that could be used for other upgrades at Blakely Park if we are successful with the application.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation and Cultural Services Director

JH:tl

cc: City Attorney

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI APPROVING THE APPLICATION FOR YOUTH SOCCER AND RECREATIONAL DEVELOPMENT PROGRAM GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Youth Soccer and Recreation Development Program, setting up necessary procedures governing the grant application process; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

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

1. Approves the filing of a Youth Soccer and Recreational Development Program grant application for the Blakely Park Sports Fields and Water Conservation Project; and
2. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
3. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and
4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
5. Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 21, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Request San Joaquin County Board of Supervisors Adopt 5 MPH Boating Speed Limit on the Mokelumne River Adjacent to Lodi Lake Park and Nature Area Until March 1, 2022

MEETING DATE: September 21, 2016

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Request San Joaquin County Board of Supervisors adopt a 5 mph boating speed limit on the Mokelumne River adjacent to Lodi Lake Park and Nature Area until March 1, 2022.

BACKGROUND INFORMATION: Erosion along the Mokelumne River is a significant issue at Lodi Lake Park. The areas that have lost the most parkland are from the northern edge of the Youth Area to Hughes Beach, and Pigs Lake.

The City has applied, unsuccessfully, three times for State grants since 2008 to address the erosion problem. The most recent application was in 2015 to reduce erosion from the Rotary Area to the Youth Area. Part of that application included a plan to plant vegetation near the waterline when the Woodbridge Irrigation District conducts its annual dam maintenance and lowers river levels. Planting with hand tools does not require a permit.

Although we were not successful in obtaining the grant, the main component of which was a riverfront trail, PRCS has been developing plans to move forward with the planting portion of the proposed project. The Lodi-Tokay Rotary Club is donating \$5,000 toward purchase of the needed material, as well as labor, and PRCS expects to find other citizen groups willing to volunteer for the effort, which would take place in February 2017.

According to ICF Jones & Stokes, the engineering firm that prepared the grant application for PRCS, planting native emergent vegetation along the perimeter – especially at the Rotary Area and Youth Area - - would provide bank protection via binding the soil and serving to dissipate energy from river flows and boat wakes, and would provide habitat for fish, waterfowl and other wildlife. The plantings also would serve to improve water quality of runoff leaving the park. ICF Jones & Stokes also noted that PRCS intended to pursue a temporary boating speed limit during the plant establishment period, stating that wetland plantings are most vulnerable to wave action just after being transplanted. “Once plant roots have established, plants increase in mass, and the accumulation of sediment begins, the wetland plants will be less affected by boat wakes,” the application states.

Staff also plans to take additional measures to restrict foot access in these areas to allow the vegetation to become established. We are getting promising results from a pilot project to reduce erosion on the west side of the lake by planting sandbar willows in 2015.

According to a 2008 study at the Pigs Lake riverbank, erosion at the park is caused by a combination of factors – fluctuating water levels, boat wake and bank modifications made by upstream property owners.

APPROVED: _____
Stephen Schwabauer, City Manager

Request San Joaquin County Board of Supervisors Adopt 5 MPH Boating Speed Limit on the Mokelumne River Adjacent to Lodi Lake Park and Nature Area Until March 1, 2022

September 21, 2016

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At the tip of the Rotary Area, foot traffic is problematic. On one portion of the Rotary Area, the river has claimed 14 feet of land in the past 15 years. Also, the riverbank near Pigs Lake continues to narrow and, once breached, will fill most of the Nature Area with standing water and result in the demise of the oak forest and a loss of a rare resource.

The City has no ability to regulate water flows on the river or other property owners' armoring of the bank. It can, however, request that San Joaquin County – the agency with the authority to regulate boating on the river – take steps to minimize erosion. On September 6, 2016, the Parks and Recreation Commission heard PRCS staff's request to recommend the City Council request a temporary 5 mph zone from the Youth Area to the Hughes Beach location (approximately one-third of a mile), as well as a 600-foot stretch near Pigs Lake, which would provide some protection for the plants to take root and create a buffer between erosion forces and the riverbank.

The Parks and Recreation Commission, however, felt it would be confusing for boaters to determine which sections had speed limits and which didn't, and voted unanimously to request the 5 mph limit along the entire length of Lodi Lake Park and Nature Area for a five-year period as shown in the attachment.

San Joaquin County Ordinance 4-4005(b)(7) states there is a 5 mph boating speed limit on "the Mokelumne River between Woodbridge Dam and the northeast boundary of the city of Lodi between the hours of seven o'clock in the evening (7:00 p.m.) and noon." The Recreation Commission recommends the City Council request the Board of Supervisors amend that ordinance by including the area adjacent to Lodi Lake Park and Nature Area until March 1, 2022.

Whether or not Measure R is approved by voters on November 8 has no effect on our need to protect this new vegetation from boat wake, although it will obviously accelerate our ability to finance more permanent projects, especially at Pigs Lake. The cost of installing rip-rap along the bank at Pigs Lake in 2008 was estimated at nearly \$1.2 million, while a little more than \$2 million is included in the Measure R spending plan for erosion-control measures.

FISCAL IMPACT: None by the request, but the County ordinance is amended by the Board of Supervisors, the erosion control measures are expected to reduce loss of additional parkland and expense of emergency repairs, relocation of park facilities.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation and Cultural Services Director

JH:tl

cc: City Attorney

5 MPH ZONE

PIGS
LAKE

Lodi Lake Boat Launch

© 2016 Google

Google earth

1993

38°09'02.99" N 121°17'27.14" W elev 109 ft eye alt 4034 ft

Current San Joaquin County Ordinance

4-4005 - SPEED.

No person shall operate any boat or aquaplane in a manner or at a rate of speed that endangers the life, limb, or property of any person, taking into account weather conditions, light conditions; the ordinary use of waters navigated; the depth of the water; the proximity to shore, docks, swimmers, boats, and other obstacles; the conditions of the boat operated; and any other factor that a reasonable and prudent person would consider in the safe operation of the boat. Operation of a boat or aquaplane under any of the following conditions shall constitute prima facie evidence that the boat or aquaplane is being operated in violation of this section:

(a) At a speed greater than will permit it to be fully stopped by the exercise of reasonable care within the assured clear distance ahead;

(b) At a speed in excess of five (5) statute miles per hour in any of the following areas:

(1) Within any area designated as a "slow area";

(2) Within one hundred (100) feet of any person bathing or swimming;

(3) Within one hundred (100) feet of any watercraft sixteen (16) feet or less in length that might be seriously endangered by the wake of a passing vessel;

(4) Within two hundred (200) feet of any swimming float, diving platform, lifeline, or designated swimming area;

(5) Within two hundred (200) feet of any legal dock, wharf, dam, way, or landing float to which boats are landed or made fast or which is used for the embarkation or discharge of passengers;

(6) Within two hundred (200) feet of any authorized boat, Sheriff's boat, or any other boat in the act of rescue operations, or dragging for bodies or equipment, if the boat is marked; attempting to overhaul or board a vessel involved in any violation of this chapter or other law, any vessel used for firefighting, or any vessel in the act of firefighting.

(7) On the Mokelumne River between Woodbridge Dam and the northeast boundary of the city of Lodi between the hours of seven o'clock in the evening (7:00 p.m.) and noon.

(c) Any violation of this section is a misdemeanor punishable in accordance with the punishment for a misdemeanor, as set forth in Penal Code Section 19 or its successor.



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Bylaw Changes for the Lodi Arts Commission
MEETING DATE: September 21, 2016
PREPARED BY: Parks, Recreation, and Cultural Services Director

RECOMMENDED ACTION: Adopt resolution approving bylaw changes for the Lodi Arts Commission.

BACKGROUND INFORMATION: The Lodi Arts Commission reviewed current bylaws, suggested changes and voted on August 10, 2016, to recommend the City Council approve the proposed changes.

It is recommended the bylaws be amended as shown in Exhibit A. Recommended changes include updating department name and City staff/liason direction, mission statement, Chairperson and Vice Chairperson selection, annual budget, annual presentation/report, and attendance/vacancies.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation and Cultural Services Director

JHJW:tl
cc: City Attorney

APPROVED: _____
Stephen Schwabauer, City Manager

RESOLUTION NO. ~~2010-137~~2016-

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE POWERS AND DUTIES RELATING TO
THE LODI ARTS COMMISSION, THEREBY REPEALING
RESOLUTION NO. ~~2003-175~~2010-137

=====

WHEREAS, the stature of a community is not measured by size alone, but in the way its physical and cultural needs are met; and

WHEREAS, with this in mind as being most important ~~and with the establishment of the Division of Arts and Culture within the City's Community Center Department Parks, Recreational & Cultural Services, which adheres to the above statement,~~ along with the constant and concrete evidence of an expanding interest in the arts, both nationally and locally, it is most advisable that the Lodi Arts Commission, created by the City Council of the City of Lodi on March 17, 1982 by adoption of Resolution No. 82-30, be re-affirmed and re-established to assist local arts groups to become more reflective of the wide range of contributive talents existing within the community; and

WHEREAS, such a commission, parallel to and balancing the existing Parks and Recreation Commission, will provide strong support within the administration of the ~~Arts and Culture Division~~ Hutchins Street Square Division and will prove a valuable asset to the City in procuring such monies from regional, state, and national sources as may be available in support of the arts and their furtherance; and

WHEREAS, to such end, the following design for the establishment of a Lodi Arts Commission is hereby submitted.

FINDINGS:

The City Council hereby finds and declares:

- a) That the growth and flourishing of art and culture depend upon freedom, imagination, and individual initiative;
- b) That the encouragement and support of art and culture, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the City of Lodi;
- c) That this City's prestige and general welfare will be promoted by providing recognition that art and culture, and the creative spirit which motivates them and which they personify, are valued as an essential part of the City's resources;
- d) That it is in the best interest of the City of Lodi to maintain, develop and disseminate the City's artistic and cultural resources;
- e) That the continued growth of the Arts can no longer be sustained by traditional resources; and

- f) That in order to implement these findings it is desirable to establish the Lodi Arts Commission to provide such recognition and assistance as will encourage and promote the City's artistic and cultural progress.

ARTS COMMISSION ESTABLISHED:

NOW, THEREFORE BE IT RESOLVED that there is established a Lodi Arts Commission to promote and encourage programs to further the development and public awareness of and interest in the fine and performing arts and to act in an advisory capacity to the Lodi City Council in connection with the artistic and cultural development of the City.

MISSION STATEMENT

To advance the arts in Lodi by partnering with the entire community to provide quality programs and events that foster creative expression.

MEMBERSHIP:

- a) The Commission shall be nine (9) members appointed by the Mayor from a list of nominees, with the approval of the City Council.
- b) Each member of the Commission shall hold office for a term of three (3) years, except that:
1. The terms of office for all members of the Arts Commission shall be deemed to run from July 1 of each year. Commencing on July 1, 1990, the Mayor, with the approval of the City Council, appointed four (4) new members to the Commission. On July 1, 1991, the Mayor, with the approval of the City Council, appointed four (4) members, and on July 1, 1992, the Mayor, with the approval of the City Council, appointed three (3) members; and
 2. Current appointees will retain their appointment following adoption of this Resolution.
 3. As terms expire, succeeding appointees shall serve for three (3) year terms; and
 4. Any member appointed to fill the vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.
- c) In addition to the Mayor, City Manager, and City Attorney, such other persons as may be designated as ex officio members without vote by the Mayor with advice from the City Council shall be selected from any department, office, commission, board, employee, or instrumentality of the City of Lodi to aid, assist, and advise the Arts Commission.

CHAIRPERSON:

- a) The Chairperson and Vice Chairperson ("Vice Chair") shall be selected by a majority vote of the Commission at a meeting held in July-June of each year, and shall take office immediately following such vote on July 1. The term of the Chairperson's and Vice Chair terms shall be for one (1) year.

If a vacancy occurs in the office of Chairperson, a replacement shall be selected by majority vote of the Commission to fill out the unexpired current term.

- b) The Chairperson shall serve at the pleasure of the Arts Commission, but not in excess of two (2) consecutive terms, and the provisions of this subsection shall apply to any person appointed to fill the vacancy in the office of Chairperson or Vice Chair.
- c) The Chairperson shall act as liaison between the Commission and the Parks, Recreation & Cultural Services Director's designee and lead the regularly-scheduled commission meetings.
- b)d) The Vice Chair shall serve in the absence of the Chairperson or in the event the Chairperson is unable to fulfill their duties.

SECRETARY OF THE COMMISSION:

The Secretary of the Commission shall ~~be the City's Arts & Events Manager, who shall act as liaison between the Commission and the City Council.~~ either be a member of the commission appointed by a majority of the commission, or the Parks, Recreation, and Cultural Services Director's designee. The Director shall also designate a liaison to the Commission

ATTENDANCE/VACANCIES:

~~If a member of the Arts Commission shall be absent from three (3) consecutive regular meetings of the Commission without leave of absence from the Commission expressed in its official minutes, such office shall become vacant and shall be so declared by the Mayor. The Secretary of the Commission shall notify the City Clerk of any vacancy whenever such occurs.~~

The Secretary of the Commission shall notify the City Clerk that an office of an Arts Commissioner has been vacated if the member:

- a) Is absent from three (3) consecutive regular meetings of the Commission without leave of absence from the Commission expressed in its official minutes, or
- b) Fails to meet the Commission-established minimum volunteer requirement of a specified number of hours or events during the period July 1 through June 30 of each year. The Commission shall not change the minimum volunteer requirement more than once per fiscal year.

Such vacancy shall be so declared by the Mayor and a new member appointed, with approval of the City Council, to fill the remaining term.

ORGANIZATION:

The Commission shall organize and adopt administrative rules and procedures consistent with this Part to accomplish its purposes. The Chairperson shall appoint such officers or committees as shall be deemed necessary by the Commission.

POWERS AND DUTIES:

The powers and duties of the Commission shall be as follows:

- a) All of the Commission shall meet at the call of the Chairperson or a majority of the Commission, but not less than once every three months. A majority of the appointed

members of the Commission shall constitute a Quorum. ~~The affirmative votes of five (5) members of the Commission are required to take any action.~~ The commission shall keep an accurate record of its proceedings and transactions;

- b) Recommend ways to maintain and increase the artistic and cultural resources of the City of Lodi;
- c) Propose methods to encourage private initiative in the fields of art and culture;
- d) Assist in the solicitation of private, state, and federal funding available for the fine and performing arts;
- e) Develop and recommend methods by which to coordinate existing resources and facilities, and to foster artistic and cultural endeavors and the use of the arts both locally and outside of the City to promote the best interests of the City.
- f) Initiate, sponsor, or conduct, alone or in cooperation with other public or private agencies, programs to further the development and public awareness of and interest in the fine and performing arts;
- g) Advise and consult with public and private groups, schools, the City, and State or Federal Cultural and Art Commission interested in, or having knowledge or experience in, the fields or art and culture of the City;
- h) Improve access to the arts through various programs so that the arts are within the reach of persons of all cultural backgrounds and levels of income. The Commission shall especially be concerned for segments of the community in which the arts are lacking and needed;
- i) Call for studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the arts and culture may be encouraged and promoted in the best interest of the City's artistic and cultural progress and a greater appreciation and enjoyment of the arts and culture by the citizens of the City of Lodi and how such can be encouraged and developed;
- j) Provide preliminary screening of annual requests for allocation of Community Promotion funds for cultural and art activities and recommend a list of priorities with regard to those requests to the City Council. The Commission recommendation shall:
 - 1. Be listed by priority ranking to reflect the Commission's recommendations based on thorough consideration and evaluation of information and data to be submitted by applicant organizations to justify requested funding;
 - 2. Be submitted in accordance with due dates to be specified by the City Manager to insure the City Annual Budget review schedules are met;
 - 3. Be advisory only and not binding upon the City Council; all final determinations shall be made to City Council.
- k) To perform such other related duties and function as the City Council may from time to time direct or otherwise appoint the Commission to administer or coordinate on behalf of the City.

ANNUAL PRESENTATION REPORT:

The Commission shall prepare and deliver ~~a presentation~~ an annual report to the Community Center Parks, Recreational & Cultural Services Director, not later than one hundred and fifty (150) days after the end of each calendar year to include an annual account of its activities and goals.

ANNUAL BUDGET:

~~The Commission's Secretary shall prepare and submit to the City Manager an annual budget for review and approval of the City Council. Said budget shall reflect all actual and anticipated revenues and expenditures.~~

COMPENSATION:

Members of the Commission, the Chairperson, and persons appointed to assist the Commission in making its studies shall serve at no salary, but shall be reimbursed for travel and subsistence expenses incurred in the performance of their duties while away from the City of Lodi in accordance with the travel allowance policies adopted by the City of Lodi, but only to the extent that appropriations for such travel allowance have been provided in the Commission's budget and approved by the City Council.

STAFF SUPPORT:

The City Council may authorize, subject to the budget of the Division of Arts and Culture Parks, Recreational & Cultural Services Department as approved by the City Council, such clerical and other staff assistance, and the acquisition of such equipment and supplies as are necessary to enable the Commission to carry out its functions and duties.

STAFF ASSISTANCE:

The Commission is authorized to secure through the City Manager from any department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi suggestions, estimates, and statistics for the purposes of carrying out the provisions of this Part and each such department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi through the City Manager is authorized and directed to furnish such information, suggestions, estimates, and statistics to the Commission upon request made by the Chairperson of the Commission or upon the request of any member or subcommittee of the Commission whatsoever.

MEETINGS – LOCATIONS:

The Commission, or on the authorization of the Commission any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Part, sit and act in such time or place within the City of Lodi as deemed necessary to the conduct of its affairs. The deliberations of this Commission shall be held in public session, but this shall not constitute the sessions as public hearings as a matter of right open to participation by members of the general public at large, except at the will of the majority of the Commission.

AUTHORITY NON-EXCLUSIVE:

Nothing herein in this Part shall be deemed to deprive the City Council or any board, commission or officer of the City of any power, duty or function which such Council, board,

commission or officer may now have or be hereafter granted, it being the intention that the powers and functions hereinabove provided to be exercised by the Lodi Arts Commission be non-exclusive. Also, nothing herein contained shall be deemed to require the City Council, or any board, commission or officer, to refer or submit to the Lodi Arts Commission, or to receive from such any report or recommendation respecting any matter hereinabove mentioned in the Part before taking any action or making any decision with respect to such matter, it being the intention of this Part to authorize the performance of certain functions by said Commission and not to deprive the Council or any board, commission or officer of any power, duty or privilege which it now may have or may hereafter be granted.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby repeal Resolution No. 2010-137 in its entirety, and approves the amendment to the powers and duties of the Lodi Arts Commission as set forth above.

Dated: September 21, 2016

=====

I hereby certify that Resolution No. 2016-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 21, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk

2016-____

RESOLUTION NO. 2010-137

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE POWERS AND DUTIES RELATING TO
THE LODI ARTS COMMISSION, THEREBY REPEALING
RESOLUTION NO. 2003-175

=====

WHEREAS, the stature of a community is not measured by size alone, but in the way its physical and cultural needs are met; and

WHEREAS, with this in mind as being most important and with the establishment of the Division of Arts and Culture within the City's Community Center Department, which adheres to the above statement, along with the constant and concrete evidence of an expanding interest in the arts, both nationally and locally, it is most advisable that the Lodi Arts Commission, created by the City Council of the City of Lodi on March 17, 1982 by adoption of Resolution No. 82-30, be re-affirmed and re-established to assist local arts groups to become more reflective of the wide range of contributive talents existing within the community; and

WHEREAS, such a commission, parallel to and balancing the existing Parks and Recreation Commission, will provide strong support within the administration of the Arts and Culture Division and will prove a valuable asset to the City in procuring such monies from regional, state, and national sources as may be available in support of the arts and their furtherance; and

WHEREAS, to such end, the following design for the establishment of a Lodi Arts Commission is hereby submitted.

FINDINGS:

The City Council hereby finds and declares:

- a) That the growth and flourishing of art and culture depend upon freedom, imagination, and individual initiative;
- b) That the encouragement and support of art and culture, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the City of Lodi;
- c) That this City's prestige and general welfare will be promoted by providing recognition that art and culture, and the creative spirit which motivates them and which they personify, are valued as an essential part of the City's resources;
- d) That it is in the best interest of the City of Lodi to maintain, develop and disseminate the City's artistic and cultural resources;
- e) That the continued growth of the Arts can no longer be sustained by traditional resources; and
- f) That in order to implement these findings it is desirable to establish the Lodi Arts Commission to provide such recognition and assistance as will encourage and promote the City's artistic and cultural progress.

ARTS COMMISSION ESTABLISHED:

NOW, THEREFORE BE IT RESOLVED that there is established a Lodi Arts Commission to promote and encourage programs to further the development and public awareness of and interest in the fine and performing arts and to act in an advisory capacity to the Lodi City Council in connection with the artistic and cultural development of the City.

MEMBERSHIP:

- a) The Commission shall be nine (9) members appointed by the Mayor from a list of nominees, with the approval of the City Council.
- b) Each member of the Commission shall hold office for a term of three (3) years, except that:
 1. The terms of office for all members of the Arts Commission shall be deemed to run from July 1 of each year. Commencing on July 1, 1990, the Mayor, with the approval of the City Council, appointed four (4) new members to the Commission. On July 1, 1991, the Mayor, with the approval of the City Council, appointed four (4) members, and on July 1, 1992, the Mayor, with the approval of the City Council, appointed three (3) members; and
 2. Current appointees will retain their appointment following adoption of this Resolution.
 3. As terms expire, succeeding appointees shall serve for three (3) year terms; and
 4. Any member appointed to fill the vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.
- c) In addition to the Mayor, City Manager, and City Attorney, such other persons as may be designated as ex officio members without vote by the Mayor with advice from the City Council shall be selected from any department, office, commission, board, employee, or instrumentality of the City of Lodi to aid, assist, and advise the Arts Commission.

CHAIRPERSON

- a) The Chairperson shall be selected by a majority vote of the Commission at a meeting held in July of each year, and shall take office immediately following such vote. The Chairperson's term shall be for one (1) year.
- b) If a vacancy occurs in the office of Chairperson, a replacement shall be selected by majority vote of the Commission to fill out the unexpired current term.
- c) The Chairperson shall serve at the pleasure of the Arts Commission, but not in excess of two (2) consecutive terms, and the provisions of this subsection shall apply to any person appointed to fill the vacancy in the office of Chairperson.

SECRETARY OF THE COMMISSION:

The Secretary of the Commission shall be the City's Arts & Events Manager, who shall act as liaison between the Commission and the City Council.

VACANCIES:

If a member of the Arts Commission shall be absent from three (3) consecutive regular meetings of the Commission without leave of absence from the Commission expressed in its official minutes, such office shall become vacant and shall be so declared by the Mayor. The Secretary of the Commission shall notify the City Clerk of any vacancy whenever such occurs.

ORGANIZATION:

The Commission shall organize and adopt administrative rules and procedures consistent with this Part to accomplish its purposes. The Chairperson shall appoint such officers or committees as shall be deemed necessary by the Commission.

POWERS AND DUTIES:

The powers and duties of the Commission shall be as follows:

- a) All of the Commission shall meet at the call of the Chairperson or a majority of the Commission, but not less than once every three months. A majority of the members of the Commission shall constitute a Quorum. The affirmative votes of five (5) members of the Commission are required to take any action. The Commission shall keep an accurate record of its proceedings and transactions;
- b) Recommend ways to maintain and increase the artistic and cultural resources of the City of Lodi;
- c) Propose methods to encourage private initiative in the fields of art and culture;
- d) Assist in the solicitation of private, state, and federal funding available for the fine and performing arts;
- e) Develop and recommend methods by which to coordinate existing resources and facilities, and to foster artistic and cultural endeavors and the use of the arts both locally and outside of the City to promote the best interests of the City;
- f) Initiate, sponsor, or conduct, alone or in cooperation with other public or private agencies, programs to further the development and public awareness of and interest in the fine and performing arts;
- g) Advise and consult with public and private groups, schools, the City, and State or Federal Cultural and Art Commission interested in, or having knowledge or experience in, the fields of art and culture of the City;
- h) Improve access to the arts through various programs so that the arts are within the reach of persons of all cultural backgrounds and levels of income. The Commission shall especially be concerned for segments of the community in which the arts are lacking and needed;
- i) Call for studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the arts and culture may be encouraged and promoted in the best interest of the City's artistic and cultural progress and a greater appreciation and enjoyment of the arts and culture by the citizens of the City of Lodi and how such can be encouraged and developed;

- j) Provide preliminary screening of annual requests for allocation of Community Promotion funds for cultural and art activities and recommend a list of priorities with regard to those requests to the City Council. The Commission recommendation shall:
1. Be listed by priority ranking to reflect the Commission's recommendations based on thorough consideration and evaluation of information and data to be submitted by applicant organizations to justify requested funding;
 2. Be submitted in accordance with due dates to be specified by the City Manager to insure the City Annual Budget review schedules are met;
 3. Be advisory only and not binding upon the City Council; all final determinations shall be made the City Council.
- k) To perform such other related duties and function as the City Council may from time to time direct or otherwise appoint the Commission to administer or coordinate on behalf of the City.

ANNUAL PRESENTATION:

The Commission shall prepare and deliver a presentation to the Community Center Director, not later than one hundred and fifty (150) days after the end of each calendar year to include an annual account of its activities and goals.

ANNUAL BUDGET:

The Commission's Secretary shall prepare and submit to the City Manager an annual budget for review and approval of the City Council. Said budget shall reflect all actual and anticipated revenues and expenditures.

COMPENSATION:

Members of the Commission, the Chairperson, and persons appointed to assist the Commission in making its studies shall serve at no salary, but shall be reimbursed for travel and subsistence expenses incurred in the performance of their duties while away from the City of Lodi in accordance with the travel allowance policies adopted by the City of Lodi, but only to the extent that appropriations for such travel allowance have been provided in the Commission's budget and approved by the City Council.

STAFF SUPPORT:

The City Council may authorize, subject to the budget of the Division of Arts and Culture as approved by the City Council, such clerical and other staff assistants and the acquisition of such equipment and supplies as are necessary to enable the Commission to carry out its functions and duties.

STAFF ASSISTANCE:

The Commission is authorized to secure through the City Manager from any department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi suggestions, estimates, and statistics for the purposes of carrying out the provisions of this Part and each such department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi through the City Manager is authorized and directed to furnish such information, suggestions, estimates, and statistics to the Commission upon request made by the Chairperson of the Commission or upon the request of any member or subcommittee of the Commission whatsoever.

MEETINGS – LOCATIONS:

The Commission, or on the authorization of the Commission any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Part, sit and act in such time or place within the City of Lodi as deemed necessary to the conduct of its affairs. The deliberations of this Commission shall be held in public session, but this shall not constitute the sessions as public hearings as a matter of right open to participation by members of the general public at large, except at the will of the majority of the Commission.

AUTHORITY NON-EXCLUSIVE:

Nothing herein in this Part shall be deemed to deprive the City Council or any board, commission or officer of the City of any power, duty or function which such Council, board, commission or officer may now have or be hereafter granted, it being the intention that the powers and functions hereinabove provided to be exercised by the Lodi Arts Commission be non-exclusive. Also, nothing herein contained shall be deemed to require the City Council, or any board, commission or officer, to refer or submit to the Lodi Arts Commission, or to receive from such any report or recommendation respecting any matter hereinabove mentioned in the Part before taking any action or making any decision with respect to such matter, it being the intention of this Part to authorize the performance of certain functions by said Commission and not to deprive the Council or any board, commission or officer of any power, duty or privilege which it now may have or may hereafter be granted.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby approves the amendment to the powers and duties of the Lodi Arts Commission as set forth above; and

BE IT FURTHER RESOLVED, that Resolution No. 2003-175 is hereby repealed in its entirety and all previously adopted resolutions relating to the establishment and operation of the Lodi Arts Commission are hereby rescinded.

Dated: August 4, 2010

=====

I hereby certify that Resolution No. 2010-137 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2010, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, and Mayor Katakian

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE POWERS AND DUTIES RELATING TO
THE LODI ARTS COMMISSION, THEREBY REPEALING
RESOLUTION NO. 2010-137

=====

WHEREAS, the stature of a community is not measured by size alone, but in the way its physical and cultural needs are met; and

WHEREAS, with this in mind as being most important, along with the constant and concrete evidence of an expanding interest in the arts, both nationally and locally, it is most advisable that the Lodi Arts Commission, created by the City Council of the City of Lodi on March 17, 1982 by adoption of Resolution No. 82-30, be re-affirmed and re-established to assist local arts groups to become more reflective of the wide range of contributive talents existing within the community; and

WHEREAS, such a commission, parallel to and balancing the existing Parks and Recreation Commission, will provide strong support within the administration of the Hutchins Street Square Division and will prove a valuable asset to the City in procuring such monies from regional, state, and national sources as may be available in support of the arts and their furtherance; and

WHEREAS, to such end, the following design for the establishment of a Lodi Arts Commission is hereby submitted.

FINDINGS:

The City Council hereby finds and declares:

- a) That the growth and flourishing of art and culture depend upon freedom, imagination, and individual initiative;
- b) That the encouragement and support of art and culture, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the City of Lodi;
- c) That this City's prestige and general welfare will be promoted by providing recognition that art and culture, and the creative spirit which motivates them and which they personify, are valued as an essential part of the City's resources;
- d) That it is in the best interest of the City of Lodi to maintain, develop and disseminate the City's artistic and cultural resources;
- e) That the continued growth of the Arts can no longer be sustained by traditional resources; and
- f) That in order to implement these findings it is desirable to establish the Lodi Arts Commission to provide such recognition and assistance as will encourage and promote the City's artistic and cultural progress.

ARTS COMMISSION ESTABLISHED:

NOW, THEREFORE BE IT RESOLVED that there is established a Lodi Arts Commission to promote and encourage programs to further the development and public awareness of and interest in the fine and performing arts and to act in an advisory capacity to the Lodi City Council in connection with the artistic and cultural development of the City.

MISSION STATEMENT

To advance the arts in Lodi by partnering with the entire community to provide quality programs and events that foster creative expression.

MEMBERSHIP:

- a) The Commission shall be nine (9) members appointed by the Mayor from a list of nominees, with the approval of the City Council.
- b) Each member of the Commission shall hold office for a term of three (3) years, except that:
 1. The terms of office for all members of the Arts Commission shall be deemed to run from July 1 of each year. Commencing on July 1, 1990, the Mayor, with the approval of the City Council, appointed four (4) new members to the Commission. On July 1, 1991, the Mayor, with the approval of the City Council, appointed four (4) members, and on July 1, 1992, the Mayor, with the approval of the City Council, appointed three (3) members; and
 2. Current appointees will retain their appointment following adoption of this Resolution.
 3. As terms expire, succeeding appointees shall serve for three (3) year terms; and
 4. Any member appointed to fill the vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.
- c) In addition to the Mayor, City Manager, and City Attorney, such other persons as may be designated as ex officio members without vote by the Mayor with advice from the City Council shall be selected from any department, office, commission, board, employee, or instrumentality of the City of Lodi to aid, assist, and advise the Arts Commission.

CHAIRPERSON:

- a) The Chairperson and Vice Chairperson ("Vice Chair") shall be selected by a majority vote of the Commission at a meeting held in June of each year, and shall take office on July 1. The term of the Chairperson and Vice Chair shall be for one (1) year.
- b) The Chairperson shall serve at the pleasure of the Arts Commission, but not in excess of two (2) consecutive terms, and the provisions of this subsection shall apply to any person appointed to fill the vacancy in the office of Chairperson or Vice Chair.
- c) The Chairperson shall act as liaison between the Commission and the Parks, Recreation & Cultural Services Director's designee and lead the regularly-scheduled commission meetings.
- d) The Vice Chair shall serve in the absence of the Chairperson or in the event the Chairperson is unable to fulfill their duties.

SECRETARY OF THE COMMISSION:

The Secretary of the Commission shall either be a member of the commission appointed by a majority of the commission, or the Parks, Recreation, and Cultural Services Director's designee. The Director shall also designate a liaison to the Commission

ATTENDANCE/VACANCIES:

The Secretary of the Commission shall notify the City Clerk that an office of an Arts Commissioner has been vacated if the member:

- a) Is absent from three (3) consecutive regular meetings of the Commission without leave of absence from the Commission expressed in its official minutes, or
- b) Fails to meet the Commission-established minimum volunteer requirement of a specified number of hours or events during the period July 1 through June 30 of each year. The Commission shall not change the minimum volunteer requirement more than once per fiscal year.

Such vacancy shall be so declared by the Mayor and a new member appointed, with approval of the City Council, to fill the remaining term.

ORGANIZATION:

The Commission shall organize and adopt administrative rules and procedures consistent with this Part to accomplish its purposes. The Chairperson shall appoint such officers or committees as shall be deemed necessary by the Commission.

POWERS AND DUTIES:

The powers and duties of the Commission shall be as follows:

- a) All of the Commission shall meet at the call of the Chairperson or a majority of the Commission, but not less than once every three months. A majority of the appointed members of the Commission shall constitute a Quorum. The commission shall keep an accurate record of its proceedings and transactions;
- b) Recommend ways to maintain and increase the artistic and cultural resources of the City of Lodi;
- c) Propose methods to encourage private initiative in the fields of art and culture;
- d) Assist in the solicitation of private, state, and federal funding available for the fine and performing arts;
- e) Develop and recommend methods by which to coordinate existing resources and facilities, and to foster artistic and cultural endeavors and the use of the arts both locally and outside of the City to promote the best interests of the City.
- f) Initiate, sponsor, or conduct, alone or in cooperation with other public or private agencies, programs to further the development and public awareness of and interest in the fine and performing arts;
- g) Advise and consult with public and private groups, schools, the City, and State or Federal Cultural and Art Commission interested in, or having knowledge or experience in, the fields or art and culture of the City;
- h) Improve access to the arts through various programs so that the arts are within the reach of persons of all cultural backgrounds and levels of income. The Commission shall especially be concerned for segments of the community in which the arts are lacking and needed;
- i) Call for studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the arts and culture may be encouraged and promoted in the best interest of the City's artistic and cultural progress and a greater appreciation and enjoyment of the arts and culture by the citizens of the City of Lodi and how such can be encouraged and developed;

- j) Provide preliminary screening of annual requests for allocation of Community Promotion funds for cultural and art activities and recommend a list of priorities with regard to those requests to the City Council. The Commission recommendation shall:
 - 1. Be listed by priority ranking to reflect the Commission's recommendations based on thorough consideration and evaluation of information and data to be submitted by applicant organizations to justify requested funding;
 - 2. Be submitted in accordance with due dates to be specified by the City Manager to insure the City Annual Budget review schedules are met;
 - 3. Be advisory only and not binding upon the City Council; all final determinations shall be made to City Council.
- k) To perform such other related duties and function as the City Council may from time to time direct or otherwise appoint the Commission to administer or coordinate on behalf of the City.

ANNUAL REPORT:

The Commission shall prepare and deliver an annual report to the Parks, Recreational & Cultural Services Director, not later than one hundred and fifty (150) days after the end of each calendar year to include an annual account of its activities and goals.

COMPENSATION:

Members of the Commission, the Chairperson, and persons appointed to assist the Commission in making its studies shall serve at no salary, but shall be reimbursed for travel and subsistence expenses incurred in the performance of their duties while away from the City of Lodi in accordance with the travel allowance policies adopted by the City of Lodi, but only to the extent that appropriations for such travel allowance have been provided in the Commission's budget and approved by the City Council.

STAFF SUPPORT:

The City Council may authorize, subject to the budget of the Parks, Recreational & Cultural Services Department as approved by the City Council, such clerical and other staff assistance, and the acquisition of such equipment and supplies as are necessary to enable the Commission to carry out its functions and duties.

STAFF ASSISTANCE:

The Commission is authorized to secure through the City Manager from any department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi suggestions, estimates, and statistics for the purposes of carrying out the provisions of this Part and each such department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi through the City Manager is authorized and directed to furnish such information, suggestions, estimates, and statistics to the Commission upon request made by the Chairperson of the Commission or upon the request of any member or subcommittee of the Commission whatsoever.

MEETINGS – LOCATIONS:

The Commission, or on the authorization of the Commission any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Part, sit and act in such time or place within the City of Lodi as deemed necessary to the conduct of its affairs. The deliberations of this Commission shall be held in public session, but this shall not constitute the sessions as public hearings as a matter of right open to participation by members of the general public at large, except at the will of the majority of the Commission.

AUTHORITY NON-EXCLUSIVE:

Nothing herein in this Part shall be deemed to deprive the City Council or any board, commission or officer of the City of any power, duty or function which such Council, board, commission or officer may now have or be hereafter granted, it being the intention that the powers and functions hereinabove provided to be exercised by the Lodi Arts Commission be non-exclusive. Also, nothing herein contained shall be deemed to require the City Council, or any board, commission or officer, to refer or submit to the Lodi Arts Commission, or to receive from such any report or recommendation respecting any matter hereinabove mentioned in the Part before taking any action or making any decision with respect to such matter, it being the intention of this Part to authorize the performance of certain functions by said Commission and not to deprive the Council or any board, commission or officer of any power, duty or privilege which it now may have or may hereafter be granted.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby repeal Resolution No. 2010-137 in its entirety, and approves the amendment to the powers and duties of the Lodi Arts Commission as set forth above.

Dated: September 21, 2016

=====

I hereby certify that Resolution No. 2016-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 21, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk

2016-____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Rescind Resolution 2007-72 and Adopt Resolution Approving Travel Policy in Accordance With Government Code Section 53232

MEETING DATE: September 21, 2016

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Rescind Resolution 2007-72 and adopt resolution approving Travel Policy in accordance with Government Code Section 53232.

BACKGROUND INFORMATION: The City Council adopted Resolution 2007-72 in April 2007 and an associated AB1234 Travel Expense Reimbursement Policy. Since its adoption, there have been some changes to the underlying legislation and a number of years of experience with the existing policy.

The attached proposed policy represents a comprehensive revision of the existing policy and addresses the changes in legislation and operational difficulties that have come to light with the existing policy. Key elements of the proposed policy include:

- Retains the requirement for reimbursement to be based upon actual receipts, subject to maximums set in the policy
- Requires Department Head approval for all travel
- Provides policy regarding long-term travel
- Clarifies when the City will pay for travel of job candidates
- Prohibits vendors (or potential vendors) from paying for City travel
- Clarifies the process for travel advances
- Clarifies lodging allowances, including extended-stay accommodations
- Clarifies meal reimbursement processes
- Changes lodging and meal reimbursement rates to the Federal General Services Administration (GSA) standards
- Eliminates the prior standard of limiting tips to 15 percent and incorporates tips into the reimbursement amount
- Clarifies appropriate transportation methods
- Clarifies what additional allowances are acceptable
- Prohibits the use of 2- or 3-wheeled private vehicles while on City business
- Clarifies rules for travel incentives, contest and prize drawings while on City business
- Revised forms for travel, POST reimbursement and mileage reimbursement

The existing policy is silent on many of the above items. The proposed policy is intended to provide clear direction to all staff regarding the above items.

APPROVED: _____
Stephen Schwabauer, City Manager

Staff offered to meet and confer with all of the bargaining units regarding the proposed policy. Staff addressed the questions and concerns raised by the units and incorporated said comments into the attached policy.

Staff recommends that Council approve the new policy.

FISCAL IMPACT: Slight savings possible as the GSA meal reimbursement rates for some cities are lower than the current fixed rates.

FUNDING AVAILABLE: Travel expenses are budgeted in each department in the annual budget.

Jordan Ayers
Deputy City Manager

JA/ja

Attachment

City of Lodi

Travel Policy

Adopted by Lodi City Council September 21, 2016

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INTRODUCTION

1.1 PURPOSE

The purpose of this policy is to:

- Provide approved travel policy and information needed for the preparation and reconciliation of travel requests;
- Provide guidance to travelers and approvers on cost-effective management of travel expenses;
- Identify reimbursable versus non -reimbursable expenses; and
- Clarify employee responsibility for controlling and reporting travel expenses.

It is impossible to anticipate every situation that may be encountered while traveling on business. Each employee is expected to exercise good judgment in incurring travel expenses and to obtain prior Department Head approval or, in the absence of the Department Head, approval from the person acting in their place, for all foreseeable travel-related expenditures.

Expenses which are not approved or which are not in compliance with this policy will be the traveler's personal responsibility.

1.2 SCOPE

These policies and procedures are applicable to all officers, employees, elected or appointed officials and persons in the service of the City of Lodi.

This policy shall not apply to same day travel of less than 300 miles round trip in a private or City vehicle, regardless of destination, except in regard to meal reimbursement at the discretion of the department. Business mileage reimbursement in a personal vehicle for same day mileage of less than 300 miles shall be requested on a Mileage Reimbursement form (Appendix G) on a monthly basis. All private mileage other than that associated with overnight travel shall be reimbursed monthly using the Mileage Reimbursement Form. This also excludes any and all reimbursements for same day travel, other than mileage, bridge tolls parking, and meals. Meal expenses shall be reimbursed at the discretion of the department and within the provisions of Section 2.7.

All forms referenced in this policy are available on the Finance division intranet site: <http://intranet/finance/finance.asp>

2. POLICIES

2.1 GENERAL

Whenever any person in the service of the City is compelled to travel in the performance of their duties, they shall be reimbursed for their actual and necessary expenditures for transportation, lodging, and meals. This policy shall fix a maximum cost to be paid for such travel, lodging, and meals, which shall be applicable to all such persons alike, including said members of the City Council. These normal maximums have been set forth by the City Council as indicated below. The normal maximums may be exceeded, with department head approval, only when a person in the service of the City incurs expenses incidental to attendance at a conference, convention, other City business, or in the transportation of wards, inmates, or witnesses when such expenses are necessary and unavoidable.

When the cost of travel shall be reimbursed to the employee by another agency, whether state, federal, non-profit, or private, such reimbursement and the intent for same shall be disclosed as a source of funding on the travel reimbursement request. In advance of travel, the employee must decide whether to accept the rates of the City or the other agency. If the travel costs are borne by the City, reimbursement from the other agency shall be paid to the City and deposited as expenditure abatement. If the other agency will reimburse the traveler directly, no City advance shall be made.

Travel and meals associated with Peace Officer Standards Training (POST) shall be governed by the rules and regulations determined by POST. Refer to Appendix F for the reimbursement form associated with POST travel.

In all instances, approval to incur any travel expenses shall be obtained from the Department Head or, in the absence of the Department Head, the person acting in their place, prior to making travel arrangements. The approved travel request form is required for the protection of the employee while traveling as an agent of the City.

2.2 POLICY INTENT

The travel policy enunciated herewith shall be construed so that no officer or employee shall suffer any undue loss while traveling on official City business.

A. California Government Code §53232

In accordance with California Government Code §53232.2(b), any local agency that reimburses members of a legislative body, including members of the City Council, for actual and necessary expenses incurred in the performance of official duties, is required to adopt a written policy specifying the types of occurrences that qualify a member of that legislative body to receive payment and or/reimbursement of expenses related to travel, meal, lodging, and other actual and necessary expenses.

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred by officials of legislative bodies in connection with the following types of activities generally constitute authorized expenses, as long as other requirements of this policy are met:

- Official board, council, committee, commission meetings scheduled subject to the Brown Act;
- Attending conferences, seminars, workshops or educational events related to the business or operations of such groups;
- Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels of City boards, commissions, committees, councils and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes;
- Participating in regional, state and national organizations whose activities affect the City's interests;
- Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.

Expenditures not specifically covered by this list of occurrences will require prior approval by the City Council, or other legislative body action, at a public meeting before the expense is incurred.

Expense Reports and/or Travel Reimbursement claims covered by this section will be documented and filed in a timely manner with the Finance Division of the Internal Services Department (Finance Division), as required by this Policy.

All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Government Code §6250-6270).

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

- 1) loss of reimbursement privileges;
- 2) a demand for restitution to the appropriate legislative body;
- 3) the agency's reporting the expenses as income to the employee or elected official to state and federal tax authorities;
- 4) civil penalties of up to \$1,000 per day and three times the value of the resources used;
- 5) prosecution for misuse of public resources (Government Code §53232.4); and
- 6) discipline, up to, and including, termination.

The guidelines are included as Appendix C.

In accordance with Government Code §53232.3 (d), Council members shall provide a brief report on the meetings attended at City expense at the next available Council meeting. If multiple Council members attended the same meeting, a joint report may be made.

2.3 TRAVEL ARRANGEMENTS

A. Travel Requests and Reimbursement — General Guidelines

Employees should consult with their Department Travel Coordinator, if one has been designated, for guidance with the preparation and submission of travel requests and travel reimbursement requests. The Department Travel Coordinator is responsible for making travel arrangements and can assist employees with these procedures.

All travel requests and travel reimbursement requests must be dated and include the signature of the employee and approval of the Department Head or, in the absence of the Department Head, the person acting in their place.

Travel reimbursement requests shall be submitted to the Finance Division, within 10 working days of returning from travel. Travelers who fail to submit a travel reimbursement request within 12 months of travel will not be eligible for reimbursement pursuant to Section 911.2 of the Government Code.

For additional information regarding travel reimbursement requests and travel advances, refer to *Section 2.5(F) — Delinquent Recovery*.

B. Booking Travel Arrangements

Initial travel arrangements/reservations should be made by the Department.

See *Section 2.8(A) — Air Travel* for additional information on booking airline reservations.

2.4 APPROVING AUTHORITY FOR TRAVEL

All travel requests must be approved in advance by the Department Head or, in the absence of the Department Head, the person acting in their place. Department Head travel, including the Library Director, shall be approved by the City Manager, or the Deputy City Manager in the absence of the City Manager. Council Appointee travel shall be approved by the City Manager or the Deputy City Manager in the absence of the City Manager. City Manager travel shall be approved by the Deputy City Manager. City Council travel shall be approved by the City Clerk, or the City Manager in the absence of the City Clerk. The Finance Division is authorized to reimburse travelers whose expenses are justifiable and in compliance with this policy. Any unresolved disputes

between the Finance Division and the traveler's department shall be resolved/approved by the City Manager. Disputes regarding reimbursement of Councilmember travel costs shall be heard by the Council in open session and resolved by a majority vote.

A. Mandatory Travel

- (1) An officer authorized by law to incur necessary travel expenses when transporting prisoners, court wards or visiting court wards, dependent children, or conservatees who are in placement, shall be required to obtain approval for such travel from the Department Head or, in the absence of the Department Head, the person acting in their place.
 - (a) The Finance Division is authorized to make travel advances for trips involving the transportation of prisoners or court wards. To request an advance to transport prisoners or court wards, a regular travel advance request should be submitted directly to the Finance Division.

B. Long-Term Travel

- (1) Long-term travel shall be defined as employee business travel for 30 or more consecutive calendar days outside of the City, notwithstanding any personal return trips home during the course of the extended work period.
- (2) The Department Head or, in the absence of the Department Head, the person acting in their place is responsible to advise the Finance Division by requesting a meeting with the Finance Manager at least 30 days in advance of any long-term travel. The Finance Division and the department requiring employee long-term travel shall have the authority to negotiate lodging rates, mileage reimbursement rates, and incidental expenses for the traveler that may differ from those designated in this policy. Efforts will be made by the Finance Manager and the Department Head or, in the absence of the Department Head, the person acting in their place to ensure that lodging is adequate for a long-term stay and that the provider will invoice the City, rather than require the traveler to incur the cost of lodging. Employees who choose to make arrangements that differ from the negotiated rates must do so at their own expense.
- (3) Travel advances will generally not be issued for the entire duration of the long-term travel. The Finance Division will work with the traveler's department to ensure the employee has sufficient funds to mitigate any undue hardship, while ensuring the City is not placed at undue risk for recovery of outstanding funds. This process will generally result in the issuance of an initial cash advance to cover anticipated expenses for no more than the first 30 days of travel. After that initial 30-day period, the traveler will submit bi-weekly travel reimbursement requests.

C. Travel Out of State or Out of Country

Travel out of state or outside the United States is authorized when it involves apprehension, investigation and transportation of prisoners, dependents or wards of the Court and training and conferences. The traveler must first complete a travel request form for the approval of the Department Head or, in the absence of the Department Head, the person acting in their place.

All travel out of state or out of country must be pre-approved by the City Manager. See Appendix D for the appropriate approval form.

All costs associated with obtaining a passport or immunizations required for out of country travel are not reimbursable.

D. Candidate Travel Expenses for Selected Employment Applicants

The City Manager, or their designee, may approve payment of employment candidate travel expenses for selected employment interviews when the following circumstances exist:

- (1) Recruiting was done outside the San Joaquin County area.
- (2) The reimbursement would apply only at a point in the selection process that involves a limited number of candidates.
- (3) Reimbursement amounts would be subject to the same limitations as apply to City employees. Human Resources will advise the candidate of the City's travel policy limits and receipt requirements.
- (4) The candidate may book his/her own travel arrangements; however, reimbursement will occur after the fact.

E. Entities Doing or Seeking to Do Business with the City

When on official City business, employees/officials will not conduct City business at the expense of persons/companies doing or seeking to do business with the City. Specifically, transportation and related expenses associated with gaining knowledge about goods and services being offered by private persons or private entities doing business with the City shall be borne by the City. However, this provision may be waived by the City Manager if it is determined to be in the best interest of the City. This provision shall not apply to transportation and related expenses paid as a normal part of a City contract for goods or services.

2.5 TRAVEL ADVANCES

A. Generally Prescribed Expenses

The Finance Division is authorized to pay 100 percent of registration or conference fees to the conference provider and issue an advance to the traveler for up to 90 percent of the estimated lodging and meal expenses for official travel, unless such expenses are expected to be paid with a City-issued credit card. In addition, travel advances may include up to 50 percent of the estimated personal private mileage reimbursement, pursuant to existing employee agreements, when personal vehicles are approved for use for official travel. (Generally this rate will be the current mileage rate authorized by the Internal Revenue Service). Additionally, \$5.00 per day for incidental expenses may be requested as part of the travel advance. Generally, airfare, lodging and car rental expenses are paid via City-issued credit cards and are not advanced to the traveler. When the lodging provider requires pre-payment, see *Section 2.6(G) — Pre-Paid Lodging*, which details this process.

B. Trips Lasting 10-29 Calendar Days

On trips lasting 10 to 29 calendar days, the Finance Division is authorized to advance up to 100 percent of the estimated lodging and meal expenses for official travel and other expenses as deemed appropriate by the traveler's Department Head.

C. Trips Lasting 30 Calendar Days or More

For trips lasting 30 calendar days or longer, please refer to *Section 2.4(C) – Long-Term Travel*.

D. Travel Advance Processing

Travel advance requests shall be received by the Finance Division for processing a minimum of twenty (20) working days prior to any required action on the request. Requests to attend meetings, conferences, or training must include a copy of documentation which indicates the meeting place, time and agenda, if available. Generally, travel advances will not be issued prior to five (5) working days before expected travel and shall not be made for amounts less than \$100.00 unless adequate justification is submitted to show that undue hardship to the individual will result in the event the smaller advance is not made.

Travel advances will be mailed to the address of record of the employee. The Finance Division has the option of withholding advances if a previous advance is unsettled or if the traveler has been notified of ineligibility for an extended period of time pursuant to *Section 2.5(F)(4)*.

E. Travel Advance Reconciliation

Within 10 working days after return from a trip, or within 10 working days of receipt of reimbursement from a third party, a traveler must account for all advances pertaining to that trip by submitting all necessary receipts and a travel reimbursement request form to the Department Head. Any excess of advances over expenses must be refunded immediately by check from the traveler made payable to the City of Lodi. A travel reimbursement request in the amount of the actual travel expense incurred by the traveler must be forwarded to the Finance Division. A check in the amount indicated on the *Amount Owed by Employee* line of the reimbursement form must be forwarded immediately to the Finance Division.

Advances must be returned to the Finance Division when an event is canceled, postponed indefinitely, or another individual will be traveling on the City's behalf. **Travelers are, under no circumstances, to transfer a travel advance to another employee.** If necessary, the Finance Division can issue a replacement travel advance with 24 hours notice.

F. Delinquent Recovery

- (1) Each Department is responsible for monitoring outstanding travel advances for its employees. The Department Travel Coordinator should contact the traveler within 10 working days of return, or within 10 working days of receipt of reimbursement from a third party, if the traveler has not submitted the necessary receipts and a completed travel reimbursement request form.
- (2) Failure to settle outstanding cash advances in a timely manner may result in a delay in reimbursement, and the traveler may be required to pay his/her personal credit card bill prior to reimbursement.
- (3) The Finance Division will send a written memorandum to the Department Head for distribution to the traveler (a sample memo is included as *Appendix A*) when the traveler has not completed the travel reimbursement request form within 11 working days.
- (4) If an outstanding travel advance has not been recovered within 30 calendar days, the Finance Division will notify the traveler's Department Head to advise the employee that travel advance privileges have been revoked and send a copy of this revocation to the employee.
- (5) The Finance Division will create a journal entry and transfer the cost of any outstanding advances that are 60 calendar days delinquent to the traveler's department. Notification of the journal entry will be sent to the traveler's Department Travel Coordinator. Any inaccuracies regarding organization units or general ledger accounts will be the responsibility of the traveler's department. Any collection of funds after

the journal entry has been issued shall be deposited by the traveler's department.

- (6) If an outstanding travel advance has not been recovered within 60 calendar days from the date the accounting for the event was due, the Finance Division may initiate formal collection procedures. These collection procedures will include referral of the full amount outstanding to a collection agency.
- (7) Unrecovered outstanding advances and/or proceeds from discount, rebate, or premium coupons on transportation tickets, which are considered as being a monetary benefit to the employee, are reportable to taxing authorities.

2.6 LODGING

A. Reimbursement – General Guidelines

Reimbursement for the cost of lodging is limited to the actual cost incurred. Generally such costs should not exceed the maximum federal rate (domestic or foreign) excluding tax, per day. The City is not responsible for reimbursement for luxury upgrades (ocean views, king-size beds, suites, etc.).

Domestic and foreign rates, "Federal Foreign & Domestic Per Diem Rates," are available at: <http://www.gsa.gov/portal/category/100120>

For domestic rates, click on the appropriate state on the map of the United States. Refer to the "Maximum Lodging" which excludes taxes. For foreign rates, click on the world map section below the United States map and select the appropriate foreign area.

Generally, the City will allow an employee to arrive the evening prior to an event when the event location is a 90-minute or more drive from Lodi. Locations in the South Bay Area and in San Francisco are exceptions and will automatically qualify for an overnight stay. Any other exceptions will require prior approval of the Department Head and City Manager.

The City will not reimburse a traveler for costs incurred for a stay at a room-sharing type of location (Air BnB-type site) that is not properly licensed through their respective city, county or state or one that does not pay Transient Occupancy Tax.

B. Extended Stay Accommodations

For trips involving one or more weeks of lodging, the Department should explore the cost of weekly lodging versus daily lodging. In addition, consideration can be given for lodging which includes a refrigerator and microwave at an additional cost. It would then be expected that savings would benefit the department when

the traveler chose to purchase groceries instead of dining out. When requesting reimbursement for such extended stay accommodations, a letter explaining the cost analysis must accompany the completed travel reimbursement request.

C. Additional Allowances

Generally, lodging at conference facilities will be allowed regardless of cost. If the conference facility is full, then lodging at alternate hotels shall be acceptable. The Department shall attempt to locate the least expensive alternative. Additional allowances for lodging sufficient to cover actual costs where it is manifestly impracticable to occupy less costly accommodations may be specifically authorized by the Department Head or, in the absence of the Department Head, the person acting in their place.

Most hotels offer self-parking while some require valet parking. The City preferred parking option is that which offers the lowest cost and will generally be the self-parking option. If valet parking is the only option, or the safest option, that a hotel offers, reimbursement will be approved for the valet option.

D. Travel with a Companion

When a companion accompanies a traveler on official business, reimbursement for lodging will be at the lowest available single-occupancy rate for the accommodations. It is the traveler's responsibility to obtain the lodging rates for both single and double occupancy accommodations and indicate those rates on the travel reimbursement request.

E. Requesting Government Rates

The traveler should ask for government rates at the time of arrival (unless a group or conference rate is less). A City identification card or business card is generally sufficient identification.

F. Hotel Cancellations

Hotel cancellations are the responsibility of the traveler. Any cancellation charges incurred will be billed to the traveler unless proper justification is provided.

G. Pre-Paid Lodging

When lodging must be pre-paid to ensure reservations, the Finance Division may issue a warrant payable to the lodging establishment or the Department may pay the pre-paid amount utilizing a City issued credit card. The Department must present written documentation from either the lodging establishment or the conference materials that states the amount of the required pre-payment. The traveler must sign a statement that he/she will not request reimbursement for any pre-paid lodging on a travel reimbursement request (a sample statement is

included as *Appendix D*). Any travel advance request must be reduced by the amount of any pre-paid lodging expense.

H. Hotel Receipts

When requesting reimbursement for hotel accommodations, the original itemized hotel bill must accompany the completed travel reimbursement request.

2.7 MEALS

A. Reimbursement – General Guidelines

Reimbursement for meals shall be made only when travel extends for a minimum of six (6) hours during the normal working day. In order to be reimbursed for the cost of meals, travel must begin before the times reflected on the following schedule:

MEAL	TRAVEL BEGINS BEFORE
Breakfast	6:00 a.m.
Lunch	11:00 a.m.
Dinner	5:00 p.m.

In addition, the trip must last for a minimum of six (6) hours, ending after 7:00 p.m., to qualify for dinner. For purposes of determining eligibility for reimbursement, travel shall be considered to begin when the traveler departs his/her residence if the trip begins before or after normal office hours. If the trip begins during normal office hours, travel shall be considered to begin when the traveler departs his/her office.

B. Meals Supplied by Common Carriers/Conference/Hotel

Meals which are supplied by common carriers or are included in conference fees or hotel rates will not be reimbursed individually, but are considered to be included in the fees paid directly to the airline, conference or hotel (i.e., if a traveler is booked on a flight which serves lunch at no additional cost, no reimbursement will be provided for the lunch meal). A continental breakfast does not constitute a meal. The traveler or the Department Travel Coordinator should inform the carrier/conference/hotel of any special dietary requirement at the time reservations are made, and the traveler should remind the provider of the special request.

C. Meals Consumed Within Lodi City Limits

Employees who incur costs due to attendance at a meeting, training or conference which includes a meal will not be reimbursed for said meals consumed within the Lodi City limits during the individual's normal working day when it can be demonstrated that the meal or meals involved are included in the cost of the

meeting or conference which the employee is attending for the benefit of the City. Meals within Lodi City limits will also be reimbursed when the meal is approved by the department for same day travel of less than 300 miles round trip within the provisions of Section 2.7.

D. Meal Reimbursement Rates

Meal reimbursement, including tips, will be for actual amounts, supported by itemized receipts, up to the maximum amount, based on the following criteria:

- **Meals consumed within the Continental United States:** Maximum amounts will be based on the meal rates published by the U.S. General Services Agency (GSA) and can be found at:

<http://www.gsa.gov/portal/category/100120>

- **Meals consumed outside the Continental United States:** Maximum amounts will be based on the U.S. Department of State meal rates in effect for the destination and can be found at:

https://aoprals.state.gov/content.asp?contentid=184&menu_id=78

E. Meal Reporting Requirements

The traveler must report on the travel reimbursement request form the **ACTUAL amount expended** for each meal for each day, supported by itemized receipts. Please use the Meal Expense Summary form included in Appendix E. Even if the amount is greater than the maximum allowed under this Policy, meal reimbursement will be reimbursed based upon the maximum amount allowed. Because of Internal Revenue Service (“IRS”) requirements, employees should keep a record of these expenses for Federal Income Tax purposes. The record should include:

- Name and location of establishment where the meal/event took place.
- Exact amount and date of the expense.
- Specific business discussed.

Traveler must include a print-out of the allowance for the appropriate city from the appropriate GSA website referenced in Section 2.7 (D) along with their reimbursement claim.

Meals provided as part of the training/conference are not reimbursable. Traveler must include a copy of the training/conference program showing meals that are included with the cost of the conference/training.

F. Restrictions

No reimbursement shall be made for alcoholic beverages of any kind.

2.8 TRANSPORTATION

Normally, travel will be by the most reasonable means available, taking into consideration requirements for reimbursement for meals and lodging and employee time devoted to travel at the expense of performance of other duties.

A. Air Travel

- (1) The Department Travel Coordinator will arrange for reservations and tickets for approved travel requests authorizing air transportation. The lowest available fare will be used for air travel unless otherwise specifically authorized by the approving authority. As a general rule, employees will be expected to accept flights departing within two (2) hours of the desired departure time. Such a window may not be suitable for all situations.
- (2) The Department Travel Coordinator must carefully monitor flights with cancellation penalties. If cancellation occurs due to a City-related change, the City department will cover the penalty cost. If, however, cancellation occurs due to a traveler's personal request, the traveler will be required to pay the penalty. An exception may be made for cancellations related to a family death (for which the airlines may not impose penalties) or an illness approved by the Department Head.

Note: Most tickets issued today are non-refundable and non-transferable. These tickets will incur a fee for any changes.

- (3) All air travel arrangements for City employees should be made by the Department Travel Coordinator or the designee.
- (4) If an employee wishes to drive their personal vehicle in lieu of air travel and possibly a rental car, reimbursement will be authorized only up to the amount of the least expensive alternative. The request for reimbursement must include a printed copy of the quoted airfare as justification for the cost of air travel and the cost of the employee's mileage and attest to the least expensive alternative.

B. Train Travel

In some instances train travel may be a viable alternative to air travel or car travel. An example would be the AMTRAK to San Francisco, in lieu of a car and paying for parking. The Department should evaluate the cost and time involved, prior to approval. In most instances it would be expected that the traveler would incur additional taxi fares at his/her destination. This cost should be included in the analysis. In addition, the time involved with the trip must be considered as a factor. A two-hour train trip to San Francisco is reasonable, but a 12-hour trip to San Diego would not be reasonable, unless the traveler is taking vacation time en route.

C. Car Rental

- (1) Employees on out-of-town trips should use public conveyances (taxis, airport shuttles, buses, etc.) whenever such uses appear to be more economical than a rental car. Department Heads have discretion to approve rental cars which do not meet these criteria. Generally, a rental car should not be requested unless one or more of the following criteria are met:
 - a. Multiple business meetings that require travel between points make use of public conveyance impractical.
 - b. Three or more City employees are attending the same meeting and one rental car for the group would be more economical.
 - c. It is less expensive to rent a car overall.
- (2) The Department Travel Coordinator will arrange for reservations only upon receipt of an approved travel request.
- (3) Rental car expenses are to be paid by one of the following methods:
 - a. City issued credit card; or
 - b. Traveler's personal credit card.
- (4) Suggested auto sizes per number of people:
 - 1-2 passengers — compact or subcompact;
 - 3-4 passengers — mid-size permitted.
- (5) Travelers are to waive all additional insurance offered when renting a car. Any additional insurance authorized by the traveler may, at the Department Head or, in the absence of the Department Head, the person acting in their place, discretion, be a reimbursed expense.

- (6) Rental Car Fueling:
 - a. The traveler must fill the gas tank before returning the car to avoid fuel surcharges. Fuel expenses will be reimbursed based upon the receipts provided. Exceptions to the use of self-service fueling will not be allowed unless the employee can demonstrate and justify the reasons for not using available self-service fuel dispensing facilities.
 - b. In emergency situations, use of rental Car Company fueling options may be authorized by the Department Head.
- (7) Where extended personal travel is involved (see *Section 2.13 – Extended Personal Travel*), rental car expenses must be pro-rated to allow reimbursement for only those costs associated with City business.

D. Travel by City Vehicle

- (1) Travel out of the City in City vehicles is the preferred mode of travel after common carrier. The Fleet Services Division has a wide variety of vehicles available to City employees.
- (2) If more than one officer, employee, or person is traveling on the same trip, all reasonable efforts will be made to minimize transportation costs by use of a single vehicle.
- (3) Individuals that are not City staff or participants in City sponsored programs are prohibited from being transported in City-owned vehicles.

E. Travel by Private Vehicle

- (1) While City vehicle use is preferred, Department Head approval is required when the traveler chooses to use a private vehicle. All private vehicle travel will be reimbursed at the current IRS approved mileage rate.
- (2) Authorized out-of-City travel will normally be reimbursed at the IRS approved rate. However, when air travel is the most appropriate and economical means of transportation, maximum reimbursement will be in an amount equal to air coach fare unless the traveler clearly demonstrates in advance to the satisfaction of the Finance Division that travel by other means is more advantageous to the City.
- (3) For reimbursement purposes, mileage shall be determined based upon a starting point of the City office of the traveler, unless mileage is less based upon the traveler's home address. In all cases, normal commute mileage for the traveler shall be deducted from the total miles traveled before determining the total miles eligible for reimbursement. Traveler shall submit a Mapquest directions print-out (or equivalent mileage calculation) that documents the mileage requested for reimbursement.

(4) For purposes of this Policy, a private vehicle must meet the following:

- The vehicle shall be a conventional four-wheel, enclosed vehicle;
- The vehicle must be equipped with seat belts;
- The vehicle must be in sound mechanical condition, adequate for providing required transportation in a safe manner and without unreasonable delay.
- The vehicle must be insured to, at least, the state minimum required coverages.

Use of a two or three wheel private vehicle is prohibited on City business.

F. Exceptions

The approved mode of travel may differ from that requested as deemed appropriate by the Department Head.

2.9 ADDITIONAL ALLOWANCES

A. Baggage Handling, Tips and Incidentals

When included on the final travel reimbursement request, \$5.00 per travel day will be allowed to cover baggage handling, tips, and incidental expenses. Receipts are not required when requesting the \$5.00 allowance for such expenses. Incidental expenses including laundry and personal telephone calls are not reimbursable.

B. Telephone, Facsimile and Internet Access

Due to the high cost of hotel phone usage, travelers are **strongly discouraged** from making calls from hotel equipment. It is the Department's responsibility to advise all travelers of this recommendation. Acceptable alternatives to hotel phone usage are:

- (1) **Cellular Phones.** Travelers are encouraged to use City-issued or personal cellular phones, provided that long distance is included at no additional cost.
- (2) A Department Head or Designated Department Representative may, at their discretion, authorize payment of hotel phone, facsimile or internet access charges. Any such authorization must include a letter of explanation signed by the Department Head or, in the absence of the Department Head, the person acting in their place.

C. Reimbursable Expenses with Receipts

While traveling on official City business, the following expenses are reimbursable at actual cost **upon presentation of original receipts:**

- (1) Necessary taxicab, airport transportation, bus fares, shuttle charges, or bridge tolls, including tips.

- (2) Conference or seminar registration fees and associated tapes, reports, etc., which can be shown to be of extreme value to the participant in their work for the City. The decision to approve these expenses rests with the Department Head or, in the absence of the Department Head, the person acting in their place.
- (3) Parking fees.
- (4) Traveler's checks surcharge.
- (5) Postage.
- (6) Other justifiable expenses will be approved based on a review of special circumstances.

D. Reimbursable Expenses without Receipts

While traveling on official City business, the following expenses are reimbursable at **actual cost, without receipts**:

- (1) Metered parking and parking in unattended lots (maximum of \$6.00 per travel day).
- (2) Bay Area Rapid Transit (BART) fares (fee schedule must be attached to final travel reimbursement request).

E. Non- Reimbursable Expenses

- (1) Baby-sitting fees.
- (2) Personal toiletries.
- (3) Personal care expenses.
- (4) Traffic fines or parking tickets.
- (5) Hotel luxury upgrades.
- (6) Expenses associated with a non-employee who accompanies the employee on official business.
- (7) Alcoholic beverages.
- (8) Laundry services
- (9) In-room movies.
- (10) Entertainment outside those activities offered as part of the conference registration package.

2.10 FREQUENT FLYER MILES/HOTEL INCENTIVES

Travelers who participate in airline frequent flyer programs or hotel incentive programs may apply City travel to these programs. Any benefit derived from these programs may accrue to the traveler. However, Department Travel Coordinators are not to be hindered from booking the most economical flights, lodging accommodations or car rental in order to benefit the traveler personally.

2.11 OPTIONAL EVENTS AT A CONFERENCE

The City will pay for all events included in a conference registration fee. Where a conference includes other optional events at an additional cost, the traveler must be able to justify the business relationship of the event. Networking with other attendees is **not** a valid business relationship. Where an optional event is not business-related and includes a meal, the traveler can be reimbursed up to the maximum meal reimbursement rate.

Example 1: A conference includes an optional dinner event at a resort with entertainment provided. The cost of the dinner trip is \$50.00. Since there is no business purpose, the traveler can request reimbursement for the current maximum meal rate.

Example 2: A conference includes an optional tour of the world famous San Diego Wild Animal Park. There is no meal provided. This event is not reimbursable.

Example 3: The Conference of Water Quality Officials includes a tour (or a tour and a meal) of the local water treatment plant and a discussion of how the entity has utilized the latest technology. The person traveling works for the City in the water treatment plant. The traveler would submit a statement that this tour was related to their job with the City. The cost of this event would be reimbursable to the employee.

2.12 EXTENDED TRAVEL BASED ON COST SAVINGS

It is acknowledged that travel out of state will generally involve arrival the night before, regardless of the time the event begins. In addition, an employee is expected to return on the last day of the event when the last activity ends prior to 3:00 p.m. If the last activity extends beyond 3:00 p.m., then the City Manager may authorize the traveler to stay the additional night and return the following morning. Occasionally extending a stay beyond that required by the event may result in significant cost savings on airline fares. The stay can be extended when the airfare savings exceed the additional total cost for all of the following:

- Additional hotel costs;
- Additional meal costs;
- Additional per diem costs; and
- Traveler's salary for his/her paid status on the additional days away from the office.

If all of the above is true, the Department must include with the travel reimbursement request a signed statement and a detailed accounting of the savings.

2.13 EXTENDED PERSONAL TRAVEL

Under no circumstances will the City reimburse an employee for expenses incurred when the employee opts to extend their time at the destination for personal reasons. (i.e., the employee takes vacation, stays through the weekend, or arrives during the weekend). Reimbursable expenses will cease to accrue as of the expected return time had travel been

consistent with *Section 2.12 – Extended Travel Based on Cost Savings*. Reimbursement for car rental and airport parking must be prorated to allow reimbursement for only those costs associated with City business.

2.14 CONTEST/DRAWING PRIZES AT CONFERENCES/EVENTS

If an employee attending a conference or training event, on City time as a representative of the City, wins a prize, collects items from vendors or is given items that aggregate over \$50 by a single vendor, such prize or items are deemed to be City property.

Example 1: Employee is selected as a winner in a blind drawing of all registered attendees for a \$1000 Visa gift card. Employee must turn over the gift card to the City.

Example 2: A vendor gives an employee a polo shirt(s) with the vendor logo. Employee must determine the value of the polo shirt(s). If value exceeds \$50, employee must report such shirt(s) to their department head. The department head may allow the employee to keep the shirt(s) or take the shirt(s) from the employee and dispose of it/them. If the employee is allowed to keep the shirt(s), this will likely become a reportable item on the employee's annual Conflict of Interest statement (Form 700), if they are subject to such reporting.

Example 3: Employee picks up pens, pencils, toys and Post-it note pads from multiple vendors while at a conference. The aggregate value of the items exceeds \$50, but the value from any given vendor does not exceed \$50. Employee may keep the items for personal use and has no reporting responsibilities for these items.

Example 4: Vendor scans employee badge. Subsequently, employee is notified that they are the winner of an iPad. The iPad is considered City property and must be turned over to the City.

Example 5: Employee drops their business card in a bowl at a vendor booth. Employee is subsequently notified that they are the winner of a Harley Davidson motorcycle. The motorcycle is considered City property and must be turned over to the City.

APPENDIX A

[Date]

To: [Traveler Name]

From: [Department Head]

Subject: **NOTICE OF OVERDUE TRAVEL REIMBURSEMENT REQUEST**

Pursuant to City of Lodi Travel Policy Section 2.5(E), travelers must account for any travel advances associated with their travel within 10 working days after returning from the trip (or within 10 working days after receipt of reimbursement from a third party).

Your travel reimbursement request related to Travel Request No. _____ is past due. Please submit this request immediately.

APPENDIX B

PRE-PAID LODGING CERTIFICATION

I, the undersigned, hereby certify that I will not request reimbursement for any pre- paid lodging expenses on any travel reimbursement request in accordance with the City of Lodi Travel Policy, Section 2.6(G).

Signature: _____

Name: _____

Title: _____

Dept: _____

Date: _____

APPENDIX C
GUIDELINES FOR TYPES OF EVENTS
RESULTING IN ELECTED OFFICIAL
REIMBURSEMENT

All qualifying trips/events and related expenses are subject to the provisions of the Travel Policy.

1. Official board, council, committee, commission meetings scheduled subject to the Brown Act.

These are meetings to perform the duties of the legislative bodies of which the claiming individuals are members, or similar meetings of other legislative bodies that the claiming individuals are required to attend in order to carry out the official business of their own legislative bodies.

2. Attending conferences, seminars, workshops or educational events related to the business or operations of such groups.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body. Examples of such events include Urban Land Institute conferences.

3. Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels. City boards, commissions, committees, councils, and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body.

4. Participating in regional, state and national organizations whose activities affect the City's interests.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body. Examples of such events include annual or regional conferences of the Council of Governments or League of California Cities.

5. Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.

All events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body or to City business and operations.

6. Events that promote public service and morale by recognizing City participation and service.

All events under this category should be limited to **local** events that recognize participation and service for **specific projects or accomplishments**, rather than general career service events such as retirement events. Reimbursable costs **exclude** costs for any gifts, donations, or honoraria.

7. Attend City events.

All events under this category should be limited to local City-sponsored events. Reimbursable costs **exclude** costs for any gifts, donations, or honoraria.

APPENDIX D

[Date]

To: City Manager

From: [Department Head]

Subject: **OUT OF STATE/COUNTRY TRAVEL APPROVAL**

Please approve out of state/country travel for the following:

Employee: _____

Dates: _____

Destination: _____

Purpose of Travel: [Describe the purpose of the travel and the benefit to the City of the travel]

Approved Denied

City Manager

APPENDIX E

Business Expense and Claim Voucher Form

City of Lodi Business Expense And Claim Voucher

Authorization

Name _____

Employee Number _____

Department _____

Destination _____

Purpose _____

Check One: Advance Settlement

Date:

Type of Business Expense (Check One)

- Conference (*Overnight*) 72315
- Local Travel & Business Meals 72314
- Representation Expense 72340
- Training & Education 72358

Dates

Begin Date & Time _____

End Date & Time _____

Transportation (Check One)

- Commercial Private Auto
- Rental Car City Auto
- Taxi Other

Claim

1. Commercial Transportation
2. Lodging (include print out from <http://www.gsa.gov/portal/category/100120>)
3. Mileage (*private auto*) Odometer Miles: _____ @ 0.575
4. Transportation Expenses (*Taxi, Shuttle, Parking*)
5. Conference/Registration Expense
6. Business Meals (include print out)
7. Incidentals (*Up to \$5.00 per day*)

Total Cost Or Advance

Total Cost	Claim
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ (_____)	
\$ (_____)	\$ (_____)
\$ (_____)	\$ (_____)
Amount Payable to Employee/Amount Owed By Employee (circle one)	\$ _____

I request payment of amount claimed above and certify that the information provided above is correct and in conformance with the City's Travel Policy.

Signature of Employee Submitting Claim _____

Date _____

Department Head Approval _____

Date _____

Account Numbers To Be Charged And/Or Credited

Date Paid _____

Check Number _____

APPENDIX F

POST Reimbursement Request Form

City of Lodi

POST Reimbursement Request Form

Date _____

Employee Name _____
 Employee Number _____ Post ID _____
 Destination /County _____
 Class Name _____
 Travel Dates _____



POST Plan	Please check one
I	<input type="checkbox"/>
II	<input type="checkbox"/>
III	<input type="checkbox"/>
IV	<input type="checkbox"/>
V	<input type="checkbox"/>

Transportation Authorized			
Commercial	<input type="checkbox"/>	Private Auto	<input type="checkbox"/>
Rental Car	<input type="checkbox"/>	City Auto	<input type="checkbox"/>
Taxi	<input type="checkbox"/>	Other	<input type="checkbox"/>

1. Commercial Transportation
2. Lodging
3. Mileage(private auto) Odomoter miles :
4. Incidental Transportation Expense:
5. Conference/Registration Expesne:
6. Business Meals:
7. Other Expenses

0.575

Total Cost	POST Reimbursable 72375	Charge to 72358	Amount to be paid to Employee
		0	
		0	
\$0.00		0	
		0	
		0	
		0	
		0	
		0	
		Total Claim owed	

I certify that the expenses shown herin are true and accurate and were necessary for the performance of my duties

Signature of Employee _____ Date _____

Department Head Approval _____ Date _____

APPENDIX G

Mileage Reimbursement form(s)

1. DOC NUMBER:		CITY OF LODI				10. Finance Date Stamp: Do not use this space.			
		MILEAGE CLAIM							
2. TO:	Finance Division			9. Employee Name and Address				(Note: Address required ONLY if new address)	
3. DATE:	Cost Accounting Information			Name:					
4. CONTACT:	Org Unit			Street:					
5. FROM DEPT:	Object			City:					
6. PHONE NO:				State, ZIP:					
7. MAIL CODE:				Check if new Address: <input type="checkbox"/>				12. Make and Model of Vehicle Used:	
8. MONTH/YR:				11. Vendor #*		or Pers #*			
						13. Veh. License #:			
DAY OF MONTH	14. PARKING	15. BRIDGE TOLLS	16. # OF MILES DRIVEN	NOTE:	17. ORIGIN / DESTINATION (FROM=>TO)		18. PURPOSE OF TRIP		
1				TRIPS CANNOT INVOLVE AN OVERNIGHT STAY OR EXCEED 300 DAILY MILES. TRIPS INVOLVING OVERNIGHT STAYS OR EXCEEDING 300 DAILY MILES MUST BE ON A TRAVEL CLAIM.					
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									
27									
28									
29									
30									
31									
20. GRAND TOTAL		\$0.00	\$0.00	0.00	\$0.00	19. CALCULATED MILEAGE REIMB AMT			
		\$0.00			\$0.540	21. CURRENT MILEAGE RATE			
EMPLOYEE: I hereby certify that I possess a valid California Drivers License and that I have sufficient public liability and property damage insurance at least equal to the requirements of the financial responsibility laws of the State of California (Vehicle Code Section 15430). I further certify that the miles driven are accurate and necessary for the performance of my duties and that no prior claim/future claim has been/will be made for any portion thereof.					22. EMPLOYEE SIGNATURE		DATE		
DEPT. APPROVAL: I hereby approve the mileage and other reimbursements as reasonable and necessary for the performance of the employee's assigned duties and approve payment of this claim.					23. SUPERVISOR APPROVAL (Optional; based on dept. policies)		DATE		
					26. FINANCE USE ONLY				
24. DEPT. HEAD NAME		25. APPROVED BY: SIGNATURE AND NAME (IF NOT DEPT. HEAD)			RTN/POST DATE	Posted By/Rtnd By	COMMENTS		
NOTE: *THE VENDOR NUMBER MUST BE INCLUDED ON THIS CLAIM WHEN IT IS SUBMITTED TO FINANCE. PLEASE TYPE OR PRINT IN BLUE OR BLACK INK.									

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL RESCINDING
RESOLUTION NO. 2007-72 AND APPROVING THE CITY OF
LODI TRAVEL POLICY IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 53232

=====

WHEREAS, the City Council adopted Resolution No. 2007-16 on April 18, 2007, approving the revised AB1234 Expense Reimbursement Policy; and

WHEREAS, staff has revamped the Travel Policy to reflect operational efficiencies and legislative changes since 2007, and also addresses areas that were silent in the 2007 policy.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby rescind Resolution No. 2007-72 and hereby approves the City of Lodi Travel Policy, attached hereto as Exhibit A.

Dated: September 21, 2016

=====

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 21, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk

2016-_____

City of Lodi

Travel Policy

Adopted by Lodi City Council September 21, 2016

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INTRODUCTION

1.1 PURPOSE

The purpose of this policy is to:

- Provide approved travel policy and information needed for the preparation and reconciliation of travel requests;
- Provide guidance to travelers and approvers on cost-effective management of travel expenses;
- Identify reimbursable versus non -reimbursable expenses; and
- Clarify employee responsibility for controlling and reporting travel expenses.

It is impossible to anticipate every situation that may be encountered while traveling on business. Each employee is expected to exercise good judgment in incurring travel expenses and to obtain prior Department Head approval or, in the absence of the Department Head, approval from the person acting in their place, for all foreseeable travel-related expenditures.

Expenses which are not approved or which are not in compliance with this policy will be the traveler's personal responsibility.

1.2 SCOPE

These policies and procedures are applicable to all officers, employees, elected or appointed officials and persons in the service of the City of Lodi.

This policy shall not apply to same day travel of less than 300 miles round trip in a private or City vehicle, regardless of destination, except in regard to meal reimbursement at the discretion of the department. Business mileage reimbursement in a personal vehicle for same day mileage of less than 300 miles shall be requested on a Mileage Reimbursement form (Appendix G) on a monthly basis. All private mileage other than that associated with overnight travel shall be reimbursed monthly using the Mileage Reimbursement Form. This also excludes any and all reimbursements for same day travel, other than mileage, bridge tolls parking, and meals. Meal expenses shall be reimbursed at the discretion of the department and within the provisions of Section 2.7.

All forms referenced in this policy are available on the Finance division intranet site: <http://intranet/finance/finance.asp>

2. POLICIES

2.1 GENERAL

Whenever any person in the service of the City is compelled to travel in the performance of their duties, they shall be reimbursed for their actual and necessary expenditures for transportation, lodging, and meals. This policy shall fix a maximum cost to be paid for such travel, lodging, and meals, which shall be applicable to all such persons alike, including said members of the City Council. These normal maximums have been set forth by the City Council as indicated below. The normal maximums may be exceeded, with department head approval, only when a person in the service of the City incurs expenses incidental to attendance at a conference, convention, other City business, or in the transportation of wards, inmates, or witnesses when such expenses are necessary and unavoidable.

When the cost of travel shall be reimbursed to the employee by another agency, whether state, federal, non-profit, or private, such reimbursement and the intent for same shall be disclosed as a source of funding on the travel reimbursement request. In advance of travel, the employee must decide whether to accept the rates of the City or the other agency. If the travel costs are borne by the City, reimbursement from the other agency shall be paid to the City and deposited as expenditure abatement. If the other agency will reimburse the traveler directly, no City advance shall be made.

Travel and meals associated with Peace Officer Standards Training (POST) shall be governed by the rules and regulations determined by POST. Refer to Appendix F for the reimbursement form associated with POST travel.

In all instances, approval to incur any travel expenses shall be obtained from the Department Head or, in the absence of the Department Head, the person acting in their place, prior to making travel arrangements. The approved travel request form is required for the protection of the employee while traveling as an agent of the City.

2.2 POLICY INTENT

The travel policy enunciated herewith shall be construed so that no officer or employee shall suffer any undue loss while traveling on official City business.

A. California Government Code §53232

In accordance with California Government Code §53232.2(b), any local agency that reimburses members of a legislative body, including members of the City Council, for actual and necessary expenses incurred in the performance of official duties, is required to adopt a written policy specifying the types of occurrences that qualify a member of that legislative body to receive payment and or/reimbursement of expenses related to travel, meal, lodging, and other actual and necessary expenses.

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred by officials of legislative bodies in connection with the following types of activities generally constitute authorized expenses, as long as other requirements of this policy are met:

- Official board, council, committee, commission meetings scheduled subject to the Brown Act;
- Attending conferences, seminars, workshops or educational events related to the business or operations of such groups;
- Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels of City boards, commissions, committees, councils and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes;
- Participating in regional, state and national organizations whose activities affect the City's interests;
- Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.

Expenditures not specifically covered by this list of occurrences will require prior approval by the City Council, or other legislative body action, at a public meeting before the expense is incurred.

Expense Reports and/or Travel Reimbursement claims covered by this section will be documented and filed in a timely manner with the Finance Division of the Internal Services Department (Finance Division), as required by this Policy.

All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Government Code §6250-6270).

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

- 1) loss of reimbursement privileges;
- 2) a demand for restitution to the appropriate legislative body;
- 3) the agency's reporting the expenses as income to the employee or elected official to state and federal tax authorities;
- 4) civil penalties of up to \$1,000 per day and three times the value of the resources used;
- 5) prosecution for misuse of public resources (Government Code §53232.4); and
- 6) discipline, up to, and including, termination.

The guidelines are included as Appendix C.

In accordance with Government Code §53232.3 (d), Council members shall provide a brief report on the meetings attended at City expense at the next available Council meeting. If multiple Council members attended the same meeting, a joint report may be made.

2.3 TRAVEL ARRANGEMENTS

A. Travel Requests and Reimbursement — General Guidelines

Employees should consult with their Department Travel Coordinator, if one has been designated, for guidance with the preparation and submission of travel requests and travel reimbursement requests. The Department Travel Coordinator is responsible for making travel arrangements and can assist employees with these procedures.

All travel requests and travel reimbursement requests must be dated and include the signature of the employee and approval of the Department Head or, in the absence of the Department Head, the person acting in their place.

Travel reimbursement requests shall be submitted to the Finance Division, within 10 working days of returning from travel. Travelers who fail to submit a travel reimbursement request within 12 months of travel will not be eligible for reimbursement pursuant to Section 911.2 of the Government Code.

For additional information regarding travel reimbursement requests and travel advances, refer to *Section 2.5(F) — Delinquent Recovery*.

B. Booking Travel Arrangements

Initial travel arrangements/reservations should be made by the Department.

See *Section 2.8(A) — Air Travel* for additional information on booking airline reservations.

2.4 APPROVING AUTHORITY FOR TRAVEL

All travel requests must be approved in advance by the Department Head or, in the absence of the Department Head, the person acting in their place. Department Head travel, including the Library Director, shall be approved by the City Manager, or the Deputy City Manager in the absence of the City Manager. Council Appointee travel shall be approved by the City Manager or the Deputy City Manager in the absence of the City Manager. City Manager travel shall be approved by the Deputy City Manager. City Council travel shall be approved by the City Clerk, or the City Manager in the absence of the City Clerk. The Finance Division is authorized to reimburse travelers whose expenses are justifiable and in compliance with this policy. Any unresolved disputes

between the Finance Division and the traveler's department shall be resolved/approved by the City Manager. Disputes regarding reimbursement of Councilmember travel costs shall be heard by the Council in open session and resolved by a majority vote.

A. Mandatory Travel

- (1) An officer authorized by law to incur necessary travel expenses when transporting prisoners, court wards or visiting court wards, dependent children, or conservatees who are in placement, shall be required to obtain approval for such travel from the Department Head or, in the absence of the Department Head, the person acting in their place.
 - (a) The Finance Division is authorized to make travel advances for trips involving the transportation of prisoners or court wards. To request an advance to transport prisoners or court wards, a regular travel advance request should be submitted directly to the Finance Division.

B. Long-Term Travel

- (1) Long-term travel shall be defined as employee business travel for 30 or more consecutive calendar days outside of the City, notwithstanding any personal return trips home during the course of the extended work period.
- (2) The Department Head or, in the absence of the Department Head, the person acting in their place is responsible to advise the Finance Division by requesting a meeting with the Finance Manager at least 30 days in advance of any long-term travel. The Finance Division and the department requiring employee long-term travel shall have the authority to negotiate lodging rates, mileage reimbursement rates, and incidental expenses for the traveler that may differ from those designated in this policy. Efforts will be made by the Finance Manager and the Department Head or, in the absence of the Department Head, the person acting in their place to ensure that lodging is adequate for a long-term stay and that the provider will invoice the City, rather than require the traveler to incur the cost of lodging. Employees who choose to make arrangements that differ from the negotiated rates must do so at their own expense.
- (3) Travel advances will generally not be issued for the entire duration of the long-term travel. The Finance Division will work with the traveler's department to ensure the employee has sufficient funds to mitigate any undue hardship, while ensuring the City is not placed at undue risk for recovery of outstanding funds. This process will generally result in the issuance of an initial cash advance to cover anticipated expenses for no more than the first 30 days of travel. After that initial 30-day period, the traveler will submit bi-weekly travel reimbursement requests.

C. Travel Out of State or Out of Country

Travel out of state or outside the United States is authorized when it involves apprehension, investigation and transportation of prisoners, dependents or wards of the Court and training and conferences. The traveler must first complete a travel request form for the approval of the Department Head or, in the absence of the Department Head, the person acting in their place.

All travel out of state or out of country must be pre-approved by the City Manager. See Appendix D for the appropriate approval form.

All costs associated with obtaining a passport or immunizations required for out of country travel are not reimbursable.

D. Candidate Travel Expenses for Selected Employment Applicants

The City Manager, or their designee, may approve payment of employment candidate travel expenses for selected employment interviews when the following circumstances exist:

- (1) Recruiting was done outside the San Joaquin County area.
- (2) The reimbursement would apply only at a point in the selection process that involves a limited number of candidates.
- (3) Reimbursement amounts would be subject to the same limitations as apply to City employees. Human Resources will advise the candidate of the City's travel policy limits and receipt requirements.
- (4) The candidate may book his/her own travel arrangements; however, reimbursement will occur after the fact.

E. Entities Doing or Seeking to Do Business with the City

When on official City business, employees/officials will not conduct City business at the expense of persons/companies doing or seeking to do business with the City. Specifically, transportation and related expenses associated with gaining knowledge about goods and services being offered by private persons or private entities doing business with the City shall be borne by the City. However, this provision may be waived by the City Manager if it is determined to be in the best interest of the City. This provision shall not apply to transportation and related expenses paid as a normal part of a City contract for goods or services.

2.5 TRAVEL ADVANCES

A. Generally Prescribed Expenses

The Finance Division is authorized to pay 100 percent of registration or conference fees to the conference provider and issue an advance to the traveler for up to 90 percent of the estimated lodging and meal expenses for official travel, unless such expenses are expected to be paid with a City-issued credit card. In addition, travel advances may include up to 50 percent of the estimated personal private mileage reimbursement, pursuant to existing employee agreements, when personal vehicles are approved for use for official travel. (Generally this rate will be the current mileage rate authorized by the Internal Revenue Service). Additionally, \$5.00 per day for incidental expenses may be requested as part of the travel advance. Generally, airfare, lodging and car rental expenses are paid via City-issued credit cards and are not advanced to the traveler. When the lodging provider requires pre-payment, see *Section 2.6(G) — Pre-Paid Lodging*, which details this process.

B. Trips Lasting 10-29 Calendar Days

On trips lasting 10 to 29 calendar days, the Finance Division is authorized to advance up to 100 percent of the estimated lodging and meal expenses for official travel and other expenses as deemed appropriate by the traveler's Department Head.

C. Trips Lasting 30 Calendar Days or More

For trips lasting 30 calendar days or longer, please refer to *Section 2.4(C) – Long-Term Travel*.

D. Travel Advance Processing

Travel advance requests shall be received by the Finance Division for processing a minimum of twenty (20) working days prior to any required action on the request. Requests to attend meetings, conferences, or training must include a copy of documentation which indicates the meeting place, time and agenda, if available. Generally, travel advances will not be issued prior to five (5) working days before expected travel and shall not be made for amounts less than \$100.00 unless adequate justification is submitted to show that undue hardship to the individual will result in the event the smaller advance is not made.

Travel advances will be mailed to the address of record of the employee. The Finance Division has the option of withholding advances if a previous advance is unsettled or if the traveler has been notified of ineligibility for an extended period of time pursuant to *Section 2.5(F)(4)*.

E. Travel Advance Reconciliation

Within 10 working days after return from a trip, or within 10 working days of receipt of reimbursement from a third party, a traveler must account for all advances pertaining to that trip by submitting all necessary receipts and a travel reimbursement request form to the Department Head. Any excess of advances over expenses must be refunded immediately by check from the traveler made payable to the City of Lodi. A travel reimbursement request in the amount of the actual travel expense incurred by the traveler must be forwarded to the Finance Division. A check in the amount indicated on the *Amount Owed by Employee* line of the reimbursement form must be forwarded immediately to the Finance Division.

Advances must be returned to the Finance Division when an event is canceled, postponed indefinitely, or another individual will be traveling on the City's behalf. **Travelers are, under no circumstances, to transfer a travel advance to another employee.** If necessary, the Finance Division can issue a replacement travel advance with 24 hours notice.

F. Delinquent Recovery

- (1) Each Department is responsible for monitoring outstanding travel advances for its employees. The Department Travel Coordinator should contact the traveler within 10 working days of return, or within 10 working days of receipt of reimbursement from a third party, if the traveler has not submitted the necessary receipts and a completed travel reimbursement request form.
- (2) Failure to settle outstanding cash advances in a timely manner may result in a delay in reimbursement, and the traveler may be required to pay his/her personal credit card bill prior to reimbursement.
- (3) The Finance Division will send a written memorandum to the Department Head for distribution to the traveler (a sample memo is included as *Appendix A*) when the traveler has not completed the travel reimbursement request form within 11 working days.
- (4) If an outstanding travel advance has not been recovered within 30 calendar days, the Finance Division will notify the traveler's Department Head to advise the employee that travel advance privileges have been revoked and send a copy of this revocation to the employee.
- (5) The Finance Division will create a journal entry and transfer the cost of any outstanding advances that are 60 calendar days delinquent to the traveler's department. Notification of the journal entry will be sent to the traveler's Department Travel Coordinator. Any inaccuracies regarding organization units or general ledger accounts will be the responsibility of the traveler's department. Any collection of funds after

the journal entry has been issued shall be deposited by the traveler's department.

- (6) If an outstanding travel advance has not been recovered within 60 calendar days from the date the accounting for the event was due, the Finance Division may initiate formal collection procedures. These collection procedures will include referral of the full amount outstanding to a collection agency.
- (7) Unrecovered outstanding advances and/or proceeds from discount, rebate, or premium coupons on transportation tickets, which are considered as being a monetary benefit to the employee, are reportable to taxing authorities.

2.6 LODGING

A. Reimbursement – General Guidelines

Reimbursement for the cost of lodging is limited to the actual cost incurred. Generally such costs should not exceed the maximum federal rate (domestic or foreign) excluding tax, per day. The City is not responsible for reimbursement for luxury upgrades (ocean views, king-size beds, suites, etc.).

Domestic and foreign rates, "Federal Foreign & Domestic Per Diem Rates," are available at: <http://www.gsa.gov/portal/category/100120>

For domestic rates, click on the appropriate state on the map of the United States. Refer to the "Maximum Lodging" which excludes taxes. For foreign rates, click on the world map section below the United States map and select the appropriate foreign area.

Generally, the City will allow an employee to arrive the evening prior to an event when the event location is a 90-minute or more drive from Lodi. Locations in the South Bay Area and in San Francisco are exceptions and will automatically qualify for an overnight stay. Any other exceptions will require prior approval of the Department Head and City Manager.

The City will not reimburse a traveler for costs incurred for a stay at a room-sharing type of location (Air BnB-type site) that is not properly licensed through their respective city, county or state or one that does not pay Transient Occupancy Tax.

B. Extended Stay Accommodations

For trips involving one or more weeks of lodging, the Department should explore the cost of weekly lodging versus daily lodging. In addition, consideration can be given for lodging which includes a refrigerator and microwave at an additional cost. It would then be expected that savings would benefit the department when

the traveler chose to purchase groceries instead of dining out. When requesting reimbursement for such extended stay accommodations, a letter explaining the cost analysis must accompany the completed travel reimbursement request.

C. Additional Allowances

Generally, lodging at conference facilities will be allowed regardless of cost. If the conference facility is full, then lodging at alternate hotels shall be acceptable. The Department shall attempt to locate the least expensive alternative. Additional allowances for lodging sufficient to cover actual costs where it is manifestly impracticable to occupy less costly accommodations may be specifically authorized by the Department Head or, in the absence of the Department Head, the person acting in their place.

Most hotels offer self-parking while some require valet parking. The City preferred parking option is that which offers the lowest cost and will generally be the self-parking option. If valet parking is the only option, or the safest option, that a hotel offers, reimbursement will be approved for the valet option.

D. Travel with a Companion

When a companion accompanies a traveler on official business, reimbursement for lodging will be at the lowest available single-occupancy rate for the accommodations. It is the traveler's responsibility to obtain the lodging rates for both single and double occupancy accommodations and indicate those rates on the travel reimbursement request.

E. Requesting Government Rates

The traveler should ask for government rates at the time of arrival (unless a group or conference rate is less). A City identification card or business card is generally sufficient identification.

F. Hotel Cancellations

Hotel cancellations are the responsibility of the traveler. Any cancellation charges incurred will be billed to the traveler unless proper justification is provided.

G. Pre-Paid Lodging

When lodging must be pre-paid to ensure reservations, the Finance Division may issue a warrant payable to the lodging establishment or the Department may pay the pre-paid amount utilizing a City issued credit card. The Department must present written documentation from either the lodging establishment or the conference materials that states the amount of the required pre-payment. The traveler must sign a statement that he/she will not request reimbursement for any pre-paid lodging on a travel reimbursement request (a sample statement is

included as *Appendix D*). Any travel advance request must be reduced by the amount of any pre-paid lodging expense.

H. Hotel Receipts

When requesting reimbursement for hotel accommodations, the original itemized hotel bill must accompany the completed travel reimbursement request.

2.7 MEALS

A. Reimbursement – General Guidelines

Reimbursement for meals shall be made only when travel extends for a minimum of six (6) hours during the normal working day. In order to be reimbursed for the cost of meals, travel must begin before the times reflected on the following schedule:

MEAL	TRAVEL BEGINS BEFORE
Breakfast	6:00 a.m.
Lunch	11:00 a.m.
Dinner	5:00 p.m.

In addition, the trip must last for a minimum of six (6) hours, ending after 7:00 p.m., to qualify for dinner. For purposes of determining eligibility for reimbursement, travel shall be considered to begin when the traveler departs his/her residence if the trip begins before or after normal office hours. If the trip begins during normal office hours, travel shall be considered to begin when the traveler departs his/her office.

B. Meals Supplied by Common Carriers/Conference/Hotel

Meals which are supplied by common carriers or are included in conference fees or hotel rates will not be reimbursed individually, but are considered to be included in the fees paid directly to the airline, conference or hotel (i.e., if a traveler is booked on a flight which serves lunch at no additional cost, no reimbursement will be provided for the lunch meal). A continental breakfast does not constitute a meal. The traveler or the Department Travel Coordinator should inform the carrier/conference/hotel of any special dietary requirement at the time reservations are made, and the traveler should remind the provider of the special request.

C. Meals Consumed Within Lodi City Limits

Employees who incur costs due to attendance at a meeting, training or conference which includes a meal will not be reimbursed for said meals consumed within the Lodi City limits during the individual's normal working day when it can be demonstrated that the meal or meals involved are included in the cost of the

meeting or conference which the employee is attending for the benefit of the City. Meals within Lodi City limits will also be reimbursed when the meal is approved by the department for same day travel of less than 300 miles round trip within the provisions of Section 2.7.

D. Meal Reimbursement Rates

Meal reimbursement, including tips, will be for actual amounts, supported by itemized receipts, up to the maximum amount, based on the following criteria:

- **Meals consumed within the Continental United States:** Maximum amounts will be based on the meal rates published by the U.S. General Services Agency (GSA) and can be found at:

<http://www.gsa.gov/portal/category/100120>

- **Meals consumed outside the Continental United States:** Maximum amounts will be based on the U.S. Department of State meal rates in effect for the destination and can be found at:

https://aoprals.state.gov/content.asp?contentid=184&menu_id=78

E. Meal Reporting Requirements

The traveler must report on the travel reimbursement request form the **ACTUAL amount expended** for each meal for each day, supported by itemized receipts. Please use the Meal Expense Summary form included in Appendix E. Even if the amount is greater than the maximum allowed under this Policy, meal reimbursement will be reimbursed based upon the maximum amount allowed. Because of Internal Revenue Service (“IRS”) requirements, employees should keep a record of these expenses for Federal Income Tax purposes. The record should include:

- Name and location of establishment where the meal/event took place.
- Exact amount and date of the expense.
- Specific business discussed.

Traveler must include a print-out of the allowance for the appropriate city from the appropriate GSA website referenced in Section 2.7 (D) along with their reimbursement claim.

Meals provided as part of the training/conference are not reimbursable. Traveler must include a copy of the training/conference program showing meals that are included with the cost of the conference/training.

F. Restrictions

No reimbursement shall be made for alcoholic beverages of any kind.

2.8 TRANSPORTATION

Normally, travel will be by the most reasonable means available, taking into consideration requirements for reimbursement for meals and lodging and employee time devoted to travel at the expense of performance of other duties.

A. Air Travel

(1) The Department Travel Coordinator will arrange for reservations and tickets for approved travel requests authorizing air transportation. The lowest available fare will be used for air travel unless otherwise specifically authorized by the approving authority. As a general rule, employees will be expected to accept flights departing within two (2) hours of the desired departure time. Such a window may not be suitable for all situations.

(2) The Department Travel Coordinator must carefully monitor flights with cancellation penalties. If cancellation occurs due to a City-related change, the City department will cover the penalty cost. If, however, cancellation occurs due to a traveler's personal request, the traveler will be required to pay the penalty. An exception may be made for cancellations related to a family death (for which the airlines may not impose penalties) or an illness approved by the Department Head.

Note: Most tickets issued today are non-refundable and non-transferable. These tickets will incur a fee for any changes.

(3) All air travel arrangements for City employees should be made by the Department Travel Coordinator or the designee.

(4) If an employee wishes to drive their personal vehicle in lieu of air travel and possibly a rental car, reimbursement will be authorized only up to the amount of the least expensive alternative. The request for reimbursement must include a printed copy of the quoted airfare as justification for the cost of air travel and the cost of the employee's mileage and attest to the least expensive alternative.

B. Train Travel

In some instances train travel may be a viable alternative to air travel or car travel. An example would be the AMTRAK to San Francisco, in lieu of a car and paying for parking. The Department should evaluate the cost and time involved, prior to approval. In most instances it would be expected that the traveler would incur additional taxi fares at his/her destination. This cost should be included in the analysis. In addition, the time involved with the trip must be considered as a factor. A two-hour train trip to San Francisco is reasonable, but a 12-hour trip to San Diego would not be reasonable, unless the traveler is taking vacation time en route.

C. Car Rental

- (1) Employees on out-of-town trips should use public conveyances (taxis, airport shuttles, buses, etc.) whenever such uses appear to be more economical than a rental car. Department Heads have discretion to approve rental cars which do not meet these criteria. Generally, a rental car should not be requested unless one or more of the following criteria are met:
 - a. Multiple business meetings that require travel between points make use of public conveyance impractical.
 - b. Three or more City employees are attending the same meeting and one rental car for the group would be more economical.
 - c. It is less expensive to rent a car overall.
- (2) The Department Travel Coordinator will arrange for reservations only upon receipt of an approved travel request.
- (3) Rental car expenses are to be paid by one of the following methods:
 - a. City issued credit card; or
 - b. Traveler's personal credit card.
- (4) Suggested auto sizes per number of people:
 - 1-2 passengers — compact or subcompact;
 - 3-4 passengers — mid-size permitted.
- (5) Travelers are to waive all additional insurance offered when renting a car. Any additional insurance authorized by the traveler may, at the Department Head or, in the absence of the Department Head, the person acting in their place, discretion, be a reimbursed expense.

- (6) **Rental Car Fueling:**
 - a. The traveler must fill the gas tank before returning the car to avoid fuel surcharges. Fuel expenses will be reimbursed based upon the receipts provided. Exceptions to the use of self-service fueling will not be allowed unless the employee can demonstrate and justify the reasons for not using available self-service fuel dispensing facilities.
 - b. In emergency situations, use of rental Car Company fueling options may be authorized by the Department Head.
- (7) Where extended personal travel is involved (see *Section 2.13 – Extended Personal Travel*), rental car expenses must be pro-rated to allow reimbursement for only those costs associated with City business.

D. Travel by City Vehicle

- (1) Travel out of the City in City vehicles is the preferred mode of travel after common carrier. The Fleet Services Division has a wide variety of vehicles available to City employees.
- (2) If more than one officer, employee, or person is traveling on the same trip, all reasonable efforts will be made to minimize transportation costs by use of a single vehicle.
- (3) Individuals that are not City staff or participants in City sponsored programs are prohibited from being transported in City-owned vehicles.

E. Travel by Private Vehicle

- (1) While City vehicle use is preferred, Department Head approval is required when the traveler chooses to use a private vehicle. All private vehicle travel will be reimbursed at the current IRS approved mileage rate.
- (2) Authorized out-of-City travel will normally be reimbursed at the IRS approved rate. However, when air travel is the most appropriate and economical means of transportation, maximum reimbursement will be in an amount equal to air coach fare unless the traveler clearly demonstrates in advance to the satisfaction of the Finance Division that travel by other means is more advantageous to the City.
- (3) For reimbursement purposes, mileage shall be determined based upon a starting point of the City office of the traveler, unless mileage is less based upon the traveler's home address. In all cases, normal commute mileage for the traveler shall be deducted from the total miles traveled before determining the total miles eligible for reimbursement. Traveler shall submit a Mapquest directions print-out (or equivalent mileage calculation) that documents the mileage requested for reimbursement.

- (4) For purposes of this Policy, a private vehicle must meet the following:
- The vehicle shall be a conventional four-wheel, enclosed vehicle;
 - The vehicle must be equipped with seat belts;
 - The vehicle must be in sound mechanical condition, adequate for providing required transportation in a safe manner and without unreasonable delay.
 - The vehicle must be insured to, at least, the state minimum required coverages.

Use of a two or three wheel private vehicle is prohibited on City business.

F. Exceptions

The approved mode of travel may differ from that requested as deemed appropriate by the Department Head.

2.9 ADDITIONAL ALLOWANCES

A. Baggage Handling, Tips and Incidentals

When included on the final travel reimbursement request, \$5.00 per travel day will be allowed to cover baggage handling, tips, and incidental expenses. Receipts are not required when requesting the \$5.00 allowance for such expenses. Incidental expenses including laundry and personal telephone calls are not reimbursable.

B. Telephone, Facsimile and Internet Access

Due to the high cost of hotel phone usage, travelers are **strongly discouraged** from making calls from hotel equipment. It is the Department's responsibility to advise all travelers of this recommendation. Acceptable alternatives to hotel phone usage are:

- (1) **Cellular Phones.** Travelers are encouraged to use City-issued or personal cellular phones, provided that long distance is included at no additional cost.
- (2) A Department Head or Designated Department Representative may, at their discretion, authorize payment of hotel phone, facsimile or internet access charges. Any such authorization must include a letter of explanation signed by the Department Head or, in the absence of the Department Head, the person acting in their place.

C. Reimbursable Expenses with Receipts

While traveling on official City business, the following expenses are reimbursable at actual cost **upon presentation of original receipts:**

- (1) Necessary taxicab, airport transportation, bus fares, shuttle charges, or bridge tolls, including tips.

- (2) Conference or seminar registration fees and associated tapes, reports, etc., which can be shown to be of extreme value to the participant in their work for the City. The decision to approve these expenses rests with the Department Head or, in the absence of the Department Head, the person acting in their place.
- (3) Parking fees.
- (4) Traveler's checks surcharge.
- (5) Postage.
- (6) Other justifiable expenses will be approved based on a review of special circumstances.

D. Reimbursable Expenses without Receipts

While traveling on official City business, the following expenses are reimbursable at **actual cost, without receipts:**

- (1) Metered parking and parking in unattended lots (maximum of \$6.00 per travel day).
- (2) Bay Area Rapid Transit (BART) fares (fee schedule must be attached to final travel reimbursement request).

E. Non- Reimbursable Expenses

- (1) Baby-sitting fees.
- (2) Personal toiletries.
- (3) Personal care expenses.
- (4) Traffic fines or parking tickets.
- (5) Hotel luxury upgrades.
- (6) Expenses associated with a non-employee who accompanies the employee on official business.
- (7) Alcoholic beverages.
- (8) Laundry services
- (9) In-room movies.
- (10) Entertainment outside those activities offered as part of the conference registration package.

2.10 FREQUENT FLYER MILES/HOTEL INCENTIVES

Travelers who participate in airline frequent flyer programs or hotel incentive programs may apply City travel to these programs. Any benefit derived from these programs may accrue to the traveler. However, Department Travel Coordinators are not to be hindered from booking the most economical flights, lodging accommodations or car rental in order to benefit the traveler personally.

2.11 OPTIONAL EVENTS AT A CONFERENCE

The City will pay for all events included in a conference registration fee. Where a conference includes other optional events at an additional cost, the traveler must be able to justify the business relationship of the event. Networking with other attendees is **not** a valid business relationship. Where an optional event is not business-related and includes a meal, the traveler can be reimbursed up to the maximum meal reimbursement rate.

Example 1: A conference includes an optional dinner event at a resort with entertainment provided. The cost of the dinner trip is \$50.00. Since there is no business purpose, the traveler can request reimbursement for the current maximum meal rate.

Example 2: A conference includes an optional tour of the world famous San Diego Wild Animal Park. There is no meal provided. This event is not reimbursable.

Example 3: The Conference of Water Quality Officials includes a tour (or a tour and a meal) of the local water treatment plant and a discussion of how the entity has utilized the latest technology. The person traveling works for the City in the water treatment plant. The traveler would submit a statement that this tour was related to their job with the City. The cost of this event would be reimbursable to the employee.

2.12 EXTENDED TRAVEL BASED ON COST SAVINGS

It is acknowledged that travel out of state will generally involve arrival the night before, regardless of the time the event begins. In addition, an employee is expected to return on the last day of the event when the last activity ends prior to 3:00 p.m. If the last activity extends beyond 3:00 p.m., then the City Manager may authorize the traveler to stay the additional night and return the following morning. Occasionally extending a stay beyond that required by the event may result in significant cost savings on airline fares. The stay can be extended when the airfare savings exceed the additional total cost for all of the following:

- Additional hotel costs;
- Additional meal costs;
- Additional per diem costs; and
- Traveler's salary for his/her paid status on the additional days away from the office.

If all of the above is true, the Department must include with the travel reimbursement request a signed statement and a detailed accounting of the savings.

2.13 EXTENDED PERSONAL TRAVEL

Under no circumstances will the City reimburse an employee for expenses incurred when the employee opts to extend their time at the destination for personal reasons. (i.e., the employee takes vacation, stays through the weekend, or arrives during the weekend). Reimbursable expenses will cease to accrue as of the expected return time had travel been

consistent with *Section 2.12 – Extended Travel Based on Cost Savings*. Reimbursement for car rental and airport parking must be prorated to allow reimbursement for only those costs associated with City business.

2.14 CONTEST/DRAWING PRIZES AT CONFERENCES/EVENTS

If an employee attending a conference or training event, on City time as a representative of the City, wins a prize, collects items from vendors or is given items that aggregate over \$50 by a single vendor, such prize or items are deemed to be City property.

Example 1: Employee is selected as a winner in a blind drawing of all registered attendees for a \$1000 Visa gift card. Employee must turn over the gift card to the City.

Example 2: A vendor gives an employee a polo shirt(s) with the vendor logo. Employee must determine the value of the polo shirt(s). If value exceeds \$50, employee must report such shirt(s) to their department head. The department head may allow the employee to keep the shirt(s) or take the shirt(s) from the employee and dispose of it/them. If the employee is allowed to keep the shirt(s), this will likely become a reportable item on the employee's annual Conflict of Interest statement (Form 700), if they are subject to such reporting.

Example 3: Employee picks up pens, pencils, toys and Post-it note pads from multiple vendors while at a conference. The aggregate value of the items exceeds \$50, but the value from any given vendor does not exceed \$50. Employee may keep the items for personal use and has no reporting responsibilities for these items.

Example 4: Vendor scans employee badge. Subsequently, employee is notified that they are the winner of an iPad. The iPad is considered City property and must be turned over to the City.

Example 5: Employee drops their business card in a bowl at a vendor booth. Employee is subsequently notified that they are the winner of a Harley Davidson motorcycle. The motorcycle is considered City property and must be turned over to the City.

APPENDIX A

[Date]

To: [Traveler Name]

From: [Department Head]

Subject: **NOTICE OF OVERDUE TRAVEL REIMBURSEMENT REQUEST**

Pursuant to City of Lodi Travel Policy Section 2.5(E), travelers must account for any travel advances associated with their travel within 10 working days after returning from the trip (or within 10 working days after receipt of reimbursement from a third party).

Your travel reimbursement request related to Travel Request No. _____ is past due. Please submit this request immediately.

APPENDIX B

PRE-PAID LODGING CERTIFICATION

I, the undersigned, hereby certify that I will not request reimbursement for any pre- paid lodging expenses on any travel reimbursement request in accordance with the City of Lodi Travel Policy, Section 2.6(G).

Signature: _____

Name: _____

Title: _____

Dept: _____

Date: _____

APPENDIX C
GUIDELINES FOR TYPES OF EVENTS
RESULTING IN ELECTED OFFICIAL
REIMBURSEMENT

All qualifying trips/events and related expenses are subject to the provisions of the Travel Policy.

1. Official board, council, committee, commission meetings scheduled subject to the Brown Act.

These are meetings to perform the duties of the legislative bodies of which the claiming individuals are members, or similar meetings of other legislative bodies that the claiming individuals are required to attend in order to carry out the official business of their own legislative bodies.

2. Attending conferences, seminars, workshops or educational events related to the business or operations of such groups.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body. Examples of such events include Urban Land Institute conferences.

3. Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels. City boards, commissions, committees, councils, and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body.

4. Participating in regional, state and national organizations whose activities affect the City's interests.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body. Examples of such events include annual or regional conferences of the Council of Governments or League of California Cities.

5. Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.

All events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body or to City business and operations.

6. Events that promote public service and morale by recognizing City participation and service.

All events under this category should be limited to **local** events that recognize participation and service for **specific projects or accomplishments**, rather than general career service events such as retirement events. Reimbursable costs **exclude** costs for any gifts, donations, or honoraria.

7. Attend City events.

All events under this category should be limited to local City-sponsored events. Reimbursable costs **exclude** costs for any gifts, donations, or honoraria.

APPENDIX D

[Date]

To: City Manager

From: [Department Head]

Subject: **OUT OF STATE/COUNTRY TRAVEL APPROVAL**

Please approve out of state/country travel for the following:

Employee: _____

Dates: _____

Destination: _____

Purpose of Travel: [Describe the purpose of the travel and the benefit to the City of the travel]

Approved Denied

City Manager

APPENDIX E

Business Expense and Claim Voucher Form

City of Lodi Business Expense And Claim Voucher

Authorization

Name _____

Employee Number _____

Department _____

Destination _____

Purpose _____

Check One: Advance Settlement

Date:

Type of Business Expense (Check One)

- Conference (*Overnight*) 72315
- Local Travel & Business Meals 72314
- Representation Expense 72340
- Training & Education 72358

Dates

Begin Date & Time _____

End Date & Time _____

Transportation (Check One)

- Commercial Private Auto
- Rental Car City Auto
- Taxi Other

Claim

1. Commercial Transportation
 2. Lodging (include print out from <http://www.gsa.gov/portal/category/100120>)
 3. Mileage (*private auto*) Odometer Miles: _____ @ 0.575
 4. Transportation Expenses (*Taxi, Shuttle, Parking*)
 5. Conference/Registration Expense
 6. Business Meals (include print out)
 7. Incidentals (*Up to \$5.00 per day*)
- Total Cost Or Advance**
8. Less Amount To Be Paid By Others

Total Cost	Claim
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ (_____)	\$ _____
\$ _____	\$ (_____)
\$ _____	\$ (_____)
\$ _____	\$ _____

Name: _____

9. Less Advance Paid Check Number _____

10. Less Personal Charges _____

Amount Payable to Employee/Amount Owed By Employee (circle one)

\$ _____

I request payment of amount claimed above and certify that the information provided above is correct and in conformance with the City's Travel Policy.

Signature of Employee Submitting Claim _____

Date _____

Department Head Approval _____

Date _____

Account Numbers To Be Charged And/Or Credited

Date Paid

Check Number

APPENDIX F

POST Reimbursement Request Form



[The following text is extremely faint and illegible, representing the main body of the reimbursement request form.]

City of Lodi
POST Reimbursement Request Form

Date _____

Employee Name _____
 Employee Number _____ Post ID _____
 Destination /County _____
 Class Name _____
 Travel Dates _____



POST Plan	Please check one
I	<input type="checkbox"/>
II	<input type="checkbox"/>
III	<input type="checkbox"/>
IV	<input type="checkbox"/>
V	<input type="checkbox"/>

Transportation Authorized			
Commercial	<input type="checkbox"/>	Private Auto	<input type="checkbox"/>
Rental Car	<input type="checkbox"/>	City Auto	<input type="checkbox"/>
Taxi	<input type="checkbox"/>	Other	<input type="checkbox"/>

1. Commercial Transportation
2. Lodging
3. Mileage(private auto) Odomoter miles : 0.575
4. Incidental Transportation Expense:
5. Conference/Registration Expesne:
6. Business Meals:
7. Other Expenses

Total Cost	POST Reimbursable 72375	Charge to 72358	Amount to be paid to Employee
		0	
		0	
\$0.00		0	
		0	
		0	
		0	
		0	
		Total Claim owed	

I certify that the expenses shown herin are true and accurate and were necessary for the performance of my duties

Signature of Employee _____ Date _____

Department Head Approval _____ Date _____

APPENDIX G

Mileage Reimbursement form(s)

1. DOC NUMBER:		CITY OF LODI MILEAGE CLAIM				10. Finance Date Stamp: Do not use this space.	
2. TO:		Finance Division		9. Employee Name and Address <small>(Note: Address required ONLY if new address)</small>			
3. DATE:		Cost Accounting Information		Name:			
4. CONTACT:		Org Unit		Street:			
5. FROM DEPT:		Object		City:			
6. PHONE NO:				State, ZIP:			
7. MAIL CODE:				Check if new Address: <input type="checkbox"/>		12. Make and Model of Vehicle Used:	
8. MONTH/YR:				11. Vendor #*		or Pers #*	
						13. Veh. License #:	
DAY OF MONTH	14. PARKING	15. BRIDGE TOLLS	16. # OF MILES DRIVEN	NOTE:	17. ORIGIN / DESTINATION (FROM=>TO)	18. PURPOSE OF TRIP	
1				TRIPS CANNOT INVOLVE AN OVERNIGHT STAY OR EXCEED 300 DAILY MILES. TRIPS INVOLVING OVERNIGHT STAYS OR EXCEEDING 300 DAILY MILES MUST BE ON A TRAVEL CLAIM.			
2							
3							
4							
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20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
20. GRAND TOTAL		\$0.00	\$0.00		\$0.00	19. CALCULATED MILEAGE REIMB AMT	
		\$0.00			\$0.540	21. CURRENT MILEAGE RATE	
EMPLOYEE: I hereby certify that I possess a valid California Drivers License and that I have sufficient public liability and property damage insurance at least equal to the requirements of the financial responsibility laws of the State of California (Vehicle Code Section 15430). I further certify that the miles driven are accurate and necessary for the performance of my duties and that no prior claim/future claim has been/will be made for any portion thereof.					22. EMPLOYEE SIGNATURE		DATE
DEPT. APPROVAL: I hereby approve the mileage and other reimbursements as reasonable and necessary for the performance of the employee's assigned duties and approve payment of this claim.					23. SUPERVISOR APPROVAL (Optional: based on dept. policies)		DATE
24. DEPT. HEAD NAME				25. APPROVED BY: SIGNATURE AND NAME (IF NOT DEPT. HEAD)			
				26. FINANCE USE ONLY			
NOTE: *THE VENDOR NUMBER MUST BE INCLUDED ON THIS CLAIM WHEN IT IS SUBMITTED TO FINANCE. PLEASE TYPE OR PRINT IN BLUE OR BLACK INK.				RTN/POST DATE	Posted By/Rtnd By	COMMENTS	



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointments to the Greater Lodi Area Youth Commission (Student Members) and Post for Vacancy on Greater Lodi Area Youth Commission (Adult Advisor)

MEETING DATE: September 21, 2016

PREPARED BY: City Clerk

RECOMMENDED ACTION: Concur with the Mayor's recommended appointments to the Greater Lodi Area Youth Commission (Student Members) and post for vacancy on the Greater Lodi Area Youth Commission (Adult Advisor).

BACKGROUND INFORMATION: On April 6 and July 6, the City Council directed the City Clerk to post for five expiring terms on the Greater Lodi Area Youth Commission; on August 17, 2016, following the resignation of a commissioner, Council directed the City Clerk to post for one additional vacancy. The Mayor reviewed the applications, conducted interviews, and recommends that the City Council concur with the appointments detailed below.

Following the resignation of a Greater Lodi Area Youth Commission Adult Advisor, it is recommended that the City Council direct the City Clerk to post the vacancy for 30 days. Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

APPOINTMENTS:

Greater Lodi Area Youth Commission (Student Members)

Emma Colarossi	Term to expire May 31, 2018
Jack Gobel	Term to expire May 31, 2018
Harlie Litton	Term to expire May 31, 2018
Evan Seibly	Term to expire May 31, 2018
Tasha Shukla	Term to expire May 31, 2018
John Rowlands	Term to expire May 31, 2017

NOTE: 9 applicants (1 applicant seeking reappointment; 5 new applications; 3 applications on file); posting ordered 4/6/16, 7/6/16, and 8/17/16; application deadline – 9/6/16.

POSTING:

Greater Lodi Area Youth Commission (Adult Advisor)

Daniel Valdez	Term to expire May 31, 2018
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FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

JMF/PMF

APPROVED: _____
Stephen Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Monthly Protocol Account Report
MEETING DATE: September 21, 2016
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 August 31, 2016.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: See attached.

Jennifer M. Ferraiolo
City Clerk

JMF/PMF

Attachment

APPROVED: _____
Stephen Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 17 “Development Code,” by Repealing and Re-enacting Section 17.30.070 “Water Efficient Landscape Requirements” in its Entirety

MEETING DATE: September 21, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Introduce ordinance amending Lodi Municipal Code Title 17 “Development Code, “by repealing and re-enacting Section 17.30.070 “Water Efficient Landscape Requirements” in its entirety.

BACKGROUND INFORMATION: Lodi Municipal Code (LMC) Section 17.30.070 “Water Efficient Landscape Requirements” was first introduced during the City Council meeting on February 6, 2013 and adopted on February 20, 2013. On July 15, 2015, the California Water Commission approved the revised Model Water Efficient Landscape Ordinance (MWELo). The State estimates that under the revised MWELo, a typical California landscape will use approximately 20 percent less water than landscape installed per the requirements of the previous ordinance.

Staff has reviewed the City’s existing LMC and revised Section 17.30.070 to comply with the requirements of the State’s MWELo. The changes to be incorporated are briefly described below:

- Reduces project size subject to the ordinance from 2,500 square feet to 500 square feet and now includes a “prescriptive compliance option” for those projects between 500 and 2,500 square feet. The prescriptive compliance option is intended to provide a more simple approach that includes basic landscape design standards to reduce water usage.
- Updates and expand definitions.
- Revises the maximum applied water allowance. This water allowance reduces the landscape area that can be planted with high water use plants.
- Revises soil management report requirements for multi-lot projects. Clarifies soil testing frequency for multi-lot projects.
- Revises the landscape design plan section to address soil preparation, clarify plant selection, and to prohibit high water use plants in street medians.
- Revises irrigation design plan section to require high-flow sensors and dedicated landscape meters on residential landscapes over 5,000 square feet and on commercial projects of certain size, and clarifies the standards in which irrigation sprinklers must comply.
- Revises graywater systems section.
- Adds a storm water and rainwater retention section to encourage additional pervious surfaces such as porous concrete and rainwater retention elements in the landscape design.
- Adds a reporting section to require local agencies to report on the implementation and enforcement of the ordinance.

APPROVED: _____
Stephen Schwabauer, City Manager

Staff has been working to establish a plan to implement the additional requirements of the MWELO. The plan will involve a combination of in-house resources and/or outside consulting services depending on the size and complexity of each project.

Staff recommends City Council introduce the ordinance amending Lodi Municipal Code Title 17 "Development Code," by repealing and re-enacting Section 17.30.070 "Water Efficient Landscape Requirements" in its entirety.

FISCAL IMPACT: Staff anticipates the revised MWELO compliance oversight will be performed by a combination of in-house and outside resources. The cost to review, approve, and inspect the projects subject to the MWELO is currently unknown. Plan check and inspection costs will be evaluated as staff gains more experience with the compliance efforts and, if needed, additional plan review fees to recover these costs will be recommended.

FUNDING AVAILABLE: Not applicable.

Charles E. Swimley, Jr.
Public Works Director

CES/KMG/tdb
Attachment

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER 17.30 -
"LANDSCAPING" BY REPEALING AND RE-ENACTING
SECTION 17.30.070 "WATER EFFICIENT LANDSCAPE
REQUIREMENTS" IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 17.30 - "Landscaping" is hereby amended by repealing and reenacting Section 17.30.070 "Water Efficient Landscape Requirements" in its entirety, and shall read as follows:

17.30.070 Water Efficient Landscape Requirements.

A. Applicability.

1. The water efficient landscape requirements shall apply to all of the following landscape projects:

- 4a. New construction ~~and rehabilitated landscapes for public agency projects and private development~~ projects with an aggregate landscape area equal to or greater than ~~two thousand~~ five hundred square feet requiring a building or landscape permit, plan check or design review;
- 2b. ~~New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a~~ Rehabilitated landscape projects with an aggregate landscape area equal to or greater than two thousand five hundred square feet requiring a building or landscape permit, plan check, or design review;
- 3. ~~New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than \$5,000 square feet requiring a building or landscape permit, plan check or design review;~~
- 4c. Existing landscapes limited to Sections 17.30.070(~~T~~), (~~U~~) and, (V) and (~~W~~); and
- 5d. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 17.30.070(G), 17.30.070(N) and 17.30.070(O); and existing cemeteries are limited to Sections 17.30.070(~~T~~), (~~U~~), (V) and (~~W~~).

2. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in California Code of Regulations Title 23, Chapter 2.7, § 495 Appendix D.

3. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2500 square feet of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with

treated or untreated graywater or through stored rainwater captured on site is subject only to California Code of Regulations Title 23, Chapter 2.7, § 495 Appendix D section (5).

4. The water efficient landscape requirements do not apply to:

4a. Registered local, state or federal historical sites;

2b. Ecological restoration projects that do not require a permanent irrigation system;

3c. Mined-land reclamation projects that do not require a permanent irrigation system; or

4d. ~~Plant~~Existing plant collections, as part of botanical gardens and arboretums open to the public.

B. Definitions. The terms used in the water efficient landscape requirements have the meaning set forth below:

1. "Applied water" means the portion of water supplied by the irrigation system to the landscape.

2. "Automatic irrigation controller" means ~~an automatic~~a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

3. "Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

4. "Certificate of completion" means the document required under Section 17.30.070(~~4~~L).

5. "Certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer Program.

6. "Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense Irrigation Auditor Certification Program and Irrigation Association's Certified Landscape Irrigation Auditor Program.

7. "Check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

8. "Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

9. "Compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

910. "Conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.

11. "Distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.
4012. "Drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
4413. "Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
4214. "Effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.
4315. "Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.
4416. "Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
4517. "Establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.
4618. "Estimated total water use" (ETWU) means the total water used for the landscape as described in Section 17.30.070(G).
4719. "ET adjustment factor" (ETAF) means a factor of 0.755 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. ~~A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET adjustment factor is $(0.7) = (0.5/0.71)$. The~~ ETAF for anew and existing (non-rehabilitated) special landscape area shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.
4820. "Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
4921. "Flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
22. "Flow sensor" means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.
23. "Friable" means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

24. "Fuel Modification Plan Guidelines" means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.
25. "Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.
2026. "Hardscapes" means any durable material (pervious and non-pervious).
- ~~21.~~ "~~Homeowner-provided landscaping~~" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of the Water Efficient Landscape Requirements, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.
2227. "Hydrozone" means a portion of the landscaped area having plants with similar water needs- and rooting depth. A hydrozone may be irrigated or non-irrigated.
2328. "Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
2429. "Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "~~Noxious weeds~~" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
2530. "Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.
2631. "Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The ~~minimum average~~ irrigation efficiency for purposes of the water efficient landscape requirements ~~is are~~ 0.71. ~~Greater irrigation efficiency can be expected from well-designed~~ 75 for overhead spray devices and maintained 0.81 for drip systems.

- 2732.** "Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
- 2833.** "Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.
- 2934.** "Landscape architect" means a person who holds a license to practice landscape architecture in the state of California pursuant to Business and Professions Code Section 5615.
- 3035.** "Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- 3136.** "Landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- 3237.** "Landscape documentation package" means the documents required under Section 17.30.070(F).
- 3338.** "Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of the water efficient landscape requirements, meeting requirements under Section 17.30.070(A).
- 39.** "Landscape water meter" means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.
- 3440.** "Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- 3541.** "Local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.
- 3642.** "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- 3743.** "Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- 44.** "Master shut-off valve" is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.
- 3845.** "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 17.30.070(G). It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The Estimated Total Water

Use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)].

46. "Median" is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.
3947. "Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
4048. "Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
4149. "Mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
4250. "New construction" means, for the purposes of this title, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
51. "Non-residential landscape" means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.
4352. "Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
4453. "Overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).
4554. "Overspray" means the irrigation water which is delivered beyond the target area.
4655. "Permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
4756. "Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.
4857. "Plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this title, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this title are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species". Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

49. ~~"Precipitation rate" means the rate of application of water measured in inches per hour.~~
5058. "Project applicant" means the individual or entity submitting a landscape documentation package required under Section 17.30.070(F), to request a permit, plan check, or design review from the City of Lodi. A project applicant may be the property owner or his or her designee.
5459. "Rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.
5260. "Record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
5361. "Recreational area" means areas ~~dedicated to~~excluding private single family residential areas, designated for active play ~~such as, recreation or public assembly~~ in parks, sports fields, ~~and picnic grounds, amphitheaters or golf courses~~ tees, fairways, roughs, surrounds and greens where turf provides a playing surface.
5462. "Recycled water", "reclaimed water", or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
5563. "Reference evapotranspiration" or "ET_o" means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.
64. "Regional Water Efficient Landscape Ordinance" means a local ordinance adopted by two or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.
5665. "Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 17.30.070(A), and the modified landscape area is equal to or greater than two thousand five hundred square feet, ~~is fifty percent of the total landscape area, and the modifications are completed within one year.~~
66. "Residential landscape" means landscapes surrounding single or multifamily homes.
5767. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

- 5868. "Soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- 5969. "Soil texture" means the classification of soil based on its percentage of sand, silt, and clay.
- 6070. "Special landscape area" (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- 6471. "Sprinkler head" means a device which delivers water through a nozzle.
- 6272. "Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.
- 6373. "Station" means an area served by one valve or by a set of valves that operate simultaneously.
- 74. "Submeter" means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.
- 6475. "Swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
- 6576. "Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.
- 6677. "Valve" means a device used to control the flow of water in the irrigation system.
- 6778. "Water conserving plant species" means a plant species identified as having a very low or low plant factor.
- 6879. "Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.
- 6980. "Watering window" means the time of day irrigation is allowed.
- 7081. "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 20002014 edition.

C. Provisions for New Construction or Rehabilitated Landscapes. The City of Lodi may designate by mutual agreement, another agency, such as a water purveyor, to implement some or all of the requirements contained in the water efficient landscape requirements. The city may collaborate with water purveyors to define each entity's specific responsibilities relating to this title.

D. Compliance with Landscape Documentation Package.

1. Prior to construction, the city shall:
 - a. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
 - b. Review the landscape documentation package submitted by the project applicant;
 - c. Approve or deny the landscape documentation package;
 - d. Issue a permit or approve the plan check or design review for the project applicant; and
 - e. Upon approval of the landscape documentation package, submit a copy of the water efficient landscape worksheet to the local water purveyor.
2. Prior to construction, the project applicant shall:
 - a. Submit a landscape documentation package to the city.
3. Upon approval of the landscape documentation package by the city, the project applicant shall:
 - a. Receive a permit or approval of the plan check or design review and record the date of the permit in the certificate of completion;
 - b. Submit a copy of the approved landscape documentation package along with the record drawings, and any other information to the property owner or his/her designee; and
 - c. Submit a copy of the water efficient landscape worksheet to the local water purveyor.

E. Penalties. The city may identify penalties to the project for non-compliance with the water efficient landscape requirements.

F. Elements of the Landscape Documentation Package. The landscape documentation package shall include the following six elements:

1. Project information:
 - a. Date,
 - b. Project applicant,
 - c. Project address (if available, parcel and/or lot number(s)),
 - d. Total landscape area (square feet),
 - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed),
 - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well,
 - g. Checklist of all documents in landscape documentation package,
 - h. Project contacts to include contact information for the project applicant and property owner, and

- i. Applicant signature and date with statement: "I agree to comply with the requirements of the Water Efficient Landscape Requirements and submit a complete Landscape Documentation Package";
 - 2. Water efficient landscape worksheet:
 - a. Hydrozone information table,
 - b. Water budget calculations:
 - i. Maximum applied water allowance (MAWA), and
 - ii. Estimated total water use (ETWU);
 - 3. Soil management report;
 - 4. Landscape design plan;
 - 5. Irrigation design plan; and
 - 6. Grading design plan.
- G. Water Efficient Landscape Worksheet.

1. A project applicant shall complete the water efficient landscape worksheet which contains ~~two sections:~~
~~a. A hydrozone information table (see Appendix B, Section A) on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project; and~~
~~b. A water budget calculation (see Appendix B, Section B) does not exceed a factor of 0.55 for the residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas. The ETAF for a landscape project. For the calculation of is based on the plant factors and irrigation methods selected. The Maximum Applied Water Allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The Estimated Total Water Use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.~~

In calculating the maximum applied water allowance and estimated total water use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A below. For geographic areas not covered in California Code of Regulations Title 23, Chapter 2.7, § 495 Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.

2. _____

Reference Evapotranspiration (ETo) Table.													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
SAN JOAQUIN													
Lodi West	1.0	1.6	3.3	4.3	6.3	6.9	7.3	6.4	4.5	3.0	1.4	0.8	46.7

*The values in this table were derived from:

- 1) California Irrigation Management Information System (CIMIS);

- 2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999;
- 3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922; and
- 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426.

2. Water budget calculations shall adhere to the following requirements:
 - a. The plant factor used shall be from WUCOLS; or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - b. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 - c. All special landscape areas shall be identified and their water use calculated as ~~described below~~ shown in California Code of Regulations Title 23, Chapter 2.7, § 495 Appendix B.
 - d. ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

~~3. Maximum Applied Water Allowance. The maximum applied water allowance shall be calculated using the equation:~~

$$\text{MAWA} = (\text{ET}_0) (0.62) \{ (0.7 \times \text{LA}) + (0.3 \times \text{SLA}) \}$$

~~4. Estimated Total Water Use. The estimated total water use shall be calculated using the equation below. The sum of the estimated total water use calculated for all hydrozones shall not exceed MAWA.~~

$$\text{ETWU} = (\text{ET}_0)(0.62) \left(\frac{\text{PF} \times \text{HA}}{\text{IE}} + \text{SLA} \right)$$

~~Where:~~

~~ETWU = Estimated total water use per year (gallons)~~

~~ET₀ = Reference evapotranspiration (inches)~~

~~PF = Plant factor from WUCOLS (see Section 491)~~

~~HA = Hydrozone area [high, medium, and low water use areas] (square feet)~~

~~SLA = Special landscape area (square feet)~~

~~0.62 = Conversion factor~~

~~IE = Irrigation efficiency (minimum 0.71)~~

H. Soil Management Report. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

1. Submit soil samples to a laboratory for analysis and recommendations.

- a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
- b. The soil analysis ~~may~~shall include:
 - i. Soil texture;
 - ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - iii. pH;
 - iv. Total soluble salts;
 - v. Sodium;
 - vi. Percent organic matter; and
 - vii. Recommendations.

c. In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.

- 2. The project applicant, or his/her designee, shall comply with one of the following:
 - a. If significant mass grading is not planned, the soil analysis report shall be submitted to the city as part of the landscape documentation package; or
 - b. If significant mass grading is planned, the soil analysis report shall be submitted to the city as part of the certificate of completion.
- 3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
- 4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the city with certificate of completion.

I. Landscape Design Plan.

- 1. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

- a. Plant Material.

- (+)i. Any plant may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the Maximum Applied Water Allowance. Methods to achieve water allowance. To encourage the efficient use efficiency shall include one or more of water, the following is highly recommended:

- (A) Protection and preservation of native species and natural vegetation;

- (B) Selection of water-conserving plant, tree and turf species, especially local native plants;
- (C) Selection of plants based on local climate suitability, disease and pest resistance;
- (D) Selection of trees based on applicable city tree ordinances or tree shading guidelines; and size at maturity as appropriate for the planting area; and
- (E) Selection of plants from city and regional landscape program plant lists.
- ~~(F)~~ Selection of plants from local Fuel Modification Plan Guidelines.
- ~~(2)~~ii. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 17.30.070(J)(1)(b)(iv).
- ~~(3)~~iii. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. ~~To encourage the efficient use of~~ Methods to achieve water efficiency shall include one or more of the following is highly recommended:
 - (A) Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - (B) Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; ~~and allow for adequate soil volume for healthy root growth and~~
 - (C) Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- ~~(4)~~iv. Turf is not allowed on slopes greater than twenty-five percent where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run multiplied by one hundred equals slope percent).
- ~~v.~~ High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians
- ~~(5)~~vi. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Sections 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local Fuel Modification Plan Guidelines.

~~(6)~~vii. The use of invasive ~~and/or noxious~~ plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

~~(7)~~viii. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

b. Water Features.

~~(1)~~i. Recirculating water systems shall be used for water features.

~~(2)~~ii. Where available, recycled water shall be used as a source for decorative water features.

~~(3)~~iii. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

~~(4)~~iv. Pool and spa covers are highly recommended.

c. Soil Preparation, Mulch, and Amendments.

~~i.~~ Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

~~ii.~~ Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see California Code of Regulations Title 23, Chapter 2.7, § 492.5).

~~iii.~~ For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.

~~(1)~~iv. A minimum ~~two~~three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

~~(2)~~v. Stabilizing mulching products shall be used on slopes that meet current engineering standards.

~~(3)~~vi. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

~~(4).~~ Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 17.30.070(H)).

~~vii.~~ Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest

products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

2. The landscape design plan, at a minimum, shall:
 - a. Delineate and label each hydrozone by number, letter, or other method;
 - b. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
 - c. Identify recreational areas;
 - d. Identify areas permanently and solely dedicated to edible plants;
 - e. Identify areas irrigated with recycled water;
 - f. Identify type of mulch and application depth;
 - g. Identify soil amendments, type, and quantity;
 - h. Identify type and surface area of water features;
 - i. Identify hardscapes (pervious and non-pervious);
 - j. Identify location and installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples ~~include, but are not limited to:~~(see Section 17.30.070(S)):
 - ~~(1) Infiltration beds, swales, and basins that allow water to collect and soak into the ground;~~
 - ~~(2) Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and~~
 - ~~(3) Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.~~
 - k. Identify any applicable rain harvesting or catchment technologies ~~(e.g., rain gardens, cisterns, etc.);~~as discussed in Section 17.30.070(S) and their 24-hour retention or infiltration capacity;
 - l. Identify any applicable graywater discharge piping, system components and area(s) of distribution;
 - ~~lm.~~ l. Contain the following statement: "I have complied with the criteria of the Water Efficient Landscape Requirements and applied them for the efficient use of water in the landscape design plan"; and
 - ~~mn.~~ m. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.

J. Irrigation Design Plan.

1. This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period.

For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

a. System.

~~(1)~~ ~~Dedicated landscape water meters are highly recommended on landscape areas smaller than five thousand square feet to facilitate water management.~~

i. Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq.ft. (the level at which Water Code Section 535 applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:

1. A customer service meter dedicated to landscape use provided by the local water purveyor; or

2. A privately owned meter or submeter.

~~(2)ii~~ Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

~~(3)iii.~~ The irrigation system shall be designedIf the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(A) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(B) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

~~(4)iv~~ Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as

appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

- ~~(5)~~v. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- ~~(6)~~vi. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable city code (i.e., public health) for additional backflow prevention requirements.
- ~~(7)~~vii. High flow~~Flow~~ sensors that detect ~~and report~~ high flow conditions created by system damage or malfunction are ~~recommended~~required for all on non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.
- viii. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- ~~(8)~~ix. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- ~~(9)~~x. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- ~~(10)~~xi. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- ~~(14)~~xii. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 17.30.070(G) regarding the maximum applied water allowance.
- xiii. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- ~~(12)~~xiv. It is highly recommended that the project applicant or city inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- ~~(13)~~xv. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(14)xvi. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(15)xvii. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(16)xviii. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

(17)xix. Check valves or anti-drain valves are required for all irrigation systems on all sprinkler heads where low point drainage could occur.

(18)xx. Narrow or irregularly shaped areas, including turf, Areas less than eightten feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system other means that produces no runoff or overspray.

(19)xxi. Overhead irrigation shall not be permitted within twenty-four inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

- (A) The landscape area is adjacent to permeable surfacing and no runoff occurs;
- (B) The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
- (C) The irrigation designer specifies an alternative design or technology, as part of the landscape documentation package and clearly demonstrates strict adherence to irrigation system design criteria in Section 17.30.070(J)(1)(a)(~~viii~~x). Prevention of overspray and runoff must be confirmed during the irrigation audit.

(20)xxii. Slopes greater than twenty-five percent shall not be irrigated with an irrigation system with a precipitationan application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

b. Hydrozone.

(1)i. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

- ~~(2)~~ii. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- ~~(3)~~iii. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for trees.
- ~~(4)~~iv. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 - ~~(a)~~A) Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - ~~(b)~~B) The plant factor of the higher water using plant is used for calculations.
- ~~(5)~~v. Individual hydrozones that mix high and low water use plants shall not be permitted.
- ~~(6)~~vi. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see California Code of Regulations Title 23, Chapter 2.7, § 495 Appendix B, Section A). This table can also assist with the irrigation audit and programming the controller.

2. The irrigation design plan, at a minimum, shall contain:

- a. Location and size of separate water meters for landscape;
- b. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- c. Static water pressure at the point of connection to the public water supply;
- d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- e. Recycled water irrigation systems as specified in Section 17.30.070(Q);
- f. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
- g. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.

K. Grading Design Plan. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for other city permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - a. Height of graded slopes;
 - b. Drainage patterns;
 - c. Pad elevations;
 - d. Finish grade; and
 - e. Stormwater retention improvements, if applicable.
2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - b. Avoid disruption of natural drainage patterns and undisturbed soil; and
 - c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: "I have complied with the criteria of the Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

L. Certificate of Completion.

1. The certificate of completion shall include the following six elements:
 - a. Project information sheet that contains:
 - ~~(1)~~i. Date;
 - ~~(2)~~ii. Project name;
 - ~~(3)~~iii. Project applicant name, telephone, and mailing address;
 - ~~(4)~~iv. Project address and location; and
 - ~~(5)~~v. Property owner name, telephone, and mailing address;
 - b. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package:
 - ~~(1)~~i. Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;
 - ii. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.
 - c. Irrigation scheduling parameters used to set the controller (see Section 17.30.070(M));
 - d. Landscape and irrigation maintenance schedule (see Section 17.30.070(N));

- e. Irrigation audit report (see Section 17.30.070(O)); and
 - f. Soil ~~analysis~~management report, if not submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations (see Section 17.30.070(H)).
2. The project applicant shall:
 - a. Submit the signed certificate of completion to the city for review; and
 - b. Ensure that copies of the approved certificate of completion are submitted to the local water purveyor and property owner or his or her designee.
 3. The city shall:
 - a. Receive the signed certificate of completion from the project applicant; and
 - b. Approve or deny the certificate of completion. If the certificate of completion is denied, the city shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

M. Irrigation Scheduling. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - a. The plant establishment period;
 - b. The established landscape; and
 - c. Temporarily irrigated areas.
5. Each irrigation schedule shall consider for each station all of the following that apply:
 - a. Irrigation interval (days between irrigation);
 - b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - c. Number of cycle starts required for each irrigation event to avoid runoff;
 - d. Amount of applied water scheduled to be applied on a monthly basis;

- e. Application rate setting;
- f. Root depth setting;
- g. Plant type setting;
- h. Soil type;
- i. Slope factor setting;
- j. Shade factor setting; and
- k. Irrigation uniformity or efficiency setting.

N. Landscape and Irrigation Maintenance Schedule.

1. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.
2. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing ~~and obstruction~~obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
4. A project applicant is encouraged to implement established landscape industry sustainable ~~or environmentally friendly practices~~Best Practices for ~~overall~~all landscape maintenance activities.

O. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

1. All landscape irrigation audits shall be conducted by a local agency landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
- ~~2.~~ In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of 1 in 7 lots or approximately 15% will satisfy this requirement.
- ~~23.~~ For new construction and rehabilitated landscape projects, as described in Section 17.30.070(A):
 - a. The project applicant shall submit an irrigation audit report with the certificate of completion to the city that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;
 - b. The city shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

P. Irrigation Efficiency. For the purpose of determining ~~maximum applied~~estimated total water allowance~~use~~, average irrigation efficiency is assumed to be 0.71. ~~Irrigation systems shall be designed, maintained,~~75 for overhead spray devices and managed to meet or exceed an average landscape irrigation efficiency of 0.71~~81 for drip system devices.~~

Q. Recycled Water.

1. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, ~~unless a written exemption has been granted as described in Section 17.30.070(Q).~~
2. ~~Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.~~
32. All recycled water irrigation systems shall be designed and operated in accordance with all applicable city and state laws.
43. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

R. Graywater Systems.

1. Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to Section 17.30.010 (d) for the applicability of this ordinance to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

RS. Stormwater Management and Rainwater Retention.

1. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize rainwater runoff and to increase on-site retention and infiltration are encouraged.
2. Project applicants shall refer to the City or Regional Water Quality Control Board for information on any applicable stormwater ~~ordinances and stormwater management plan~~technical requirements.
3. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to California Code of Regulations Title 23, Chapter 2.7, § 492.6(a).
4. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: the one inch, 24-hour rain event or (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

5. It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:
 - a. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
 - b. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
 - c. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
 - d. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
 - e. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
 - f. Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.
3. ~~Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants..~~

ST. Public Education.

1. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.
 - a. The city shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.
2. Model Homes. All model homes ~~that are~~ shall be landscaped ~~shall~~ and use signs and written information to demonstrate the principles of water efficient landscapes described in this title.
 - a. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.
 - b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

TU. Provisions for Existing Landscapes. The city may by mutual agreement designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this title. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this title.

UV. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

1. This section shall apply to all existing landscapes that were installed before ~~January~~December 1, ~~2010~~2015 and are over one acre in size.
 - a. For all landscapes that have a water meter, the city shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: $MAWA = (0.8)(ET_o)(LA)(0.62)$.
 - b. For all landscapes that do not have a meter, the city shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

2. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

WW. Water Waste Prevention.

1. The city shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

2. Restrictions regarding overspray and runoff may be modified if:

- a. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
- b. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

WX. Effective Precipitation. The city considers effective precipitation (twenty-five percent of annual precipitation) in tracking water use and uses the following equation to calculate maximum applied water allowance:

$MAWA = (ET_o - Eppt)(0.62) [(0.7 \times LA) + (0.3 \times SLA)]$ for residential areas.

$MAWA = (ET_o - Eppt)(0.62) [(0.45 \times LA) + (0.55 \times SLA)]$ for non-residential areas.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ____ day of _____, 2016

MARK CHANDLER
Mayor

Attest

JENNIFER M. FERRAIOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held September 21, 2016, and was therefore passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAIOLO
City Clerk

Approved as to Form:

JANICE D. MAGDICH 
City Attorney



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 5 – Permits and Regulations – by Repealing and Reenacting Chapter 5.24 “Taxicab Transportation Service” and Chapter 5.25 “Pedicabs” in their Entirety to Update, Standardize and Clarify Appeal Procedures, Renewal Procedures and Requirements, Insurance Requirements, Health and Safety Requirements, and Definitions

MEETING DATE: September 21, 2016

PREPARED BY: City Attorney

RECOMMENDED ACTION: Introduce ordinance amending Lodi Municipal Code Chapters 5.24 and 5.25 by repealing and reenacting Chapters 5.24 “Taxicab Transportation Service” and Chapter 5.25 “Pedicabs” in their entirety, to update, enhance, standardize and clarify appeal procedures, renewal procedures and requirements, insurance requirements, health and safety standards, and definitions.

BACKGROUND INFORMATION: California Government Code Section 53075.5 requires cities to regulate taxicab transportation services and adopt certain minimum licensing standards.¹ The City has regulated taxicab activities by ordinance since as early as 1940 and the existing ordinance, Chapter 5.24 was last updated in 1996. The existing pedicab ordinance Chapter 5.25 was enacted in 2006. In drafting the proposed ordinance changes, staff reviewed taxicab ordinances from other cities, consulted with the City Clerk, Police Department, Risk Manager, and Deputy City Manager. Staff found that the proposed changes are necessary to update, enhance, clarify, and standardize the regulations and procedures of the taxicab and pedicab ordinances. In addition, the proposed amendments make minor ministerial revisions and correct grammatical errors.

Proposed amendments to Chapters 5.24 and 5.25 of the Lodi Municipal Code were presented to the City Council at its meeting on April 6, 2016. However, concerns were raised that the proposed requirements that the Police Department conduct annual inspections of taxicabs and pedicabs would create an undue burden on Police Department staffing. As a result, after conferring with the Police Department, the newly proposed amendments were changed to require the permit holder to provide a statement by a licensed mechanic certifying that a licensed taxicab complies with the health and safety requirements defined in the ordinance and to provide the Police Department with the discretionary authority to inspect taxicabs and pedicabs. Therefore, the permittee, rather than the Police Department, would be obligated to ensure that taxicabs and pedicabs are inspected and the Police Department would have the ability to conduct inspections if needed.

¹ “...every city or county shall protect the public health, safety, and welfare by adopting an ordinance or resolution in regard to taxicab transportation service rendered in vehicles designed for carrying not more than eight persons, excluding the driver, which is operated within the jurisdiction of the city or county.” Government Code §53075.5(a).

APPROVED: _____
Stephen Schwabauer, City Manager

For the reasons set forth hereunder, staff recommends adopting the changes to Chapter 5.24 “Taxicab Transportation Service” and Chapter 5.25 “Pedicabs” of the Lodi Municipal Code (LMC) as shown in the revised ordinances attached as Exhibit A (Chapter 5.24 “Taxicab Transportation Service) and Exhibit B (Chapter 5.25 “Pedicabs”).

LMC Chapter 5.24 – “Taxicab Transportation Service”

First, the existing taxicab ordinance lacks a clearly defined process to allow applicants or licensees to appeal City licensing or suspension decisions. To address this deficiency, the proposed amended ordinance adopts an appeal process similar to that set forth in the existing pedicab ordinance (LMC Chapter 5.25).

Next, the existing license renewal procedures and requirements lack clarity and could create confusion for the public. The proposed amendments address this issue by providing clearly defined license renewal procedures and requirements for applicants.

In addition, the existing definitions do not adequately address recent trends in transportation services or expressly exempt activities that have been preempted by state law. As a result, the existing taxicab ordinance creates uncertainty for City staff and the public. The proposed amendments to the definition section of the ordinance seeks to address frequent questions raised by the public and staff regarding the types of transportation activities required to be licensed under the LMC. The definitional changes account for modern trends in transportation services and exclude activities preempted by state regulation. Transportation services that are excluded from local licensing and regulation under the proposed ordinance include services such as limousines, shuttle and tour bus operations, and transportation network companies such as Uber and Lyft. The proposed definition section retains the requirement that licensed taxicabs have an appearance of a traditional taxicab and operate on a fare basis, thereby excluding fixed-rate medical transportation services which are likely to become more prevalent as the population ages.

The existing insurance requirements for taxicabs are outdated. The proposed amendments reflect adjustments for inflation and current best practices in the insurance industry.

Lastly, the existing ordinance lacks clearly defined health, safety, and inspection standards. To address these deficiencies, the revised ordinance will require each taxicab to be inspected by a licensed mechanic to insure that taxicabs operating within the city are in a safe and clean operating condition prior to licensing and annually for license renewal, and will grant the Lodi Police authority to conduct discretionary inspections as needed.

LMC Chapter 5.25 – “Pedicabs”

The proposed revisions to the pedicab ordinance (LMC Chapter 5.25) are primarily intended to make the permit renewal period consistent with the taxicab permit renewal period. The existing pedicab ordinance provides for annual renewal of the permit on the date of issuance of the permit whereas the proposed revision would mirror the taxicab ordinance requirement that pedicab permits be renewed in January of each year.

FISCAL IMPACT: Not Applicable.

FUNDING AVAILABLE: Not applicable.

John P. Fukasawa
Deputy City Attorney

Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE TITLE 5 "PERMITS AND REGULATIONS"
BY REPEALING AND REENACTING CHAPTER 5.24 –
"TAXICAB TRANSPORTATION SERVICE" IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 5 "Permits and Regulations" is hereby amended by repealing and reenacting Chapter 5.24 "Taxicab Transportation Service" in its entirety, and shall read as follows:

CHAPTER 5.24 – TAXICAB TRANSPORTATION SERVICE

Sections:

Article I. General Provisions

- 5.24.010 Definitions.
- 5.24.020 Compliance with Chapter.

Article II. Owners

- 5.24.030 Owner's Permit--Taxicabs.
- 5.24.040 Owner's Permit--Fee.
- 5.24.050 Owner's Permit--Expiration.
- 5.24.060 Owner's Permit--Qualifications.
- 5.24.070 Owner's Duties.
- 5.24.080 Insurance and Indemnification Requirements.
- 5.24.090 Owner's Permit—Revocation--Grounds.
- 5.24.100 Owner's Permit—Revocation—Investigation and Hearing.
- 5.24.110 Owner's Permit—Transferability

Article III. Drivers

- 5.24.120 Driver's Permit--Required.
- 5.24.130 Driver's Permit--Fee.
- 5.24.140 Driver's Permit—Qualifications—Police Chief Approval.
- 5.24.150 Driver's Duties.
- 5.24.160 Driver's Drug and Alcohol Testing.
- 5.24.170 Testing Procedures.
- 5.24.180 Information Request.
- 5.24.190 Reporting of Subsequent Conviction and Driver's License Status.
- 5.24.200 Revocation or Suspension of Taxicab Driver's Permit.
- 5.24.210 Hearing—Revocation or Suspension of Taxicab Driver's Permit.
- 5.24.220 Return of Taxicab Driver's Permit.

Article IV. Renewal Procedure

- 5.24.230 Owner's Permit Renewal.

5.24.240 Driver's Permit Renewal.

Article V. Maintenance and Inspection of Taxicabs

5.24.250 Annual Inspection of Taxicabs.

5.24.260 Authority of Police Department to Inspect Taxicabs.

5.24.270 Unsafe or Unsuitable Taxicabs.

5.24.280 Things Deemed to Make a Taxicab Unsafe or Unsuitable.

5.24.290 Cleaning of Interior.

5.24.300 Cleaning of Exterior.

5.24.310 Age of Vehicle.

Article VI. Appeals

5.24.320 Right of Appeal from Denial of Issuance or Renewal of Taxicab Owner's Permit or Taxicab Driver's Permit.

5.24.330 Procedure Upon Appeal.

Article I. - General Provisions

5.24.010 - Definitions.

The following terms, as used in this chapter, are defined as follows, unless the particular provision or context requires otherwise:

- A. "Operate within the city" or "operate within the corporate limits of the city" means the soliciting, accepting, picking up or embarking within the city of a passenger or passengers for transportation or conveyance to any point within or without the city. Prepaid round trips which originate outside the city limits shall not constitute a defined operation under this subsection.
- B. "Taxicab" means every vehicle operated over the public streets of the city, the vehicle being routed under the direction of the passenger and which, in addition to such specifications, is of a distinctive color and appearance such as is commonly used in this state for taxicabs, and is operated at rates per mile, or for waiting time, or both. The following types of transportation services are not taxicabs for the purpose of this chapter: limousines, transportation network companies, and charter or scheduled bus transportation, as each is defined in the California Public Utilities Code; paratransit services as defined in the California Vehicle Code; and airport shuttles and wine tour operators operating on a prearranged contract basis.
- C. "Owner" means the corporation, business entity, or person who is registered with the Department of Motor Vehicles as the owner of the vehicle, or who has a legal right to possession of the vehicle pursuant to a lease or rental agreement.

5.24.020 - Compliance with chapter.

The provisions of this chapter shall be observed by all persons operating taxicabs within the city, and it is unlawful to operate any taxicab in violation of any of such provisions.

All applications submitted pursuant to this chapter shall be on a form prescribed by the city clerk.

Article II. – Owners

5.24.030 - Owner's permit—Taxicabs.

No individual or company shall operate any taxicab on or over any streets of the city without having first obtained approval from the city clerk.

Every vehicle used by an Owner in transportation for compensation shall be licensed, inspected, and insured annually as set forth in this chapter.

5.24.040 - Owner's permit—Fee.

The owner or lessee of any taxicab obtaining any permit under this chapter shall pay unto the city clerk a business tax permit fee as prescribed by the city. No permit issued under the provisions of this chapter shall be valid until the city clerk endorses thereon an acknowledgment of the payment of the tax fee for the current year. Such tax fee shall be due and payable to the city clerk on the first day of January of each year and delinquent thirty days thereafter.

5.24.050 - Owner's permit—Expiration.

Any permit issued under this chapter shall expire at the end of the calendar year in which it is issued; provided, that the tax fee therefor is paid in accordance with the provisions of this chapter. Unless suspended or revoked, it shall be renewed upon application for renewal within thirty days of expiration as set forth in section 5.24.230.

5.24.060 - Owner's permit—Qualifications.

The owner's permit required by this chapter shall be granted in writing by the city clerk, upon a satisfactory showing by the applicant that:

- A. Applicant has submitted a financial statement which has been reviewed by the finance director. The purpose of this requirement is to insure that the applicant or permit holder makes use of the permit and that the permit is obtained and used by the person or entity identified in the application documents rather than an undisclosed third party.

Initial applications shall include:

1. A statement of all assets, liabilities, and equities of the taxicab business or owner; and
2. A statement of the expected revenues and expenses of the taxicab business operation for the next year.

Renewal applications shall include:

1. A statement of all assets, liabilities, and equities of the taxicab business as of the application date;
2. A statement of the actual revenues and expenses of the taxicab business for the past year; and

3. A statement of the expected revenues and expenses of the business for the next year.

- B. Applicant has submitted evidence of insurance coverage as set forth in Section 5.24.080
- C. The applicant's vehicle or vehicles are possessed of the following qualifications as determined by the chief of police:
 - 1. The vehicle must meet all requirements of the Vehicle Code of the state in regard to equipment and mechanical condition. Further, it must be maintained in a safe, clean and sanitary condition throughout as set forth in Sections 5.24.250 through 5.24.310.
 - 2. The vehicle must bear, visibly painted in a distinctive color, in figures at least three inches high, a number of one or two digits, which number shall not be the number of any other vehicle earlier granted a vehicle permit under this chapter. The number shall be specified in the application and noted on the permit. The vehicle must also bear, visibly painted in a distinctive color, in letters at least one and one-half inches high, the name of the owner or lessee thereof.
 - 3. The vehicle must carry in a conspicuous position within its passenger compartment a clear, intelligible and legible statement of the fares or charges to be made in connection with the use of the vehicle. A copy of such fares and charges shall be filed with the city clerk as well.
 - 4. A taxicab over the entire exterior normally covered with paint must be painted in a distinctive color or system of colors; and the color or system of colors shall be so selected that the vehicle may not reasonably be confused with any ordinary private vehicle.
- D. The applicant shall provide annually a list and photograph, prepared under oath, of all vehicles to be used in transportation for compensation, and/or which have been used in transportation for compensation during the preceding year. The list shall identify each vehicle by year, make, model, license plate, and vehicle identification number.
- E. The applicant possesses a current City of Lodi business license and/or home occupation permit as required in section 17.36.060.
- F. The applicant's business activities do not violate any land use or zoning laws, including, but not limited to the prohibition of parking, storing, dispatching or repairing commercial vehicles in a residential zoning district pursuant to sections 17.36.060(B)(2)(c), 17.36.060(B)(2)(i), and 17.36.060(C)(10).

5.24.070 - Owner's duties.

No person owning or leasing a taxicab, shall, while such vehicle owned or leased is being operated, do the following:

- A. Fail to maintain as to such vehicle the qualifications required for a permit for such vehicle under this chapter;
- B. Do any act, or employ any person to do any act, which would be forbidden by Section 5.24.150 if done by a person driving or operating a taxicab;

- C. Rent or lend the vehicle to any person who operates it, or permit any person to operate it, except himself or his duly authorized agent.

Prior to placing any new or additional vehicle into service, the owner shall:

- D. Inform the city clerk in writing of the acquisition or transfer of the vehicle into taxicab operations;
- E. Provide the date upon which such vehicle will be put into service;
- F. Provide all information required under Section 5.24.060(D);
- G. Provide proof of inspection as required in Sections 5.24.250;
- H. Provide proof of insurance as required in Section 5.24.080; and
- I. Provide any other information requested by the city clerk related to such vehicle, its ownership, or use in the owner's business operations.

5.24.080 - Insurance and indemnification requirements.

In order to ensure the safety of the public, it is unlawful for any person who owns a taxicab to allow it to be operated or driven or to obtain a permit for its operation under this chapter unless and until such person has complied with the provisions of this section.

The owner or lessee of any taxicab must secure his their ability to answer to any claim for damage to person or property which may arise against him by reason of the operation of any vehicle as follows:

- A. Public General liability insurance in the minimum limits of not less than one hundred thousand million dollars for injury or death to any person and three hundred thousand not less than two million dollars for injury or death of more than one person in the same accident;
- B. Automobile insurance in the minimum limits of not less than five hundred thousand dollars;
- ~~B.C.~~ Public liability-i Insurance for property damage in the minimum sum limits of not less than fifty thousand dollars; and
- ~~C.D.~~ A certificate evidencing such insurance shall be filed with the city's risk manager and shall name the city, its officers, agents and employees as additional insureds.

Any person or entity issued a permit pursuant to this Chapter shall, and by acceptance of the permit does, to the maximum extent permitted by law, agree to indemnify and hold harmless the city of Lodi, its officers, employees and agents from any and all damages, claims, liabilities, costs, suits, or other expense resulting from and arising out of the permit holder's operations.

5.24.090 - Owner's permit—Revocation—Grounds.

The owner's permit required by this chapter may be revoked or suspended if ~~it appears that~~ any one or more of the following conditions exist:

- A. That any-of the qualifications required for the granting of the owner's permit are no longer met by the permittee or his the permittee's vehicle or vehicles;

- B. ~~That~~ The permittee has been convicted of any violation of restrictions imposed upon ~~him~~ the permittee as owner or lessee under this chapter, or ~~that he~~ the permittee has become bankrupt;
- C. ~~That for any other reasonable cause the permittee's vehicle or vehicles have ceased to be fit and proper vehicles to be operated as taxicabs~~ The permittee has failed to maintain his/her vehicle or vehicles as required in 5.24.250 to 5.24.310; or
- D. ~~That~~ The permittee is in violation of any of the provisions of this chapter.

5.24.100 - Owner's permit—Revocation—Investigation and Hearing.

For the purpose of ascertaining whether any cause exists for the suspension or revocation of an owner's permit under this chapter, the chief of police may, and on direction of the city council or upon complaint shall, cause strict inquiry to be made into the conduct of the permittee, the sufficiency and validity of his the permittee's security, and the conditions of his the permittee's vehicle or vehicles.

An owner's permit may be revoked for any cause which would have warranted denial thereof in the first instance, for a failure to comply with any of the provisions of this chapter, a failure to comply with any conditions imposed upon the owner's permit or when taxicab business operations have ceased for 10 consecutive days. If an owner's permit is granted and operation of the service for which the permit is granted does not commence within four months of the date of the approval thereof, the permit shall be automatically null and void. A revocation may be appealed through the procedure set forth in 5.24.320. If the owner's permit is revoked, the holder of the permit shall not reapply for six months from the date of revocation.

5.24.110 - Owner's permit—Transferability.

Any owner's permit issued under the provisions of this chapter may be sold, assigned, leased, transferred or inherited as other property only upon written authorization of the city clerk. In the event a permit is transferred, the transferee must satisfy all requirements of this Chapter prior to engaging in taxicab business.

Article III. – Drivers

5.24.120 - Driver's permit—Required.

No person shall drive or operate any taxicab within the city unless ~~he~~ he/she holds a permit, to be known as a driver's permit, therefor, as provided in this chapter, and no person shall drive or operate a taxicab within the corporate limits of the city under or by virtue of any driver's permit which has been suspended or revoked as provided in this chapter.

5.24.130 - Driver's permit—Fee.

Every driver under this chapter shall pay unto the city clerk an annual license fee in the sum prescribed by city resolution of the City Council, as amended from time to time. ~~Fees for o~~

Owner-drivers who pay the owner's permit fee shall have the driver's permit fee be waived. The fee shall be due and payable the first day of January of each year and shall be delinquent thirty days thereafter.

5.24.140 - Driver's permit—Qualifications—Police chief approval.

A. A driver's permit or renewal thereof shall be issued to each applicant complying with the provisions of this chapter; such permit shall be issued by the city clerk pursuant to a finding by the chief of police that the applicant for a permit or for renewal is a person of good character, and one who will not endanger the public interests and safety.

Applicants shall be subject to a criminal background check prior to the issuance of a driver's permit. Thereafter a licensee shall be subject to a criminal background check upon request of the chief of police or designee.

B. ~~A person~~ An applicant or licensee who, within the past ten years, has been convicted of any of the below-listed offenses is not eligible to be granted or hold a driver's permit:

1. A felony, or of any crime under the laws of this state that would amount to a felony;
2. Any crime in this state or elsewhere in which fraud or intent to defraud was an element;
3. Unlawfully possessing or distributing controlled substances as defined in the laws of the state or elsewhere;
4. Any sex offense or crime involving moral turpitude; or
5. Driving while under the influence of alcohol or drugs.

C. The applicant must hold a valid and appropriate driver's license issued by the Department of Motor Vehicles of the state, under the Vehicle Code of the state.

D. The applicant, or licensee upon request, must be fingerprinted by the Lodi police department.

E. Any person having been denied a driver's permit may appeal such decision as set forth in section 5.24.320 ~~make written application for review to the chief of police. The chief of police may, having given due consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the city and upon evidence of the good moral character and rehabilitation of the applicant, waive any of the above enumerated restrictions and conditions and recommend said driver's permit.~~

F. Drivers operating as an independent contractor shall submit proof of a current city of Lodi business license and/or home occupation permit as required in section 17.36.060 and ensure that their business activities do not violate any land use or zoning laws.

G. It shall be sufficient grounds to deny or revoke a driver's permit if any person fails to disclose any relevant information, or provides false or misleading information pursuant to this Section.

5.24.150 - Driver's duties.

No person driving or operating a taxicab shall, while operating such vehicle, do the following:

- A. Fail to maintain the qualifications required for an operator's permit under this chapter;

- B. Refuse without good cause to accept as a passenger any person desiring transportation who shall tender money sufficient to pay his the fare to his their stated destination;
- C. Transport passengers to their stated destination over an unnecessarily circuitous route;
- D. Refuse to load and unload for any passenger such hand baggage as may not exceed the reasonable internal capacity of the vehicle, and such other baggage as may not reasonably exceed its capacity in trunk or top; or, after being requested, refuse to carry such baggage to or from such buildings as the passenger may enter or leave;
- E. Make false representations by word, act, conduct or appearance regarding the name or identity of persons owning or leasing the taxicab he operates, or regarding his own identity; or refuse to give his name and the number of his vehicle to any person requesting them;
- F. Refuse or fail, after being requested, to give a receipt for any fare paid;
- G. Fail or neglect to report to the police department within twenty-four hours all property left in his vehicle by any passenger; or
- I. Charge passengers in excess of the posted rate or fee.

5.24.160 - Driver's drug and alcohol testing.

No person shall be issued, or have renewed, a driver's permit until they have presented certification to the city clerk that they have tested negative for alcohol (breath alcohol concentration of less than 0.02 percent) and each of the controlled substances specified in Part 40 (commencing with Section 40.1) of the Title 49 of the Code of Federal Regulations. The date of testing shall be within ten days of the date of issuance or renewal of a driver's permit. Test results are confidential and shall not be released without the consent of the applicant, except as authorized or required by law. Cost for such testing is the obligation of the applicant or employee employer of the applicant.

5.24.170 - Testing procedures.

Applicant shall show a valid California driver's license at the time and place of testing. Testing procedures shall be substantially as set forth in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations. The city may at random require a permitted driver to be retested. If such a test is required by city, city shall pay the cost for such testing.

5.24.180 - Information request.

Upon the request of a driver applying for a permit, or renewal, the city clerk shall give the applicant a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the city clerk knows offers tests in or near the city.

5.24.190 – Reporting of subsequent conviction and driver's license status.

Any person issued a taxicab driver's permit who subsequently is convicted of any felony or misdemeanor offense, or who ceases to possess a valid state of California driver's license of the class required by state law for the type of motor vehicle such person drives, shall immediately so inform the chief of police and his or her employer.

5.24.200 – Revocation or suspension of taxicab driver's permit.

- A. The chief of police may suspend, for a period not to exceed thirty days, and may revoke a driver's permit if the permittee:
 - 1. Misrepresents facts relevant to the fitness of the driver if such misrepresentation becomes known after a permit has been issued;
 - 2. Violates the traffic laws of the city, county or state;
 - 3. Is convicted for misdemeanor reckless driving;
 - 4. Drives a taxicab known to the operator not to be in good order and repair;
 - 5. Knowingly falsifies material and relevant facts on an application for a taxicab permit;
 - 6. Is convicted or pleads nolo contendere to the violation of any law involving alcohol;
 - 7. Is convicted or pleads nolo contendere to the violation of any law involving moral turpitude;
 - 8. Operates any vehicle in a manner which constitutes a misdemeanor under the laws of the state of California; or
 - 9. Repeatedly fails to comply with the applicable provisions of this chapter or the rules and regulations prescribed by the chief of police.
- B. The chief of police shall immediately suspend, for a period not to exceed thirty days, and may revoke a taxicab driver's permit of any driver upon the receipt of information reasonably sufficient and reliable to establish that the driver has committed a violation of law involving:
 - 1. A felony;
 - 2. A sex offense;
 - 3. Soliciting for prostitution;
 - 4. A narcotics offense; or
 - 5. Has had a license to drive issued by the state of California either suspended or revoked by the State.
- C. The chief of police shall immediately revoke the taxicab driver's permit if that driver has been found guilty by final judgment of a court of competent jurisdiction of a violation of the law involving:
 - 1. A felony;
 - 2. A sex offense;
 - 3. Soliciting for prostitution; or
 - 4. A narcotics offense.
- D. Upon suspension or revocation, the driver shall immediately surrender the taxicab driver's permit to the chief of police. In the event of suspension, the chief of police shall

return the taxicab driver's permit to its driver immediately after termination of the suspension period.

5.24.210 - Hearing – Revocation or suspension of taxicab driver's permit.

Every taxicab driver whose permit has been suspended or revoked shall have the right to appeal such decision as provided in section 5.24.320.

5.24.220 - Return of taxicab driver's permit.

Taxicab driver's permits shall become void upon termination of employment. The employer shall notify the City upon termination of employment. Taxicab driver permits shall be returned to the City upon termination of employment or a determination of revocation.

Article IV. – Renewal procedure

5.24.230 – Owner's permit renewal.

A permit holder must submit a renewal application along with the following items, and any other information deemed necessary by the city clerk or chief of police, no later than 30 days prior to the end of the calendar year in which the current permit was issued:

- A. Renewal fee, as set forth in section 5.24.040;
- B. Proof a current city of Lodi business license and/or home occupation permit, as set forth in section 5.24.060;
- C. Financial statement, as set forth in section 5.24.060;
- D. Proof of insurance, as set forth in section 5.24.080;
- E. A list and photograph, prepared under oath, of all vehicles to be used in transportation for compensation, and/or which have been used in transportation for compensation during the preceding year, as set forth in section 5.24.060(D);
- F. Proof of a mechanic's inspection, as set forth in section 5.24.250; and
- G. Proof of passing drug and alcohol testing, as set forth in section 5.24.160.

5.24.240 – Driver's permit renewal.

A permit holder must submit a renewal application with the following items, and any other information deemed necessary by the city clerk or chief of police, no later than 30 days prior to the end of the calendar year in which the current permit was issued:

- A. Renewal fee, as set forth in section 5.24.130;
- B. Proof of a current valid driver's license, as set forth in section 5.24.140(C);
- C. Proof of a current city of Lodi business license, as set forth in section 5.24.140(F); and
- D. Proof of completion of a drug and alcohol test, as set forth in section 5.24.160.

Article V. – Maintenance and inspection of taxicabs

5.24.250 – Annual inspection of taxicabs.

To ensure continued maintenance of safe operating conditions, taxicabs, and their equipment, operating or used pursuant to this chapter shall be inspected annually by a licensed automobile mechanic. The costs of inspections shall be paid by the vehicle owner. Proof of inspection shall be submitted annually with a renewal application and shall include a statement by a licensed automobile mechanic certifying that the vehicle is free of any defects or conditions identified in section 5.24.280.

5.24.260 - Police Department taxicab inspection authority.

The chief of police, or any member of the police department under his/her direction, shall have the authority, at any time after displaying proper identification, to enter into or upon any taxicab for the purpose of ascertaining whether or not any of the provisions set forth herein are being violated.

5.24.270 – Unsafe or unsuitable taxicabs.

It is unlawful and an infraction for the owner of any taxicab licensed pursuant to this chapter to maintain a taxicab in an unsafe or unsuitable condition. Any taxicab which is found to be unsafe or in any way unsuitable for taxicab service shall be immediately ordered out of service, and before again being placed in service, the owner shall provide evidence to the chief of police, or any member of the police department under his/her direction, that the vehicle is safe, and shall submit the vehicle to inspection.

5.24.280 – Things deemed to make a taxicab unsafe or unsuitable.

For the purposes of this section, the existence of the following named things, but not to the exclusion of other things, shall be deemed to make a taxicab unsafe or unsuitable for taxicab service:

- A. Excessive leakage of oil, grease, gas or any other substance from any part of the taxicab;
- B. Defects in the frame or structural body of the taxicab;
- C. The failure of any movable parts of the car, including doors, window, hoods, trunk, lights, etc. to function in the proper working order;
- D. The failure to maintain the tires, lights, turning signals or brakes in safe operating condition;
- E. The failure to maintain the motor or other mechanical parts of the car in good and safe operating condition;
- F. The failure to have an exhaust system properly installed and in good working condition that complies with State law;
- G. Large or excessive dents or scratches in the body of the taxicab;

- H. Improper maintenance of the exterior paint in the proper color scheme;
- I. Excessive wear and tear on the upholstery, floor mats and other parts of the interior of the taxicab;
- J. The failure to have adequate interior lighting in proper working condition; or
- K. The excessive emission of odors such as tobacco/smoke products from the interior of the taxicab.

5.24.290 – Cleaning of interior.

The interior of every taxicab in service, shall be kept in a clean and sanitary condition at all times.

5.24.300 – Cleaning of exterior.

The exterior of every taxicab in service, shall be kept in a clean condition at all times.

5.24.310 - Age of vehicle.

Taxicabs in service shall be no older than seven (7) years from the manufacture date indicated on the vehicle by the manufacturer.

Article VI- Appeals

5.24.320 - Right of appeal from denial of issuance or renewal of taxicab owner's permit or taxicab driver's permit.

- A. The city clerk or chief of police shall notify the applicant that the issuance or renewal of his or her taxicab owner's permit or taxicab driver's permit has been denied. The city clerk or chief of police shall also notify the applicant of the right to appeal the denial to the city manager.
- B. Any written appeal shall be filed with the city clerk within ten calendar days of transmittal of the written notice to the person affected by such decision. Service shall be by regular postal service or personal delivery.
- C. A denial of issuance or renewal shall remain in effect until a duly filed appeal is heard as set forth in Section 5.24.330.
- D. If no appeal is filed within the time allowed, the city's decision to not issue or renew the taxicab owner's permit or taxicab driver's permit shall be considered final.

5.24.330 - Procedure upon appeal.

- A. An applicant or permittee shall file an appeal within ten calendar days from the service of the notice of denial, suspension, or revocation from the city clerk or chief of police.
- B. Appeals to the city manager:

1. Any decision of the city clerk or chief of police which is a denial to issue or renew, or a suspension or revocation of a taxicab owner's permit or taxicab driver's permit, shall not become final until ten calendar days after the date of transmittal of the written notice to the person affected by such decision, during which period the party to the action may appeal the decision in the manner provided herein at any time prior to the expiration of the ten-day period. If no appeal is taken before the expiration of the ten-day period, the decision of the city clerk or chief of police shall be final.
 2. The appeal of any decision shall be in writing signed by the party to the action briefly setting forth the reasons why such decision is not proper, stating an address at which the appellant will receive notices and filed with the city manager.
 3. The city manager shall upon receipt of the appeal set the matter for hearing before a hearing officer. The hearing officer shall be an attorney or recognized mediator designated by the city attorney. The hearing shall be scheduled for not more than thirty calendar days after receipt of the appeal unless a longer time is requested or consented to by the appellant.
 4. The hearing shall not be conducted under the formal Rules of Evidence, but shall be subject to such standards of procedure and evidence as reasonable people would utilize in the conduct of serious business.
 5. The appellant (or a representative) shall have the right to present his or her case in person.
 6. The hearing officer shall consider the case record as well as any statements offered by interested parties. The hearing will be conducted according to administrative rules relating to evidence and witnesses as set forth in Chapter 1.10 of this code.
 7. If the hearing officer refuses to issue or restore a taxicab owner's permit or taxicab driver's permit, the party to the action, or such party's agent, shall not file a new application within three hundred sixty five days from the date of final action by the hearing officer.
 8. If the hearing officer suspends a taxicab owner's permit or taxicab driver's permit, the hearing officer shall impose a period of suspension of not more than thirty days.
 9. If the hearing officer's action is to grant or restore a taxicab owner's permit or taxicab driver's permit, the hearing officer shall direct the city clerk to issue or restore the certificate or license.
- C. Any party dissatisfied with the decision of the hearing officer may carry the matter forward under the provisions for administrative mandamus (Code of Civil Procedure Section 1094.5) as it now exists or may later be amended.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ___ day of _____, 2016

MARK CHANDLER
Mayor

ATTEST:

JENNIFER M. FERRAIOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held September 21, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

JENNIFER M. FERRAIOLO
City Clerk

Approved as to Form:

JANICE D. MAGDICH
City Attorney

Exhibit B

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE TITLE 5 "PERMITS AND REGULATIONS"
BY REPEALING AND REENACTING CHAPTER 5.25 –
"PEDICABS" IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 5 "Permits and Regulations" is hereby amended by repealing and reenacting Chapter 5.25 "Pedicabs" in its entirety, and shall read as follows:

CHAPTER 5.25 - PEDICABS

Sections:

- 5.25.010 Purpose.
- 5.25.020 Definitions.
- 5.25.030 Permit Requirements to Operate Pedicab.
- 5.25.040 Application for Pedicab Operating Permit.
- 5.25.050 Pedicab Operating Permit Fee.
- 5.25.060 Duration of Validity of Pedicab Operating Permit.
- 5.25.070 Pedicab Operating Permit Renewal.
- 5.25.080 Denial of Pedicab Operating Permit.
- 5.25.090 Suspension or Revocation of Pedicab Operating Permit.
- 5.25.100 Identification Badges Issued to Pedicab Operators with a Pedicab Operating Permit.
- 5.25.110 Pedicab Decal.
- 5.25.120 Application for Pedicab Decal.
- 5.25.130 Requirements for Issuance of Pedicab Decal.
- 5.25.140 Pedicab Decal Fee.
- 5.25.150 Duration of Validity of Pedicab Decal.
- 5.25.160 Pedicab Decal Renewal.
- 5.25.170 Denial of Pedicab Decal for Failure to Comply with Chapter.
- 5.25.180 Suspension or Revocation of Pedicab Decal.
- 5.25.190 Other Laws Applicable to Pedicab Owners and Operators.
- 5.25.200 Report of Accidents.
- 5.25.210 Minimum Age for Pedicab Operators.
- 5.25.220 Driver's License Requirement to Operate Pedicab.
- 5.25.230 Business License Requirement to Operate Pedicab.
- 5.25.240 Equipment Regulations for the Operation of Pedicabs.
- 5.25.250 Insurance Requirements.
- 5.25.260 Fare Schedule.
- 5.25.270 Right of Appeal from Denial of Issuance of Pedicab Operating Permit or Decal.
- 5.25.280 Right of Appeal from Suspension or Revocation of Pedicab Operating Permit or Decal.
- 5.25.290 Procedure Upon Appeal.
- 5.25.300 Enforcement Authority.
- 5.25.310 Enforcement Remedies.
- 5.25.320 Strict Liability Offenses.
- 5.25.330 City Held Harmless.
- 5.25.340 General Pedicab Operation.

5.25.010 - Purpose.

The city council finds that regulations governing pedicabs, operators, and owners are necessary to protect the general safety and welfare of passengers using pedicabs for hire and pedestrians within the city.

5.25.020 - Definitions.

For purposes of this chapter, the following terms are defined as follows:

- A. "City clerk" means the city clerk for the city of Lodi or his or her designee.
- B. "Decal" means the numbered decal issued by the city of Lodi to a pedicab owner for display on the pedicab to indicate that the pedicab is permitted to operate.
- C. "Identification badge" means a badge that identifies the operator with a color passport-size photo.
- D. "Operates within the city" means the soliciting, accepting, picking-up, or embarking within the city of a passenger or passengers for transportation or conveyance to any point within or without the city for receipt of any form of consideration.
- E. "Operator" means any individual who operates a pedicab whether as an owner, an employee of the owner, or as an independent contractor within the city of Lodi.
- F. "Owner" means any person who owns, leases, or otherwise has possession of a pedicab.
- G. "Pedicab" means a pedicab as defined in California Vehicle Code sections 467.5(a) & (b):
 - 1. A bicycle (as defined by the California Vehicle Code) that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by an individual a person, and that is being used for transporting passengers for receipt of any form of consideration hire; or
 - 2. A bicycle (as defined by the California Vehicle Code) that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by an individual a person, and that is being used for transporting passengers for receipt of any form of consideration hire.

This section does not authorize the operation of any devices satisfying the definition of California Vehicle Code section 467.5(c), which are commonly known as "beer bikes" and defined as a four-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for eight or more passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire. Such devices must be operated as set forth in California Vehicle Code section 21215 and are therefore prohibited from operating within the city.
- H. "Pedicab operating permit" means a written permit issued by the city of Lodi authorizing a person to operate a pedicab.
- I. "Person" means both singular and plural, and shall mean any individual, firm, corporation, association, partnership, or society exclusive of public agencies.
- J. "Police chief" means the chief of police for the city of Lodi or his or her designee.

5.25.030 - Permit requirement to operate pedicab.

It is unlawful for any person to operate a pedicab within the city without first having obtained a pedicab operating permit issued by the city pursuant to this chapter. Pedicab operating permits are the property of the city and are not transferable to any other operator.

5.25.040 - Application for pedicab operating permit.

- A. Before operating a pedicab, an applicant shall apply for a pedicab operating permit in person.
- B. The pedicab operating permit application form shall be in a form prescribed by the city clerk.
- C. The applicant shall provide the following information to complete the application under oath or affirmation:
 - 1. The applicant's full name and residence address;
 - 2. The applicant's date of birth; and
 - 3. The applicant's valid California driver's license.
- D. The applicant shall provide the following material to complete the application:
 - 1. Proof that the applicant is eighteen years or older;
 - 2. Proof of ability to drive lawfully in the United States;
 - 3. Proof of a valid city of Lodi business license;
 - 4. A complete set of fingerprints;
 - 5. Two recent color passport-sized photographs; and
 - 6. Such other material as the city clerk may require to evaluate the fitness of the applicant to be granted a pedicab operating permit.
- E. Each applicant must sign the application which shall contain a warning that the application may be denied or the permit suspended or revoked if the applicant misrepresents, or fails to disclose, facts relevant to the fitness of the applicant to be granted a pedicab operating permit.
- F. The city clerk shall investigate the facts stated in an application for a pedicab operating permit and other relevant data.
- G. When an application has been denied, the applicant may not reapply for a pedicab operating permit within three hundred sixty five days from the date of denial, unless denial is without prejudice.

5.25.050 - Pedicab operating permit fee.

The city shall charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab operating permits as may from time to time be determined by the city council.

5.25.060 - Duration of validity of pedicab operating permit.

~~Pedicab operating permits shall be valid for a period of one year from date of issuance.~~
Any permit issued pursuant to this chapter shall expire at the end of the calendar year in which it is issued and must be renewed within 30 days of the date of expiration.

5.25.070 - Pedicab operating permit renewal.

Pedicab operating permits shall be renewable annually upon filing and approval of a new application and payment of a pedicab operating permit fee as determined by the city council.

5.25.080 - Denial of pedicab operating permit.

The city clerk may deny issuance of a pedicab operating permit if an applicant:

- A. Fails to comply with the requirements of this chapter;
- B. Misrepresents, or fails to disclose, facts relevant to the fitness of the applicant;
- C. Does not possess a valid driver's license issued by state of California;
- D. Has any type of driving restrictions issued by the state of California;
- E. Is currently required to register pursuant to California Penal Code section 290;
- F. Has been convicted of a crime involving moral turpitude or narcotics; or
- G. Has been convicted for hit and run, driving a vehicle recklessly or while under the influence of intoxicating alcohol or drugs within the seven years immediately preceding application for a pedicab operating permit.

5.25.090 - Suspension or revocation of pedicab operating permit.

- A. The city clerk may suspend, for a period not to exceed thirty days, and may revoke a pedicab operating permit if the operator:
 1. Misrepresents, or fails to disclose, facts relevant to the fitness of the operator if such misrepresentation becomes known after a permit has been issued;
 2. Violates the traffic laws of the city, county or state;
 3. Is convicted for misdemeanor reckless driving;
 4. Drives a pedicab known to the operator not to be in good order and repair;
 5. Knowingly falsifies material and relevant facts on an application for a pedicab operating permit;
 6. Is convicted or pleads nolo contendere to the violation of any law involving alcohol;
 7. Is convicted or pleads nolo contendere to the violation of any law involving moral turpitude;
 8. Operates any vehicle in a manner which constitutes a misdemeanor under the laws of the state of California; or
 9. Repeatedly fails to comply with the applicable provisions of this chapter or the rules and regulations prescribed by the city clerk.
- B. The city clerk shall immediately suspend, for a period not to exceed thirty days, and may revoke a pedicab operating permit of any operator upon the receipt of information reasonably sufficient and reliable to establish that the operator has committed a violation of law involving:
 1. A felony;
 2. A sex offense;
 3. Soliciting for prostitution;
 4. A narcotics offense; or

5. Has had a license to drive issued by the state of California either suspended or revoked by the State.
- C. The city clerk shall immediately revoke the pedicab operating permit if that operator has been found guilty by final judgment of a court of competent jurisdiction of a violation of the law involving:
 1. A felony;
 2. A sex offense;
 3. Soliciting for prostitution; or
 4. A narcotics offense.
- D. Upon suspension or revocation, the operator shall immediately surrender the pedicab operating permit to the city clerk. In the event of suspension, the city clerk shall return the pedicab operating permit to its operator immediately after termination of the suspension period.

5.25.100 - Identification badges issued to pedicab operators with a pedicab operating permit.

- A. The city shall issue an identification badge to an individual after that individual has been issued a pedicab operating permit.
- B. While the pedicab is in operation, the pedicab operator shall wear the identification badge at all times on his or her person, in a manner clearly visible to the public.
- C. It is unlawful for a pedicab operator to fail to wear an identification badge, in a manner clearly visible to the public, while operating a pedicab.
- D. Identification badges are the property of the city and are not transferable to any other operator. In the event that an operator's pedicab operating permit is suspended or revoked, the operator shall also immediately surrender the identification badge to the city clerk. In the event of a suspension, the city clerk shall return the identification badge to its holder immediately after termination of the suspension period.

5.25.110 - Pedicab decal.

- A. It is unlawful for any owner to lease, rent, or allow a pedicab to be operated for hire within the city without first having obtained a decal issued pursuant to this chapter. The decal shall be affixed to the pedicab on the rear or back side of the pedicab in a manner clearly visible to the public.
- B. It is unlawful for any person to operate a pedicab that does not have a valid decal affixed to it.
- C. Decals are the property of the city and are not transferable to any other pedicab.

5.25.120 - Application for pedicab decal.

- A. Before allowing a pedicab to be operated for hire, an owner shall obtain a pedicab decal.
- B. The pedicab decal application form shall be prescribed by the city clerk.
- C. The applicant shall provide the following information to complete the application:
 1. The full name and address of the applicant;
 2. The name and address of all legal and registered owners of the pedicab;

3. A description of the pedicab, including trade name, if any, serial number or owner identification number, and body style;
4. Seating capacity of the pedicab;
5. Route(s) or area(s) over which the applicant proposes to operate the pedicab; and
6. Proof of insurance in accordance with Section 5.25.250 of this Chapter.

5.25.130 - Requirements for issuance of pedicab decal.

Pedicab decals will be issued only when a pedicab meets all of the following requirements:

- A. A battery-operated headlight capable of projecting a beam of white light for a distance of three hundred feet shall be permanently affixed to the pedicab;
- B. Battery-operated taillights shall be permanently affixed on the right and the left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within five hundred feet to the rear of the pedicab;
- C. Side-mounted rearview mirrors affixed to the right and left side of the pedicab so located as to reflect to the driver a view of the street for a distance of at least two hundred feet to the rear of the pedicab.
- D. Seat belts for each available passenger seat; ~~and~~
- E. Those requirements related to bicycles as set forth in California Vehicle Code Section 21201-;
- F. A statement by a bicycle mechanic, technician, or repair shop certifying that the pedicab complies with the requirements set forth herein.

The chief of police, or any member of the police department under his/her direction, shall have the authority, at any time after displaying proper identification, to enter into or upon any pedicab for the purpose of ascertaining whether or not any of the provisions set forth herein are being violated.

5.25.140 - Pedicab decal fee.

The city shall charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab decals.

5.25.150 - Duration of validity of pedicab decal.

Pedicab decals shall ~~be valid for a period of one year from date of issuance~~ expire at the end of the calendar year in which they were issued.

5.25.160 - Pedicab decal renewal.

Pedicab decals shall be renewable annually upon filing of ~~a new application and payment of a pedicab decal fee.~~ a renewal application on a form prescribed by the city clerk and submittal of the following:

- A. Decal renewal fee;
- B. Proof of ability to drive lawfully in the United States;
- C. Proof of a valid city of Lodi business license;
- D. Proof of insurance in accordance with Section 5.25.250 of this Chapter; and

E. A list of all pedicabs to be used in operation and proof of inspection for each, in accordance with Section 5.25.130 of this Chapter.

5.25.170 - Denial of pedicab decal for failure to comply with chapter.

The city may deny issuance of a pedicab decal if the city clerk determines that the pedicab does not meet the requirements of this chapter or applicable state law.

5.25.180 - Suspension or revocation of pedicab decal.

- A. Decals may be suspended by the city clerk for a period of one to thirty days or revoked at any time if the owner:
1. Fails to comply with the applicable provisions of this chapter;
 2. Fails to maintain insurance as required by Section 5.25.250
 3. Fails to notify the city clerk thirty days prior to the effective date of liability insurance cancellation or change of insurer;
 4. Fails to maintain pedicabs in good order and repair as prescribed herein;
 5. Provides false statements on an application for a decal;
 6. Fails to pay any fees or damages lawfully assessed upon the ownership or operation of any pedicab licensed under this chapter; or
 7. Violates any of the provisions of this chapter or any applicable city, state, or federal laws, rules, or regulations.
- B. Decals which have been suspended shall forthwith be surrendered to the city clerk for a period covering the term of suspension. The city clerk shall return the decal to its holder immediately after termination of the suspension period.
- C. Decals which have been revoked shall forthwith be surrendered to the city clerk by the holder thereof.
- D. The city clerk shall notify in writing and by certified mail, any decal holder whose permit has been suspended or revoked. Such notice shall state any and all reasons for such action as well as all laws or regulations violated by the decal holder.

5.25.190 - Other laws applicable to pedicab owners and operators.

Pedicab owners and operators are subject to all applicable city, county, state, and federal laws, rules, and regulations.

5.25.200 - Report of accidents.

Each holder of a pedicab decal and pedicab operating permit involved in any accident resulting in property damage or personal injury of any kind, shall within forty-eight hours thereof give written report thereof to the city clerk. A copy of a report required under state law shall be deemed sufficient for such purposes; otherwise, such report shall contain all information required with respect to reports otherwise required under state law.

5.25.210 - Minimum age for pedicab operators.

It is unlawful for any individual under the age of eighteen to operate a pedicab.

5.25.220 - Driver's license requirement to operate pedicab.

- A. It is unlawful for any individual without a motor vehicle driver's license issued by the state of California to operate any pedicab within the city.
- B. While the pedicab is in operation, the pedicab operator shall have his or her valid driver's license on his or her person at all times.

5.25.230 - Business license requirement to operate pedicab.

It is unlawful for a person to operate a pedicab without first obtaining a business license from the city.

5.25.240 - Equipment regulations for the operation of pedicabs.

- A. It is unlawful for any person to operate, or cause to be operated, a pedicab which fails to meet the equipment requirements of Section 5.25.130 of this chapter.

5.25.250 - Insurance requirements.

In order to ensure the safety of the public, it is unlawful for any person who owns a pedicab to allow it to be operated or driven or to obtain a permit for its operation under this chapter unless and until such person has complied with the provisions of this section.

- A. The owner or operator of any pedicab operated under this chapter must secure his or her ability to answer to any claim for damage to person or property which may arise against him or her by reason of the operation of the pedicab as follows:
 - 1. Public liability insurance in the minimum limits of one hundred thousand dollars for injury or death to any person and three hundred thousand dollars for injury or death of more than one person in the same accident;
 - 2. Public liability insurance for property damage in the minimum amount of fifty thousand dollars for any one occurrence;
 - 3. The policy of insurance is endorsed to provide a hold harmless clause in favor of the city;
 - 4. The policy provides that thirty-days notice of cancellation of insurance be sent to the city clerk; and
 - 5. A certificate evidencing insurance shall be filed with the city clerk and the risk manager for the city, and must name the city, its officers, agents and employees as additional insureds.
- B. The insurance required under this section shall remain in full force, at a level at least equal to the minimum requirements set forth above, or the pedicab decal will be subject to revocation or suspension pursuant to this chapter.

5.25.260 - Fare schedule.

- A. Every pedicab shall have permanently affixed to the outside thereof, in a place readily to be seen by passengers, a frame covered with clear plastic, or similar material, enclosing a card upon which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such pedicab.
- B. It is unlawful for an operator to deceive any passenger who rides in the vehicle, or who expresses a desire to ride in such vehicle, as to that passenger's destination or the rate to be charged.

- C. It is unlawful for any operator to demand from a passenger a fare greater than the fare contained in the posted fare schedule.
- D. Section 5.25.260(C) does not apply to fares for special tours, provided that the fare for the special tour is agreed upon between the passenger and the operator prior to the beginning of the tour.

5.25.270 - Right of appeal from denial of issuance of pedicab operating permit or decal.

- A. The city clerk shall notify the applicant that the issuance of his or her pedicab operating permit or decal has been denied. The city clerk shall also notify the applicant of the right to appeal the denial to the city manager. Any written appeal shall be filed with the city clerk within ten calendar days after service of notice of denial. Service shall be by regular postal service or personal delivery. The applicant shall set forth in the appeal the reason why the denial is not proper.
- B. If no appeal is filed within the time allowed, the decision of the city clerk to not issue the pedicab operating permit or decal shall be considered final.
- C. The city manager shall direct an appeal to be heard within fifteen days after a notice of appeal is filed with the city clerk as required by this section.
- D. A denial shall remain in effect until a duly filed appeal is heard by a hearing officer under the procedures set forth in Section 5.25.290

5.25.280 - Right of appeal from suspension or revocation of pedicab operating permit or decal.

- A. The city shall notify the pedicab operator or owner that his or her pedicab operating permit or decal has been suspended or revoked. The city clerk shall also notify the pedicab owner or operator of the right to appeal the suspension or revocation to the city manager. Any written appeal shall be filed within ten calendar days after service of notice of suspension or revocation. The pedicab operator or owner shall set forth in the appeal the reason why the suspension or revocation is not proper.
- B. If no appeal is filed within the time allowed, the pedicab operating permit or decal shall be considered suspended or revoked and the pedicab operator or owner shall immediately surrender the pedicab operating permit or decal to the city clerk in the manner prescribed by the city clerk.
- C. Once a timely appeal is filed, the suspension or revocation of the operating permit or decal shall be stayed pending the final determination by the hearing officer as set forth in Section 5.25.290

5.25.290 - Procedure upon appeal.

- A. If an applicant served with a notice of denial, suspension, or revocation chooses to appeal, he or she shall file an appeal within ten calendar days from the service of the notice from the city clerk.
- B. Appeals to the city manager:
 - 1. Any decision of the city clerk which is a denial to issue or a suspension or revocation of any pedicab operating permit or decal shall not become final until fifteen days after the date of transmittal of the written notice to the person affected by such decision, during which period the party to the action may appeal the decision in the manner provided herein at any time prior to the expiration date of the fifteen-day period. If no appeal is

taken before the expiration of the fifteen-day period, the decision of the city clerk shall be final.

2. The appeal of any decision shall be in writing signed by the party to the action briefly setting forth the reasons why such decision is not proper, stating an address at which the appellant will receive notices and filed with the city clerk.
 3. The city clerk shall upon receipt of the appeal set the matter for hearing before a hearing officer. The hearing officer shall be an attorney or recognized mediator designated by the city attorney. The hearing shall be scheduled for not more than thirty calendar days after receipt of the appeal unless a longer time is requested or consented to by the appellant.
 4. The hearing shall not be conducted under the formal Rules of Evidence, but shall be subject to such standards of procedure and evidence as reasonable people would utilize in the conduct of serious business.
 5. The appellant (or a representative) shall have the right to present his or her case in person.
 6. The hearing officer shall consider the case record as well as any statements offered by interested parties. The hearing will be conducted according to administrative rules relating to evidence and witnesses as set forth in Chapter 1.10 of this code.
 7. If the hearing officer refuses to issue or restore a pedicab operating permit or decal, the party to the action, or such party's agent, shall not file a new application within three hundred sixty five days from the date of final action by the hearing officer.
 8. If the hearing officer suspends a pedicab operating permit or decal, the city clerk shall determine a period of suspension of not more than thirty days.
 9. If the hearing officer's action is to grant or restore a decal or permit, the hearing officer shall direct the city clerk to issue or restore the certificate or license.
- C. Any party dissatisfied with the decision of the hearing officer may carry the matter forward under the provisions for administrative mandamus (Code of Civil Procedure Section 1094.5) as it now exists or may later be amended.

5.25.300 - Enforcement authority.

The city is authorized to administer and enforce the provisions of this chapter. The city may exercise any enforcement powers as provided in this code.

5.25.310 - Enforcement remedies.

Any person violating the provisions of this chapter is guilty of an infraction, unless otherwise noted, punishable on conviction as set forth in Chapter 1.08 of this code. The city attorney may also seek injunctive relief and civil penalties in the superior court for violations of the provisions of this chapter.

5.25.320 - Strict liability offenses.

Violations of this chapter shall be treated as strict liability offenses.

5.25.330 - City held harmless.

A decal holder shall, and by acceptance of the decal does, to the maximum extent permitted by law, agree to indemnify and hold harmless the city of Lodi, its officers, employees

and agents from any and all damages, claims, liabilities, costs, suits, or other expense resulting from and arising out of the decal holder's operations.

5.25.340 - General pedicab operation.

- A. Any pedicab permitted by the city as a pedicab shall be operated according to the pedicab provisions of this chapter and the applicable provisions of the California Vehicle Code governing the operation of bicycles.
- B. Each operator shall carry in the vehicle a current map of the city. Upon request, the operator shall make the map available to the passenger.
- C. Every pedicab while in operation for the solicitation or transportation of passengers shall be attended by the operator at all times except when such operator is actually engaged in loading or unloading the vehicle, or in answering telephones in connection with the business.
- D. An operator shall not leave the pedicab operating permit in an unattended or unsecured pedicab.
- E. No owner or operator of a pedicab shall knowingly permit such pedicab to be used for unlawful purposes or knowingly to transport persons therein to places for such purposes. Violation of this provision is a misdemeanor under this chapter.
- F. Every pedicab operating under this chapter must be inspected by the police department for the city at such intervals as may be established by the chief of police, to insure the continued maintenance of safe operating conditions.
- G. Every person owning or operating, or causing to be operated, any pedicab under this chapter must thoroughly wash each pedicab, when so operated, at least once a week, and shall also sweep and clean each of the pedicabs daily.
- H. It is unlawful for any person operating, or causing to be operated, any pedicab to permit the same to remain standing upon the street for the purpose of loading or unloading passengers unless the side of the pedicab is within a legal parking stall or other designated loading zone..

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to

and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ___ day of _____, 2016

ATTEST:

MARK CHANDLER
Mayor

JENNIFER M. FERRAIOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held September 21, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

JENNIFER M. FERRAIOLO
City Clerk

Approved as to Form:

JANICE D. MAGDICH
City Attorney