



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

**AGENDA – REGULAR MEETING**

**Date: October 3, 2007**

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

For information regarding this Agenda please contact:

**Randi Johl**

**City Clerk**

**Telephone: (209) 333-6702**

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

**C-1 Call to Order / Roll Call**

**C-2 Announcement of Closed Session**

- a) Actual Litigation: Government Code §54956.9(a); One Case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al., United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Conference with Blair King, City Manager, Jim Krueger, Deputy City Manager, and Bill Avery (Acting Labor Negotiators), Regarding Lodi Police Officers Association Pursuant to Government Code §54957.6
- c) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Maintenance and Operators Unit Pursuant to Government Code §54957.6

**C-3 Adjourn to Closed Session**

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

**C-4 Return to Open Session / Disclosure of Action**

**A. Call to Order / Roll call**

**B. Invocation** – Director Ken Owen, Christian Community Concerns

**C. Pledge of Allegiance**

**D. Presentations**

D-1 Awards – None

D-2 Proclamations

- a) Domestic Violence Awareness Month

D-3 Presentations

- a) Quarterly Update from the Greater Lodi Area Youth Commission (COM)

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

E-1 Receive Register of Claims in the Amount of \$2,292,791.05 (FIN)

E-2 Approve Minutes (CLK)

- a) September 18, 2007 (Shirtsleeve Session)
- b) September 25, 2007 (Shirtsleeve Session)

E-3 Receive Quarterly Report of Purchases between \$5,000 and \$20,000 (FIN)

E-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Library Lighting Retrofit Project (PW)

- E-5 Authorize Advertisement for Bids for 25,000 Feet of 1100 kcmil 15kV Underground Cable and 14 Units of Lodi-48 Primary Vaults with Covers (EUD)
- Res. E-6 Adopt Resolution Awarding the Purchase of Padmounted Liquid Insulated Vacuum Switchgear and Load/Fault Interrupters to Trayer Engineering Corporation, of San Francisco, CA (\$105,776.42) (EUD)
- Res. E-7 Adopt Resolution Awarding Brokerage Services to Sell Surplus City-Owned Real Estate Properties to Coldwell Banker Commercial, the Duncan Company, Inc., of Woodbridge, CA (EUD)
- E-8 Approve Change Orders for the Repair of Two Power Transformers at Industrial Substation (\$27,431) (EUD)
- Res. E-9 Adopt Resolution Approving Improvement Deferral Agreement for 975 South Fairmont Avenue (PW)
- E-10 Status of San Joaquin County Consideration of an Armstrong Road Agricultural/Cluster Zoning Classification (CD)
- E-11 Set Public Hearing for October 17, 2007, to Consider Adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, and Fire Code with Local Amendments and Revise Building Permit Fee Schedule 1A, Along with Fee Increases for Building, Mechanical, Plumbing, and Electrical Permits (CD)

**F. Comments by the Public on Non-Agenda Items**

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

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

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

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

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

**I. Public Hearings**

- Res. I-1 Public Hearing for Lodi Memorial Hospital Regarding Issuance of Tax-Exempt Obligations and Approval of the California Statewide Community Development Authority's Issuance of Indebtedness to Construct a New Lodi Memorial Hospital Project (FIN)

**J. Communications**

- J-1 Claims Filed Against the City of Lodi – None
- J-2 Appointments
  - a) Appointment to the Lodi Improvement Committee (CLK)
- J-3 Miscellaneous – None

**K. Regular Calendar**

- Res. K-1 Authorize the City Manager to Enter into Negotiations with PAM Companies to Develop an Affordable Housing Project (CD)
- K-2 Update from the Grape Bowl Ad Hoc Committee and Save the Grape Bowl Committee (PR)
- Res. K-3 Confirm Previously Approved Report, Adopt a Resolution to Continue the Assessment and Programs of the Lodi Tourism Business Improvement District (LTBID), and Set a Public Hearing for October 17, 2007 (CM)

- K-4 Designation of a Member of the City Council to Participate in the Rating Agency Presentation for the Wastewater System Financing (CM)
- K-5 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$90,187.15) (CA)

**L. Ordinances**

- Ord. L-1 Adopt Ordinance No. 1802 Entitled, "An Ordinance of the City Council of the City of Lodi (Adopt) Amending Lodi Municipal Code Title 13 – Public Services – Adding Section 13.20.185, 'Section CSS – California Solar Initiative Surcharge'" (CLK)
- Ord. L-2 Adopt Ordinance No. 1803 Entitled, "An Ordinance of the City Council of the City of Lodi (Adopt) Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, 'Sewer Service,' by Repealing and Reenacting Section 13.12.150 Relating to Connections Outside City" (CLK)

**M. Adjournment**

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

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Randi Johl  
City Clerk



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# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Domestic Violence Awareness Month

**MEETING DATE:** October 3, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Present proclamation proclaiming the month of October 2007 as “Domestic Violence Awareness Month” in the City of Lodi.

**BACKGROUND INFORMATION:** The Mayor has been requested to present a proclamation proclaiming the month of October 2007 as “Domestic Violence Awareness Month” in the City of Lodi. Paula Grech, representing the San Joaquin County Women’s Center – Lodi Office, will be at the meeting to accept the proclamation.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None.

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Randi Johl  
City Clerk

RJ/JMP

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Quarterly Update by the Greater Lodi Area Youth Commission

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Brad Vander Hamm LYC Liaison

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**RECOMMENDED ACTION:** Receive quarterly update from Greater Lodi Area Youth Commission (LYC).

**BACKGROUND INFORMATION:** The LYC remains connected to the City Council and the community by having current commissioners do quarterly reports on the activities of the Commission.

**FISCAL IMPACT:** None

**FUNDING AVAILABLE:** None

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Jim Rodems  
Community Center Director

Prepared by: Brad Vander Hamm, Liaison  
Greater Lodi Area Youth Commission

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Approved \_\_\_\_\_  
Blair King, City Manager



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# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Register of Claims Dated September 6, and September 13, 2007 in the Total Amount of \$2,292,791.05

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Financial Services Manager

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**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$2,292,791.05.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$2,292,791.05 dated 9/6/07, and 9/13/07. Also attached is Payroll in the amount of \$1,216,898.10.

**FISCAL IMPACT:** n/a

**FUNDING AVAILABLE:** As per attached report.

\_\_\_\_\_  
Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

Accounts Payable  
Council Report

Page - 1  
Date - 09/19/07

As of Thursday	Fund	Name	Amount
09/06/07	00100	General Fund	669,549.60
	00123	Info Systems Replacement Fund	4,213.19
	00160	Electric Utility Fund	27,416.40
	00161	Utility Outlay Reserve Fund	9,040.00
	00164	Public Benefits Fund	9,047.16
	00170	Waste Water Utility Fund	7,766.59
	00172	Waste Water Capital Reserve	4,386.51
	00173	IMF Wastewater Facilities	2,600.60
	00180	Water Utility Fund	1,758.47
	00182	IMF Water Facilities	11,795.40
	00210	Library Fund	4,025.77
	00234	Local Law Enforce Block Grant	3,504.68
	00260	Internal Service/Equip Maint	11,130.01
	00270	Employee Benefits	392,738.07
	00300	General Liabilities	1,014.46
	00310	Worker's Comp Insurance	35,552.47
	00321	Gas Tax	14,720.46
	00325	Measure K Funds	66,864.86
	00326	IMF Storm Facilities	12,284.30
	00329	TDA - Streets	1,822.26
	00340	Comm Dev Special Rev Fund	56,089.74
	00501	Lcr Assessment 95-1	153,480.00
	01211	Capital Outlay/General Fund	4,926.50
	01217	IMF Parks & Rec Facilities	45,091.10
	01218	IMF General Facilities-Adm	17,548.90
	01241	LTF-Pedestrian/Bike	352.01
	01250	Dial-a-Ride/Transportation	11,373.60
	01410	Expendable Trust	4,036.01
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Sum			1,584,129.12

Accounts Payable  
Council Report  
Name  
Thursday

Page - 1  
Date - 09/19/07  
Amount

As of	Fund	Name	Amount
09/13/07	00100	General Fund	339,575.76
	00122	Equipment Replacement Fund	70,758.57
	00123	Info Systems Replacement Fund	507.94
	00160	Electric Utility Fund	24,046.94
	00164	Public Benefits Fund	1,849.23
	00170	Waste Water Utility Fund	10,113.24
	00172	Waste Water Capital Reserve	78,057.73
	00180	Water Utility Fund	35,672.53
	00181	Water Utility-Capital Outlay	81,214.24
	00182	IMF Water Facilities	3,215.24
	00210	Library Fund	7,874.18
	00235	LPD-Public Safety Prog AB 1913	1,795.12
	00260	Internal Service/Equip Maint	7,775.86
	00270	Employee Benefits	16,657.18
	00321	Gas Tax	15,364.29
	00340	Comm Dev Special Rev Fund	1,218.33
	00501	Lcr Assessment 95-1	1,615.00
	01211	Capital Outlay/General Fund	3,705.21
	01217	IMF Parks & Rec Facilities	6,200.00
	01250	Dial-a-Ride/Transportation	321.74
	01410	Expendable Trust	929.00
Sum			708,467.33
	00184	Water PCE-TCE-Settlements	42.00
Sum			42.00
		Total for Week	708,509.33

Council Report for Payroll

Page - 1  
 Date - 09/20/07  
 Gross Pay

Payroll	Pay Per Date	Co	Name	Gross Pay
			-	
Regular	09/09/07	00100	General Fund	806,757.89
		00160	Electric Utility Fund	138,462.78
		00164	Public Benefits Fund	5,208.75
		00170	Waste Water Utility Fund	113,856.92
		00180	Water Utility Fund	1,648.75
		00183	Water PCE-TCE	175.00
		00210	Library Fund	33,761.83
		00235	LPD-Public Safety Prog AB 1913	4,338.12
		00260	Internal Service/Equip Maint	19,252.03
		00321	Gas Tax	55,829.20
		00340	Comm Dev Special Rev Fund	34,492.27
		01250	Dial-a-Ride/Transportation	3,114.56
			Pay Period Total:	1,216,898.10
Sum				1,216,898.10



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Approve Minutes  
a) September 18, 2007 (Shirtsleeve Session)  
b) September 25, 2007 (Shirtsleeve Session)

**MEETING DATE:** October 3, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) September 18, 2007 (Shirtsleeve Session)  
b) September 25, 2007 (Shirtsleeve Session)

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

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMP

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, SEPTEMBER 18, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, September 18, 2007, commencing at 7:00 a.m.

**A. ROLL CALL**

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

**B. TOPIC(S)**

B-1 "Receive Recommendation from the Affordable Housing Proposal Review Committee"

City Manager King and Community Development Director Hatch provided a brief introduction to the subject matter.

Community Improvement Manager Joseph Wood provided an overview of the affordable housing proposals. Specific topics of discussion included proposals submitted by Visionary Home Builders, Eden Housing, and PAM Companies, Kentucky House development project, proposal requirements, review of committee and purposes, project site, general review of proposals, review of project area, preliminary financial review, and recommendations regarding the same.

In response to Council Member Hitchcock, Mr. Wood provided an overview of the Section 108 program funding option, which includes borrowing against future Community Development Block Grant amounts. Mr. Wood stated the most available from the Department of Housing and Urban Development would be approximately \$1 million, which may or may not be plausible based on requirements and timing. Mr. Hatch stated neighborhood revitalization was a key factor in addition to the funding.

In response to Council Member Hitchcock, Mr. Wood stated both developers are highly capable of building and maintaining a quality project as is shown by their track record and site visits to their existing projects.

In response to Council Member Hitchcock, Committee Member Kiser stated he is confident that the developers can produce a quality project based on their existing projects.

In response to Mayor Pro Tempore Mounce, Committee Member Kiser stated he did not hear any major concerns from the residents and surrounding community regarding the site visit, from which Mayor Pro Tempore Mounce was absent. Discussion ensued between Mayor Pro Tempore Mounce and Committee Member Kiser regarding completing a project in a blighted neighborhood, the Clayton project, and the Ridgecrest project.

Committee Member Takeuchi provided an overview of the make-up of the committee and discussed funding, site visits, developer qualifications, site location, and the proposed project by PAM Companies.

In response to Mayor Johnson, Mr. Hatch stated PAM Companies addressed collaborative effort in its proposal by identifying the Loel Center and a few other sites and Visionary verbally addressed collaboration with the San Joaquin Housing Authority in its presentation.

Mayor Pro Tempore Mounce suggested the City provide a work plan to address surrounding area concerns regarding commercial and industrial businesses, homelessness in the park, and criminal activity.

Carol Ornelas, representing Visionary Home Builders, stated collaboration was not a part of the request for proposals (RFP) and the organization has worked with various agencies including the San Joaquin Partnership for Families. She stated the company met with members of the community and received some concerns regarding services for people of color.

Tracy Williams, Executive Director of Loel Center, stated the Center serves a culturally diverse clientele.

Council Member Hansen provided an overview of the senior affordable housing project process, including the proposal, and stated the PAM Companies proposal also takes into consideration the opportunity to improve an adjacent property.

In response to Mayor Johnson, Mike Boettger of PAM Companies stated the company does not have a current project it has constructed or managed in Lodi, but it does have various projects in Stockton, Ceres, and throughout the Central Valley.

In response to Mayor Johnson, Council Member Hansen stated there is an interest for two-bedroom units for visitors and caregivers. Mr. Boettger stated there is a 20% requirement for two-bedroom units, but a waiver could be sought.

In response to Mayor Johnson, Mr. Hatch stated the proposed project addresses both guest and on-site resident parking.

In response to Mayor Johnson, City Manager King addressed projects staying on budget and specifically discussed full performance expectations of affordable housing projects, costs of construction, low versus very low units, expectation of profit margin, project management fees, and varying factors that can drive the budget. Mr. King suggested management fees and other similar fees be removed from the proposals.

In response to Council Member Hitchcock, Mr. Hatch stated it is unlikely for two companies to go through the process based on his experience because putting together the detailed package of documentation from this point on represents up-front risk money for the developers.

Ms. Ornelas stated that, based on the RFP, Visionary targeted low and very low income recipients, ran spreadsheets to check if numbers would be feasible due to the long-term 55 year commitment, and suggested quality should always be addressed.

In response to Myrna Wetzal, Council Member Hitchcock stated the Council did receive the requested reports, which provided additional information about the proposals.

Virginia Snyder commended the Ad Hoc Committee on its efforts and suggested a pass through for pedestrians not go through the middle of the project based on security concerns.

Donald Brown spoke of his concerns regarding alley access for his property, which is adjacent to the proposed project site and requested the access remain. Mr. Wood stated the developers did take the alley into consideration. City Manager King clarified that no definitive decisions were being made at this informative study session.

In response to Mayor Johnson, Mr. Wood stated the additional property for improvement suggested by PAM Companies is labeled as number five on the map.

Mayor Pro Tempore Mounce requested information regarding how the City will participate in the proposed project.

Mr. Boettger stated the company also collaborates with the San Joaquin Housing Authority, provided an overview of the targeted units, and stated the driveway was taken into consideration.

In response to Council Member Hitchcock, Mr. King stated it is possible that the project will line up with the timing for the redevelopment project, but it will not be delayed as a result.

Myrna Wetzel spoke of her concerns regarding the ability of senior citizens to walk to services.

Ms. Ornelas provided an overview of the numbers of targeted units for varying income levels.

Committee Member Takeuchi stated the site location was not within the purview of the committee and regardless of the Council's future decision on the proposed project, affordable housing in the City must be addressed.

Eileen St. Yves spoke of her concerns regarding the ability to walk or otherwise travel to services, parking, and crime around the proposed location.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**D. ADJOURNMENT**

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

ATTEST:

Randi Johl  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, SEPTEMBER 25, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, September 25, 2007, commencing at 7:02 a.m.

**A. ROLL CALL**

Present: Council Members – Katzakian, Mounce, and Mayor Johnson  
Absent: Council Members – Hitchcock and Hansen  
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. TOPIC(S)**

B-1 "Presentation of Cost Allocation Plan by MuniFinancial Services"

City Manager King briefly introduced the subject matter.

Deputy City Manager Krueger and Marshall Eyerman with MuniFinancial provided a presentation regarding the cost allocation plan. Specific topics of discussion included MuniFinancial background, what is a cost allocation plan, building blocks of a cost allocation plan, direct costs, indirect costs, data collection, methodology, double-step down, allocation example, and overhead rate summary.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated the cost of the study was approximately \$20,000. City Manager King stated the study is significant in how it relates to water and wastewater, providing justification set in technology and science for direct and indirect costs and administrative costs, and it may also assist with federal grants.

In response to Mayor Pro Tempore Mounce, Mr. King stated the premise of the study is to justify centralized administrative costs that are charged to water and wastewater and review direct and indirect allocations in various areas, including existing redevelopment like activities. City Attorney Schwabauer stated currently the City Manager's office is spending time on redevelopment and if the costs do not come directly from redevelopment allocation, they could come from water and wastewater indirect allocations.

In response to Mayor Pro Tempore Mounce, Mr. King stated the cost allocation study has nothing to do with redevelopment and provided an overview of obligations in order to receive tax increment. Mr. King stated money can be paid back from the redevelopment agency to the City if a project area was formed.

In response to Mayor Johnson, Mr. Krueger stated the study can be adjusted on an annual basis as necessary by staff and used as a template for future budget-related purposes.

In response to Mayor Johnson, Mr. Krueger confirmed the document can live on its own and be amended by staff periodically. He also stated MuniFinancial would be available for assistance if necessary.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 7:28 a.m.

ATTEST:

Randi Johl, City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Quarterly Report of Purchases Between \$5,000 and \$20,000

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Management Analyst

**RECOMMENDED ACTION:** Information only. This report is made to the City Council in accordance with Lodi Municipal Code §2.12.060.

**BACKGROUND INFORMATION:** During the second calendar quarter of 2007, the following purchases were awarded. Background information for each purchase is attached as Exhibits A through K.

Exh	Date	Contractor	Dept	Project	Award Amt.
A	4/2/07	RF MacDonald Co	PW	White Slough Boiler Re-tube	\$18,402.00
B	4/11/07	DLT Solutions Inc	PW	Subscription Renewals	\$7,240.32
C	4/12/07	Software House International	CM	Exchange 2007 Stand Cals	\$6,545.81
D	5/14/07	Siemens Power Trans & Dist	EU	Remote Terminal Unit, Well 23	\$8,224.56
E	5/15/07	Quantum Energy Solutions	PW	Occupancy Motion Sensors Project	\$8,698.41
F	5/23/07	Golden St Flow Measurement	PW	Compound Water Meter Assembly	\$5,694.89
G	5/24/07	Siemens Telegyr Systems Inc	EU	Windows & Support for Scada Server	\$14,500.00
H	5/29/07	Snap-On Tools	PW	Scanner for Transit Buses	\$5,387.50
I	5/29/07	Clutch & Brake Xchange Inc	PW	Transit Veh Air Cond Repair/Recovery	\$5,231.26
J	6/22/07	Korean Pro Bldg Maint	CM	Janitorial Services	\$11,323.00
K	6/27/07	Normac Inc	PW	R/B Booster Pump	\$19,225.51

**FISCAL IMPACT:** Varies by project. All purchases were budgeted in the 2006-2007 Financial Plan.

**FUNDING:** Funding as indicated on Exhibits.

\_\_\_\_\_  
James R. Krueger, Deputy City Manager

APPROVED: \_\_\_\_\_  
Blair King, City Manager

# RECOMMENDATION FOR CONTRACT AWARD

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**PROJECT NAME:** White Slough Boiler Re-tube  
**DEPARTMENT:** Public Works  
**CONTRACTOR** R.F. MacDonald Co.  
**AWARD AMOUNT:** \$8,192.00  
**DATE OF RECOMMENDATION:** April 2, 2007

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**BIDS OR PROPOSALS RECEIVED:**  
R.F. MacDonald Co. \$8,192.00

**"NO BID" or NO RESPONSE RECEIVED:**

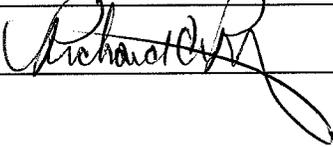
**BACKGROUND INFORMATION & BASIS FOR AWARD:**

No other bids were pursued as R.F. MacDonald has been performing the annual O & M of our boilers since they were installed. They have considerable familiarity with our boilers and are the local service representative for the Cleaver Brooks brand.

**FUNDING:** 170403.7331

Prepared by: Del Kerlin

Title: W.T. Superintendent

Reviewed by: 

Purchase Order No. 16581

# CITY OF LODI, CALIFORNIA PURCHASE ORDER

Finance Department  
PO Box 3006  
Lodi, CA 95241-1910  
(209) 333-6778

Page No. 1  
Date 04/02/07  
Purchase Order 16581-000 OP  
Fund 3  
Buyer \_\_\_\_\_

**SUPPLIER**  
R.F. MacDonald Co.  
1549 Cummins Drive  
Modesto CA 95358

**SHIP TO**  
City of Lodi--White Slough WPCF  
12751 N Thornton Rd  
Lodi CA 95242

**INVOICE TO BE SENT TO:**  
CITY OF LODI  
Accounts Payable  
PO Box 3006  
Lodi, CA 95241-1910

**NOTE**  
1. Our Order No. must appear on all papers and packages relative to this order.  
2. Enclose itemized packing slip indicating our purchase order no. with each shipment.  
3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. Terms and conditions on this purchase order contract, including those on reverse side hereof, shall prevail over any and all inconsistencies contained in your quotation and/or acknowledgements.  
4. Notify us immediately if you are unable to ship complete by date specified.

**ORDER DATE** 04/02/07  
**DELEVERY DATE**  
**F.O.B. / SHIP VIA** FOB - Our Dock

**ACCOUNT NO.** 170403.7331  
**SUPPLIER CONTACT**  
**REQUESTOR** Del Kerlin - White Slough

DESCRIPTION	QUANTITY	UM	UNIT PRICE	UM	TOTAL PRICE
Complete re-tubing of a Cleaver Brooks boiler S/N L-96460, at the White Slough Water Pollution Control Facility.	1	EA	8,192.0000	EA	8,192.00

<b>TERMS</b> Net 30 Days	<i>Wally Sandel</i>	<b>TAX RATE</b> 7.750	<b>SALES TAX</b>	<b>TOTAL AMOUNT OF ORDER</b> 8,192.00
<b>APPROVED BY</b> <i>Del Kerlin</i>	<b>DATE</b> 4/2/07			

PLEASE SIGN & RETURN THE ATTACHED ACKNOWLEDGEMENT, IF THE ACKNOWLEDGEMENT REQUIRED BOX IS CHECKED. (Entered By: MFIRESTONE)

# RECOMMENDATION FOR CONTRACT AWARD

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**PROJECT NAME:** Engineering Software Subscription Renewal  
**DEPARTMENT:** Public Works  
**CONTRACTOR** DLT Solutions  
**AWARD AMOUNT:** \$7,240.32  
**DATE OF RECOMMENDATION:** April 11, 2007

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**BIDS OR PROPOSALS RECEIVED:**  
None Received (see below)

**“NO BID” or NO RESPONSE RECEIVED:**

The City of Lodi is under a governmental discount contract with DLT solutions as the sole provider of all of the City’s AutoCAD and Mapguide software. This is a license requirement by Autodesk software for Governmental agencies, therefore, no bids were required.

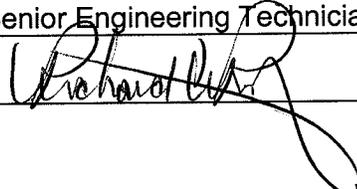
**BACKGROUND INFORMATION & BASIS FOR AWARD:**

The City of Lodi Public Works Department’s Engineering division utilizes Surveying, Engineering and Mapguide software to operate and maintain all of the City’s surveying and drafting needs and uses mapguide both internally and externally to publicize all of the City’s engineering and mapping information. The City also receives discounts on all its engineering software by utilizing a software license subscription service. This allows for dramatically reduced software costs and require and annual subscription service payment.

**FUNDING:** 103021.7369 (50%) \$3,620.17  
180451.7369 (25%) \$1,810.00  
170401.7369 (25%) \$1,810.00

Prepared by: Kevin Gaither

Title: Senior Engineering Technician

Reviewed by: 



# CITY OF LODI, CALIFORNIA PURCHASE ORDER

Finance Department  
PO Box 3006  
Lodi, CA 95241-1910  
(209) 333-6778

Page No. 1  
Date 04/11/07  
Purchase Order 16632-000 OP  
Fund 3  
Buyer \_\_\_\_\_

**SUPPLIER**

DLT Solutions Inc  
13861 SUNRISE VALLEY DRIVE SUITE 400  
HERNDON VA 20171

**SHIP TO**

City of Lodi  
Public Works-Engineering  
221 West Pine Street  
Lodi CA  
95240

**NOTE**

- Our Order No. must appear on all papers and packages relative to this order.
- Enclose itemized packing slip indicating our purchase order no. with each shipment.
- Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. Terms and conditions on this purchase order contract, including those on reverse side hereof, shall prevail over any and all inconsistencies contained in your quotation and/or acknowledgements.
- Notify us immediately if you are unable to ship complete by date specified.

**INVOICE TO BE SENT TO:**

**CITY OF LODI**  
Accounts Payable  
PO Box 3006  
Lodi, CA 95241-1910

**ORDER DATE** 04/11/07  
**DELEVERY DATE**  
**F.O.B. / SHIP VIA** FOB - Our Dock

**ACCOUNT NO.** SEE ATTACHED DISTRIBUTION  
**SUPPLIER CONTACT**  
**REQUESTOR** PUBLIC WORKS - KEVIN GAITHER (209) 333-6800 EXT.2682

DESCRIPTION	QUANTITY	UM	UNIT PRICE	UM	TOTAL PRICE
SUBSCRIPTION RENEWALS FOR AUTO CAD & MAPGUIDE SOFTWARE		EA	.0000	EA	3,359.78
SUBSCRIPTION RENEWALS FOR AUTO CAD & MAPGUIDE SOFTWARE		EA	.0000	EA	1,679.89
SUBSCRIPTION RENEWALS FOR AUTO CAD & MAPGUIDE SOFTWARE		EA	.0000	EA	1,679.89

RECEIVED  
APR 17 2007  
ACCOUNTING

TERMS	TAX RATE	SALES TAX	TOTAL AMOUNT OF ORDER
Net 30 Days	7.750	520.76	7,240.32

**APPROVED BY** *[Signature]* **DATE** 4/11/07

(Entered By: DROGERS )

PLEASE SIGN & RETURN THE ATTACHED ACKNOWLEDGEMENT, IF THE ACKNOWLEDGEMENT REQUIRED BOX IS CHECKED.

## RECOMMENDATION FOR CONTRACT AWARD

---

**PROJECT NAME:** Exchange 2007 Stand Cals  
**DEPARTMENT:** Information Systems  
**CONTRACTOR** Software House International  
**AWARD AMOUNT:** 6,545.81  
**DATE OF RECOMMENDATION:** April 12, 2007

---

**BIDS OR PROPOSALS RECEIVED:**

Purchase made through authorized reseller at government rate

**“NO BID” or NO RESPONSE RECEIVED:**

**BACKGROUND INFORMATION & BASIS FOR AWARD:**

135 Microsoft client access licenses for the city's email server

Technology Replacement Fund: 123001.7715

Prepared by: Steve Mann



Title: IS Manager

Purchase Order No. 16635

# CITY OF LODI, CALIFORNIA PURCHASE ORDER

Finance Department  
 PO Box 3006  
 Lodi, CA 95241-1910  
 (209) 333-6778

Page No. 1  
 Date 04/12/07  
 Purchase Order 16635-001 OP  
 Fund 3  
 Buyer \_\_\_\_\_

SUPPLIER

Software House International Inc  
 P O Box 8500-41155  
 Philadelphia PA 19178

**S H I P T O**  
 City of Lodi  
 MSC Warehouse  
 1331 S Ham Lane  
 Lodi CA 95242-3995

**INVOICE TO BE SENT TO:**

**CITY OF LODI**  
 Accounts Payable  
 PO Box 3006  
 Lodi, CA 95241-1910

- N O T E**
1. Our Order No. must appear on all papers and packages relative to this order.
  2. Enclose itemized packing slip indicating our purchase order no. with each shipment.
  3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. Terms and conditions on this purchase order contract, including those on reverse side hereof, shall prevail over any and all inconsistencies contained in your quotation and/or acknowledgements.
  4. Notify us immediately if you are unable to ship complete by date specified.

ORDER DATE	04/12/07
DELEVERY DATE	
F.O.B. / SHIP VIA	FOB - Our Dock

ACCOUNT NO.	123001.7715
SUPPLIER CONTACT	
REQUESTOR	JMOORE\ISD
QUOTE #: 2097029	

DESCRIPTION	QUANTITY	UM	UNIT PRICE	UM	TOTAL PRICE
EXCHANGE 2007 STAND CALS	135	EA	45.0000	EA	6,075.00
CONFIRMED VIA FAX.					

APPROVED  
 APR 17 2007  
 ACCOUNTING

TERMS	TAX RATE	SALES TAX	TOTAL AMOUNT OF ORDER
Net 30 Days	7.750		6,075.00
APPROVED BY <i>BK</i>	DATE 4/16/07		

(Entered By: SMANN )

PLEASE SIGN & RETURN THE ATTACHED ACKNOWLEDGEMENT.  
 IF THE ACKNOWLEDGEMENT REQUIRED BOX IS CHECKED

*SMANN*

**SOFTWARE HOUSE INTERNATIONAL, INC.**  
 dba SHI  
 FED ID. NO. 22-3009648  
 2 Riverview Drive, Weston Canal Plaza  
 Somerset, New Jersey 08873  
 Phone (732) 764-9393  
 Fax (732) 805-9669

Please remit payment to:  
 Software House International  
 P.O. Box 8500-41155  
 Philadelphia, PA 19178

Wire Information:  
 Wachovia  
 a/c # 2000109935692  
 ABA # 031201467

PAGE NO. 1	INVOICE NO. 81307	APPLY TO	INVOICE DATE 04/13/07	CUST. NO. 31882
<b>INVOICE</b>			MYE9G	B.O.
			WORK ORDER NO.	

Finance Charges of 1 1/2% per month will be charged on Past Due Accounts-18%/yr.

CITY OF LODI  
 PO BOX 3006  
 ATTN: ACCOUNTS PAYABLE  
 PO# 16635-001  
 LODI, CA 952411910

*ISD*  
**RECEIVED**  
 APR 23 2007  
**ACCOUNTING**

S  
H  
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P  
T  
O

CITY OF LODI  
 MSC WAREHOUSE  
 1331 SOUTH HAM LANE  
 PO#16635-001  
 LODI, CA 95242

DATE SHIPPED	PURCHASE ORDER NO.	SHIP VIA	F.O.B.	TERMS			
04/13/07	16635-001	LICENSE ONLY	DESTINATION	NET 30			
BUYER	DATE REQUESTED	LOCATION	SALESPERSON	TERRITORY			
JOEL HARRIS	04/13/07	WO	CHRISTINE SHENE	ANY LOCALITIES			
ITEM NO.	DESCRIPTION	QUANTITY ORDERED	QUANTITY BACK ORD.	QUANTITY SHIPPED	UNIT PRICE	EXTENSION	TAX
Y759134 381-03131 WO	EXCHANGE STANDARD USER CAL 2007 NO MEDIA WINDOWS NT/2000/2003 MICROSOFT LICENSE ONLY  AGENCY PHONE #: 2093336778  PROOF OF PURCHASE FOR ABOVE LICENSE	135		135	45.00	6075.00	
		EndUser Name: JERRY MOORE					

**RECEIVED**  
 APR 24 2007  
**ACCOUNTING**

<b>OK for Payment</b>	
ACCOUNT	123001-7715
DATE	4/24/07
AUTHORIZED	<i>SM</i>

**PARTIAL LIQUIDATION**  
 Date 5-10-07  
 Purchase Order 16635  
 Total Encumbered \$ \_\_\_\_\_  
 Liquidate this Amount \$ ~~\_\_\_\_\_~~  
 Encumbered Balance \_\_\_\_\_

**SUBTOTAL** 6,075.00      **SALES TAX** 470.81      **USD** 6,545.81

All prices in USD

INVOICE NO. \_\_\_\_\_

**PLEASE REMIT THIS AMOUNT**

# RECOMMENDATION FOR CONTRACT AWARD

---

**PROJECT NAME:** Well No. 23 - Remote Terminal Unit (RTU) Purchase  
**DEPARTMENT:** Public Works  
**CONTRACTOR** Vendor: Siemens Power Transmission & Distribution Inc.  
**AWARD AMOUNT:** \$8,224.56  
**DATE OF RECOMMENDATION:** May 18, 2007

---

**BIDS OR PROPOSALS RECEIVED:**  
One (1) proposal requested from Siemens Inc. \$8,224.56

**“NO BID” or NO RESPONSE RECEIVED:**  
N/A

**BACKGROUND INFORMATION & BASIS FOR AWARD:**

Remote Terminal Units (RTU's) are devices that allow the City's SCADA system to acquire data and to communicate and control water wells and storm pump stations. As reflected in prior recommendations, the Department has standardized the RTU's to maintain communication and software language continuity in the system. The vendor (Siemens Power and Transmission) is the regional supplier for the RTU devices. The RTU for Well 23 is currently operating intermittently. Reliable communication with the well site is critical once the summer water demands increase. Therefore, it is important to expedite this purchase.

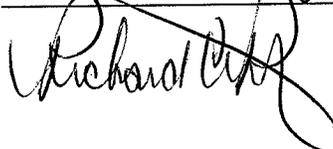
**FUNDING:**

Water Production Account - 180453.7331

Prepared by: Charlie Swimley

Title: Water Services Manager

Reviewed by:





CITY OF LODI, CALIFORNIA

PURCHASE ORDER

Budget Division
Purchasing
PO Box 3006
Lodi, CA 95241-1910
(209) 333-6778

Page No. 1
Date 05/14/07
Purchase Order 16682-000 OP
Fund 3
Buyer MSC-PW 209-333-6740

Siemens Power Transmission & Dist
Dept CH 10075
Palatine IL 60055-0075

City of Lodi
MSC - Public Works
1331 S Ham Lane
Lodi CA
95242-3995

Table with 3 columns: INVOICE TO BE SENT TO, ORDER DATE, F.O.B. / SHIP VIA, SUPPLIER CONTACT

- NOTE
1. Our Order No. must appear on all papers and packages relative to this order.
2. Enclose itemized packing slip indicating our purchase order no. with each shipment.
3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof.
4. Notify us immediately if you are unable to ship complete by date specified.

Vendor # 52409, REQUESTOR LLOYD ROPER/FB/CS, Account Numbers: 180453 .7731 733/

Main purchase order table with columns: DESCRIPTION, QUANTITY, UOM, UNIT PRICE, TOTAL PRICE. Includes 'RECEIVED JUN - 7 2007 ACCOUNTING' stamp.

Summary table with columns: TERMS, TAX RATE, SALES TAX, TOTAL AMOUNT OF ORDER, APPROVED BY, DATE

## RECOMMENDATION FOR CONTRACT AWARD

---

**PROJECT NAME:** Occupancy Motion Sensors Project  
**DEPARTMENT:** Public Works  
**CONTRACTOR** Quantum Energy Solutions  
**AWARD AMOUNT:** 8,698.41  
**DATE OF RECOMMENDATION:** May 15, 2007

---

**BIDS OR PROPOSALS RECEIVED:**

Energy Czar/Wattstoppers, Inc	\$2059.00
Quatum Energy Solutions	\$1760.28

**“NO BID” or NO RESPONSE RECEIVED:**

N/A

**BACKGROUND INFORMATION & BASIS FOR AWARD:**

Two proposals were received for professional services from firms regularly used by the Electric Utility Department to install motion sensors in the six office areas of Administration/City Hall.

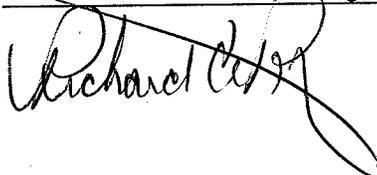
An alternative bid was received to install motion sensors throughout all of City Hall and the Energy savings calculated.

Calculating a return on investment of approximately 6 years (realized energy savings) the recommendation is made to install motion sensors throughout City Hall in one installation. This will realize further energy savings immediately and save installation costs from otherwise implementing installations in multiple phases.

**FUNDING:** 103511.7334, 164605.7323

Prepared by: Dennis Callahan

Title: Fleet and Facilities Manager



Purchase Order No. 16683



# CITY OF LODI, CALIFORNIA

## PURCHASE ORDER

Budget Division  
Purchasing  
PO Box 3006  
Lodi, CA 95241-1910  
(209) 333-6778

Page No. 1  
Date 05/15/07  
Purchase Order 16683-000 OP  
Fund 3  
Buyer \_\_\_\_\_

QUANTUM ENERGY SOLUTIONS  
ATTN JIM COLLINS  
6804 DOMINGO DRIVE  
RANCHO MURIETA CA 95683

City of Lodi  
PW Facilities  
221 West Pine Street  
Lodi CA  
95240

INVOICE TO BE SENT TO: CITY OF LODI Accounts Payable PO Box 3006 Lodi, CA 95241-1910	ORDER DATE	05/15/07
	F.O.B. / SHIP VIA	FOB - Our Dock
	SUPPLIER CONTACT	

- NOTES**
1. Our Order No. must appear on all papers and packages relative to this order.
  2. Enclose itemized packing slip indicating our purchase order no. with each shipment.
  3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. Terms and conditions on this purchase order contract, including those on reverse side hereof, shall prevail over any and all inconsistencies contained in your quotation and/or acknowledgements.
  4. Notify us immediately if you are unable to ship complete by date specified.

Vendor # 3 REQUESTOR PUBLIC WORKS - DENNIS CALLAHAN (209) 333-6800 EXT 2690  
Account Numbers: 103511.7334, 164605.7323

DESCRIPTION	QUANTITY	UM	UNIT PRICE	UM	TOTAL PRICE
OCCUPANCY MOTION SENSORS FOR CITY HALL (MATERIALS)		EA	.0000	EA	4,707.18
OCCUPANCY MOTION SENSORS FOR CITY HALL (MATERIALS)		EA	.0000	EA	1,569.06
OCCUPANCY MOTION SENSORS FOR CITY HALL (LABOR)		EA	.0000	EA	1,451.82
OCCUPANCY MOTION SENSOR FOR CITY HALL (LABOR)		EA	.0000	EA	483.94

SEE DETAIL ON PAGE 2

RECEIVED  
MAY 31 2007  
ACCOUNTING

TERMS	TAX RATE	SALES TAX	TOTAL AMOUNT OF ORDER
Net 30 Days	7.750	486.41	8,698.41
APPROVED BY	DATE		

## RECOMMENDATION FOR CONTRACT AWARD

---

**PROJECT NAME:** 6" Compound Water Meter Assembly  
**DEPARTMENT:** Public Works – Water/Wastewater Divisions  
**CONTRACTOR** Golden State Flow Measurement Inc  
**AWARD AMOUNT:** \$5,694.89  
**DATE OF RECOMMENDATION:** May 25, 2007

---

**BIDS OR PROPOSALS RECEIVED:**  
Golden State Flow Measurement Inc., Sacramento \$5,694.89

**"NO BID" or NO RESPONSE RECEIVED:**  
N/A

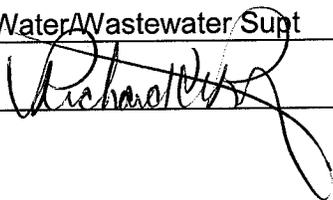
**BACKGROUND INFORMATION & BASIS FOR AWARD:**

The customer has paid for the installation of a 6" compound water meter. The City is standardized on Sensus brand flowmeters for large applications, Golden State Flow Measurement Inc. is the local supplier.

**FUNDING:** 181402.1831.2100 Water Capital Project

Prepared by: Frank Beeler

Title: Water/Wastewater Supt

Reviewed by: 

Purchase Order No. 16697



CITY OF LODI, CALIFORNIA

PURCHASE ORDER

Budget Division
Purchasing
PO Box 3006
Lodi, CA 95241-1910
(209) 333-6778

Page No. 1
Date 05/23/07
Purchase Order 16697-000 OP
Fund 3
Buyer MSC-PW 209-333-6740

Supplier: Golden State Flow Measurement Inc, 4821 Golden Foothill Parkway, El Dorado Hills CA 95762. Ship To: City of Lodi, MSC - Public Works, 1331 S Ham Lane, Lodi CA 95242-3995.

Invoice to be sent to: CITY OF LODI, Accounts Payable, PO Box 3006, Lodi, CA 95241-1910. Order Date: 05/23/07. F.O.B. / SHIP VIA: FOB - Our Dock. Supplier Contact.

- NOTE: 1. Our Order No. must appear on all papers and packages relative to this order. 2. Enclose itemized packing slip indicating our purchase order no. with each shipment. 3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. 4. Notify us immediately if you are unable to ship complete by date specified.

Vendor # 30453, REQUESTOR RICHARD LENFESTEY, Account Numbers: 181402.1831.2100. Includes handwritten signature and date 5/21/07.

Main purchase order table with columns: DESCRIPTION, QUANTITY, UM, UNIT PRICE, TOTAL PRICE. Item: 6" COMPOUND METER - TOUCH READ WITHOUT STRAINER, 1 EA, 5,285.2800, 5,285.28. Includes 'RECEIVED' stamp dated JUN 12 2007 ACCOUNTING.

Summary table with columns: TERMS (Net 30 Days), TAX RATE (7.750), SALES TAX (409.61), TOTAL AMOUNT OF ORDER (5,694.88). Includes APPROVED BY signature and DATE 5/23/07.

Check box for acknowledgment.

PLEASE SIGN & RETURN THE ATTACHED ACKNOWLEDGEMENT, IF THE ACKNOWLEDGEMENT REQUIRED BOX IS CHECKED

(Entered By: JBANDY)

## RECOMMENDATION FOR CONTRACT AWARD

---

**PROJECT NAME:** Windows & Support for Scada Server  
**DEPARTMENT:** Electric Utility  
**CONTRACTOR:** Siemens Telegyr Systems Inc  
**AWARD AMOUNT:** 13,200.00  
**DATE OF RECOMMENDATION:** May 24, 2007

---

**BIDS OR PROPOSALS RECEIVED:**  
Siemens Telegyr Systems

**"NO BID" or NO RESPONSE RECEIVED:**  
N/A

**BACKGROUND INFORMATION & BASIS FOR AWARD:**  
Renewal of service and support contract for SCADA server. Siemens will invoice the annual fees on the anniversary date of contract (Jun)

**FUNDING:** 160653.7335

Prepared by: Bob Anderson

Title: Utility Service Operator

Reviewed by: *Rich Bember*

Purchase Order No. 16701

**PURCHASE ORDER**

PO Box 3008  
Lodi, CA 95241-1910  
(209) 333-6778

**S U P P L I E R**  
Siemens Telegyr Systems Inc  
1650 Technology Dr  
San Jose CA 95110

**S H I P T O**  
City of Lodi Electric Utility  
1331 S Ham Lane  
Lodi CA 95242

INVOICE TO BE SENT TO: CITY OF LODI Accounts Payable PO Box 3008 Lodi, CA 95241-1910	ORDER DATE	05/24/07
	F.O.B. / SHIP VIA	FOB - Our Dock
	SUPPLIER CONTACT	

- N O T E**
1. Our Order No. must appear on all papers and packages relative to this order.
  2. Enclose itemized packing slip indicating our purchase order no. with each shipment.
  3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. Terms and conditions on this purchase order contract, including those on reverse side hereof, shall prevail over any and all inconsistencies contained in your quotation and/or acknowledgements.
  4. Notify us immediately if you are unable to ship complete by date specified.

Vendor # 137947 REQUESTOR BOB ANDERSON - EUD  
Account Numbers: 160653.7335

DESCRIPTION	QUANTITY	UM	UNIT PRICE	UM	TOTAL PRICE
SIEMENS-SPECTRUM POWER TG FOR WINDOWS SERVICE & SUPPORT SCADA SERVER (WEB IOS) RESTORATION/RECONFIGURATION	1	EA	13,200.0000	EA	13,200.00
	1	EA	1,300.0000	EA	1,300.00

*Removed by kaen@ell.*

SIEMENS QUOTATION NUMBER: S07-085Q  
CONTRACT TERM: 6/1/07 TO 5/31/08

PARTIAL LIQUIDATION  
Date 9-5-07  
Purchase Order 1670-00  
Total Encumbered \$ 13,200.00  
Liquidate this Amount \$ 13,200.00  
Encumbered Balance 0

CHANGE ORDER 6/5/07 CHANGE TO ACCOUNT NUMBER

RECEIVED  
JUN - 5 2007  
ACCOUNTING

TERMS	TAX RATE	SALES TAX	TOTAL AMOUNT OF ORDER
Net 30 Days	7.750		14,500.00
APPROVED BY <i>[Signature]</i>	DATE		
	5/29/07		

## RECOMMENDATION FOR CONTRACT AWARD

---

**PROJECT NAME:** Scanner Tool for Transit Buses  
**DEPARTMENT:** Public Works, Fleet Services  
**CONTRACTOR** Snap-On Tools  
**AWARD AMOUNT:** 5,387.50  
**DATE OF RECOMMENDATION:** May 29, 2007

---

**BIDS OR PROPOSALS RECEIVED:**

Snap-On Tools	\$5387.50
MAC Tools	\$6439.11

**“NO BID” or NO RESPONSE RECEIVED:**

N/A

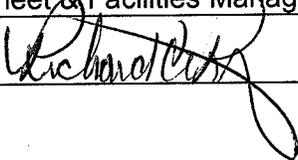
**BACKGROUND INFORMATION & BASIS FOR AWARD:**

The existing Fleet Shop scanner tool needed upgrading, but was found to cost \$1713.22 to do so. City Fleet Staff compared the cost of newer up-to-date scanners as an alternative. Only two companies make the scanner that would meet the City's requirements. The new up-to-date scanner is a much better value than upgrading the old one as the upgrade still wouldn't be sufficient to address all of the existing Transit fleet and the new scanner tool has updated technology not available in the upgrade for the prior tool which is 25 years old.

**FUNDING:** 125079.7359

Prepared by: Dennis J. Callahan

Title: Fleet & Facilities Manager

Reviewed by: 

Purchase Order No. 16708



CITY OF LODI, CALIFORNIA

PURCHASE ORDER

Budget Division
Purchasing
PO Box 3006
Lodi, CA 95241-1910
(209) 333-6778

Page No. 1
Date 05/29/07
Purchase Order 16708-000 OP
Fund 3
Buyer MSC-PW 209-333-6740

Supplier: Snap-On Tools, Steven W Wright, 1821 Autumn Wy, Lodi CA 95242
Ship To: City of Lodi, MSC - Public Works, 1331 S Ham Lane, Lodi CA 95242-3995

INVOICE TO BE SENT TO: CITY OF LODI, Accounts Payable, PO Box 3006, Lodi, CA 95241-1910
ORDER DATE: 05/29/07
F.O.B. / SHIP VIA: FOB - Our Dock
SUPPLIER CONTACT:

- NOTE: 1. Our Order No. must appear on all papers and packages relative to this order. 2. Enclose itemized packing slip indicating our purchase order no. with each shipment. 3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. 4. Notify us immediately if you are unable to ship complete by date specified.

Vendor #: 82253, REQUESTOR: RANDY LANEY
Account Numbers: 125079.7359

Table with columns: DESCRIPTION, QUANTITY, UM, UNIT PRICE, UM, TOTAL PRICE. Row 1: MODIS ELITE KIT 217HOB-002221, 1, EA, 5,000.0000, EA, 5,000.00. Includes a 'RECEIVED' stamp from ACCOUNTING dated JUN 15 2007.

Summary table with columns: TERMS (Net 30 Days), TAX RATE (7.750), SALES TAX (387.50), TOTAL AMOUNT OF ORDER (5,387.50)

APPROVED BY: [Signature], DATE: 5/30/07

Check box for acknowledgement

PLEASE SIGN & RETURN THE ATTACHED ACKNOWLEDGEMENT, IF THE ACKNOWLEDGEMENT REQUIRED BOX IS CHECK!

(Entered By: JBANDY)

# RECOMMENDATION FOR CONTRACT AWARD

**PROJECT NAME:** Transit Veh Air Cond Repair/Recovery  
**DEPARTMENT:** Public Works, Fleet Services  
**CONTRACTOR** Clutch & Brake Exchange  
**AWARD AMOUNT:** 5,231.26  
**DATE OF RECOMMENDATION:** May 29, 2007

**BIDS OR PROPOSALS RECEIVED:**

Clutch and Brake Exchange	\$5231.26
Snap-On Tools	\$5862.97
Snap-On Tools (did not meet City's requirements)	\$4406.98

**"NO BID" or NO RESPONSE RECEIVED:**

N/A

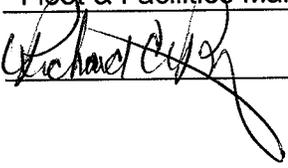
**BACKGROUND INFORMATION & BASIS FOR AWARD:**

The existing Fleet Shop Air-Conditioning Repair Machine broke. Repairs at \$1200.00 exceeded the value of the machine. The existing machine was not large enough to service the larger NABI transit buses so a new machine was specified that would work. Only two machines were found to be compatible with the City's requirements. Without an AC Recovery Machine the City is not in compliance with AC recovery requirements and with summer weather upon us one is need now.

**FUNDING:** 125079.7359

Prepared by: Dennis Callahan

Title: Fleet & Facilities Manager

Reviewed by: 

Purchase Order No. 16709



# CITY OF LODI, CALIFORNIA

## PURCHASE ORDER

Budget Division  
Purchasing

PO Box 3006  
Lodi, CA 95241-1910  
(209) 333-6778

Page No. 1  
Date 05/29/07  
Purchase Order 16709-000 OP  
Fund 3  
Buyer MSC-PW 209-333-6740

SUPPLIER	Clutch & Brake Xchange Inc P O Box 8401 Stockton CA 95208	SHIP TO	City of Lodi MSC - Public Works 1331 S Ham Lane Lodi CA 95242-3995
	INVOICE TO BE SENT TO: CITY OF LODI Accounts Payable PO Box 3006 Lodi, CA 95241-1910		ORDER DATE <u>05/29/07</u>
F.O.B. / SHIP VIA <u>FOB - Our Dock</u>	2. Enclose itemized packing slip indicating our purchase order no. with each shipment.		
SUPPLIER CONTACT	3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. Terms and conditions on this purchase order contract, including those on reverse side hereof, shall prevail over any and all inconsistencies contained in your quotation and/or acknowledgements.		
		4. Notify us immediately if you are unable to ship complete by date specified.	

INVOICE TO BE SENT TO: CITY OF LODI Accounts Payable PO Box 3006 Lodi, CA 95241-1910	ORDER DATE <u>05/29/07</u>
	F.O.B. / SHIP VIA <u>FOB - Our Dock</u>
	SUPPLIER CONTACT

Vendor # 22541 REQUESTOR RANDY LANEY  
Account Numbers: 125079.7359

DESCRIPTION	QUANTITY	UM	UNIT PRICE	UM	TOTAL PRICE
MULTI REFR. PART NUMBER 17800B	1	EA	4,855.0000	EA	4,855.00

RECEIVED  
JUN 15 2007  
ACCOUNTING

TERMS	TAX RATE	SALES TAX	TOTAL AMOUNT OF ORDER
Net 30 Days	7.750	376.26	5,231
APPROVED BY <i>[Signature]</i>	DATE <u>5/30/07</u>	(Entered By: JBANDY)	

PLEASE SIGN & RETURN THE ATTACHED ACKNOWLEDGEMENT, IF THE ACKNOWLEDGEMENT REQUIRED BOX IS CHECKED.

## RECOMMENDATION FOR CONTRACT AWARD

---

**PROJECT NAME:** Janitorial Services  
**DEPARTMENT:** Public Works  
**CONTRACTOR** Korean Professional Building Maintenance  
**AWARD AMOUNT:** 11,323.00  
**DATE OF RECOMMENDATION:** May 30, 2007

---

**BIDS OR PROPOSALS RECEIVED:**  
N/A

**“NO BID” or NO RESPONSE RECEIVED:**

N/A

### BACKGROUND INFORMATION & BASIS FOR AWARD:

Contractor has been providing excellent service. Administration recommends extension of current contract for additional year.

**FUNDING:** 103511.7335, 108525.7335, 210801.7335

Prepared by: John Munoz

Title: 

Purchase Order No. 16743

**PURCHASE ORDER**

Budget Division  
Purchasing  
PO Box 3006  
Lodi, CA 95241-1910  
(209) 333-6778

Page No. 1  
Date 06/22/07  
Purchase Order 16743-000 OP  
Fund 3  
Buyer \_\_\_\_\_

Korean Professional Building Maintenance  
P O Box 77841  
Stockton CA 95267

City of Lodi  
PW Facilities  
221 West Pine Street  
Lodi CA  
95240

- NOTE**
1. Our Order No. must appear on all papers and packages relative to this order.
  2. Enclose itemized packing slip indicating our purchase order no. with each shipment.
  3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. Terms and conditions on this purchase order contract, including those on reverse side hereof, shall prevail over any and all inconsistencies contained in your quotation and/or acknowledgements.
  4. Notify us immediately if you are unable to ship complete by date specified.

INVOICE TO BE SENT TO: CITY OF LODI Accounts Payable PO Box 3006 Lodi, CA 95241-1910	ORDER DATE	06/22/07
	F.O.B. / SHIP VIA	FOB - Our Dock
	SUPPLIER CONTACT	

Vendor # 197456 REQUESTOR PUBLIC WORKS - JOHN MUNOZ (209) 333-6800 EXT 2692

Account Numbers: 103511.7335, 108525.7335, 210801.7335

DESCRIPTION	QUANTITY	UM	UNIT PRICE	UM	TOTAL PRICE
JANITORIAL SERVICES FOR THE MONTH OF JULY FOR THE FOLLOWING:  CITY HALL, FINANCE, LODI COURT CARNEGIE FORUM & PUBLIC SAFETY BUILDING.		EA	.0000	EA	6,215.00
LIBRARY		EA	.0000	EA	2,011.00
HUTCHINS STREET SQUARE		EA	.0000	EA	3,097.00

TERMS	TAX RATE	SALES TAX	TOTAL AMOUNT OF ORDER
Net 30 Days	7.750	<i>[Signature]</i> 8/31/07	11,323.00 \$10,773-
APPROVED BY <i>[Signature]</i>	DATE 6/30/07		



PLEASE SIGN & RETURN THE ATTACHED ACKNOWLEDGEMENT, IF THE ACKNOWLEDGEMENT REQUIRED BOX IS CHECKED.

(Entered By: DROGERS )

## RECOMMENDATION FOR CONTRACT AWARD

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**PROJECT NAME:** Century Meadows Park – Booster Pump Project  
**DEPARTMENT:** Parks  
**CONTRACTOR** Normac Inc  
**AWARD AMOUNT:** 19,225.51  
**DATE OF RECOMMENDATION:** June 27, 2007

---

### BIDS OR PROPOSALS RECEIVED:

Normac, Inc - (Rainbird Pump)	19,225.51
Normac, Inc - (Flowtronics Pump)	19,386.38
Normac, Inc - (Watertronics Pump)	19,390.00

### “NO BID” or NO RESPONSE RECEIVED:

### BACKGROUND INFORMATION & BASIS FOR AWARD:

The booster pump purchase is part of the final phase with FCB Builders. The current irrigation system is not operating at its optimal level due to the lack of pressure which is now present since the full sub-division has been built out. The new pump will be installed by Carson Landscape and City of Lodi Parks staff.

**FUNDING:** 1217004.1831.2400 Parks and Recreation Impact Fee Account

Prepared by: Steve Virrey

Title: Parks Project Coordinator

Reviewed by: Steve Dittus



**CITY OF LODI, CALIFORNIA**

**PURCHASE ORDER**

Budget Division  
Purchasing

PO Box 3006  
Lodi, CA 95241-1910  
(209) 333-6778

Page No. 1  
Date 06/27/07  
Purchase Order 16753-000 OP  
Fund 3  
Buyer \_\_\_\_\_

SUPPLIER	NORMAC Inc P O Box 214097 Sacramento CA 95821-0097	SHIP TO	City of Lodi Parks & Recreation 125 N Stockton St Lodi CA 95240

INVOICE TO BE SENT TO: CITY OF LODI Accounts Payable PO Box 3006 Lodi, CA 95241-1910	ORDER DATE	06/27/07
	F.O.B. / SHIP VIA	FOB - Our Dock
	SUPPLIER CONTACT	

**NOTE**

1. Our Order No. must appear on all papers and packages relative to this order.
2. Enclose itemized packing slip indicating our purchase order no. with each shipment.
3. Acceptance of this order shall constitute acceptance of all the provisions on the face and back hereof. Terms and conditions on this purchase order contract, including those on reverse side hereof, shall prevail over any and all inconsistencies contained in your quotation and/or acknowledgements.
4. Notify us immediately if you are unable to ship complete by date specified.

Vendor #	24918	REQUESTOR	STEVE VIRREY - PARKS
Account Numbers: 1217004.1831.2400			

DESCRIPTION	QUANTITY	UM	UNIT PRICE	UM	TOTAL PRICE
R/B BOOSTER PUMP FOR CENTURY MEADOWS, PRICE INCLUDES STARTUP CVM060607704B	1	EA	17,842.7000	EA	17,842.70

TERMS	TAX RATE	SALES TAX	TOTAL AMOUNT OF ORDER
Net 30 Days	7.750	1382.81	19,225.51

APPROVED BY *Steve Virrey* DATE: 6/27/07

PLEASE SIGN & RETURN THE ATTACHED ACKNOWLEDGEMENT, IF THE ACKNOWLEDGEMENT REQUIRED BOX IS CHECKED.

(Entered By: LBRUNET )



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Library Lighting Retrofit Project

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Approve plans and specifications and authorize advertisement for bids for Lodi Library Lighting Retrofit Project.

**BACKGROUND INFORMATION:** The Library was built in 1978 with a Federal Public Works Economic Development grant. The lighting fixtures that were installed at that time are still in use but are worn out, and the lamp components are extremely energy inefficient.

Studies of the Library's lighting by several companies and electrical engineers indicate that a lighting retrofit project will significantly improve lighting levels for Library patrons and that doing so can save approximately \$1,000 per month in electrical operating costs. In addition, improved lighting levels will provide a cleaner, updated image to the building interior.

Public Works, Electric Utility, and Library staff has worked with outside consultants to complete an evaluation of the lighting, review options, and propose solutions.

Specifications for the lighting replacement project are available in the Public Works Department.

**FISCAL IMPACT:** The retrofitted light fixtures will reduce operating expenses in the utility category by being energy efficient, repair costs will be substantially reduced, and Facilities Services staff will spend less time maintaining lights at the Library.

**FUNDING AVAILABLE:** There is an estimated cost of \$40,000. Originally budgeted for the 06/07 fiscal year, the project funds have been carried over to the current fiscal year Public Benefits Fund (164605).

\_\_\_\_\_  
Kirk Evans, Budget Manager

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

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

cc: Kirk Evans, Budget Manager  
George Morrow, Electric Utility Director  
Rob Lechner, Customer Services and Programs Manager  
Nancy Martinez, Library Services Director

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Authorize advertisement for bids for 25,000 feet of 1100 kcmil 15kV underground cable and 14 units of Lodi-48 primary vaults with covers (EUD)

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Authorize the advertisement for bids for 25,000 feet of 15kV underground cable and 14 units of primary vaults with covers.

**BACKGROUND INFORMATION:** The Electric Utility Department currently has requirements for approximately 25,000 feet of 1100 kcmil 15kV, ethylene-propylene rubber (EPR) insulated with concentric neutral underground cable. Additionally, 14 units of Lodi-48 primary vaults complete with covers are also needed. EUD has only one vault in stock, which is scheduled for an earlier project. Both cable and vault are being purchased in 'as-needed' basis. They will be used for the 12kV primary circuits in the Killelea Substation Rehabilitation Project and in the Reynolds Ranch Development Project.

The Killelea Substation Rehabilitation Project will be charged to the remaining bond proceeds. Staff therefore recommends City Council approval of the advertisement for bids.

**FISCAL IMPACT:** The remaining procurement cost of approximately \$164,450 will be charged to the Reynolds Ranch Development Project, which is covered by the 100% Cost Recovery rule for the developers.

**FUNDING:** From Account No. 161677 for Killelea Substation and Account No. 160650 for Reynolds Ranch.

\_\_\_\_\_  
Kirk Evans, Budget Manager

\_\_\_\_\_  
George F. Morrow  
Electric Utility Director

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

GFM/DB/1st

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Awarding the purchase of padmounted liquid insulated vacuum switchgear and load/fault interrupters to Trayer Engineering of San Francisco, CA (\$105,776.42) (EUD)

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Adopt a resolution awarding the purchase of padmounted liquid insulated vacuum switchgear and load/fault interrupters to Trayer Engineering Corporation of San Francisco, California (\$105,776.42).

**BACKGROUND INFORMATION:** On April 18, 2007, the City Council approved the specifications and authorized the advertisement for bids to procure padmounted liquid insulated vacuum switchgear. This equipment is for the Reynolds Ranch Development Project.

The bid documents and technical specifications were advertised for bid. Four distribution power equipment suppliers and manufacturers requested bid documents. On September 18, 2007, staff received proposals from two companies and an email response from one firm with the following results:

Trayer Engineering Corporation, San Francisco, CA	\$105,776.42
Pacific Utilities Supply Co., Pleasant Hill, CA	\$40,794.15*
Cooper Power Systems, Stateline, NV	No Bid

\*Pacific Utilities Supply Company submitted a proposal for Bid Items 2 and 3 only with alternate switchgear design using air insulated medium. Their proposal did not comply with the technical specifications of the required power equipment.

ABB, Inc. of the City of Industry, California elected not to submit their bid proposal for this solicitation. The submitted bid costs by Trayer Engineering and Pacific Utilities Supply are tabulated below.

<u>Description</u>	<u>Pacific Utilities Supply</u>	<u>Trayer Engineering</u>
Bid Item 1	No Bid	\$22,138.34
Bid Item 2	\$20,585.64	\$22,255.78
Bid Item 3	\$20,208.51	\$24,367.30
Bid Item 4	No Bid	\$37,015.00
Exceptions to bid specifications?	Yes and air-insulated	None

Staff found the proposal of Trayer Engineering Corporation to be compliant with the padmounted liquid insulated vacuum switchgear and load/fault interrupter specifications. The Department has been using the Trayer Padmounted Switchgears in the City's electric distribution system for more than 10 years in several development projects. According to EUD's Line Crew, the equipment has proved itself to be easy to operate, with minimum maintenance work and safe operation especially during emergency troubleshooting during dark, night periods. The last procurement of Trayer padmounted liquid insulated vacuum switchgears was made on January 17, 2000 and eleven (11) units of the Bid Item 2 were purchased. The unit cost was

APPROVED: \_\_\_\_\_  
Blair King, City Manager

**Adopt Resolution Awarding the purchase of padmounted liquid insulated vacuum switchgear and load/fault interrupters to Trayer Engineering Corporation of San Francisco, CA (\$105,776.42) (EUD)**

**October 3, 2007**

**Page 2 of 2**

\$22,489.80 on year 2000. Comparing to today's unit cost of \$22,255.78, staff considered Trayer's 2007 bid cost as reasonable. Bid Item 4 will be used for the Blue Shield Project and it will be fitted with automatic control and monitoring that can be accessed remotely from the EUD's Load Dispatch Center. It will be another step towards enhanced electric distribution system automation.

Due to the criticality and long delivery time of this equipment, staff recommends City Council approval of a resolution to award the procurement of the padmounted liquid insulated vacuum switchgears and load/fault interrupters to Trayer Engineering Corporation of San Francisco, CA.

**FISCAL IMPACT:** Procurement cost for this power equipment will be recovered through the City's Full Cost Recovery Rule as per Resolution No. 2006-234. Procurement cost is \$105,776.42

**FUNDING AVAILABLE:** Account No. 160650

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Kirk Evans, Budget Manager

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George F. Morrow  
Electric Utility Director

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

GFM/DB/1st

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AWARDING THE BIDS FOR THE PURCHASE OF  
PADMOUNTED LIQUID INSULATED VACUUM  
SWITCHGEAR AND LOAD/FAULT INTERRUPTERS

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on September 18, 2007, at 11:00 a.m. for the purchase of padmounted liquid insulated vacuum switchgear and load/fault interrupters for the Electric Utility Department, described in the specifications therefore approved by the City Council on April 18, 2007; and

WHEREAS, the City Manager recommends the award of the bid for the various types and sizes of padmounted liquid insulated vacuum switchgear and load/fault interrupters for the Electric Utility Department be made to the bidder(s) whose proposal and equipment meet City of Lodi specifications and whose switchgear and load/fault interrupters are to be used for the Reynolds Ranch Development Project:

Trayer Engineering Corporation, San Francisco, CA	\$105,776.42
Pacific Utilities Supply Co., Pleasant Hill, CA	\$ 40,794.15*
Cooper Power Systems, Stateline, NV	No Bid

\*Pacific Utilities Supply Company submitted a proposal for Bid Items 2 and 3 only with alternate switchgear design using air insulated medium. Their proposal did not comply with the technical specifications of the required power equipment.

NOW, THEREFORE, BE IT RESOLVED that the award of the bid for the purchase of padmounted liquid insulated vacuum switchgear and load/fault interrupters for the Electric Utility Department be and the same is hereby awarded to the lowest responsible bidder, Trayer Engineering Corporation of San Francisco, California, in the total amount of \$105,776.42.

Dated: October 3, 2007

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2007, by the following vote:

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

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt resolution awarding the Brokerage Services to sell surplus City-owned real estate properties to Coldwell Banker Commercial, The Duncan Company, Inc. of Woodbridge, CA (EUD)

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Adopt a resolution awarding the Brokerage Services to sell surplus City-owned real estate properties to Coldwell Banker Commercial, The Duncan Company, Inc. of Woodbridge, California.

**BACKGROUND INFORMATION:** On April 11, 2006, staff provided the City Council a list of unutilized real estate properties currently owned by the City. The City decided to sell these surplus properties.

One of the unutilized sites is the Electric Utility Department (EUD) property located at 500 South Guild Avenue. This lot is approximately 9.09 acres as per APN 049-250-61 in the San Joaquin County Assessor's Book of Parcels Map Book 21 Page 159 as shown in Attachment A. It is surrounded by: Central California Traction Company on the North, Thurman Street on the South, Guild Avenue on the Eastern side, and a City of Lodi property (APN 049-250-13) to the West. This EUD property had an appraised value of \$2.5 million on October 2006.

Initially, a Request for Proposal was advertised for approximately two months without employing the services of realty agents and/or brokerage firms. There were several inquiries and almost all of the bid documents that were placed on the site were taken. However, no proposals were received by the June 22, 2007 deadline.

As a result, staff believes that the services of a professional commercial brokerage firm may be necessary to obtain qualified proposals in a timely manner. The new Request for Proposal (RFP) was enhanced to reflect a two-tiered brokerage fee structure. Bidders were also allowed to propose lower fees and other alternate proposals that would be deemed advantageous to the City. The RFP was advertised for bid and more than ten (10) brokerage companies requested copies. On September 19, 2007, staff received proposals from three companies with the following results:

<b>Brokerage Company</b>	<b>Sale Price</b>	<b>Brokerage Fee</b>
Cornish & Carey Commercial Roseville, CA	Greater than \$2 million	5%
	Less than \$2 million	6%
Baker Pearson Real Estate, Lodi, CA	Any sale amount	4.5%
Coldwell Banker Commercial – The Duncan Co. Inc., Woodbridge, CA	Up to \$2 million	4%
	Sale price minus \$2 million	6%

The proposal of Baker Pearson Real Estate was the most attractive with a flat fee of 4.5% but their experience is concentrated mainly on residential properties and lacks marketing experience for commercial properties. Coldwell Banker's (Coldwell) proposed that a 4% fee be paid on that portion of the sale price up to \$2 million and 6% fee for the portion of sales price over \$2 million. Whereas, Cornish & Carey Commercial will charge 6% commission for sale price less than \$2 million and a 5% fee for properties sold greater than \$2 million.

APPROVED: \_\_\_\_\_  
Blair King, City Manager

**Adopt resolution awarding the Brokerage Services to sell surplus City-owned real estate properties to Coldwell Banker Commercial, The Duncan Company, Inc. of Woodbridge, CA (EUD)**

**October 3, 2007**

**Page 2 of 2**

Considering the commercial marketing experience and a well-structured two-tiered brokerage fee proposal of Coldwell, staff hereby recommends to the City Council to award the Brokerage Services to Coldwell Banker Commercial –The Duncan Co. Inc. of Woodbridge, CA.

**FISCAL IMPACT:** Proceeds from real estate sales will enhance the City’s financial position.

**FUNDING AVAILABLE:** Not applicable.

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George F. Morrow  
Electric Utility Director

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

GFM/DB/lst

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AWARDING BROKERAGE SERVICES TO SELL  
SURPLUS CITY-OWNED REAL ESTATE PROPERTIES

WHEREAS, in answer to notice duly published, Request for Proposals were received and opened on September 19, 2007 for Brokerage Services to sell surplus City-owned real estate properties, approved by the City Council; and

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

<u>Brokerage Company</u>	<u>Sale Price</u>	<u>Brokerage Fee</u>
Cornish & Carey Commercial Roseville, CA	Greater than \$2 million	5%
	Less than \$2 million	6%
Baker Pearson Real Estate, Lodi, CA	Any sale amount	4.5%
Coldwell Banker Commercial – The Duncan Co. Inc., Woodbridge, CA	Up to \$2 million	4%
	Sale price minus \$2 million	6%

WHEREAS, considering the commercial marketing experience and a well-structured two-tiered brokerage fee proposal of Coldwell, staff hereby recommends to the City Council to award the Brokerage Services to Coldwell Banker Commercial –The Duncan Co. Inc. of Woodbridge, CA.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby awards the Brokerage Services to sell surplus City-owned Real Estate Properties to Coldwell Banker Commercial, the Duncan Company, Inc., of Woodbridge, CA; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute any and all contracts/agreements for these services on behalf of the City of Lodi.

Dated: October 3, 2007

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2007, by the following vote:

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

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve change orders for the repair of two power transformers at Industrial Substation (\$27,431) (EUD)

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Approve the change orders for the repair of two power transformers at Industrial Substation (\$27,431).

**BACKGROUND INFORMATION:** On May 16, 2007, the City Council awarded the transformer maintenance services to Waukesha Electric Systems, Inc. (Waukesha) for four power transformers with load tap changers in Henning and Industrial Substations as per Resolution No. 2007-86. Waukesha started their services at Industrial Substation on September 17, 2007.

Testing and inspection of both Transformer Banks 1 and 3 at Industrial Substation revealed wearing of mechanical and electrical parts, faulty gauge, absence of dehydrating system, defective motor brake system, excessive coking and carbon deposits, leaking barrier between tap changer chamber and main tank, worn-out O-Rings, and the need to overhaul the tap changer mechanisms. Detailed scope of repair works for both transformers are stipulated in the attached copies of Change Orders 1 and 2. The original contract for Waukesha Electric Systems to perform the routine maintenance test and inspection for the portion of two power transformers at Industrial Substation is \$15,125.

The repairs would prolong the useful life of both power transformers and would minimize system failure. It is therefore recommended by Staff that the City Council approve the Change Orders 1 and 2 as issued to Waukesha Electric Systems.

**FISCAL IMPACT:** Not to exceed \$27,431

**FUNDING:** Account No. 160652.7720

\_\_\_\_\_  
Kirk Evans, Budget Manager

\_\_\_\_\_  
George F. Morrow  
Electric Utility Director

**PREPARED BY:** Demy Bucaneg, Jr., P.E., Manager, Engineering & Operations  
GFM/DB/1st

APPROVED: \_\_\_\_\_  
Blair King, City Manager



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Improvement Deferral Agreement for 975 South Fairmont Avenue

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution approving the attached Improvement Deferral Agreement for 975 South Fairmont Avenue and authorizing the City Manager and City Clerk to execute the agreement on behalf of the City.

**BACKGROUND INFORMATION:** The owner, Lodi Memorial Hospital Association, Inc., has submitted a building application (B19401) to construct site work for the hospital expansion project. Installation of a traffic signal on Ham Lane at the intersection of the new hospital main entrance and Lodi Middle School parking lot driveway is required under the terms of the use permit approved by Resolution No. P.C. 07-06.

The owner is desirous of complying with the conditions of the use permit and existing City ordinances and policies regarding off-site improvement as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code. However, the owner has requested final inspection for the subject building permit prior to installation of the required off-site traffic signal. Based on the existing traffic volume and past practice in similar situations, staff feels this is a reasonable request.

The owner has signed an Improvement Deferral Agreement and paid the necessary document preparation and recording fees. The agreement, in part, states that the City will monitor the traffic condition on Ham Lane at the intersection of the hospital main entrance and Lodi Middle School driveway. At the request of the City, the owner will pay for and complete the design and installation of the required traffic signal improvements.

Staff recommends approval of the Improvement Deferral Agreement.

**FISCAL IMPACT:** There will be minor traffic monitoring costs.

**FUNDING AVAILABLE:** The developer will pay all signal costs.

---

Richard C. Prima, Jr.  
Public Works Director

Prepared by: Lyman Chang, Senior Civil Engineer  
RCP/LC/pmf  
Attachment  
cc: Lodi Memorial Hospital  
Senior Civil Engineer – Welch  
Senior Traffic Engineer

APPROVED: \_\_\_\_\_  
Blair King, City Manager

WHEN RECORDED, RETURN TO:  
City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

IMPROVEMENT DEFERRAL AGREEMENT  
975 S. Fairmont Avenue

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and LODI MEMORIAL HOSPITAL ASSOCIATION, INC., a Non-profit California Corporation, 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, and described as follows:

Parcels "B", "C", "D", and "E" as shown on the parcel map filed on October 12, 1984, in Book 13 of Parcel Maps, at Page 22, San Joaquin County Records.

A building permit (#19401) has been issued for site work preparation for the expansion of Lodi Memorial Hospital. Owner is required as a condition of building permit approval and under the terms of the use permit approved by Resolution No. P.C. 07-06 to install a traffic signal on Ham Lane at the intersection of the main hospital entrance and Lodi Middle School parking lot driveway. Owner is desirous of complying with the conditions of the use permit and existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code. However, Owner has requested final inspection for the subject building permit prior to installation of the required off-site traffic signal.

Council of the City will approve the final inspection on condition that the owner first enters into and executes this agreement with the 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 will pay for and complete the design and installation of the traffic signal on Ham Lane at the intersection of the main hospital entrance and the Lodi Middle School parking lot driveway upon written request by the City.
2. The Public Works Department shall monitor the intersection of Ham Lane at the intersection of the hospital main entrance and the Lodi Middle School parking lot driveway to determine when traffic signal installation is required.
3. If Owner fails to initiate and complete the required improvements within 180 days of written request by the City, the City is hereby authorized to complete the improvements for the account at the expense of Owner, and may file suit against Owner, its heirs, successors or assigns for the costs incurred, as well as for a reasonable sum to be allowed as and for the City's attorney fees incurred in connection with such litigation for the collection of the monies due or may file a lien against said property for the costs incurred.

4. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.
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:

Richard C. Prima, 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:

Lodi Memorial Hospital  
975 S. Fairmont Avenue  
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: \_\_\_\_\_ 2007

By: \_\_\_\_\_  
Blair King, City Manager

Attest: \_\_\_\_\_  
Randi Johl, City Clerk

Lodi Memorial Hospital Association, Inc.

Dated: \_\_\_\_\_ 2007

\_\_\_\_\_  
\_\_\_\_\_

Approved as to form: \_\_\_\_\_  
D. Stephen Schwabauer  
City Attorney

Dated: \_\_\_\_\_ 2007

RESOLUTION NO. P.C. 07-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI MEMORIAL HOSPITAL FOR A USE PERMIT TO CONVERT SIX RESIDENTIAL PARCELS LOCATED AT 1201, 1139, 1133, 1127, 1121, AND 1115 CARDINAL STREET (APN: 031-080-02, 031-080-03, 031-080-04, 031-080-05, 031-080-06, 031-080-07, RESPECTIVELY) (PROJECT FILE 07-U-02).**

- WHEREAS,** the applicant, Lodi Memorial Hospital, has requested a Use Permit to expand their existing parking lot on 6 residential lots zoned R-2, Single Family Residence; and
- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and
- WHEREAS,** the project proponent is Lodi Memorial Hospital, 975 South Fairmont Avenue Lodi, CA 95241; and
- WHEREAS,** the property owner is Lodi Memorial Hospital, 975 South Fairmont Avenue Lodi, CA 95241; and
- WHEREAS,** the project area is located at 1201, 1139, 1133, 1127, 1121, and 1115 Cardinal Street; and
- WHEREAS,** the properties are zoned R-2, Single Family Residence and have a General Plan land use designation of LDR, Low Density Residential; and
- WHEREAS,** the Lodi Municipal Code allows residential properties to be used for parking for an adjacent use subject to a use Permit; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the proposed Use Permit is consistent with all zoning and General Plan standards; and
- WHEREAS,** the proposed project will support the Hospital expansion plan involving a Rezoning of the entire 17.56 Area hospital campus, but is not dependent on the said project; and
- WHEREAS,** The project is found to be categorically exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is exempted by CEQA as an "In-Fill Development Project". The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable Zoning designation and regulations. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services. No significant impacts are anticipated and no mitigation measures have been required.

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

1. The proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
2. The proposed use is consistent with the Zoning Ordinance.

3. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. The proposed use will provide needed off-street parking for the Hospital and, therefore, provide a benefit to the surrounding area.
5. The proposed parking expansion provides a current benefit to the area now and also will support the pending planned hospital expansion, but is not dependent on the Hospital expansion.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit 07-U-02 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The developer will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense or the action or proceedings.
2. The proposed surface parking on the new parcels shall be subject to setback and all other zoning code requirements
3. The applicant shall submit the location, design, and material of the 6-foot high screen wall to the Community Development Department for review and approval prior to issuance of a Building Permit.
4. To the extent feasible, the architecture of the proposed 6-foot high screen wall shall compliment the surrounding neighborhood. The elevation will be reviewed as a part of the building permit process.
5. The applicant shall submit a landscaping and irrigation system plan to the Community Development Department for review and approval.
6. Onsite parking shall be constructed to meet City of Lodi's parking standards and meet the City's required parking stall dimensions.

Community Development Department, Building:

7. The existing homes on Cardinal Street shall be demolished under the terms of demolition permits to be issued by the City of Lodi Building Division.

Public Works Department, Engineering:

8. A lot merger needs to be completed to join the parcels on Cardinal Street with the existing hospital parcel to allow construction of the proposed parking lot.

---

9. The existing homes on Cardinal Street shall be demolished under the terms of demolition permits to be issued by the City of Lodi Building Division. Existing water and wastewater services for the homes shall be abandoned by City crews at the owner's expense in conjunction with the demolition operations.
10. Submit civil site, utility and drainage plans for review and approval by the Public Works Department.
11. The main hospital driveway on Ham Lane and all other proposed hospital driveways shall be special commercial driveways conforming to Standard Plan 111. All driveways shall be fully compliant with ADA standards. All unused driveways shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards.

12. All drainage shall be collected on site and discharged to the public storm drain system in conformance with City standards. The drainage in the landscaped area adjacent to the hospital parking lot expansion needs to be addressed on the plans.
13. All existing overhead utilities in the southern portion of the project site shall be placed underground.
14. Based on the Trip Generation Analysis and Assessment of Ham Lane Driveway Configuration for the Proposed Lodi Memorial Hospital Expansion prepared by Fehr & Peers, the following improvements are required:
  - a. Lodi Middle School improvements.
    - i. The Lodi Middle School driveway on Ham Lane shall be reconfigured to provide a single inbound and outbound special commercial driveway that is aligned with the proposed main hospital driveway and conforms to Standard Plan 111. To reduce congestion at the driveway, separate left and right-turn outbound lanes shall be provided. Unused driveways shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards.
    - ii. The parking lot circulation layout shall be reconfigured to improve on-site pick-up/drop-off operations at the school. The primary pick-up/drop-off should be designated as far west as possible as shown on Figure 4 in the Fehr & Peers report.
    - iii. Upgrade school signage on Ham Lane.
    - iv. School signage on Ham Lane modifications to the Middle School parking lot and driveway shall be to the approval of the Public Works Department.
  - b. Installation of a traffic signal on Ham Lane at the intersection of the main hospital and school parking lot driveway is required. The Public Works Department is willing to defer the installation of the traffic signal under the terms of an Improvement Deferral Agreement. The intersection shall be monitored annually by the Public Works Department. The improvement deferral agreement shall stipulate that the traffic signal be installed at the owner's expense when requested by the City.
15. Submit engineered improvement plans and estimate per City Public Improvement Design Standards for all public improvements. Plans shall include improvements to be made to the Lodi Middle School parking lot and driveway.
16. Submit copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
17. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way. Payment of the following fees is required prior to issuance of the permit:
  - a. Filing and processing fees and charges of services performed by City forces per the Public Works Fee and Service Charge Schedule.
  - b. Improvement Deferral Agreement preparation fee.
  - c. Development Impact Mitigation Fee per the Public Works Fee and Service Charge Schedule prior to issuance. Credit will be applied for existing development on the site.
  - d. Wastewater capacity impact fee. Credit will be applied for existing development on the site.

e. Regional Transportation Impact Fee (RTIF).

Electric Utilities Department:

18. The applicant shall submit a disconnect request to the Finance Department for the removal of the overhead services.

Dated: February 28, 2007

I hereby certify that Resolution No. 07-06 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 28, 2007, by the following vote:

AYES: Commissioners: *all commissioners*  
NOES: Commissioners: —  
ABSENT: Commissioners: *white*  
ABSTAIN: Commissioners: —

ATTEST: *Nancy Hobbs*  
SECRETARY, PLANNING COMMISSION

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING IMPROVEMENT DEFERRAL AGREEMENT  
FOR TRAFFIC SIGNAL IMPROVEMENTS AT  
975 SOUTH FAIRMONT AVENUE

=====

BE IT RESOLVED that the Lodi City Council hereby approves the Improvement Deferral Agreement between the City of Lodi and Lodi Memorial Hospital Association, Inc., for traffic signal improvements at 975 South Fairmont Avenue, Lodi, on file in the office of the City Clerk; and

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute the agreement on behalf of the City of Lodi.

Dated: October 3, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2007, by the following vote:

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

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Status of San Joaquin County consideration of an Armstrong Road Agricultural/Cluster Zoning Classification.

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Randy Hatch, Community Development Director

**RECOMMENDED ACTION:** Receive status report on San Joaquin County consideration of an Armstrong Road Agricultural/Cluster Zoning Classification.

**BACKGROUND INFORMATION:** As the Council is aware, the Armstrong Road property owners have developed a proposed Armstrong Road Agricultural/Cluster Zoning classification concept and submitted it to the County for consideration. On June 5, 2007, the Board of Supervisors considered this proposal. The Board heard testimony and asked County Staff to prepare a report to the Board including possible impacts of the property owner proposal to: population, density, businesses, services, irrigation, roads and traffic, and bi-sected large parcels. The costs of amending the County Zoning Code is also to be discussed.

At the shirtsleeve meeting of August 21, 2007 I reported this information and according to my discussions with Kerry Sullivan, County Planning Director, this Board report was expected to be presented in September 2007. I have been in communication with Ms. Sullivan and she notes that the preparation of this report has taken longer and the current target is to take the report to the Board in mid to late October.

I will continue to monitor the progress of this effort at the county and plan to attend the Board hearing where this matter is discussed. I will then report on these efforts and any actions to the Council.

**FISCAL IMPACT:** None at this time to the City. County Staff has indicated that the County will incur costs ranging from \$200,000 to \$300,000 to consider the landowners proposal.

**FUNDING AVAILABLE:** NA

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Randy Hatch  
Community Development Director

RH/kjc

APPROVED: \_\_\_\_\_  
Blair King, City Manager



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Set Public Hearing for October 17, 2007 to consider adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, Plumbing Code and Fire Code with local amendments and revise building permit fee schedule 1A, along with fees for Building, Mechanical, Plumbing, and Electrical permits.

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Dennis Canright, Building Official & Verne Person, Fire Marshall

**RECOMMENDED ACTION:** Set Public Hearing for October 17, 2007 to consider adoption of the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Electrical Code, 2007 California Plumbing Code , 2007 California Fire Code, revise building permit fee schedule 1A, along with fee increase's for Building, Mechanical, Plumbing, and Electrical permits.

**BACKGROUND INFORMATION:** Pursuant to Health and Safety Code Section 18938, the California Building Standards Commission has selected January 1, 2008 as the effective date for the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Electrical Code, 2007 California plumbing Code, and 2007 California Fire Code.

Every three years, Building/Construction Codes are amended by the State to include provisions of the most recent version. The State of California Building Standards Commission adopts new State standards which cities and counties are therefore mandated to adopt. If codes with amendments are not adopted locally by January 1, 2008, then cities are required to follow State codes only. The need for the new ordinance is to adopt specific Appendixes not adopted by the state such as Administration chapters for each code which was all inclusive in the existing code. The new ordinance amends the City of Lodi Title 15 Regulating Building/Construction to incorporate the required editions of the 2007 California Building Code; 2007 California Plumbing Code; 2007 California Mechanical Code; 2007 California Electrical Code; 2007 California Fire Code. The City of Lodi building permit fees were based on the 2001 California building Code Table 1A which has been removed from the 2007 California Building Code requiring each jurisdiction to create and adopt their own version of the fee schedule. The revised fee schedule is still based on the same principles as the existing Table 1A. An increase in fees will occur, but the amount has not been determined at this time. The increase is proposed to defray the cost to administer or process permits, certificates, forms or other documents, and to defray the cost of enforcement.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** N/A

\_\_\_\_\_  
Randy Hatch, Community Development Director

\_\_\_\_\_  
Mike Pretz, Fire Chief

DC/VP/kjc

APPROVED: \_\_\_\_\_  
Blair King, City Manager

**Comments by the public on non-agenda items**

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

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

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

**Comments by the City Council Members on non-agenda items**



CITY OF LODI  
COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing for Lodi Memorial Hospital regarding issuance of tax-exempt obligations and approval of the California Statewide Communities Development Authority's issuance of indebtedness to construct a new Lodi Memorial Hospital project (Budget)

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Kirk Evans, Budget Manager

**RECOMMENDED ACTION:** Conduct a public hearing on behalf of Lodi Memorial Hospital regarding the issuance of tax-exempt obligations and approve resolution attached (Exhibit A) regarding the California Statewide Communities Development Authority's issuance of indebtedness to finance new construction and upgrades of Lodi Memorial Hospital project.

**BACKGROUND INFORMATION:**

Lodi Memorial Hospital ("Applicant") has submitted to the California Statewide Communities Development Authority ("Authority") an application for financing new construction and upgrades of certain medical facilities ("Project") through the issuance of tax-exempt obligations in an aggregate principal amount not to exceed \$150 million. The City of Lodi has been asked to assist in conducting a public hearing today with respect to the proposed financing.

The Bonds would be tax-exempt private activity bonds for the purposes of the Internal Revenue Code and, as such, require the approval of the elected body of the governmental entity having jurisdiction over the area where the project to be financed is located. The City will not be under any obligation to repay the Bond indebtedness.

In order for the Authority to issue such Bonds, the City must (1) conduct a public hearing allowing members of the public to comment on the proposed Project, and (2) approve of the Authority's issuance of Bonds on behalf of the proposed financing. Although the Authority (not the City) will be the issuer of the tax-exempt revenue bonds for the Project, the financing cannot proceed without the City approving of the Authority's issuance of indebtedness.

The Authority is a joint powers authority consisting of over 480 California cities, counties and special districts. The City of Lodi is a member. The Authority, pursuant to its Amended and Restated Joint Exercise of Powers Agreement, is authorized to assist in the financing of facilities for non-profit organizations. Lodi Memorial Hospital is a 501 (c)(3) non-profit organization. In order to initiate such a financing, the member of the Authority in which the proposed project will be located - in this case, the City of Lodi - must take the following actions:

APPROVED:   
Blair King, City Manager

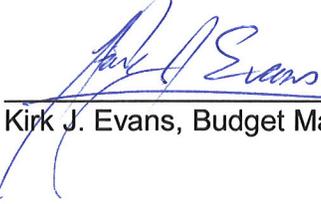
- 1) Conduct a public hearing
- 2) Approve the Authority's issuance of indebtedness

Therefore, although the Authority will be the issuer of the tax-exempt revenue obligations for Lodi Memorial Hospital, the financing cannot proceed without the City of Lodi's approval.

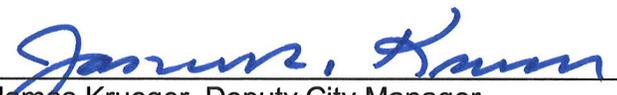
Attached is a copy of Lodi Memorial Hospital's Application that was filed with the Authority (Exhibit B).

**FISCAL IMPACT:** The City is requesting reimbursement for costs associated with coordinating the public hearing process and preparing statements that will appear in the annual financial report. Therefore, while the City will not expend funds related to this issuance, staff expects to receive revenue in the \$6,000 to \$10,000 range.

**FUNDING AVAILABLE:** N/A

  
\_\_\_\_\_  
Kirk J. Evans, Budget Manager

Respectfully submitted,

  
\_\_\_\_\_  
James Krueger, Deputy City Manager

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI APPROVING THE ISSUANCE OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY INSURED REVENUE BONDS (LODI MEMORIAL HOSPITAL) IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$150,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, EQUIPPING AND IMPROVEMENT OF CERTAIN HEALTH CARE FACILITIES OWNED AND OPERATED BY LODI MEMORIAL HOSPITAL ASSOCIATION, INC. AND OTHER MATTERS RELATING THERETO

=====

WHEREAS, Lodi Memorial Hospital Association, Inc., a nonprofit public benefit corporation (the "Corporation"), has requested that the California Statewide Communities Development Authority (the "Authority") issue revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$150,000,000 (the "Bonds") for the purpose of, among other things, financing and refinancing the acquisition, construction, equipping and improvement (the "Financing") of certain health care facilities owned and operated by the Corporation (the "Facilities") located in the City of Lodi (the "City"); and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), the issuance of the Bonds by the Authority must be approved by the City because the Facilities are located within the territorial limits of the City; and

WHEREAS, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the applicable elected representatives required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies, including the City; and

WHEREAS, the Authority has also requested that the City Council approve, for purposes of Section 9 of the Agreement, the issuance of any bonds to be issued by the Authority to refund the Bonds; and

WHEREAS, pursuant to Section 147(f) of the Code, on October 3, 2007, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds at which hearing members of the public wishing to express their views on the issuance of the Bonds and on the nature and location of the Facilities proposed to be financed and refinanced were offered the opportunity to express such views , and now the City Council desires to approve the issuance of the Bonds by the Authority.

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

Section 1. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this Resolution constitute approval of the Financing and the issuance of the Bonds by the Authority for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facilities are to be located, in accordance with said Section 147(f) and (b) Section 9 of the Agreement, which shall also be deemed satisfied for any bonds issued by the Authority to refund the Bonds.

Section 2. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing transaction approved hereby.

Section 3. This Resolution shall take effect immediately upon its adoption.

Dated: October 3, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2007, by the following vote:

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

RANDI JOHL  
City Clerk

2007-\_\_\_\_



**EXHIBIT B**

*Building Communities, Investing in Local Government Since 1988*

August 22, 2007

VIA EMAIL and REGULAR MAIL

Mr. Kirk Evans  
Budget Manager  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

Re: Public Hearing for Lodi Memorial Hospital

Dear Kirk:

As discussed, Lodi Memorial Hospital (the "Applicant") has submitted to the California Statewide Communities Development Authority (the "Authority") an application (the "Application") for the financing certain medical facilities (the "Project") through the issuance of tax-exempt obligations in an aggregate principal amount not to exceed \$150.0 million. The purpose of this letter is to request the assistance of the City of Lodi in conducting on Wednesday, September 19, 2007 a public hearing with respect to the proposed financing.

The Authority is a joint exercise of powers authority consisting of over 480 California cities, counties and special districts, including the City of Lodi. The Authority pursuant to its Amended and Restated Joint Exercise of Powers Agreement is authorized to assist in the financing of facilities for non-profit organizations. In order to initiate such a financing, the member participant of the Authority in which the proposed facilities will be located must (i) conduct a public hearing and (ii) approve the Authority's issuance of indebtedness. Therefore, although the Authority will be the issuer of the tax-exempt revenue obligations for the Applicant, the financing cannot proceed without the City of Lodi's approval of the financing.

I have attached for your review a copy of the Application filed with the Authority. You will be receiving shortly a letter from Jenna Magan of Orrick, Herrington & Sutcliffe, serving as bond counsel, and describing the public hearing process and the requirements under state and federal laws, including the Tax Equity and Fiscal Responsibility Act (TEFRA). This letter will include for your review the form of Notice of Public Hearing and the form of City Council Resolution evidencing that the City has approved of the financing.

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*Founding Co-Sponsors:*



2033 North Main Street, Suite 700 • Walnut Creek, California 94596

800.635.3993 • 925.933.9229 • Fax 92

August 22, 2007

Thank you for your assistance in this matter. Please let me know if you require any additional information concerning the scheduling of such public hearing or if I can be of any other assistance.

Very truly yours,



James F. Hamill  
Program Manager

Enclosures

cc: Jenna Magan, Orrick, Herrington & Sutcliffe (vcmagan@orrick.com)

Brandon Dias, Orrick, Herrington & Sutcliffe (bdias@orrick.com)



Building Communities. Investing in Local Government Since 1958

## 501(c)(3) Nonprofit Bond Application

### APPLICANT INFORMATION

Application Number: **2007164**  
 Name of Borrower: **Lodi Memorial Hospital**  
 Primary Contact: **Joseph Harrington**  
 Title: **President & CEO**  
 Street Address: **975 South Fairmont Avenue** Suite: \_\_\_\_\_  
 City: **Lodi** State: **CA** Zip Code: **95240**  
 Telephone Number: **(209) 339-7560**  
 Fax Number: **(209) 339-3754**  
 E-mail: **alex.sigeda@ubs.com**  
 Type of Entity:  For-profit Corporation  Non-profit Corporation  
 Municipality  Partnership  
 Other (specify): \_\_\_\_\_  
 Date Organized: **08/16/1945**

### PROJECT INFORMATION

Type of Project:  
 Health Care:  Continuing Care  Clinic  Hospital  Assisted Living  
 Skilled Nursing  Other (specify): \_\_\_\_\_  
 Education:  K-12  Colleges/Universities  
 Other:  Museum/Cultural  Other (specify): \_\_\_\_\_  
 Project/Facility Name: **The South Wing addition**  
 Street Address: **975 South Fairmont Avenue**  
 City: **Lodi** State: **CA** Zip Code: **95240**  
 County: **San Joaquin**  
 Is Project located in unincorporated part of the County? **No**  
 Has the city or county in which the project is located been contacted? If so, please provide name, title, telephone number and e-mail address of the person contacted:  
 Contact Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Ext. \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 E-mail: \_\_\_\_\_



*Building Communities. Investing in Local Government Since 1988*

## 501(c)(3) Nonprofit Bond Application

### FINANCING INFORMATION

Principal Amount:	<b>\$150,000,000</b>		
Tax-exempt Amount:	<b>\$150,000,000</b>		
Taxable Amount:	<b>\$0</b>		
Proposed Closing Date: <b>10/31/2007</b>			
Maturity: <b>30 Years</b>	Interest Rate Mode:	<input checked="" type="checkbox"/> Fixed	<input checked="" type="checkbox"/> Variable
Type of Offering:	<input checked="" type="checkbox"/> Public Offering	<input type="checkbox"/> Private Placement	
Denominations: <b>\$5,000 fixed rate; \$25,000 variable rate</b>			
Type of Financing:	<input type="checkbox"/> Acquisition of Existing Facility	<input checked="" type="checkbox"/> New Construction	
	<input type="checkbox"/> Refunding		
Credit Enhancement:	<input type="checkbox"/> None	<input type="checkbox"/> Letter of Credit	
	<input checked="" type="checkbox"/> Bond Insurance	<input type="checkbox"/> Other (specify): _____	
Name of Credit Enhancement Provider or Private Placement Purchaser: <b>Office of Statewide Health Planning and Development (Cal Mortgage Prog)</b>			
Expected Rating:	<input type="checkbox"/> Unrated	<input checked="" type="checkbox"/> S & P A+	
	<input type="checkbox"/> Moody's _____	<input type="checkbox"/> Fitch _____	

### PRINCIPAL FINANCE TEAM INFORMATION

UNDERWRITER/PLACEMENT AGENT	BOND COUNSEL
Contact: <b>Gerald McGovern</b>	Contact: <b>Jenna Magan</b>
Firm: <b>Sidley Austin LLP</b>	Firm: <b>Orrick, Herrington &amp; Sutcliffe LLP</b>
Telephone: <b>(415) 772-1215</b>	Telephone: <b>(916) 329-7980</b>
Fax: <b>(415) 772-7400</b>	Fax: <b>(916) 329-4900</b>
E-mail: <b>gmcgovern@sidley.com</b>	E-mail: <b>vcmagan@orrick.com</b>



Building Communities. Investing in Local Government Since 1988

## 501(c)(3) Nonprofit Bond Application

### ADDITIONAL INFORMATION REQUIRED

Please provide the following information as additional attachments:

<u>Attachment</u>	<u>Description of Information</u>
A	\$5,000 non-refundable* application fee payable to "CSAC Finance Corporation."
B	Detailed Applicant History.
C	Description of project or each facility to be financed or refinanced.
D	Comprehensive summary of project public benefits.
E	Address of each facility to be financed or refinanced.
F	Evidence of credit enhancement or intent to purchase bonds.
G	List of outstanding tax-exempt debt.
H	Financial statements for last complete fiscal year.
I	Project Costs (Sources and Uses of Proceeds).
J	Interested Parties List.

\*Refundable only if financing not approved.

#### MAILING ADDRESS

California Communities  
2033 N. Main St., Suite 700  
Walnut Creek, CA 94596

### ***III. Project Description***

In response to a variety of factors, including Service Area population growth, seismic requirements, patient privacy concerns, and the need to remain competitive by planning for new technologies, a Facility Master Planning process for Lodi Memorial Hospital was completed in 2002. In mid-2003, Hospital leaders engaged HDR Architecture, Inc. to validate the Master Plan, assess facility and timing options, and assist the Hospital in defining a phased Project that would serve the Hospital and Service Area community in the years ahead.

The outcome of this process resulted in “the Project”, as defined in this study. Key elements of the Project include construction of a new Central Plant and South Wing addition to the main Hospital campus, structural upgrades to existing Hospital facilities that will ensure compliance with SB-1953 seismic standards, and departmental relocations that will increase operational efficiency and clinical effectiveness. These elements are described in more detail below.

#### **Central Plant Addition**

The first priority of the Project plan is to complete a Central Plant Addition on the main Hospital Campus at 975 South Fairmont Avenue in Lodi. The new Central Plant will be located adjacent to, and north of, the existing 147,347 square foot main Hospital and just south of the 15,127 square foot “Conrad Buildings” which are located in the northwest corner of the Main Campus site. The Central Plant will occupy space currently occupied by a small house that will be demolished. The two-story Central Plant will comprise 14,500 square feet of space that will house chillers, fire pump systems, generators, and utilities that will serve the Main Hospital through a system of underground pipe. Main Hospital space occupied by the current Central Plant will continue to provide services to the existing building.

#### **South Wing Addition**

The South Wing addition is the centerpiece of the planned Project for a number of reasons. First, it adds significant inpatient capacity (90 Medical/Surgical beds) to the main Hospital Campus (“Lodi Memorial Hospital-East” or “Main Campus”). Second, as altogether new construction, it meets the highest 2030 seismic standards, is consistent with current standards of care (e.g., private room patient accommodations), and allows for the dissemination of new technology. Third, the additional capacity will free up space in the existing Hospital to expand and relocate departments in the interests of efficiency, work flow, and patient and staff convenience.

Due to the dependency of other Project elements on the South Wing addition, construction and occupancy of the new South Wing will be an initial priority in the Project chronology and timeline. While virtually all Project elements must occur *after*

the South Wing is built and occupied, there are two activities other than the new Central Plant that may occur prior to (or concurrent with) South Wing construction.

Materials Management is currently located on the Basement level of the existing Hospital, while the Kitchen, Cafeteria, and Dietary Department are on the First Floor. Due to the need to expand the Cafeteria and Dietary Department to meet the increased capacity needs associated with the South Wing addition, the Kitchen will be moved to an area in the Basement currently occupied by Materials Management. Materials Management must, therefore, first be moved to an off Campus site.

Despite its scale, the South Wing is descriptively straightforward. Key elements include:

- 131,340 square feet of new space on the Main Campus;
- Four stories (plus a small Basement hallway and Penthouse elevator);
- Two points of connection to the existing Hospital;
- Basement Level:
  - 1,024 square feet;
  - Hallway linkage to existing Hospital building.
- 1<sup>st</sup> Floor:
  - 41,264 square feet at ground level;
  - New Main Entrance and Hospital Lobby;
  - New Emergency Department;
  - New Urgent Care Center.
- 2<sup>nd</sup> Floor
  - 30,297 square feet;
  - 30 new Medical/Surgical beds;
  - Mezzanine connection between the 1<sup>st</sup> and 2<sup>nd</sup> floors of the South Wing located at the elevation of the first floors of each wing at the east and west connection points of the existing hospital.
- 3<sup>rd</sup> Floor
  - 28,958 square feet;
  - 30 new Medical/Surgical beds;
- 4<sup>th</sup> Floor
  - 27,937 square feet;
  - 30 new Medical/Surgical beds

- Penthouse
  - 1,860 square feet;
  - For elevator equipment only.

**Seismic Upgrades to LMH-West and LMH-East**

In 1994, the California State Legislature passed Senate Bill 1953 (“SB-1953”), the Alquist Hospital Seismic Safety Act. While the law initially required all hospitals in California to upgrade to specific seismic performance standards by 2008 (i.e., “SPC-2” for structural facilities and “NPC-3” for non-structural facilities), this deadline has been extended to 2013. In addition, the law requires that hospitals upgrade further (i.e., to SPC-3, SPC-4, or SPC-5) by the year 2030.

The South Wing addition meets the highest SPC-5 standards, but, as described in the chart below, many of the current structures of Lodi Memorial Hospital – East and West fall short of 2013 SPC-2 and NPC-3 requirements.

***Table III-1***  
**Lodi Memorial Hospital – East and West Campuses**  
**SPC and NPC Ratings**

<b>Building/Structure</b>	<b>Year Built</b>	<b>SPC Rating</b>	<b>NPC Rating</b>
Original Building	1951	SPC-1	NPC-2
Engineering Building	1951	SPC-1	NPC-2
East Addition	1962	SPC-1	NPC-2
West Addition	1968	SPC-1	NPC-2
Central Plant Addition	1982	SPC-4	NPC-2
North Addition	1982	SPC-4	NPC-2
ER Expansion	1989	SPC-4	NPC-2
LMH-West	1967	SPC-1	NPC-2

The focus of the Project, in terms of seismic standards, will be to upgrade all existing LMH-East and West SPC-1 structures to SPC-2 and all NPC-2 structures to NPC-3, consistent with the 2013 requirements. The exception concerns the 1968 “West Addition” at LMH-East, which will *not* be upgraded to SPC-2. Though Management plans to remove all acute services (including 25 Medical/Surgical beds) from the 1968 West Wing building, it is possible that this will not be necessary based on recent information suggesting that the State of California *may* extend the SPC-2 deadline beyond 2013, or even lower the standards somewhat for hospitals, such as LMH, that are in relatively low risk earthquake zones.

For the purposes of this analysis, however, this study will assume that the 25 beds currently in the 1968 building *will* be removed from service in 2013, the year following the end of the forecast period (2012). Patient demand that would otherwise be met by these beds will be satisfied by additional capacity in the new South Wing.

## ***I. Hospital History, Mission, and Services***

The history of Lodi Memorial Hospital (“LMH” or the “Hospital”) began on August 16, 1945 when two members of Lodi Chapter 59 of the Disabled American Veterans met to discuss the need for a new hospital in Lodi, California. This discussion grew to include others in the community, who agreed that a non-profit organization should be founded to facilitate planning, fund-raising, and construction of a hospital that would be operated “by community members for community members”.

On December 7, 1945, the Lodi Memorial Hospital Association was formed. The Association would become the non-profit owner of the Hospital, as well as its primary fund-raising vehicle. The date of incorporation, December 7<sup>th</sup>, was chosen intentionally as the Hospital would be dedicated to the 4,000 men and women from the greater Lodi area who served in the armed forces during World War II. In remembrance of 44 of the 4,000 who died in the War, the Hospital would be named *Lodi Memorial Hospital*.

By 1947, 3,500 donors had contributed to the Hospital campaign. Several sites were considered and, in 1950, ground was broken on a new Hospital facility located at the present main Hospital site on South Fairmont Avenue in Lodi, California. The new Hospital opened in 1952 and included 55 beds, two surgery suites, two delivery rooms, two nurseries, and a medical records room, pharmacy, laboratory, and X-ray suite.

Other noteworthy dates in the history of Lodi Memorial Hospital include the following:

- 1955: Full Hospital accreditation;
- 1956: \$18,000 Ford Foundation grant that funded the addition of a Recovery Room, Labor Room, and four new private patient rooms;
- 1962: \$250,000 financing that added a two-story wing for Emergency and Radiology services, as well as eight private patient rooms;
- 1963: Application for \$1.6 million in Hill-Burton funding to address Hospital capacity and overcrowding issues through a major Hospital expansion;
- 1968: Opening of a new West wing that added expanded Lab and Pharmacy services and 28 patient beds, bringing the Hospital’s total bed count to 99;
- 1969: Addition of an Intensive Care Unit (“ICU”);
- 1970: Addition of Physical Therapy services;
- 1972: Addition of Telemetry, Fetal Monitoring, Respiratory Therapy, and an ER staffed for night and weekend coverage;
- 1974: Heliport donated by the Lodi Lion’s Club;
- 1976: Addition of the OB Clinic and expansion of Lab, Surgery, ICU, Maternity, Central Supply, and Dining services;
- 1981: Creation of the Lodi Memorial Hospital Foundation;
- 1982: Completion of an \$8.5 million, 47,000 square foot addition to the existing 97,000 square foot facility;
- 1983: Addition of a Short-Stay Surgery program;

- 1984: Creation of Memorial Home Care Agency;
- 1985: Addition of an outpatient drawing lab in Galt, California;
- 1988: Addition of a new 2,500 square foot Physical Therapy department;
- 1990: Purchase of Doctors Hospital, renamed “Lodi Memorial Hospital–West”, and provision of Acute Rehabilitation and therapy services;
- 1990: Opening of an Adult Day Care Center with the City of Lodi at Hutchins Street Square;
- 1991: Addition of Cardiac Catheterization services;
- 1992: Initiation of Subacute services at LMH-West;
- 1993: Addition of Outpatient Surgery and the Medical Ambulatory Care Unit (“MACU”);
- 1993: Home Health Agency and Memorial Home Med-Equip open satellite office in Galt;
- 1994: Dialysis Center opens at LMH-West;
- 1995: Primary Care Clinic for low income residents opens at LMH-West;
- 1995: Ham Lane Primary Care Clinic opens;
- 1996: Galt Clinic opens;
- 1997: Ione Clinic opens;
- 1997: Lodi Regional Health System (“LRHS”), a for-profit medical management company, is established;
- 1998: Sierra Foundation grants \$60,000 and the Hospital builds a free clinic for the uninsured in Lodi’s Salvation Army headquarters;
- 1998: LMH assumes the operation of Camp Hutchins, a child care center, from the City of Lodi.
- 1999: LMH named to top 100 orthopedics hospitals in the United States;
- 2002: Addition of Advanced Imaging Center;
- 2003: Hospitalist program initiated for patients admitted through the Emergency Room who do not have a primary care physician relationship;
- 2004: Addition of the Picture Archiving and Communications System (“PACS”) for digital archiving and viewing of radiology results;
- 2004: In response to Hospital capacity constraints, conversion of 11 long term care beds at LMH-West to general acute use;
- 2004: Design and cost analysis of planned South Wing Addition (“the Project”).

## **Mission, Vision, and Values**

The Hospital's Mission, Vision, and Values statements are presented below.

### **Mission**

*As a not-for-profit, health-care delivery system, Lodi Memorial Hospital is dedicated to:*

- *Improving community health and our community's quality of life through direct and supportive services;*
- *Providing quality and timely health-care services, ranging from health promotion and education to diagnostics, acute-inpatient care, rehabilitation services and home care;*
- *Expanding community access to care.*

### **Vision**

*Our vision is to provide a system of health-care services which is clinically effective, quality driven and community focused in an environment that supports and encourages excellence. In partnership with our medical staff, we will assume accountability for the health of our community, be responsible for illness and injury prevention and provide care for the ill and injured. We will measure our success on quality outcomes and customer satisfaction.*

### **Values**

*How we treat each other reflects upon how we treat patients. Our challenge is to delivery quality and timely care while showing sensitivity and concern for each individual. Hospital staff, medical staff, governing board and volunteers are committed to:*

- *Treating all patients, visitors and each other with equal dignity and respect;*
- *Putting the patient first – whatever the patient's perception, seek to meet his or her needs above all others;*
- *Fostering an environment that values our employees, physicians and volunteers as our most valuable resources;*
- *Anticipating change as an opportunity for continued improvement;*
- *Seeking community partnerships and participation in hospital planning.*

**Current Beds and Services**

In addition to nine clinics and various community services, Lodi Memorial Hospital includes two hospital facilities, as described below:

**Table I-1  
Lodi Memorial Hospital  
Bed Configuration of Two Lodi Campuses in 2006**

	Lodi Memorial Hospital Main Campus	Lodi Memorial Hospital West Campus	Total - Both Campuses
Address	975 South Fairmont Avenue	800 South Lower Sacramento Road	
Licensed Beds			
Unspec. Gen'l Acute	71	11	82
Intensive Care	10	-	10
Perinatal	18	-	18
Rehabilitation	-	24	24
Skilled Nursing	-	<u>36</u>	<u>36</u>
Total Licensed Beds	99	71	170
Staffed Beds			
Unspec. Gen'l Acute	70	11	81
Intensive Care	10		10
Perinatal	18		18
Rehabilitation	-	15	15
Skilled Nursing	-	<u>35</u>	<u>35</u>
Total Staffed Beds	98	61	159

Source: State of California, Department of Health Services, Hospital License; Lodi Memorial Hospital.

**Hospital Inpatient, Outpatient, and Ancillary Services**

Services available at both Lodi Memorial Hospital campuses include the following:

- General acute inpatient (Medical/Surgical, Intensive Care, and Obstetrics)
- Acute rehabilitation
- Distinct-part skilled nursing (LMH-West Transitional Care Unit or “TCU”)
- Subacute care (LMH-West TCU)
- Emergency (Basic)
- Urgent care
- Inpatient and outpatient surgery
- Medical ambulatory care unit (“MACU”)
- Cardiac rehabilitation

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

September 17th

all in the year 2007.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 17th day of September 2007.

*Marianne Roales*

Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication  
Notice of Public Hearing

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on October 3, 2007, the City of Lodi will hold a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code") with respect to the proposed issuance by the California Statewide Communities Development Authority of its revenue bonds, in one or more series, in an amount not to exceed \$150,000,000 (the "Bonds"). The proceeds of the Bonds will be used by Lodi Memorial Hospital Association, Inc. (the "Borrower"), a California nonprofit public benefit corporation and an organization as described in Section 501(c)(3) of the Code, to finance and refinance the acquisition, construction, equipping and improvement of certain health care facilities owned and operated by the Borrower (the "Facilities") to be located at or near 975 South Fairmont Avenue, Lodi, California and 800 South Lower Sacramento Road, Lodi, California.

The hearing will commence at 7:00 p.m. or as soon thereafter as the matter can be heard, and will be held by the City in the City Council Chambers, 305 West Pine Street, Lodi, California. Interested persons wishing to express their views on the issuance of the Bonds or on the nature and location of the Facilities proposed to be financed or refinanced may attend the public hearing or, prior to the time of the hearing, submit written comments. Additional information concerning the above matter may be obtained from and written comments should be addressed to City Clerk of the City of Lodi, P.O. Box 3006, Lodi, California 95241.

Dated: September 17, 2007.  
September 17, 2007 - 05516298

5516298



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Appointment to the Lodi Improvement Committee

**MEETING DATE:** October 3, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Concur with the Mayor's recommended appointment to the Lodi Improvement Committee.

**BACKGROUND INFORMATION:** On July 18, 2007, the City Clerk's Office was directed to post for one vacancy on the Lodi Improvement Committee. The Mayor has reviewed the applications and has made his selection. It is, therefore, recommended that the City Council concur with the following appointment.

**Lodi Improvement Committee**

Magda Simpson                      Term to expire March 1, 2008

NOTE: Three applicants (one new application and two on file);  
published in Lodi News Sentinel 7/28/07; application deadline 8/27/07

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMP

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APPROVED: \_\_\_\_\_  
Blair King, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Authorize the City Manager to enter into exclusive negotiations with Professional Apartment Management (PAM) Companies to develop an affordable housing project.

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Community Improvement Manager

**RECOMMENDED ACTION:** Authorize the City Manager to enter into exclusive negotiations with PAM Companies to develop an affordable housing project.

**BACKGROUND INFORMATION:** By 2004, the City of Lodi had been notified by Union Pacific Railroad (UP) that they were interested in selling of a group of parcels along East Lockeford Street, referred to as the Kentucky House Railroad line. The City has first right of refusal before UP can put that land on the market.

The City desired a portion of those parcels to allow for future expansion of the right-of-way along East Lockeford Street. There was also staff interest to explore the feasibility of an affordable housing project in that area. Initial discussions were held and staff felt that this site represented an opportunity.

A Request For Proposals (RFP) was developed and distributed to further explore the feasibility of an affordable housing project. In October of 2006, the Community Development Department distributed that RFP to 13 affordable housing developers throughout Northern California, inviting them to submit proposals for the development of an affordable housing project on a 4.587 acre site located along Lockeford Street, between Washington Street and Cherokee Lane.

The RFP for what was originally titled the Kentucky House Affordable Housing Project, identified key objectives for the project include community compatibility; ownership affordability targeted primarily to the 80% of median income level or below; high quality design and materials; and sustainable design. The RFP also asked for proposals that demonstrate strong experience with affordable housing development and showed a collaborative approach to working with the community.

While the RFP did identify a preference for owner-occupied housing, it did invite developers to identify other preferred types of housing with some rationale for their proposal, and it stated that it may be possible to target rental housing for seniors only.

The following three affordable housing developers responded to the RFP:

- Visionary Builders – Stockton
- Eden Housing – Hayward
- PAM Companies – Lodi

APPROVED: \_\_\_\_\_  
Blair King, City Manager

Of these three developers, a total of 5 different scenarios were submitted, as both Visionary Builders and Eden Housing provided 2 scenarios each. These proposals covered a range and mix of housing tenure, including owner-occupied, multi-family rental and senior-rental units.

The project cost and financing among these proposals also varied. In the RFP, the City's contribution to this project was identified at \$1.2 million, coming from a current allocation of CDBG funds and a balance of both CDBG and HOME fund program income from our existing housing-assistance programs. Both Eden Housing and Visionary Builders contained funding gaps, which would need an additional subsidy from the City beyond the \$1.2 million already committed, to meet their total project costs. The proposal from the third developer, PAM Companies, requested no additional funding beyond the City's stated contribution.

The City Council established a special review committee to evaluate the proposals comprised of two City Council members, one Planning Commissioner, and one Lodi Improvement Committee member. Each developer presented their proposals in public meetings before the Affordable Housing Proposal Review Committee. Through the course of the review of each developer's proposal, Staff also provided background information on the area surrounding the proposed development site, including comparative crime figures and demographics. Staff also provided a review of the preliminary proformas that were provided by each developer.

At the completion of those proposal meetings, site visits were made to projects that the three developers had developed or were in the process of developing, in order to better judge their product and capabilities.

Once the site visits were complete, the Affordable Housing Proposal Review Committee met to discuss their observations to that point and it was decided that each developer would have an opportunity to refine and resubmit their proposal to meet the following criteria:

- Senior Rental housing units;
- Single-story construction;
- No funding gap;
- Address concerns of providing and maintaining a safe environment for seniors;
- Demonstrate ability (from previous projects) to effect positive changes in troubled neighborhoods.

Once those revisions were submitted, Staff completed a review and the comparative results are noted on the attached Exhibit A. The review of the revised proposals found that all three developers responded accordingly to provide a single-story, senior rental housing project with adequate security features to provide a safe environment for senior residents. All three developers also provided supporting documentation regarding their experience and abilities to effect positive changes in trouble neighborhoods.

However, only one developer, PAM Companies, was able to meet the criteria regarding no funding gap in their project financing. While Visionary Home Builders listed no funding gap in their revised proposal, staff's review noted that their funding proposal called for a HUD Section 108 Loan in the amount of \$2,172,441. It was identified that the Section 108 Loan program is a loan guarantee provision of the Community Development Block Grant (CDBG) program that is available only to cities and urban counties. Any loan funds from the Section 108 Program would be guaranteed by the city's or urban county's pledge of future CDBG allocations. As such, this would not be a funding source that the developer could claim and would instead be considered an additional subsidy from the City of Lodi. Therefore, Visionary Home Builders proposal had a substantial funding gap.

Eden Housing's revised proposal identified a substantially lower funding gap of \$380,488.00, but as they were not present to make their presentation at the Review Committee's last meeting, their proposal was not considered.

At the completion of their review of the revised proposals, there was consensus from the Committee members that one of the developer, PAM Companies, put forth the best example of a quality, single-story senior housing project and that the site visit to that developer's property in Ceres earlier on in the review process was a prime example of the product desired for this site. While both of the final two developers provided documentation of their experience and track record of effecting change in troubled neighborhoods and their proposals provided security features intended to provide a safe environment for seniors, the key factors in PAM Companies' favor were the lack of a funding gap and the extensive collaborative effort that was featured in their proposal.

Therefore, with a vote of 3 -1, the Affordable Housing Proposal Review Committee approved a motion to forward their recommendation to the City Council that Professional Apartment Management (PAM) Companies, be selected as the developer of an affordable senior housing development on the railroad property site.

A summary of PAM Companies' proposal is as follows:

Project Description

- 71 Units
  - 56 one-bedroom units
  - 15 two-bedroom units
- Gated property.
- 24-hour on-site management.
- Motion detector lighting.
- Security cameras.
- Collaborative effort:
  - F&M Bank,
  - LOEL Senior Center,
  - Housing Authority
  - ByDesign Solutions

Financing

• Project Cost	\$11,535,422
• Sources	
○ Lender	\$1,386,089
○ City of Lodi	\$1.2 million
○ Affordable Housing Program (AHP) via F&M Bank	\$500,000
○ CHDO Funds via SJ Housing Auth./Villa Real	\$250,000
○ Deferred Developer Fee	\$90,209
○ <u>General/Limited Partners – 9% Tax Credit Funding</u>	<u>\$8,109,124</u>
<b>TOTAL</b>	<b>\$11,535,422</b>

PAM Companies revised proposal features a total of 15 buildings in a garden-style setting across the project site, with a total of 116 parking spaces, 80 of those covered. The building exteriors will incorporate a stone wall design and porch areas. Each unit within the project will include a washer and dryer and will be equipped with efficient EnergyStar appliances.

The proposal from the PAM Companies also features additional services for senior residents through their collaboration with other agencies and/or service providers. The LOEL Senior Center will expand their services to a satellite center at this facility, the Housing Authority will provide housing assistance programs to the senior residents and ByDesign Solutions will provide financial education, budgeting and tax services to residents at this site.

In addition, PAM Companies has entered into a purchase agreement with the owner of an adjacent property on Rush Street. The acquisition of this additional property, which currently has a vacant, substandard building upon it, will eliminate an unsightly condition and allow for additional units on the project site.

It is important to note that the financial figures provided with each proposal are preliminary at this phase of the process. As the railroad will need to have the property re-appraised and a Phase 2 environmental review will be needed to determine any potential contamination upon the properties involved in this project prior to the acquisition, the financials provided by the developer will need to be adjusted accordingly. Regardless of the outcome of the appraisal and environmental review of the properties, the City's commitment to this project remains at the \$1.2 million stated in the original proposal.

**RECOMMENDATION**

It is a customary practice in affordable housing projects that the city enters into exclusive negotiations with the selected developer. The purpose of this period of negotiations is to refine the details of the project and financing. This includes obtaining a current appraisal of the land and negotiating the purchase price, including options. During this negotiation period, the developer will also be getting the required entitlements from the city such as rezone, planned development, CEQA, and will be preparing the required applications for tax credit financing.

The exclusive negotiation period for this project should run through March of 2009. In consideration of this joint effort with the City of Lodi, PAM Companies will make a good faith deposit of \$150,000, which will be used to cover development costs during the negotiation period.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** N/A

\_\_\_\_\_  
Joseph Wood  
Community Improvement Manager

Concurred: \_\_\_\_\_  
Randy Hatch  
Community Development Director

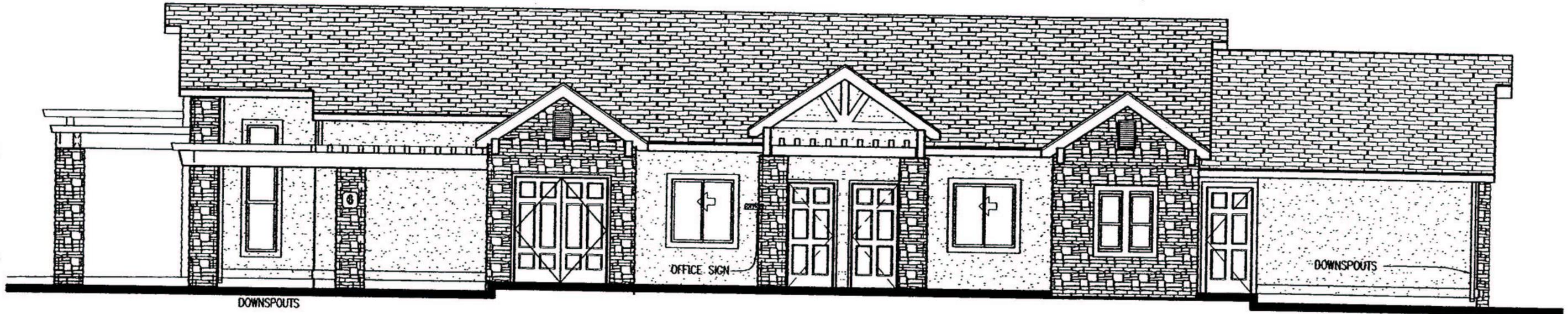
Attachments

- Final Proposal Evaluation Summary
- Site Plan
- Elevations

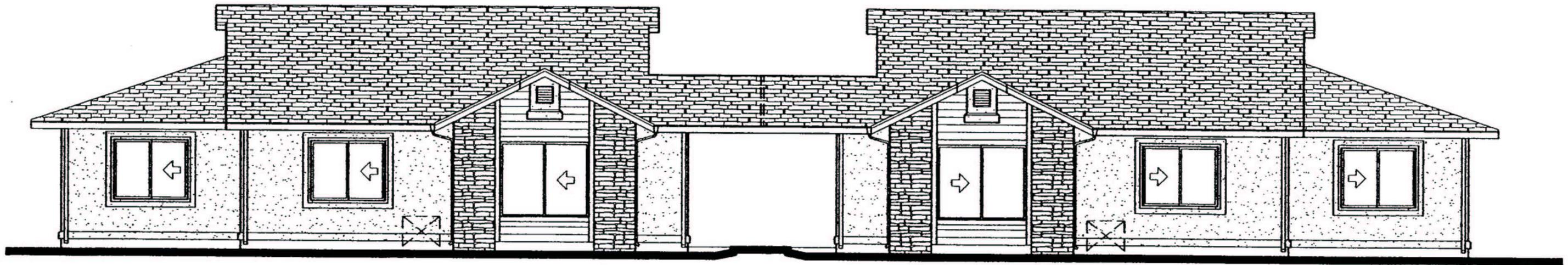
DEVELOPER	EDEN HOUSING	PAM COMPANIES	VISIONARY HOME BUILDERS
<b>Project Description</b>	84 Units 600 sq. ft. – 1 bedroom	71 Units 56 – 1-bedroom 15 – 2-bedroom	63 Units 87% - 1-bedroom 13% - 2-bedroom
<b>Financing</b>			
<b>Project Cost</b>	\$21,040,239	\$11,535,422	\$14,426,421
<b>Sources</b>	City of Lodi \$1.2 million AHP \$504,000 HUD Capital Adv. \$11,003,580 Eden Housing Inv. \$10,000 Tax Credits \$7,942,171	Lender \$1,386,089 City of Lodi \$1.2 million AHP \$500,000 CHDO \$250,000 Deferred Dev. Fee \$90,209 Tax Credits \$8,109,124	Lender \$709,240 City of Lodi \$1.2 million AHP \$315,000 CHDO \$501,728 HUD 108 Loan \$2,172,441 Deferred Dev. Fee \$87,310 Tax Credits \$9,440,701
<b>Cost per Unit</b>	\$250,479	\$162,471	\$228,991
<b>Funding Gap</b>	\$380,488	None	None identified in their proposal, but HUD 108 Loan <b>should</b> be considered additional subsidy from City of Lodi, and therefore a gap of \$2,172,441.
<b>Site Evaluations</b>	<ul style="list-style-type: none"> <li>Provides driveway easement off of Washington St. to access existing housing.</li> <li>Isolates 9-units in two buildings between Washington &amp; Rush Streets</li> </ul>	<ul style="list-style-type: none"> <li>Does not provide driveway easement to access existing housing between Rush and Washington Streets.</li> <li>Does incorporate an additional vacant, dilapidated property located on Rush Street.</li> </ul>	<ul style="list-style-type: none"> <li>Does not provide driveway easement to access existing housing between Rush and Washington Streets.</li> </ul>

NOTE: Eden Housing failed to attend the scheduled meeting and therefore their proposal was not considered. As their proposal also had an identified funding gap, it is not likely that their proposal would have garnered support from the Committee.





STREET SIDE ELEVATION



TYPICAL FRONT ELEVATION

**RAILROAD AVENUE SENIOR HOUSING PROJECT**  
**EXCLUSIVE FEASIBILITY STUDY PERIOD AGREEMENT**

This Exclusive Feasibility Study Period Agreement (“Agreement”) is entered into between the City of Lodi, a municipal corporation (“City”) and PAM Development, Inc., a California corporation (“Affordable Housing Developer”), as of October \_\_\_\_, 2007.

Whereas, City desires to encourage the development of an affordable senior housing project on properties located at 232 N. Washington, 242 Rush Street and 420 E. Lockeford Street (collectively “Property”), as detailed in the Exhibit A (“Project”);

Whereas, City does not currently own but is considering allocating \$1.2 million towards the purchase of the Property and contributing said monies without cost toward the development of the Project;

Whereas, Affordable Housing Developer is only willing to expend the resources necessary to explore the development of the Project if City agrees not to contribute or transfer the Property to a third party during the Feasibility Study Period.

Now, therefore the parties hereby agree as follows:

- 1) In the event City actually acquires the Property, City agrees not to transfer the Property to a party other than Affordable Housing Developer for a period of 18 months following the execution of this Agreement (“Feasibility Study Period”).
- 2) During the Feasibility Study Period Affordable Housing Developer shall make application to City for entitlements no later than January 11, 2008, and City will obtain an appraisal of the Property and shall enter into negotiation to acquire the Property no later than January 31, 2008.
- 3) Affordable Housing Developer’s Deposit: Affordable Housing Developer will deposit security in the amount of \$150,000 with City in a form acceptable to the City Attorney as earnest money. Any costs incurred by City towards the Project during the Feasibility Study Period will be charged to and reimbursed from this security deposit. The Affordable Housing Developer will be provided with documentation of those transactions as they occur. If Affordable Housing Developer begins construction of the Project, the security deposit (with interest actually earned) will be applied toward the Project’s development costs as set forth below.
  - a) Affordable Housing Developer shall provide certified invoices for Project development costs to the City’s Finance Department for reimbursement. Affordable Housing Developer shall make its records available for audit by the City upon request for verification purposes.

b) The City's Finance Department will process and approve or deny all such requests and remit payment for approved invoices within 30 days of receipt until the security deposit is exhausted.

- 4) City agrees to negotiate in good faith exclusively with Affordable Housing Developer toward the transfer of the Property to Affordable Housing Developer for the development of the Project, for a period of 18 months following execution of this Agreement. Notwithstanding the above, City shall be under no obligation to actually acquire the Property.
- 5) This Agreement may not be assigned or transferred without the express written consent of City, which it may withhold in its absolute discretion.

IN WITNESS WHEREOF, the parties hereto, being in agreement with the terms of this writing, have set their hands as follows:

CITY OF LODI, a municipal corporation

PAM Development, Inc.  
a California corporation

By \_\_\_\_\_  
BLAIR KING  
City Manager

By \_\_\_\_\_  
DAVID J. MICHAEL  
Chief Executive Officer

ATTEST:

\_\_\_\_\_  
RANDI JOHL  
City Clerk

APPROVED AS TO FORM:

D. STEPHEN SCHWABAUER  
City Attorney

By \_\_\_\_\_  
JANICE D. MAGDICH  
Deputy City Attorney

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXCLUSIVE FEASIBILITY STUDY PERIOD AGREEMENT WITH PAM DEVELOPMENT, INC. FOR RAILROAD AVENUE SENIOR HOUSING PROJECT

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the Exclusive Feasibility Study Period Agreement with PAM Development, Inc., a California corporation, for the development of an Affordable Housing Project known as the "Railroad Avenue Senior Housing Project," attached hereto marked Exhibit A.

Dated: October 3, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held October 3, 2007, by the following vote:

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

\_\_\_\_\_  
RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Update from Grape Bowl Ad Hoc Committee and Save the Grape Bowl Committee

**MEETING DATE:** October 3, 2007

**PREPARED BY:** Steve Dutra, Interim Parks and Recreation Director

**RECOMMENDED ACTION:** Receive the presentation from the Grape Bowl Ad Hoc Committee and Save the Grape Bowl Committee and give direction as needed.

**BACKGROUND INFORMATION:** In 2005, City Council assigned the Lodi Parks and Recreation Commission the task of selecting members of a Grape Bowl Ad Hoc Committee. At the Commission's February 2006 meeting Grape Bowl Ad Hoc Committee nominees were selected and forwarded on to the Council for consideration. Upon Council approval the Grape Bowl Ad Hoc Committee assembled its members and selected Richard Dean as Committee Chair. The committee has held several public workshops. It has hosted tours of the Grape Bowl and several out of town facilities.

On June 6, 2006, the Grape Bowl Ad Hoc Committee presented information regarding elements of the Americans with Disabilities Act Transition Plan and proposed Grape Bowl Concept Plan to the Parks and Recreation Commission. This presentation was also given to City Council on July 5, 2006.

Following this presentation, a Save the Grape Bowl Steering Committee was formed to pursue fundraising for the repairs to the Grape Bowl. Also at that time the Grape Bowl Ad Hoc Committee was suspended for one year.

Jack Fiori has spearheaded the Save the Grape Bowl Steering Committee. The Committee's assignment was to raise \$500,000 within a one year period. Several marketing efforts have been assembled plus a web site has been established. To date the Committee has raised \$108,025.

Richard Dean, along with Jack Fiori, will give the Council an update of the Committee's efforts.

APPROVED: \_\_\_\_\_  
Blair King, City Manager

**FISCAL IMPACT:** None at this time.

**FUNDING AVAILABLE:** Undetermined

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Steve Dutra  
Interim Parks and Recreation Director

SD:tl

cc: City Attorney



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Confirm Previously Approved Report, Adopt a Resolution to Continue the Assessment and Programs of the Lodi Tourism Business Improvement District (LTBID) and Set a Public Hearing for October 17, 2007

**MEETING DATE:** October 3, 2007

**PREPARED BY:** City Manager

**RECOMMENDED ACTION:** Confirm previously approved report, adopt a resolution to continue the assessment and programs of the Lodi Tourism Business Improvement District for the 2008 calendar year, and set a public hearing for October 17, 2007.

**BACKGROUND INFORMATION:** Pursuant to the Streets and Highways Code, Lodi has adopted a business improvement area to promote tourism. This business improvement area is named the Lodi Tourism Business Improvement District (LTBID). In accordance Lodi Municipal Code Chapter 12.07, the LTBID levies an assessment upon all hotels equal to three percent of room rates. The proceeds of this assessment are to be spent in accordance with recommendations contained in an annual report made by an advisory board appointed by the City Council. The report identifies marketing efforts to be undertaken by the LTBID in the ensuing calendar year.

Although not reflected in the Municipal Code, the Lodi Conference and Visitors Bureau has taken the role as the proxy for the LTBID Advisory Board. On May 2, 2007 the City Council considered and unanimously approved an Annual Report for the LTBID, (minutes attached).

If the Council wishes, after holding a public hearing, it may adopt the attached Resolution which would continue the assessments as levied in the current year without change. If the Council does not adopt the Resolution, the three percent levy would be discontinued.

**FISCAL IMPACT:** The assessment for the LTBID in FY 2006-07 equaled \$190,130. The City retains a five percent administration fee.

**FUNDING:** Not applicable

\_\_\_\_\_  
Blair King, City Manager

APPROVED: \_\_\_\_\_  
Blair King, City Manager

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

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

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

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

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

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

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

PUBLIC COMMENTS:

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

MOTION / VOTE:

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

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

Noes: Council Members – Mounce

Absent: Council Members – None

RECESS

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

K. REGULAR CALENDAR (Continued)

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

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

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

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

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

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

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

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

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

PUBLIC COMMENTS:

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

MOTION / VOTE:

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

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

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

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

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

MOTION / VOTE:

There was no Council action necessary on this matter.

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT 2007  
ANNUAL REPORT; DECLARING ITS' INTENTION TO LEVY ANNUAL  
ASSESSMENT, AND ESTABLISHING PUBLIC HEARING DATE

WHEREAS, the Lodi Tourism Business Improvement District was established October 20, 2004, by Council adoption of Ordinance No. 1753, and as amended by Ordinance 1756; and

WHEREAS, the Annual Report as required by Streets and Highways Code §36500 et seq., has been submitted to the Council by the Board of Directors of said improvement area.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

1. The 2007 Annual Report is hereby received and approved as submitted, said Report being on file in the City Clerk's Office.
2. Establishes October 17, 2007, in the City Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or as soon thereafter as possible, as the date, place, and time to hold the public hearing required by Streets and Highway Code §36534.
3. It is the intention of the City Council to levy and collect assessments within the Lodi Tourism Business Improvement District for calendar year 2007 (the Area's fiscal year).
4. The proceeds from the Lodi Tourism Business Improvement District assessment shall be used to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi. The boundaries of the Lodi Tourism Business Improvement District shall be the boundaries of the City of Lodi. Refer to the Report on file in the Lodi City Clerk's office for a full and detailed description of the improvements and activities, boundaries, and proposed assessments for the 2007 fiscal year.
5. At the time of the public hearing, written and oral protests may be made. The form and manner of protests shall comply with Streets and Highways Code §§36524 and 36525.

Dated: October 3, 2007

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Designation of a Member of the City Council to Participate in the Rating Agency Presentation for the Wastewater System Financing

**MEETING DATE:** October 3, 2007

**PREPARED BY:** City Manager

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**RECOMMENDED ACTION:** Select a Councilmember to participate in the presentation to rating agencies (Fitch Ratings and Standard & Poor's) on October 12<sup>th</sup> in San Francisco.

**BACKGROUND INFORMATION:** The City is progressing towards the issuance of debt obligations to finance improvements to its wastewater system. In order to judge the creditworthiness of the proposed obligations, it is customary for investors to give considerable weight to rating agencies who express their opinion concerning an agency's creditworthiness by assigning a rating. Generally, the higher the rating (AAA, AA, etc.) the lower the interest rate. Also, bonds may be insured and the price for bond insurance is typically determined by the underlying rating.

Lodi is scheduled to make a presentation to Fitch and Standard & Poor's on October 12<sup>th</sup> in San Francisco. Staff recommends that the Council designate a member to participate in the rating agency presentation. In addition to the commitment of one day, it is anticipated that one or two rehearsal sessions will be required.

**FISCAL IMPACT:** None related directly to the rating agency presentation. However, the outcome of the presentation could play a role in determining the eventual interest rate paid by the City.

**FUNDING:** Not applicable

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Blair King, City Manager

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APPROVED: \_\_\_\_\_  
Blair King, City Manager



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$90,187.15).

**MEETING DATE:** October 3, 2007 City Council Meeting

**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$90,187.15.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; and Miscellaneous Invoices for services incurred relative to the Environmental Abatement Program litigation that are currently outstanding and need to be considered for payment.

<b>Folger Levin &amp; Kahn - Invoices Distribution</b>				Water Acct.
Matter No.	Invoice No.	Date	Description	Amount
8003	103985	08/31/07	Hartford Insurance Coverage Litigation	200,128.01
			Contingency Fee Amount Savings	-144,036.00
8008	103986	08/31/07	City of Lodi v. Envision Law Group	10,003.60
	15043	06-07/1/07	PES Environmental, Inc. (Keith Obrien)	8,268.44
	15326	07/30/07-09/02/07	PES Environmental, Inc. (Keith Obrien)	8,983.25
		08/04/07-09/14/07	George Tchobanoglous, Ph.D.	4,304.10
	170907a	08/31/07-09/14/07	Dr. Jim A. Field	1,125.00
<b>Total</b>				<b>\$88,776.40</b>

<b>MISCELLANEOUS</b>			Water Account
Invoice No.	Date	Description	Amount
	08/08/07	Patrick Hassey Deposition Expenses	18.00
3044	8/7/2007	Benchmark Video	1,392.75
			<u>\$1,410.75</u>

**FISCAL IMPACT:** All expenses will be paid out of the Water Fund.

**FUNDING AVAILABLE:** Water Fund \$90,187.15

Approved: \_\_\_\_\_  
Stephen Schwabauer, City Attorney

Approved: \_\_\_\_\_  
Kirk Evans, Budget Manager

APPROVED: \_\_\_\_\_  
Blair King, City Manager



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Ordinance No. 1802 Entitled, “An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Adding Section 13.20.185, ‘Section CSS – California Solar Initiative Surcharge’”

**MEETING DATE:** October 3, 2007

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1802.

**BACKGROUND INFORMATION:** Ordinance No. 1802 entitled, “An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Adding Section 13.20.185, ‘Section CSS – California Solar Initiative Surcharge,’” was introduced at the regular City Council meeting of September 19, 2007.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov’t Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov’t Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

\_\_\_\_\_  
Randi Johl  
City Clerk

RJ/jmp

Attachment

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. 1802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING LODI MUNICIPAL CODE TITLE 13 – PUBLIC  
SERVICES – ADDING SECTION 13.20.185, “SECTION CSS –  
CALIFORNIA SOLAR INITIATIVE SURCHARGE”

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 13 – Public Services – is hereby amended by adding Section 13.20.185, “Schedule CSS – California Solar Initiative Surcharge,” to read as follows:

**APPLICABILITY:**

This schedule is applicable to all electric customers served by the City of Lodi. Each customer shall pay the applicable rate(s) plus the California Solar Initiative Surcharge (CSS) for each kilowatt-hour (kWh) delivered to the customer.

The CSS shall fund incentives for customers participating in the Lodi Solar Rebate Pilot Program. California Senate Bill 1 (SB 1) mandates that all electric utilities offer a solar photovoltaic program that provides incentives to support the development and installation of solar systems throughout their given service territory. Based upon SB 1 funding requirements, Lodi Electric Utility shall make available approximately \$600,000 annually between the years 2008 – 2017.

**RATES:**

Effective on all bills rendered on or after January 1, 2008 until December 31, 2017, a surcharge per kilowatt-hour (kWh) will be applied to all kWh sold. The CSS shall be applied to all kWh sold and will be non-discounted.

The surcharge amount of \$0.00125 will be applied to all kWh consumed by each customer in all rate classes.

All funds collected under this surcharge will be placed in an account solely for the purpose of implementing the Lodi Solar Rebate Pilot Program.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this 3<sup>rd</sup> day of October, 2007

\_\_\_\_\_  
BOB JOHNSON  
Mayor

Attest:

RANDI JOHL  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1802 was introduced at a regular meeting of the City Council of the City of Lodi held September 19, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held October 3, 2007, by the following vote:

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

I further certify that Ordinance No. 1802 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

\_\_\_\_\_  
RANDI JOHL  
City Clerk

Approved as to Form:

\_\_\_\_\_  
D. STEPHEN SCHWABAUER  
City Attorney



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Ordinance No. 1803 Entitled, “An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, ‘Sewer Service,’ by Repealing and Reenacting Section 13.12.150 Relating to Connections Outside City”

**MEETING DATE:** October 3, 2007

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1803.

**BACKGROUND INFORMATION:** Ordinance No. 1803 entitled, “An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, ‘Sewer Service,’ by Repealing and Reenacting Section 13.12.150 Relating to Connections Outside City” was introduced at the regular City Council meeting of September 19, 2007.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. *Id.* All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov’t Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov’t Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

\_\_\_\_\_  
Randi Johl  
City Clerk

RJ/jmp  
Attachment

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. 1803

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING LODI MUNICIPAL CODE TITLE 13 – PUBLIC SERVICES  
– CHAPTER 13.12, “SEWER SERVICE,” BY REPEALING AND  
REENACTING SECTION 13.12.150 RELATING TO CONNECTIONS  
OUTSIDE CITY

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, “Sewer Service,” is hereby amended by repealing and reenacting Section 13.12.150 relating to connections outside the City and shall read as follows:

A. WHEREAS:

- a. San Joaquin County will retain its authority over land use approval for wineries located within County jurisdiction.
- b. The City of Lodi’s General Plan contains the following land use element goals:
  - i. Policy LU-A.1 – The City shall seek to preserve Lodi’s small-town and rural qualities.
  - ii. Policy LU-A.4 – The City shall promote reinvestment in downtown Lodi and in the Eastside area that upgrades the general quality of development in these areas.
  - iii. Goal LU-B – To preserve agricultural land surrounding Lodi and to discourage premature development of agricultural land with nonagricultural uses, while providing for urban needs.
  - iv. Policy LU-B.1 – The City shall encourage the preservation of agricultural land surrounding the City.
  - v. Policy LU-B.2 – The City should designate a continuous open space greenbelt around the urbanized area of Lodi to maintain and enhance the agricultural economy.
  - vi. Policy LU-B.6 – The City shall encourage San Joaquin County to retain agricultural uses on lands adjacent to the City.
  - vii. Goal LU-D – To promote and retain development in downtown Lodi.
  - viii. Policy LU-D.1 – The City shall preserve and promote downtown Lodi and the City’s social and cultural center and an economically viable retail and professional office district.
  - ix. Policy LU-D.3 – The City shall enhance pedestrian activity and pedestrian amenities in downtown Lodi.
- c. The City encourages compact development and discourages leapfrog development and urban sprawl within the Highway 12/Interstate 5 corridor, all of which would be inconsistent with the above general plan goals. The City’s General Plan is committed to the above goals within its own boundaries as well, stating the following:
  - a. A-5 The City shall require specific development plans in areas of major new development.

- b. E-2 The City shall promote downtown Lodi as the primary pedestrian-oriented, commercial area of Lodi.
  - c. E-4 The City shall ensure the new commercial development be designed to avoid the appearance of strip development.
  - d. E-7 In approving new commercial projects, the City shall seek to ensure that such projects reflect the City's concern for achieving and maintaining high quality development.
- d. Providing wastewater treatment service to Flag City on the condition that service not be afforded to developments that conflict with the goals set forth herein furthers those goals by concentrating development in an existing County Service Area with set boundaries.
- e. County acknowledges the goals set forth in the Lodi General Plan as set forth above and has similar provisions in its General Plan which encourage agricultural uses, compact land use and development, and discourage “leap frog development” and “urban sprawl.” Toward these ends, the County General Plan provides:
1. To make efficient use of land and promote a functional development pattern with varied and compatible land uses.
  2. To minimize the effect on agricultural lands and other environmental resources while providing for orderly growth.
  3. To create a visually attractive County.
  4. To avoid the problems and costs imposed on local government by development that does not have adequate services.
  5. Rural Communities Shall:
    - (a) be planned to have minimal growth, mainly infill development, with expansion discouraged;
    - (b) be planned to serve the immediate needs of the community's residents or the surrounding agricultural community;
    - (c) have a minimum land area of 50 acres or have been identified on the General Plan 1995 map as a residential area.
  6. Development shall be orderly and compact.
  7. Development should occur on vacant lots within existing communities as “infill” before extending beyond the current developed areas of a community.
  8. Freeway Service.
    - (1) Function: Provide for commercial uses oriented almost exclusively to serving the needs of the freeway traveler.
    - (2) Typical Uses: Travel-related businesses including gasoline service stations, food and beverage sales, eating and drinking establishments, and hotels and motels.

(3) Development and Locational Criteria: Freeway Service areas shall be:

- (A) designated only adjacent to full freeway interchanges where development will be easily accessible and visible to the freeway traveler.
- (B) limited in number to encourage clustering of uses at selected interchanges;
- (C) limited in area in order to reduce impacts on surrounding land uses and control the physical and visual extent of these areas;
- (D) developed so that buildings occupy no more than 60 percent of the lot and are no more than 3 stories in height; and
- (E) designed in an attractive manner that creates a favorable impression of the County by considering the overall site design, landscaping, scale of development, signage, relationship to adjacent uses, circulation and parking, and architecture.

f. There is a need for upgraded sewer treatment facilities to service Flag City and the parties wish to cooperatively ensure that any development that occurs in Flag City is orderly, compact and in compliance with the goals of the City and County General Plans.

**B. NOW THEREFORE BE IT FURTHER ORDAINED AS FOLLOWS:**

1. Service Outside Lodi. Except as set forth below, no discharge from private facilities or properties outside the City of Lodi shall be allowed into the Domestic Sewerage or storm drainage systems. The City Council may by contract allow connection from 1) winery facilities outside Lodi to the Industrial Sewerage System on the terms set forth in this section so long as the system has adequate existing capacity to service the waste 2) publicly owned wastewater systems ("Public District") to the Domestic Wastewater Treatment System on terms set forth in this section so long as the system has adequate existing capacity to service the waste.
2. Terms of Private Industrial Connection. Any winery wastewater connection permitted pursuant to the Contract called for in this Section shall contain the following minimum terms:
  - a. Permit: Applicant shall comply with the terms of the Industrial System Discharge Permit to be issued by the City, which will include but not be limited to limitations on flow, BOD, ph, TDS, and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the City's Discharge Permit.
  - b. Rate/Surcharge: Winery's rate for discharge shall be set at 150 percent of the City's standard published rate for Industrial Waste.
  - c. Capacity Charge: Winery shall pay a one-time capacity charge based on annual flow and BOD loading prior to connection per this chapter.
  - d. Non-Assignment: Applicant may not sell capacity or accept wastewater from other locations.
  - e. Downtown Retail Presence: Applicant shall open and operate a wine tasting room to market its products in Downtown Lodi during the entire term of its connection to the City's sewer system. The establishment shall be operated within the following minimum requirements:

- i) it shall be at least 500 square feet, have its products available for sampling and sale, and be open a minimum of 40 hours per week, including Saturday and Sunday and shall be located in Downtown Lodi as defined by the area bordered by Church Street, Lodi Avenue, Lockeford Street, and the Union Pacific Railroad tracks.
  - ii) If this condition cannot be met within 12 months of connection, Applicant shall pay an annual downtown development and promotional in-lieu fee in the amount established by the City Council. The fee shall be retroactive for one year and shall be assessed annually (until such time as the requirements of subsection i of this paragraph have been satisfied) as annually adjusted according to the Bay Area-All Items Consumer Price Index. If condition i above cannot be met within six years of connection, this Agreement will terminate and Applicant will be required to make alternate arrangements for its wastewater.
- f. Annexation. Applicant, in consideration for receiving City sewer service, will consent to the annexation to the City of Lodi of its property served by the City Industrial Sewerage system, waives any right to protest the annexation, and assigns to the City any right to vote on the annexation. Annexation shall occur when and if the City deems the annexation of the subject property feasible and advisable. In the event the annexation is sought by Applicant, Applicant agrees to pay City an amount to cover the subject property's proportionate share of the costs to conduct the annexation. In the event that the Applicant does ultimately connect to City service, Applicant agrees to enter into a short-form memorandum of agreement expressing the obligations of this paragraph in recordable form.

3. Terms of Public District Connection:

Any delivery of wastewater permitted pursuant to this section shall be subject to the following minimum terms:

- a. Permit: Public District shall comply with the terms of a Discharge Permit to be issued by the City which will include but not be limited to limitations on maximum flow, BOD, ph, TDS and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the City's NPDES Permit. The terms of this Discharge Permit will be no more stringent than those required under the City's NPDES permit. However, City may change the terms of the discharge permit without notice if necessary to comply with State or Federal requirements.
- b. Volume: Limits will be set by contract that cannot exceed the White Slough Wastewater Treatment Plant's capacity.
- c. Rate/Surcharge: Public District 's charges will be as established by the City for its high strength customer users plus a surcharge in an amount to be set by contract.
- d. Capacity Charge: Public District shall pay a one-time capacity charge based on the then-current rates for new city development at the time of connection. (These charges are adjusted annually). Additional capacity charges at the current City rates will apply for each increment of effluent over the amount initially paid. Capacity charge reductions or credits may be granted for steps taken by Public District to minimize impacts to City's overall treatment plant capacity through pre-treatment, off-peak delivery, or other mutually agreed strategies.
- e. Administrative Charge: Public District shall pay City a fee to be set by contract as a one time administrative charge upon the execution of such contract.

- f. Public District will be solely responsible for all costs associated with installing a pipeline (“Collection Facilities”) to connect to Lodi’s System.
- g. City will bill for its services directly to Public District and not to individual customers. Annual billing will begin with commencement of flow to the City’s facility and will be billed in advance for a twelve (12) month period, based on estimated flow and strength. Subsequent annual billings will be based on actuals for the prior twelve (12) months. Public District will pay all invoices within thirty days of the date of the invoice.
- h. Neither Public District will knowingly allow any person or entity to discharge to its Collection Facilities whose property is outside the Public District Service Area, without prior City approval, which City may withhold in its absolute discretion.
- i. Reimbursement. Public District shall reimburse the City for all costs incurred by the City in connection with the project.

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. In the event that any portion of this Ordinance is determined to be invalid or illegal then the entire Ordinance will be repealed and reenacted back to its form prior to September 21, 2005.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 3<sup>rd</sup> day of October, 2007.

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BOB JOHNSON  
Mayor

Attest:

RANDI JOHL  
City Clerk

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1803 was introduced at a regular meeting of the City Council of the City of Lodi held September 19, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held October 3, 2007, by the following vote:

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

I further certify that Ordinance No. 1803 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

RANDI JOHL  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney