



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: November 2, 2016

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo

City Clerk

Telephone: (209) 333-6702

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

C-1 Call to Order / Roll Call – N/A

C-2 Announcement of Closed Session – N/A

C-3 Adjourn to Closed Session – N/A

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

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

A. Call to Order / Roll Call

B. Presentations

B-1 Presentation of League of California Cities Helen Putnam Award for Excellence for the Public Works Storm Drain Detectives Program (PW)

B-2 Michael David Family Foundation Proclamation of Appreciation (PRCS)

B-3 Runaway Homeless Youth Awareness Month Proclamation (CLK)

B-4 Presentation by the World of Wonders Science Museum (CLK)

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

C-1 Receive Register of Claims in the Amount of \$7,172,701.95 (FIN)

C-2 Approve Minutes (CLK)

a) October 11, October 18, and October 25, 2016 (Shirtsleeve Sessions)

b) October 19, 2016 (Regular Meeting)

Res. C-3 Adopt Resolution Awarding Bids for the Purchase of 23 Padmount Transformers from ERMCO, of Dyersburg, Tennessee (\$172,268.64) (EU)

Res. C-4 Adopt Resolution Rejecting Low Bid as Non-Responsive and Awarding Contract for Compressed Natural Gas Fueling Station Improvements to TNT Industrial Contractors, Inc., of Sacramento (\$232,999) (PW)

Res. C-5 Adopt Resolution Awarding Contract for Beckman Park Storm Water Pump Station Improvement Project to C.E. Cox General Engineering, Inc., of Orangevale (\$38,500), and Appropriating Funds (\$50,000) (PW)

Res. C-6 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with BKF Engineers, of Pleasanton, for Guild Avenue and Victor Road Intersection Traffic Signal and Lighting Design Services (\$35,484), and Appropriating Funds (\$15,000) (PW)

Res. C-7 Adopt Resolution Authorizing City Manager to Sign Agreement for Hazardous Materials Team Within San Joaquin County (FD)

C-8 Accept Improvements Under Contract for Well 23 Granular Activated Carbon Replacement Project (PW)

- Res. C-9 Adopt Resolution Accepting \$20,230 Donation from Michael David Family Foundation and Appropriating Funds (PRCS)
- Res. C-10 Adopt Resolution Revising Debt Management Policy (CM)
- C-11 Set Public Hearing for December 21, 2016, to Consider Introducing an Ordinance Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Repealing and Reenacting Article III, "Rates," in Its Entirety (EU)

D. Comments by the Public on Non-Agenda Items

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

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

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

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

G. Public Hearings

- Res. G-1 Public Hearing to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 28 Medium-Density Residential Growth Management Allocations for the Camper – Sacramento Street Subdivision (CD)
- Ord.(7) G-2 Public Hearing to Consider Introducing Ordinances Adopting the 2016 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code (CD)
(Introduce)
- Res. G-3 Public Hearing to Consider Adopting Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2017 and Updating the Fee Model for the Conservation Plan (CD)

H. Communications – None

I. Regular Calendar

- I-1 Provide Direction on Setting of Rebate Caps for Annual Lodi Electric Utility Solar Rebate Program (CM)

J. Ordinances – None

K. Adjournment

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

Jennifer M. Ferraiolo, City Clerk

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

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



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of League of California Cities Helen Putnam Award for Excellence for the Public Works Storm Drain Detectives Program

MEETING DATE: November 2, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Presentation of League of California Cities Helen Putnam Award for Excellence for the Public Works Storm Drain Detectives Program.

BACKGROUND INFORMATION: Public Works Department employees, Brian Bock and Kathy Grant, traveled to Long Beach, October 4-6, 2016, to the League of California Cities annual convention to receive the Helen Putnam Award for Excellence, in the Ruth Vreeland Award for Engaging Youth in City Government category; and to participate in activities highlighting the City's award winning Storm Drain Detectives Program (SDD Program) that originated in 2000. The Ruth Vreeland Award category highlights collaborated efforts between City's and other agencies (schools, public agencies, etc.) to inform and engage youth about City issues and their community.

The 2016-2017 SDD Program team is composed of five Lodi Unified School District (LUSD) teachers, and 175 students from Lodi High School, Tokay High School, Erma B. Reese Elementary School, and Heritage Elementary School. Approximately 30 students and two teachers meet after school two times each month to monitor water quality at five sites along the Mokelumne River that are located above and below the City's stormwater outfalls. The question the students are trying to answer is: "How does the City of Lodi's stormwater runoff affect the river?" A City of Lodi Environmental Compliance Inspector (Mr. Bock) and the Watershed Program Coordinator (Mrs. Grant) ensure the students are following the appropriate monitoring practices.

Each May, Lodi High School SDD students present the data collected over the year and interpret the results to the public. Data is also used by the City of Lodi's Surface Water Treatment Facility for the State required Watershed Sanitary Survey that is published every five years to assess the health, issues, and concerns of the Lower Mokelumne River watershed. Public Works continues to use the SDD Program to comply with the public outreach and public involvement requirements in the City's stormwater permit.

The SDD Program is the cornerstone of the City of Lodi's watershed education program. Throughout the year, students attend fieldtrips to the San Francisco Bay and Delta, Mokelumne River Fish Hatchery, Lodi Lake Nature Area, Surface Water Treatment Facility, White Slough Water Pollution Control Facility, Waste Management or California Waste transfer stations, and the Woodbridge Road Isenberg Sandhill Crane Reserve. These field trips are paid for through partnership grants.

League of California Cities Regional Public Affairs Manager, Stephen Qualls, will present the 2016 Helen Putnam Award for Excellence, Ruth Vreeland Award for Engaging Youth in City Government, to the City of Lodi in recognition of the City's SDD program.

APPROVED: _____
Stephen Schwabauer, City Manager

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Charles E. Swimley, Jr.
Public Works Director

Prepared by Kathy Grant, Watershed Program Coordinator
CES/KG/trb



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Present Proclamation of Appreciation to Michael David Family Foundation

MEETING DATE: November 2, 2016

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Mayor Chandler present a Proclamation of Appreciation to Michael David Family Foundation.

BACKGROUND INFORMATION: The Michael David Family Foundation has been a generous community partner with the Parks, Recreation and Cultural Services Department over a number of years.

Most recently, the Michael David Family Foundation held its annual Reggae and Rhone fundraiser, with Parks, Recreation and Cultural Services (PRCS) receiving \$20,230 from the proceeds. PRCS plans to use these dollars to supplement its capital program to benefit Lodi Lake Park.

Earlier this year, the Foundation contributed \$7,500 so that PRCS could operate a free summer recreation program at Blakely and Hale parks, which are in two of Lodi's lowest-income neighborhoods. The drop-in program provided children in those areas safe and adult-supervised recreation activities throughout the summer.

Previously, the Foundation backed free swimming programs at Blakely Park, consistently showing its interest in partnering with PRCS to eliminate financial obstacles for those with little means, and to assist with projects that benefit the community overall. For that, PRCS asks that Mayor Chandler present the Michael David Family Foundation with a Proclamation of Appreciation. David Phillips will represent the Foundation in accepting the proclamation.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation and Cultural Services Director

JH:tl

cc: City Attorney

APPROVED: _____
Stephen Schwabauer, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Runaway Homeless Youth Awareness Month Proclamation
MEETING DATE: November 2, 2016
PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Chandler will present a proclamation proclaiming the month of November 2016 as “Runaway Homeless Youth Awareness Month” in the City of Lodi.

BACKGROUND INFORMATION: The Mayor will present a proclamation proclaiming the month of November 2016 as “Runaway Homeless Youth Awareness Month” in the City of Lodi. Melissa Amos, Youth Shelter Manager with the Women’s Center of San Joaquin Youth and Family Services, will be at the meeting to accept the proclamation.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

JMF/PMF

APPROVED: _____
Stephen Schwabauer, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by the World of Wonders Science Museum

MEETING DATE: November 2, 2016

PREPARED BY: City Clerk

RECOMMENDED ACTION: Receive presentation by the World of Wonders Science Museum.

BACKGROUND INFORMATION: Sally Snyder, President of the World of Wonders Science Museum, will provide Council with an update on the recent expansion of the museum.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

APPROVED: _____
Stephen Schwabauer, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims through October 13, 2016 in the total amount of \$7,172,701.95

MEETING DATE: November 2, 2016

PREPARED BY: Internal Services Director

RECOMMENDED ACTION: Receive the attached Register of Claims for \$7,172,701.95

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$7,172,701.95 through 10/13/16. Also attached is Payroll in the amount of \$1,407,810.51

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Jordan Ayers
Internal Services Director

JA/nes

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

Council Report

City of Lodi, CA - v10.5 Live

9/30/2016 through 10/13/2016

Fund			Amount
100 - General Fund			1,992,793.01
120 - Library Fund			13,686.41
140 - Expendable Trust			238,564.03
200 - Parks Rec & Cultural Services			76,012.82
213 - LPD-Public Safety Prog AB 1913			31,347.00
270 - Comm Dev Special Rev Fund			7.40
301 - Gas Tax-2105 2106 2107			44,186.54
303 - Measure K Funds			6,432.80
307 - Federal - Streets			16,139.70
311 - State-Streets			3,504,674.18
314 - IMF-Regional Transportation			10,973.98
331 - LTF-Pedestrian/Bike			5,075.00
350 - H U D			22,089.66
404 - Vehicle Replacement Fund - FD			19,964.47
431 - Capital Outlay/General Fund			370.62
500 - Electric Utility Fund			254,356.98
501 - Utility Outlay Reserve Fund			81,274.63
504 - Public Benefits Fund			53,029.38
530 - Waste Water Utility Fund			71,100.69
531 - Waste Wtr Util-Capital Outlay			49,450.61
560 - Water Utility Fund			30,588.70
561 - Water Utility-Capital Outlay			88,942.47
565 - PCE/TCE Rate Abatement Fund			12,475.19
590 - Central Plume			165,310.68
600 - Dial-a-Ride/Transportation			177,140.65
601 - Transit Capital			53,022.02
650 - Internal Service/Equip Maint			82,904.36
655 - Employee Benefits			36,460.82
660 - General Liabilities			950.46
665 - Worker's Comp Insurance			20,599.94
801 - L&L Dist Z1-Almond Estates			12,776.75
Total			7,172,701.95

Council Report: Payroll
City of Lodi, CA - v10.5 Live
Pay Period 9/25/2016

Fund	Description	Amount
100	General Fund	834,057.00
120	Library Fund	20,983.43
200	Parks Rec & Cultural Services	123,066.12
214	LPD-OTS Grants	1,602.97
219	LPD-ABC Grant	365.40
270	Comm Dev Special Rev Fund	31,572.90
301	Gas Tax-2105 2106 2107	35,066.00
500	Electric Utility Fund	181,499.53
530	Waste Water Utility Fund	130,205.93
560	Water Utility Fund	21,547.85
600	Dial-a-Ride/Transportation	9,067.33
650	Internal Service/Equip Maint	18,776.05
Report Total		1,407,810.51



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Approve Minutes
a) October 11, 2016 (Shirtsleeve Session)
b) October 18, 2016 (Shirtsleeve Session)
c) October 19, 2016 (Regular Meeting)
d) October 25, 2016 (Shirtsleeve Session)

MEETING DATE: November 2, 2016

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) October 11, 2016 (Shirtsleeve Session)
b) October 18, 2016 (Shirtsleeve Session)
c) October 19, 2016 (Regular Meeting)
d) October 25, 2016 (Shirtsleeve Session)

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

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, OCTOBER 11, 2016**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 11, 2016, commencing at 7:01 a.m.

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

Absent: None

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

B. Topic(s)

B-1 Receive Information on the Draft Joint Exercise of Powers Agreement Establishing the Eastern San Joaquin Groundwater Authority (PW)

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the Joint Exercise of Powers Agreement (JPA) establishing the Eastern San Joaquin Groundwater Authority. Specific topics of discussion included background; agreement intentions; key principles; formation, purpose and powers; governance; financial provisions; changes to membership; and next steps. Mr. Swimley stated that the draft JPA was published recently and staff will provide copies to Council following the meeting.

In response to Council Member Mounce, Mr. Swimley stated that Lodi is continuing to finalize its own Groundwater Sustainability Agency (GSA), but the groundwater basin is within the County boundaries. City Attorney Magdich added that the Eastern San Joaquin Basin also includes Calaveras and Stanislaus Counties and that all of the members of this agreement are either GSAs or will become a GSA. If an entity does not become a GSA by June 30, 2017, it cannot be a part of the JPA.

In response to Mayor Chandler, Ms. Magdich stated that Lodi is its own GSA and that the North San Joaquin Water Conservation District (NSJWCD) and Woodbridge Irrigation District (WID), which had overlying boundaries with Lodi, agreed to opt-out of Lodi's jurisdiction. The JPA brings together all formed GSAs to create a sustainability plan for the basin, the deadline for which is January 30, 2020.

Council Member Mounce stated the core concern when this was last discussed was that Lodi could lose its vote or control over decisions about the basin and questioned if another agency could trump Lodi's powers and force the imposition of fees. Mr. Swimley stated the agreement is written to formulate a consensus of the GSA members and that members can opt out of the JPA at any time if it does not agree with the direction. City Attorney Magdich further explained that each member will have one vote and the purpose of the JPA is to join all concerned entities in order to formulate a sustainable plan for the basin. The agreement provides that any agency can leave the group and form its own plan if there is disagreement on the direction or if fees are established that an agency opposes. The JPA provides an economy of scale by working together to create one plan for the basin because the alternative is the creation of multiple plans, which would require coordination among the entities to make it work. Council Member Mounce questioned the point of creating one single plan if members can simply opt out of the agreement, to which Ms. Magdich responded that it gives an entity flexibility if there is disagreement in the vision and members can form their own plans. She stated there is no penalty for opting out of the JPA unless an agency agreed to financial commitments prior to leaving the group.

In response to Council Member Nakanishi, Ms. Magdich stated there are roughly 15 attorneys in the Attorney Committee that worked to create the draft JPA, which will be presented to the Board at its meeting tomorrow. She reminded that Council Member Nakanishi is Lodi's member on the Northeastern San Joaquin County Groundwater Banking Authority (GBA) and that this issue has been discussed in the workgroup sessions as well. Ms. Magdich stated a significant amount of work was put into the document, it is not a separate legal entity, and this is the framework to gather interested parties together to form a plan.

In response to Council Member Mounce, Mr. Swimley stated any entity that does not wish to become its own GSA will fall under the authority of the overriding GSA, which will most likely be the County. Ms. Magdich stated that some entities have opted to partner together to form a GSA.

In response to Council Member Nakanishi, Mr. Swimley stated he was not certain how much the Groundwater Sustainability Plan (GSP) will ultimately cost but \$500,000 has been expended on a contract to inventory the 220,000 parcels within the County. He stated there is a substantial investment facing each entity; however, Lodi's level of financial contribution may likely be less because of the data already collected, work that was already completed, Lodi's proven sustainability, and customer investment toward making Lodi a sustainable community within the County. Ms. Magdich stated the agreement would provide credits to agencies for professional staff time devoted toward the effort, as well as documentation, studies, and reports that could be shared with the group; therefore, an agency's contribution may not necessarily be in the form of cash. She stated staff made it extremely clear to the other entities that Lodi has already made significant contributions toward sustainability and that it expects to receive credit for it.

Council Member Mounce expressed appreciation that staff is making its stance clear because she does not want citizens to pay more than their fair share, especially when they have already paid toward the State-imposed mandates. Ms. Magdich explained that a GSP must be in place by 2020 or the State will enforce a plan and that multiple plans will need to be coordinated.

Council Member Johnson expressed skepticism on whether or not Lodi will be asked for significant financial contributions because some of the other water agencies are less fiscally sound. He requested that Council receive periodic updates on this effort so that Council is not surprised when problems arise during the process. Ms. Magdich agreed, explaining that each agency will have a voting member at the table, which will be a City Council Member. She stated the workgroup and the GBA meet once a month and suggested the City Council agenda include an on-going informational reporting piece following the meetings. She further explained that some of the smaller water districts will likely fall under the County's umbrella.

In response to Council Member Nakanishi, Mr. Swimley stated that, in order to become a GSA, an entity must be a city or municipal corporation or a mutual water company under the California code. Those who do not fall under those categories would have no authority to become a member of the JPA; however, an entity such as Cal-Water can still be represented in the group by partnering with Stockton East.

In response to Council Member Johnson, Ms. Magdich explained that, if Cal-Water joins Stockton, that GSA vote will still count as one; however, the agencies that joined together will decide how to split the one vote.

In response to Council Member Nakanishi, Mr. Swimley stated that the work will be paid in contributions from each agency, adding that the bulk of the work will be done by consultants. In further response, Mr. Swimley stated that Lodi would have the same rights even if it had outsourced its water treatment center.

In response to Council Member Mounce, Ms. Magdich explained there is one member per GSA and one vote per member. She stated some entities may not have members of a board of directors or an elected official present at the meeting and used the example of smaller water agencies that have volunteer board members. In that case, a staff member may attend the meetings instead. Each member will appoint a representative; however, the preference is an elected official or sitting board member. All designated representatives will be required to file a

Statement of Economic Interests, Form 700.

In response to Council Member Mounce, Ms. Magdich stated JPA provisions state that if a member votes in the negative on an issue, it can withdraw from the group as soon as practicable. She explained that the City cannot withdraw without first going to Council for action. If the JPA Board imposed a fee or mandate that Lodi disagrees with, the sitting member may vote "no", return to Council with a request to leave the JPA, and notify the Board that Lodi has withdrawn from the group. Ms. Magdich stated that, as long as Lodi voted "no" on the issue, it would not be subject to the terms of that vote.

In response to Mayor Chandler, Ms. Magdich stated that, if an entity withdrew from the JPA, it would create its own plan and coordinate its agreement with the other entities to ensure all of the plans work cohesively.

In response to Council Member Johnson, Mr. Swimley stated he did not anticipate spending more staff time than it has to date in managing the Sustainable Groundwater Management Act. He stated there may be fluctuations in the level of Public Works activity, but at this time he believed it could be handled with the current staffing level.

Council Member Nakanishi stated that NSJWCD will have its own GSA, it does not have the money to prepare the GSP itself because it could cost them \$250,000 or more, and it is supportive of the JPA in order to spread the costs. He stated a lot of work has gone into the JPA and was impressed that it reached this point so quickly.

Council Member Mounce stated she trusts City staff to get this done correctly and protect Lodi's water and citizens and she expressed her support in moving forward.

Mayor Chandler concurred, stating there is motivation to get the GSP created, otherwise, the State will take away local authority.

Under general comments, Council Member Mounce commented that the League of California Cities recently took a strong opposition position on Proposition 57, which would allow certain types of crimes to go unpunished. She stated that Proposition 57 will be detrimental to California cities and encouraged citizens to oppose the legislation.

Mike Lusk stated this issue is extremely convoluted and questioned where the funding would come from to buy into the JPA and pay for various aspects of the plan.

Council Member Nakanishi stated that Lodi pays \$20,000 annually into the GBA, which it uses to seek grants to pay for studies. In addition, Lodi will be required to make a \$5,000 contribution.

Ms. Magdich further explained that the GBA already exists, but it does not have the framework needed to prepare the GSP. In addition, there are members and stakeholders of the GBA, such as the Farm Bureau, that cannot form GSAs and, therefore, are not allowed to become members of the JPA. This agreement is the mechanism that will bring the entities and stakeholders together to form a GSP. With regard to funding, \$20,000 a year goes to GBA, there are Zone 2 monies available, and studies were conducted by various agencies that will count in creating the GSP, all of which will help bring down costs.

In further response to Mr. Lusk regarding funding, Mr. Swimley stated that the initial \$5,000 contribution will come from the Water utility operating fund; after that, any further contributions will need consideration to determine the appropriate account; and he does not anticipate Lodi will have a significant contribution in light of its contributions to date. Ms. Magdich added that decisions on where to take funding will be made by Council. Deputy City Manager Jordan Ayers reiterated that Lodi has expended a significant amount of money to date to gather information, for which it will receive a credit as an in-kind contribution.

Mr. Lusk stated that Lodi successfully managed its groundwater situation and he does not want

other members who are not financially capable of contributing equally to the plan to hurt Lodi ratepayers.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:09 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, OCTOBER 18, 2016**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 18, 2016, commencing at 7:02 a.m.

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

Absent: Mayor Chandler

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

NOTE: Council Member Nakanishi and Mayor Pro Tempore Kuehne left the meeting at 8:01 a.m.

B. Topic(s)

B-1 Presentation Providing an Update on Fire Department Staffing and Calls for Service (FD)

Fire Chief Larry Rooney provided a PowerPoint presentation regarding an update on the Fire Department staffing and calls for service. Specific topics of discussion included 2014 and 2015 fiscal year Fire Service calls, Lodi Fire Station areas, average response time, number of calls per station, total runs out of district, on scene and out of service times, Fire Engine No. 1 brownout, 2016 numbers, new technology, staffing, and new fire engines.

In response to Mayor Pro Tempore Kuehne, Chief Rooney stated that hazmat calls are in response to fuel spills or to determine unknown substances left behind, adding that a recent call investigated a 55-gallon drum of a white powder substance on Beckman Road. The team responded and determined it was non-hazardous and the property owner took care of the issue.

Council Member Mounce expressed concern about dealing with unknown substances and questioned what the training levels are for this type of response. Chief Rooney stated that staff receives appropriate training, maintains its certifications, and works with other agencies when it is determined that a higher level of expertise is necessary.

In response to Council Member Mounce, Chief Rooney stated it is a drain on the Fire Department when firefighters ride along with an ambulance, especially to a hospital outside of the jurisdiction, because it takes them away from servicing Lodi. In response to City Manager Schwabauer, Chief Rooney explained that the County hospital recently lost its status due to an inadequate number of trauma surgeons, which is prompting ambulance transport to Sacramento and a spike in Lodi's response times; however, he believed this was a temporary issue. Chief Rooney added that, even when transporting to the County hospital, the out of service times are still one to two hours.

Council Member Johnson questioned whether a Fire truck that is placed out of service when Lodi firefighters are busy transporting victims in an ambulance could be left in town for use. Chief Rooney confirmed that, in this type of situation, the Fire truck is not taken to the Sacramento hospital; instead, an engine is returned to Station No. 1 and another apparatus is utilized.

In response to Mr. Schwabauer, Chief Rooney stated that Fire Engine No. 1 had been browned-out since 2008, but the City committed dollars to address the issue and usage increased; however, cost of business increased, as well as the number of vacancies, which resulted in a decrease in service hours for the engine. Chief Rooney reported that all positions were filled a

few months ago, but now staffing is declining due to a vacancy and long-term injury. He expressed the difficulties in staying fully staffed 100 percent of the time, stating that the dollars normally entitled for staffing Engine No. 1 go instead into maintaining minimum staffing levels.

In response to Council Member Johnson, Chief Rooney stated that the reduction in training dollars has forced firefighters to train at Fire Station No. 1 instead of at their respective stations, which increases response times during training for incidents occurring outside of the Station No. 1 district. The response times presented are an average and includes walk-in calls as well as responses to calls to the outskirts of each district.

In response to Council Member Nakanishi, Chief Rooney stated that every Fire agency aims for a response time in the range of four to six minutes, but he was uncertain of the actual response times for other agencies and speculated that most are likely close to four minutes like Lodi. He added that Lodi is fortunate because of the shape of the community, it has four stations, and it is not subject to major gridlock, which aids in Lodi responsiveness.

B-2 Presentation Providing an Update on Police Department Staffing and Calls for Service (PD)

Police Captain Chris Jacobson provided a PowerPoint presentation regarding an update on the Police Department staffing and calls for service. Specific topics of discussion included Police districts, patrol shifts, calls for service, "a Day in the Life" of a patrol officer, and time spent during shift.

In response to Council Member Mounce, Captain Jacobson confirmed that Police Districts No. 1 and No. 3 are the busiest areas of criminal activity due to the high level of retail establishments and apartments versus the public perception that it is the east side districts.

In response to City Manager Schwabauer, Captain Jacobson explained that many of the shifts are filled using overtime hours and officers have had to cancel vacations and training opportunities in order to meet minimum staffing requirements. In addition, officers have been pulled from the AB109 Task Force, Detectives and Investigations Division, and the Auto Theft Task Force in order to cover the Patrol Division. Mr. Schwabauer further explained that the State imposes minimum mandatory leaves, such as the Family Leave Act that gives employees the right to be off work for six weeks, with which the City must comply. Such laws have a financial impact because those positions must continue to be filled, which negatively affects staffing levels. Captain Jacobson agreed, stating that the Traffic Unit is non-operational at this time due to staffing and yet the primary complaint from citizens is speeding and traffic violations.

Council Member Johnson suggested the Police Department implement the Fire Department's protocol, in which it stopped responding to specific types of non-life-threatening calls, by no longer performing bicycle and other routine stops. Captain Jacobson stated that the Police Department is proactive and aggressive in its approach to gang and criminal activity and he would not recommend eliminating vehicle, bicycle, or pedestrian stops of suspected or known gang members. He stated that the Police Department strives for excellent customer service and response times; however, services are forced to be reduced because of the staffing situation.

Council Member Mounce referenced the Governor's realignment law that was intended to save money for the State but ultimately pushed costs onto cities because crime increased and the homeless population intensified.

In response to Council Member Nakanishi, Captain Jacobson stated he does not have data on the effects legalized marijuana had on other states; however, the Colorado Police Chief gave a presentation recently on the negative consequences in Colorado and that the increase in taxes did not cover the increased cost of policing.

Council Member Mounce stated the League of California Cities is presenting a webinar on Thursday, October 20, 2016, regarding Proposition 64 and the impacts it may have on California. She encouraged the Police Department to participate along with the City Attorney.

Mr. Schwabauer informed the public that Proposition 57 on the November ballot is an effort to expand the current realignment law by increasing the types of crimes that would eliminate jail time. It is an effort to reduce costs to the State, but the question is what affect this legislation will have on local police departments.

Mike Lusk questioned if there has been an increase in the number of calls for injured or ill homeless individuals in the Fire Station No. 2 district; how area forest fires affect Fire Department calls; and whether the Police Department zones should be increased to address the growing population. Mr. Lusk stated he believed a visual police presence is needed because it may reduce crimes and traffic incidents and stated he supports the Police and Fire Departments.

Fire Chief Rooney stated the Fire Department has seen an increase in calls for the homeless, adding that the recent rains resulted in a surge of calls because individuals were wet, cold, and wanted to go to the hospital. With regard to mutual aid, the State agency makes those arrangements and the Lodi Fire Department assists when necessary, but Lodi does not have a major wild land issue. Mr. Schwabauer stated that when Lodi sends firefighters to assist with a wild land fire, staffing at the stations is backfilled using overtime; however, the State reimburses the City for the cost of the employee who assisted, as well as the cost of the employees covering the local shift. Assisting with wild land fires does create an overtime issue and a slight burden on overworked staff, but it does not result in a reduction in service or an increase in costs.

Alex Aliferis encouraged citizens to vote "no" on Proposition 57, which will put criminals, many of whom are violent, back on the streets in an effort to provide a second chance. He believed this legislation had harmful intentions and would be damaging to communities.

Myrna Wetzel questioned if it was State law that mandated there be three firefighters on each engine. Mr. Schwabauer explained that a Fire unit will not respond when it is understaffed. If, for example, a firefighter assisted with ambulance transport, leaving two firefighters in the unit, the engine is taken out of service because it does not meet the City's minimum staffing requirement of three personnel.

C. Comments by Public on Non-Agenda Items

None

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:08 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 19, 2016**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of October 19, 2016, was called to order by Mayor Pro Tempore Kuehne at 6:16 p.m.

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

Absent: Council Member Nakanishi, and Mayor Chandler

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

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9(a); One Case; Andrew Perales v. City of Lodi, et al., U.S. District Court, Eastern District of California; Case No. 2:15-CV-01107-MCE-CKD (CA)

C-3 Adjourn to Closed Session

At 6:16 p.m., Mayor Pro Tempore Kuehne adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Pro Tempore Kuehne reconvened the City Council meeting, and City Attorney Magdich disclosed the following action.

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

A. Call to Order / Roll Call

The Regular City Council meeting of October 19, 2016, was called to order by Mayor Pro Tempore Kuehne at 7:00 p.m.

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

Absent: None

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

NOTE: Mayor Chandler arrived at 7:28 p.m. during the discussion and vote of Item C-15 on the Consent Calendar.

B. Presentations

B-1 Domestic Violence Awareness Month Proclamation (CLK)

Mayor Pro Tempore Kuehne presented a proclamation to Melissa Amos, Youth Shelter Manager with the Women's Center of San Joaquin Youth and Family Services, proclaiming the month of October 2016 as Domestic Violence Awareness Month in the City of Lodi.

B-2 Sandhill Crane Association Proclamation (PRCS)

Mayor Chandler presented a proclamation to Lodi Sandhill Crane Association volunteers in recognition of the Association and its 20-year anniversary. Ken Nieland thanked the Committee members for their hard work and efforts and expressed appreciation to the City of Lodi for its partnership over the years. Mr. Nieland stated that the original mission 20 years ago was to focus attention on cranes and emphasize ecotourism in Lodi. Watershed Program Coordinator Kathy Grant announced that the Festival is November 4-6, 2016, at Hutchins Street Square; the conservation dinner is on Friday, November 6; and tickets can be purchased on-line.

B-3 Presentation of Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting (CM)

Deputy City Manager Jordan Ayers announced that the City received the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the 23rd year in a row and presented Certificates of Recognition to Financial Services Manager Ruby Paiste and Supervising Accountant Derrick Cotten.

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

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

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-1 Receive Register of Claims in the Amount of \$9,708,649.80 (FIN)

Claims were approved in the amount of \$9,708,649.80.

C-2 Approve Minutes (CLK)

The minutes of September 13, 2016 (Shirtsleeve Session), September 20, 2016 (Shirtsleeve Session), September 21, 2016 (Regular Meeting), September 27, 2016 (Shirtsleeve Session), October 4, 2016 (Shirtsleeve Session), October 4, 2016 (Special Meeting), and October 5, 2016 (Regular Meeting) were approved as written.

C-3 Accept Improvements Under Contract for 2016 Extruded Traffic Stripes, Various City Streets (PW)

Accepted the improvements under the contract for 2016 Extruded Traffic Stripes, Various City Streets.

C-4 Accept Improvements Under Contract for Alley Improvement Project - Phase 5 (PW)

Accepted the improvements under the contract for Alley Improvement Project - Phase 5.

C-5 Accept Improvements Under Contract for Kofu Park Americans with Disabilities Act Improvements Project (PW)

Accepted the improvements under the contract for Kofu Park Americans with Disabilities Act Improvements Project.

C-6 Accept Improvements Under Contract for 2016 Storm Drainage Improvements (PW)

Accepted the improvements under the contract for 2016 Storm Drainage Improvements.

- C-7 Adopt Resolution Accepting Lodi Shopping Center Public Improvements; Receiving Dedication of Real Property Known as I-2 Storm Drain Basin (APN 058-03-018) and All Associated Offsite Public Improvements; Amending Traffic Resolution No. 97-148 by Approving Through Street on Westgate Drive from Kettleman Lane to the South Boundary of the Lodi Shopping Center and Further Approving No-Parking Zones on the West Side of Lower Sacramento Road from Kettleman Lane to South Boundary of the Lodi Shopping Center; and Appropriating Funds (\$252,763) (PW)

Adopted Resolution No. 2016-177 accepting Lodi Shopping Center Public improvements; receiving dedication of real property known as I-2 Storm Drain Basin (APN 058-03-018) and all associated offsite public improvements; amending Traffic Resolution No. 97-148 by approving a through street on Westgate Drive from Kettleman Lane to the south boundary of the Lodi Shopping Center and further approving no-parking zones on the west side of Lower Sacramento Road from Kettleman Lane to south boundary of the Lodi Shopping Center; and appropriating funds in the amount of \$252,763.

- C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Regulatory Required Maintenance, Testing, and Repair of Altec-Equipped Vehicles and Equipment with Altec Industries, Inc., of Dixon, for a Five-Year Term (\$25,000 Annually) (EU)

Adopted Resolution No. 2016-178 authorizing the City Manager to execute a Professional Services Agreement for regulatory-required maintenance, testing, and repair of Altec-equipped vehicles and equipment with Altec Industries, Inc., of Dixon, for a five-year term, in the amount of \$25,000 annually.

- C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Killelea Substation Bank No. 1 Power Transformer Relocation, Test, and Preparation for Long-Term Storage with Delta Star, Inc., of Lynchburg, Virginia (\$89,000) (EU)

Adopted Resolution No. 2016-179 authorizing the City Manager to execute a Professional Services Agreement for Killelea Substation Bank No. 1 Power Transformer Relocation, Test, and Preparation for Long-Term Storage with Delta Star, Inc., of Lynchburg, Virginia, in the amount of \$89,000.

- C-10 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Siegfried Engineering, Inc., of Stockton, for Lodi Station Parking Garage Structural Management (\$66,300) (PW)

Council Member Johnson requested a brief explanation on this item.

Public Works Director Charlie Swimley stated that a Task Order was recently completed to evaluate the structural condition of the 15-year-old Lodi parking structure. The preliminary evaluation showed minor damage to the facility due to major vibrations from the nearby train system, and the consultant recommended improvements to the building.

Council Member Johnson questioned if the structure was safe, to which Mr. Swimley responded in the affirmative, stating that the assessment was intended to proactively repair failures, such as concrete cracks and elevator columns, well in advance to ensure problems do not worsen.

Adopted Resolution No. 2016-180 authorizing the City Manager to execute a Professional Services Agreement with Siegfried Engineering, Inc., of Stockton, for Lodi Station Parking Garage structural management, in the amount of \$66,300.

- C-11 Adopt Resolution Authorizing City Manager to Execute Service Maintenance Agreement with Sungard Public Sector, Inc., of Lake Mary, Florida, and Further Authorizing City Manager to Execute Future Budgeted Annual Maintenance Agreements with Sungard Public Sector, Inc., on Behalf of the City of Lodi (\$151,921.38) (PD)

Adopted Resolution No. 2016-181 authorizing the City Manager to execute a Service Maintenance Agreement with Sungard Public Sector, Inc., of Lake Mary, Florida, in the amount of \$151,921.38, and further authorizing the City Manager to execute future budgeted annual maintenance agreements with Sungard Public Sector, Inc., on behalf of the City of Lodi.

C-12 Adopt Resolution Authorizing City Manager to Execute Task Order No. 29 with Langan Treadwell Rollo, of San Francisco, for Environmental Consulting Services for PCE/TCE Groundwater Contamination Plumes (\$25,000) and Appropriating Funds (\$25,000) (PW)

Adopted Resolution No. 2016-182 authorizing the City Manager to execute Task Order No. 29 with Langan Treadwell Rollo, of San Francisco, for environmental consulting services for PCE/TCE groundwater contamination plumes in the amount of \$25,000 and appropriating funds in the amount of \$25,000.

C-13 Adopt Resolution Authorizing Lodi Police Department to Participate in the Selective Traffic Enforcement Program Grant Funded by the Office of Traffic Safety and Further Authorizing City Manager to Execute the Grant Documents on Behalf of the City of Lodi (\$130,000) (PD)

Adopted Resolution No. 2016-183 authorizing the Lodi Police Department to participate in the Selective Traffic Enforcement Program Grant funded by the Office of Traffic Safety and further authorizing the City Manager to execute the grant documents on behalf of the City of Lodi, in the amount of \$130,000.

C-14 Adopt Resolution Approving First-Time Home Buyer Program Guidelines (CD)

Adopted Resolution No. 2016-184 approving First-Time Home Buyer Program Guidelines.

C-15 Adopt Resolution Approving City of Lodi Investment Policy and Internal Control Guidelines (CM)

NOTE: Mayor Chandler arrived during the discussion of this matter and prior to the vote.

This item was removed from the Consent Calendar at the request of Council Member Nakanishi for discussion purposes.

In response to Council Member Nakanishi, Deputy City Manager Jordan Ayers stated that by law public agency deposits must be collateralized up to 100 or 150 percent of the value. Under the City's current policy, staff is limited to one CD of \$250,000 in a single bank, which prevents staff from taking advantage of promotional rates or offers. The proposed policy language allows staff to open a second CD as long as the bank collateralizes the CD. If the bank were to fail, there are two mechanisms to protect the money: one is Federal Deposit Insurance Corporation insurance up to \$250,000, and the other is the bank's collateralized security up to 100 percent.

Council Member Nakanishi made a motion, second by Council Member Mounce, to adopt Resolution No. 2016-187 approving City of Lodi Investment Policy and Internal Control Guidelines.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-16 Adopt Resolution Rescinding Resolution No. 4304 and Approving Updated Public Works Tree Policy (PW)

Adopted Resolution No. 2016-185 rescinding Resolution No. 4304 and approving updated Public Works Tree Policy.

C-17 Adopt Resolution Approving Year 2016 Amendments to Conflict of Interest Code (Government Code Section 87306.5) (CA)

Adopted Resolution No. 2016-186 approving Year 2016 Amendments to Conflict of Interest Code (Government Code Section 87306.5).

C-18 Set Public Hearing for November 2, 2016, to Consider Adopting Resolution Approving Planning Commission's Recommendation to Authorize 28 Medium-Density Residential Growth Management Allocations for the Camper - Sacramento Street Subdivision (CD)

Set public hearing for November 2, 2016, to consider adopting resolution approving Planning Commission's recommendation to authorize 28 medium-density Residential Growth Management Allocations for the Camper - Sacramento Street Subdivision.

C-19 Set Public Hearing for November 2, 2016, to Consider Adopting Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2017 and Updating the Fee Model for the Conservation Plan (CD)

Set public hearing for November 2, 2016, to consider adopting resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2017 and updating the fee model for the Conservation Plan.

C-20 Set Public Hearing for November 2, 2016, to Consider Adoption of the 2016 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code (CD)

Set public hearing for November 2, 2016, to consider adoption of the 2016 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code.

C-21 Set Public Hearing for November 16, 2016, to Consider and Approve an Amendment of the 2016/17 Annual Action Plan to Accommodate the Reallocation of Community Development Block Grant Funds from Previous Years (CD)

Set public hearing for November 16, 2016, to consider and approve an amendment of the 2016/17 Annual Action Plan to accommodate the reallocation of Community Development Block Grant funds from previous years.

C-22 Set Public Hearing for November 16, 2016, to Consider Unmet Transit Needs in Lodi (PW)

Set public hearing for November 16, 2016, to consider unmet Transit needs in Lodi.

C-23 Set Public Hearing for November 16, 2016, to Receive Comments on and Consider Accepting City of Lodi's Report on Water Quality Relative to Public Health Goals (PW)

Set public hearing for November 16, 2016, to receive comments on and consider accepting City of Lodi's Report on Water Quality Relative to Public Health Goals.

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

was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

Craig Hoffman invited Council and the public to attend the 11th annual Octoberfest on Saturday, October 22, 2016, at the American Legion building, the proceeds from which will benefit American Legion Post 22. The event will feature bands, dancers, and food with the Mayor tapping the first ceremonial keg.

Mike Lusk stated he read in the Lodi News-Sentinel that the San Joaquin County Board of Supervisors was scheduled to review an application for a commercial project on Lower Sacramento and Armstrong Roads, just outside of Lodi's boundaries. With past discussions of a greenbelt, he questioned if the City had a position on the proposed development.

City Manager Schwabauer responded that, to his knowledge, this project refers to a farm stand and the City has no plan to oppose the project because it is consistent with agricultural/farm use.

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

Council Member Mounce reported on her attendance at the League of California Cities Annual Conference in Long Beach, at which she was sworn in as President of the League. She stated the event brought in over 2,000 city officials, had many educational sessions, and was an excellent opportunity to network with other council members and mayors. Council Member Mounce stated she worked with the city manager's association, hosted breakout meetings, moderated a number of sessions, and was a presenter during the general session.

Mayor Chandler congratulated Council Member Mounce on this honor, stating it was of great benefit to Lodi to have her in this leadership role. Further, Mayor Chandler reported that he attended the Electric Utility open house, in which hundreds of elementary school children participated. He apologized for arriving late to the meeting and reported that he was attending the Cal Emerging Technology Program meeting, which brings broadband to states and helps bridge the divide in communities. The group is interested in Lodi's "dark cable," which it hopes to distribute to a greater number of users.

Council Member Mounce agreed this was an excellent contact to make, stating that "redlining" happens when service providers do not bring service into poor communities, which limits opportunities for those individuals.

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

None.

G. Public Hearings

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

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Chandler called for the public hearing to consider adopting resolution eliminating the Reduced Residential Impact Fee Structure for low- and medium-density zoning designations.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the elimination of the Reduced Residential Impact Fee Structure for low- and medium-density zoning designations. Specific topics of discussion included outline, overview, reduced versus regular fees, fee comparison per single family unit, impacts on development, Shirtsleeve Session feedback, and recommendation.

In response to Council Member Nakanishi, Mr. Swimley stated the public hearing was continued to another date because the Park fees were inadvertently omitted from the publication.

Mayor Chandler opened the public hearing for public comment.

Mike Lusk presented a Blue Sheet item (filed) regarding the impacts of the reduced Impact Mitigation Fees and how citizens are subsidizing development through reduced fees. Mr. Lusk expressed support for returning to the regular fee schedule and further suggested Council adjust the fees annually for Engineering News Record increases and consider increasing the fee amounts as Lodi's is the lowest impact fee in the area. Further, Mr. Lusk questioned if the loans from the Water Impact Fee fund for Fire Station No. 4 and the loan from the Storm Drain Impact Fee fund to the General Fund would be repaid; whether the Water Impact Fee will be affected by the Sustainable Groundwater Management Act (SGMA); and if the Electrical Impact Fee would be increased as a result of renewable energy resource mandates.

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

In response to questions by Mr. Lusk, City Manager Schwabauer stated that the Electrical and Water Impact Fees would not increase as a result of SGMA or legislation regulating renewable energy resources because of the limitation on impact fees. Fees are collected for the cost of constructing facilities or building new electrical lines; not on the acquisition of water or electricity because that is an ongoing operation. In response to the questions regarding repayment of the loans, Mr. Schwabauer stated staff would look into the matter and respond back to him and Council. Mr. Lusk further questioned SGMA and renewable energy resources, to which Mr. Schwabauer responded that both pieces of legislation are unrelated to growth and are instead focused on greener energy and sustainability in water. He stated there are small incremental elements associated with growth, but those are not capital items; they are operational in nature and would be recovered by rates and not the impact fee program. In further response, he stated that engineering costs would typically be included in the cost of designing a facility and explained that the construction of the new pond at White Slough has nothing to do with SGMA; rather, it is a positive project that will eliminate the need to discharge water to the Delta and will provide year-round water reliability for farmers.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2016-188 eliminating the Reduced Residential Impact Fee Structure for low- and medium-density zoning designations and in-fill projects of more than ten lots.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications

H-1 Appointment to the Site Plan and Architectural Review Committee; and Post for Expiring Terms on the Lodi Senior Citizens Commission, Recreation Commission, and Personnel Board of Review (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to make the following appointment and direct the City Clerk to post for the following expiring terms:

APPOINTMENT:

Site Plan and Architectural Review Committee
Wendel Kiser, term to expire January 1, 2019

POSTINGS:

Lodi Senior Citizens Commission

Robert N. Anderson, term to expire December 31, 2016
Julie Whiteley, term to expire December 31, 2016

Recreation Commission

Larry Long, term to expire December 31, 2016
Breanna Meyer, term to expire December 31, 2016

Personnel Board of Review

Ed Miller, term to expire January 1, 2017
Bill Russell, term to expire January 1, 2017
Jim Schweickardt, term to expire January 1, 2017

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to approve the monthly Protocol Account Report through September 30, 2016.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

I-1 Approve Budget and Fiscal Policies and Third-Party Trusts (CM)

a. Adopt Resolution Approving Budget and Fiscal Policies

Deputy City Manager Jordan Ayers provided a presentation regarding budget and fiscal policies. Specific topics of discussion included previous Council discussions, employee survey regarding reserves and priorities, minor change to the previously-presented policy of adding the omitted appropriation limit required in the Constitution, and three examples of past uses of the City Manager's and Deputy City Manager's authority to move appropriations within a fund without increasing the approved appropriation limit.

Council Member Mounce expressed concern with Section 6(c) of the policy regarding how the hierarchy of the fund balance works because it is not clear or specific enough and questioned why restricted funds would be used first. Mr. Ayers stated the intent is to require that funds specific to a project or use, such as designated grant funds, be used first over discretionary dollars. Council Member Mounce agreed with the concept, but believed the language was not clear enough. City Manager Schwabauer suggested amending the policy to read: "when multiple categories of fund balance are available for expenditure, the City will spend the most restrictive funds *eligible to pay the expenditure* first before moving down to the next category..."

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2016-189 approving Budget and Fiscal Policies, with amendment to Section 6(c), stating, "When multiple categories of fund balance are available for expenditure, the City will spend the most restrictive funds *eligible to pay the expenditure* first before moving down to the next category with available funds in the following order: 1. Restricted, 2. Committed, 3. Assigned, and 4. Unassigned."

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

- b. Adopt Resolution Authorizing City Manager to Execute All Documents Necessary to Enter a Pension Stabilization Irrevocable Trust with Public Agency Retirement Services, Designating Funds to be Deposited into the Trust, and Selection of the Balanced (Passive Option) Investment Strategy (CM)

Deputy City Manager Jordan Ayers provided a presentation regarding Pension Stabilization Irrevocable Trust. Specific topics of discussion included funding unfunded liabilities; option of setting aside money for California Public Employees Retirement System (Cal-PERS) in a third-party trust versus paying the money directly to Cal-PERS, which does not go against principle or reduce payments; recommendation of Public Agency Retirement Services (PARS) as the third-party trust; better investment opportunities and rate of return than the City's investment pool and less volatility than the Cal-PERS system; ability to access money in the trust; and recommendation to utilize one-time money by committing 80 percent of the final reserve amount in excess of the general fund reserve target to the trust.

Mayor Pro Tempore Kuehne questioned if Council had previously discussed the 80 percent figure and stated he was uncomfortable with such a high number. In response to Mayor Pro Tempore Kuehne, Mr. Ayers stated that staff recommends the balanced investment strategy under the passive option and that Council did not discuss a specific investment level, but the recommended amount still leaves Council with 20 percent for other Council spending priorities. Mayor Pro Tempore Kuehne stated he would prefer a 60 percent level, which would give Council greater flexibility. Mr. Ayers stated the recommendation is not set in stone for every year; rather, it is the recommendation for the initial funding. He anticipated staff would submit a new recommendation each year during the budget process.

Council Member Johnson questioned if staff was comfortable with the anticipated 6.5 percent growth return, to which Mr. Ayers stated there is no guarantee on returns, but there is unquestionably a lower level of volatility associated with these investments than those with Cal-PERS. He confirmed there is no penalty to withdraw from the trust fund. Council Member Johnson expressed support for creating the fund with the highest contribution possible because the unfunded liability is so significant.

In response to Council Member Mounce, Mr. Ayers stated the associated costs with the trust fund are two management fees: one to PARS and one to the investment management company. Mr. Schwabauer stated that the rate of return is secondary in importance on this issue, explaining that the critical issue is building a significant reserve fund in order to pay the Cal-PERS bills that are far in excess of what the City can pay.

Council Member Nakanishi made a motion, second by Council Member Johnson, to adopt Resolution No. 2016-190 authorizing the City Manager to execute all documents necessary to enter a Pension Stabilization Irrevocable Trust with Public Agency Retirement Services, designating funds to be deposited into the Trust, and selection of the Balanced (Passive Option) Investment Strategy.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, and Mayor Chandler

Noes: Mayor Pro Tempore Kuehne

Absent: None

- c. Adopt Resolution Authorizing City Manager to Execute All Documents Necessary to Enter Other Post-Employment Benefits Irrevocable Trust with California Employer's Retiree Benefit Trust Program, Select Investment Strategy 2, and Appropriating Funds (\$1,000,000) (CM)

Deputy City Manager Jordan Ayers provided a presentation regarding Other Post-Employment Benefits (OPEB) Irrevocable Trust with California Employer's Retiree Benefit Trust Program (CERBT).

In response to Council Member Mounce, Mr. Ayers explained the three elements of the Cal-PERS liability. He stated there are a number of employees hired prior to 1995/96 that can convert accrued sick leave upon retirement toward health care costs. The program was eliminated in 1995, but there are roughly 40 to 50 existing employees who qualify and another pool of retirees who currently have this benefit. In addition, the City has a statutory regulation to pay a portion of the monthly health care premium for every employee and the liability is tied to the concept of implicit subsidy whereby all members pay the same amount regardless of age or employment status. Of the City's \$39 million liability, \$21 million is for implicit subsidy. In further response, Mr. Ayers stated it would be extremely expensive to withdraw from the Cal-PERS system. If the City left, the first year rate would be guaranteed at the Cal-PERS rate, but afterward the rate will be subject to market prices for employees and retirees. Council Member Mounce stated that the League of California Cities is rolling out its own market place program that would be available to California cities and would provide lower, stable health care costs for employees and retirees. She requested staff research the option. Mr. Ayers stated he did some preliminary analysis of the program and found that cities would be guaranteed the Cal-PERS rate for the first year but subject to market rates afterward. He noted that, if the City were to leave Cal-PERS, it would be required to do so completely and could not separate active employees and retirees. The City would also not be subject to implicit subsidy in which it pays the same one-size-fits-all rate; however, individuals will be subject to market rates based on their age and demographics, which could result in higher costs. Mr. Ayers stated he has participated in League webinars on this subject and he would continue to look into the merits of the program.

Mr. Ayers covered topics on the subject including unfunded liability, independent investor, different investment strategy and policy, recommendation to invest the \$1 million currently set aside for OPEB into the trust fund and to select investment Strategy 2, consideration of plan to annually fund the program, and ability to draw money from the account if necessary to balance the budget.

In response to Council Member Nakanishi, Mr. Ayers explained that the unfunded liability of \$39 million breaks down as \$21 million for implicit subsidy with the remaining balance of \$18 million split between the sick leave conversion program and the statutory required payments for premiums. He further explained this liability continues to increase because health care costs are rising and that eventually the sick leave conversion liability will end once all of the employees and retirees cease drawing from that side of the pool.

Council Member Mounce expressed concern that the investors are associated with Cal-PERS, even though it is a separate leg of the agency, and questioned if the City could trust it to invest its money. Mr. Ayers stated that both PARS and Cal-PERS through CERBT were considered by staff because the programs were so similar and it was determined CERBT had a better rate of return for Lodi's strategy.

Council Member Johnson made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2016-191 authorizing the City Manager to execute all documents necessary to enter Other Post-Employment Benefits Irrevocable Trust with California Employer's Retiree Benefit Trust Program, select Investment Strategy 2, and appropriating funds in the amount of \$1,000,000.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor

Pro Tempore Kuehne, and Mayor Chandler

Noes: None

Absent: None

J. Ordinances

J-1 Ordinance No. 1929 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 17.30 - Landscaping - by Repealing and Re-Enacting Section 17.30.070, 'Water Efficient Landscape Requirements,' in Its Entirety" (CLK)

Mayor Pro Tempore Kuehne made a motion, second by Council Member Mounce, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1929 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 17.30 - Landscaping - by Repealing and Re-Enacting Section 17.30.070, 'Water Efficient Landscape Requirements,' in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held September 21, 2016.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-2 Ordinance No. 1930 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 5 - Permits and Regulations - by Repealing and Re-Enacting Chapter 5.24, 'Taxicab Transportation Service,' in Its Entirety" (CLK)

Mayor Pro Tempore Kuehne made a motion, second by Council Member Mounce, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1930 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 5 - Permits and Regulations - by Repealing and Re-Enacting Chapter 5.24, 'Taxicab Transportation Service,' in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held September 21, 2016.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-3 Ordinance No. 1931 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 5 - Permits and Regulations - by Repealing and Re-Enacting Chapter 5.25, 'Pedicabs,' in Its Entirety" (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1931 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 5 - Permits and Regulations - by Repealing and Re-Enacting Chapter 5.25, 'Pedicabs,' in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held September 21, 2016.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:41 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, OCTOBER 25, 2016**

The October 25, 2016, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Jennifer M. Ferraiolo
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Awarding Bids for the Purchase of 23 Padmount Transformers from ERMCO of Dyersburg, Tennessee (\$172,268.64)

MEETING DATE: November 2, 2016

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt resolution awarding bids for the purchase of 23 padmount transformers from ERMCO of Dyersburg, Tennessee in an amount not to exceed \$172,268.64.

BACKGROUND INFORMATION: On April 6, 2016, the City Council authorized the advertisement of bids to replenish inventory consumed as a result of ongoing maintenance and development projects.

The Electric Utility advertised bids on October 5 and October 8, 2016. On October 19, 2016, bids were opened with five suppliers submitting proposals. Life-cycle costs (total purchase price plus cost of operation based on estimated power loss during the projected life of the transformer) were evaluated. Staff reviewed the proposals and deemed the following as the lowest responsive bid and compliant with the approved specifications.

Description	Supplier	Amount (\$)
50 kVA, 1P, 120/240 V	ERMCO	18,252.00
100 kVA, 1P, 120/240 V	ERMCO	7,980.12
75 kVA, 3P, 120/208 V	ERMCO	5,378.40
500 kVA, 3P, 120/208 V	ERMCO	34,023.24
150 kVA, 3P, 277/480 V	ERMCO	5,935.68
1,500 kVA, 3P, 277/480 V	ERMCO	100,699.20

FISCAL IMPACT: Procurement cost is \$172,268.64. Total life-cycle cost is \$203,179.39.

FUNDING AVAILABLE: Included in FY2016/17 Budget Account No. 500.13496.

Jordan Ayers
Deputy City Manager/Internal Services Director

Elizabeth A. Kirkley
Electric Utility Director

PREPARED BY: Hasan Shahriar, P.E., Senior Power Engineer
EAK/HS/JLM/lst

APPROVED: _____
Stephen Schwabauer, City Manager

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE BID FOR THE PURCHASE OF
PADMOUNT TRANSFORMERS TO ERMCO, OF
DYERSBURG, TENNESSEE

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 October 19, 2016, at 11:00 a.m., for the purchase of 23 padmount transformers for the Electric Utility Department, described in the specifications therefore approved by the City Council on April 6, 2016; and

WHEREAS, said bids have been compared as to life-cycle costs, checked, and tabulated and a report thereof filed with the City Manager; and

WHEREAS, the bids meeting the City's specification with the lowest estimated life-cycle costs are shown below:

Quantity	Description	Supplier	Amount (\$)
10	50 kVA, 1P, 120/240 V	ERMCO	18,252.00
3	100 kVA, 1P, 120/240 V	ERMCO	7,980.12
1	75 kVA, 3P, 120/208 V	ERMCO	5,378.40
3	500 kVA, 3P, 120/208 V	ERMCO	34,023.24
1	150 kVA, 3P, 277/480 V	ERMCO	5,935.68
5	1,500 kVA, 3P, 277/480 V	ERMCO	100,699.20

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the bid for the purchase of 23 designated padmount transformers to ERMCO, of Dyersburg, Tennessee, as shown above, in the amount of \$172,268.64.

Dated: November 2, 2016

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Rejecting Low-Bid as Non-Responsive and Awarding Contract for Compressed Natural Gas Fueling Station Improvements to TNT Industrial Contractors, Inc., of Sacramento (\$232,999)

MEETING DATE: November 2, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution rejecting low-bid as non-responsive and awarding contract for Compressed Natural Gas Fueling Station Improvements to TNT Industrial Contractors, Inc., of Sacramento, in the amount of \$232,999.

BACKGROUND INFORMATION: This project consists of replacing failed components and various improvements and upgrades to the Compressed Natural Gas (CNG) fueling station that was originally constructed in 2002. The improvements include upgrading or replacing the compressor control panel for lead lag operation and remote monitoring of the two compressors, installation of a second natural gas dryer, replacing the dispenser on the Fuel Island, and repairs necessary to bring the slow fill system back in operation.

The City's CNG fueling station, located at the Municipal Service Center, supplies compressed natural gas for the City's fleet of 24 Transit buses and various other City natural gas powered vehicles. This system is subjected to heavy-duty use on a daily basis. The proposed improvements will improve reliability and safety of the CNG fueling station.

Plans and specifications for this project were approved on August 3, 2016. The City received the following four bids for this project on October 12, 2016.

Bidder	Location	Bid
Engineer's Estimate		\$ 219,000.00
Fastech	Buena Park	\$ 214,324.00*
TNT Industrial Contractors, Inc.	Sacramento	\$ 232,999.00
Performance Mechanics, Inc.	Sacramento	\$ 286,071.00*
EFS West	Valencia	\$ 289,025.00*

* = corrected figures

Staff reviewed all bids submitted. The low bid submitted by Fastech was determined to be non-responsive since the contractor's listed subcontractor (Malak Automation) was not registered with the Department of Industrial Relations, pursuant to Labor Code Section 1725.5, prior to submitting the bid. In addition, Fastech did not submit the Local Hire Information Form and Checklist with the bid as required. For these reasons, staff recommends awarding the contract for CNG Fueling Station Improvement project to TNT Industrial Contractors, Inc., of Sacramento, in the amount of \$232,999.00.

APPROVED: _____
Stephen Schwabauer, City Manager

FISCAL IMPACT: There will be a decrease in annual maintenance costs associated with these upgrades.

FUNDING AVAILABLE: This project will be funded by Transportation Development Act (TDA) program funds (60199000) and was included in the Fiscal Year 2016/17 transit capital budget.

Jordan Ayers
Deputy City Manager/Internal Services Director

Charles E. Swimley, Jr.
Public Works Director

Prepared by Lyman Chang, Deputy Public Works Director/City Engineer
CES/LC/tdb
Attachment

cc: Transportation Manager/Sr TE
Public Works Management Analyst
Fleet Services Supervisor
City Attorney
TNT Industrial Contractors, Inc.

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and TNT INDUSTRIAL CONTRACTORS, INC., herein referred to as the "Contractor."

WITNESSETH:

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

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

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

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

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

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

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

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

Perform the work necessary to replace light duty CNG dispenser, furnish and install new semi-automatic regenerative gas dryers, furnish and install storage vessel relief valves, remove and replace compressor controller, and other incidental and related work, all as shown on the plans and specifications for "CNG Fueling Station Improvements".

CONTRACT ITEMS

Item	Description	Units	Quantity	Unit Price	Total Price
1	Remove existing CNG transit dispenser and associated piping back to existing light duty CNG dispenser approximately 10-ft away.	LS	1	\$4,984.00	\$4,984.00
2	Remove and replace existing light duty dispenser with new.	LS	1	\$70,365.00	\$70,365.00
3	Furnish and install new semi-automatic regenerative gas dryer to match existing.	LS	1	\$44,905.00	\$44,905.00
4	Furnish set of three (3) storage vessel relief valves to match existing.	LS	1	\$8,303.00	\$8,303.00
5	Remove existing compressor and storage vessel relief valves, have rebuilt and retested by a qualified third party and	LS	1	\$22,946.00	\$22,946.00

	reinstall (relief valves furnished above will allow for half the existing storage vessel relief valves to be sent out for retesting at a time).				
6	Remove and replace existing Comp 04-501 compressor controller (PLC Controller) with new. Interface with existing Comp 1 compressor controller to provide for lead-lag control of the two compressors. Upgrade systems to allow for web-based access.	LS	1	\$47,231.00	\$47,231.00
7	Remove and replace three (3) existing timefill hose assemblies. Recommission and test existing timefill system to allow it to be placed back in service.	LS	1	\$34,265.00	\$34,265.00
Total					\$232,999.00

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

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

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

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within **150 CALENDAR DAYS**.

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

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

- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

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

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

CONTRACTOR: CITY OF LODI, a municipal corporation

By: _____
STEPHEN SCHWABAUER
City Manager

By: _____ Date: _____

Title Attest:

JENNIFER M. FERRAILO
City Clerk

(CORPORATE SEAL)

Approved As To Form:

JANICE D. MAGDICH
City Attorney 

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL REJECTING LOW-BID AS
NON-RESPONSIVE AND AWARDING CONTRACT FOR COMPRESSED
NATURAL GAS FUELING STATION IMPROVEMENTS PROJECT TO
TNT INDUSTRIAL CONTRACTORS, INC., OF SACRAMENTO

WHEREAS, this project consists of replacing failed components and various improvements including upgrading or replacing the compressor control panel for lead lag operation and remote monitoring of the two compressors, installation of a second natural gas dryer, replacing the dispenser on the Fuel Island, and repairs necessary to bring the slow fill system back in operation; and

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 October 12, 2016, at 11:00 a.m., for the Compressed Natural Gas Fueling Station Improvements Project described in the plans and specifications therefore approved by the City Council on August 3, 2016; and

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

Bidder	Bid
Fastech	\$214,324*
TNT Industrial Contractors, Inc.	\$232,999
Performance Mechanics, Inc.	\$286,071*
EFS West	\$289,025*
*Corrected Figure	

WHEREAS, the low bid submitted by Fastech was determined to be non-responsive since the contractor's listed subcontractor (Malak Automation) was not registered with the Department of Industrial Relations, pursuant to Labor Code Section 1725.5, prior to submitting the bid. In addition, the contractor did not submit the Local Hire Information Form and Checklist with the bid as required; and

WHEREAS, staff recommends rejecting the low-bid as non-responsive and awarding the contract for the Compressed Natural Gas Fueling Station Improvements Project to TNT Industrial Contractors, Inc., of Sacramento, in the amount of \$232,999.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reject the low-bid as non-responsive and award the contract for the Compressed Natural Gas Fueling Station Improvements Project to TNT Industrial Contractors, Inc., of Sacramento, California, in the amount of \$232,999; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the contract on behalf of the City of Lodi.

Dated: November 2, 2016

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2016 by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Awarding Contract for Beckman Park Storm Water Pump Station Improvement Project to C.E. Cox General Engineering, Inc., of Orangevale (\$38,500), and Appropriating Funds (\$50,000)

MEETING DATE: November 2, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution awarding contract for Beckman Park Storm Water Pump Station Improvement Project to C. E. Cox General Engineering, Inc., of Orangevale, in the amount of \$38,500, and appropriating funds in the amount of \$50,000.

BACKGROUND INFORMATION: Approximately half of the City’s storm drainage flows are directed to the Beckman Park Storm Water Pump Station, located at 1426 West Century Boulevard. Currently the pump station is designed to discharge up to 40 cubic feet per second (cfs) of storm water into the Woodbridge Irrigation canal.

Since master planned storm drain facilities serving The Vine at Vintner’s Square subdivision are not yet available, the conditions of approval for the project require the developer to fund minor modifications to the City’s existing storm drain system. The system modifications are intended to accommodate the additional storm water flows generated by the subdivision improvements.

One of the required improvements is to modify the outfall structure at the Beckman Park Storm Water Pump Station. The modification is needed to increase the facility’s discharge capacity from 40 cfs to 60 cfs.

This project will consist of replacing the existing Parshall flume with a new Parshall flume that has a discharge capacity of 60 cfs. The specifications for this project were approved on September 7, 2016. The City received the following three bids for this project on September 28, 2016:

Bidder	Location	Bid
Engineer’s Estimate		\$ 40,000
C.E. Cox General Engineering, Inc.	Orangevale	\$ 38,500
Diede Construction	Woodbridge	\$ 55,500
Conco-West, Inc.	Manteca	\$ 56,300

Staff recommends awarding contract for Beckman Park Storm Water Pump Station Improvement Project to C.E. Cox General Engineering, Inc., of Orangevale, in the amount of \$38,500. An appropriation of \$50,000 is requested to cover costs related to engineering, surveying, construction inspection, and costs associated with unforeseen conditions during construction. All project costs are to be funded by the developer.

FISCAL IMPACT: The long term fiscal impact is negligible.

APPROVED: _____
Stephen Schwabauer, City Manager

FUNDING AVAILABLE: All project costs will be paid by the developer in accordance with the improvement agreement. Funds will be deposited into, and paid from the Wastewater Fund.

Requested Appropriation:

Wastewater Capital Fund (53199000.77020) - \$50,000

Jordan Ayers
Deputy City Manager/Internal Services Director

Charles E. Swimley, Jr.
Public Works Director

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

cc: Utilities Manager
PW Management Analyst
Contractor

**BECKMAN PARK STORM WATER PUMP STATION
IMPROVEMENT PROJECT**
1426 W Century Blvd

CONTRACT

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and C. E. COX GENERAL ENGINEERING, herein referred to as the "Contractor."

WITNESSETH:

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

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

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

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

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

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

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the

general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

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

Perform the work necessary to remove the existing Parshall Flume, remove and replace grout and anchors as needed, and furnish and install a new (larger capacity) Parshall Flume. This project includes other incidental and related work, as described in these specifications and as needed to provide a complete and functioning flume.

See Section 6-07 "Description of Bid Items" for additional information.

CONTRACT ITEMS

Item	Description	Qty	Unit	Price
1	Mobilization, Demolition and Demobilization	1	LS	\$2,500.00
2	Furnish and Install Parshall Flume	1	LS	\$36,000.00

TOTAL \$38,500

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

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

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

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within **80 CALENDAR DAYS**.

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

- No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

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

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

CONTRACTOR:

CITY OF LODI, a municipal corporation

By: _____
STEPHEN SCHWABAUER
City Manager

By: _____

Date: _____

Title

Attest:

JENNIFER M. FERRAIOLO
City Clerk

(CORPORATE SEAL)

Approved As To Form:

JANICE D. MAGDICH
City Attorney 

1. AA# _____

2. JV# _____

**CITY OF LODI
APPROPRIATION ADJUSTMENT REQUEST**

TO:	Internal Services Dept. - Budget Division		
3. FROM:	Rebecca Areida-Yadav	5. DATE:	10/17/2016
4. DEPARTMENT/DIVISION:	Public Works		

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW					
	FUND #	BUS. UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	531	53100000	55024	Revenue-Other	\$ 50,000.00
B. USE OF FINANCING	531	53199000	77020	Capital Projects	\$ 50,000.00

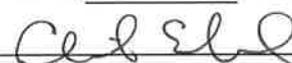
7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

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

Contract with C.E. Cox General Engineering for the Beckman Park Storm Water Pump Station Improvement project.

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

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

Department Head Signature:  10.19.16

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager	Date

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

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE CONTRACT FOR THE BECKMAN PARK STORM WATER PUMP STATION IMPROVEMENT PROJECT TO C.E. COX GENERAL ENGINEERING, INC., OF ORANGEVALE, AND FURTHER APPROPRIATING FUNDS

WHEREAS, approximately half of the City's storm drainage flows are directed to the Beckman Park Storm Water Pump Station, located at 1426 West Century Boulevard; and

WHEREAS, since master planned storm drain facilities serving The Vine at Vintner's Square subdivision are not yet available, the conditions of approval for the project require the developer to fund minor modifications to the City's existing storm drain system to accommodate the additional storm water flows generated by the subdivision improvements; and

WHEREAS, this project will consist of replacing the existing Parshall flume with a new Parshall flume that has a discharge capacity of 60 cfs; and

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 28, 2016, at 11:00 a.m., for the Beckman Park Storm Water Pump Station Improvement Project described in the specifications therefore approved by the City Council on September 7, 2016; and

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

Bidder	Bid
C. E. Cox General Engineering, Inc.	\$38,500
Diede Construction, Inc.	\$55,500
Conco-West, Inc.	\$56,300

WHEREAS, staff recommends awarding the contract for the Beckman Park Storm Water Pump Station Improvement Project to C.E. Cox General Engineering, Inc., of Orangevale, in the amount of \$38,500; and

WHEREAS, staff also recommends appropriating funds to the Wastewater Capital Fund in the amount of \$50,000.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the Beckman Park Storm Water Pump Station Improvement Project to C.E. Cox General Engineering, Inc., of Orangevale, California, in the amount of \$38,500; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the contract on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby appropriate funds in the amount of \$50,000 for this project.

Dated: November 2, 2016

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2016 by the following vote:

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

JENNIFER M. FERRAILO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with BKF Engineers, of Pleasanton, for Guild Avenue and Victor Road Intersection Traffic Signal and Lighting Design Services (\$35,484), and Appropriating Funds (\$15,000)

MEETING DATE: November 2, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute Professional Services Agreement with BKF Engineers, of Pleasanton, for Guild Avenue and Victor Road Intersection Traffic Signal and Lighting design services, in the amount of \$35,484, and appropriating funds in the amount of \$15,000.

BACKGROUND INFORMATION: The 2012 Impact Mitigation Fee Program (IMFP) updated report, approved by City Council on August 15, 2012, included a fully IMFP funded traffic signal at the intersection of Guild Avenue and Victor Road, as shown in Exhibit A. This intersection is located within both City and CalTrans jurisdictions and ranks number two on the current Traffic Signal Priority List.

The scope of work includes preliminary engineering, alternative geometric designs for the closely-spaced Lockeford Street and Guild Avenue intersection, coordination with Caltrans, and final plans and specifications.

Staff issued a request for proposals for engineering and design services on August 31, 2016, and received six proposals on September 15, 2016. Based on the written proposals, consultant's qualifications, reference check, and experience, BKF Engineers was selected for this project. The total project budget of \$55,000 includes project-related expenses and city staff time.

Staff anticipates requesting City Council to approve plans and specification in May 2017 and award the construction contract in July 2017.

Staff recommends Council authorize City Manager to execute a Professional Services Agreement with BKF Engineers, of Pleasanton, for Guild Avenue and Victor Road Intersection Traffic Signal and Lighting design services, in the amount of \$35,484 and appropriating funds in the amount of \$15,000.

FISCAL IMPACT: Not applicable.

APPROVED: _____
Stephen Schwabauer, City Manager

FUNDING AVAILABLE:	Guild/Victor Signal Design (Fiscal Year 2016/17)	\$40,000
	Requested Appropriation:	
	Street Impact Fees (30899000.77020)	<u>\$15,000</u>
	Total Design Cost:	\$55,000

Jordan Ayers
Deputy City Manager/Internal Services Director

Charles E. Swimley, Jr.
Public Works Director

Prepared by Dorothy Kam, Assistant Traffic Engineer
CES/DK/tdb
Attachments

cc: City Engineer/Deputy Public Works Director
Transportation Manager/Senior Traffic Engineer
Public Works Management Analyst
BKF Engineers

EXHIBIT A



Traffic Signal and Lighting Project

Guild Avenue and Victor Road Intersection



1 in = 100 ft

AGREEMENT FOR PROFESSIONAL SERVICES

ARTICLE 1 PARTIES AND PURPOSE

Section 1.1 Parties

THIS AGREEMENT is entered into on _____, 2016, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and BFK ENGINEERS (hereinafter "CONTRACTOR").

Section 1.2 Purpose

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

CITY wishes to enter into an agreement with CONTRACTOR for traffic signal and lighting design for Victor Road and Guild Avenue intersection (hereinafter "Project") as set forth in the Scope of Services attached here as Exhibit A. CONTRACTOR acknowledges that it is qualified to provide such services to CITY.

ARTICLE 2 SCOPE OF SERVICES

Section 2.1 Scope of Services

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

Section 2.2 Time For Commencement and Completion of Work

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

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

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

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

Section 2.3 Meetings

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

Section 2.4 Staffing

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

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

Section 2.5 Subcontracts

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

Section 2.6 Term

The term of this Agreement commences on December 1, 2016 and terminates upon the completion of the Scope of Services or on November 30, 2018, whichever occurs first.

ARTICLE 3 COMPENSATION

Section 3.1 Compensation

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

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

Section 3.2 Method of Payment

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

Section 3.3 Costs

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

Section 3.4 Auditing

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

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

ARTICLE 4
MISCELLANEOUS PROVISIONS

Section 4.1 Nondiscrimination

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

Section 4.2 ADA Compliance

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

Section 4.3 Indemnification and Responsibility for Damage

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

Section 4.4 No Personal Liability

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

Section 4.5 Responsibility of CITY

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

Section 4.6 Insurance Requirements for CONTRACTOR

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

Section 4.7 Successors and Assigns

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

Section 4.8 Notices

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

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

To CONTRACTOR: BFK Engineers
 4670 Willow Road, Suite 250
 Pleasanton, CA 94588
 Attn: Jeff Wang, Project Manager

Section 4.9 Cooperation of CITY

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

Section 4.10 CONTRACTOR is Not an Employee of CITY

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

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

Section 4.11 Termination

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

Section 4.12 Confidentiality

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

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

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

Section 4.14 City Business License Requirement

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

Section 4.15 Captions

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

Section 4.16 Integration and Modification

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

Section 4.17 Contract Terms Prevail

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

Section 4.18 Severability

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

Section 4.19 Ownership of Documents

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

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

Section 4.20 Authority

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

Section 4.21 Federal Transit Funding Conditions

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

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

CITY OF LODI, a municipal corporation

ATTEST:

JENNIFER M. FERRAIOLO
City Clerk

STEPHEN SCHWABAUER
City Manager

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

BFK ENGINEERS

By: _____


By: _____
Name: JEFF WANG
Title: Project Manager

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

**Funding Source: PWST-0043.Design.ExtLabor
(Business Unit & Account No.)**

PROJECT UNDERSTANDING

BKF Engineers (BKF) understands the City of Lodi (City) is seeking proposals from qualified firms to prepare construction-ready plans, specifications, and cost estimates (PS&E) for the construction of intersection modifications and signal installation at Victor Road and Guild Avenue.

BKF will provide project management, preliminary design and final design services for the purpose of plans, specification and cost estimate (PS&E) ready for advertisement, bid, and award. BKF is supported by our sub-consultant Kittelson & Associates (KAI) who will provide traffic operation engineering service for intersection level of service (LOS) calculation, storage lengths for turn determination and proposed traffic signal phasing under both existing and ultimate conditions.

The BKF Team is streamlined and readily available to start immediately, has significant resources of specialized consultants and experienced personnel, and has a proven track record in delivering fast-tracked projects involving intersections layout, signal modification, sidewalk installation, roadway grading and drainage system modification. BKF has an established history of providing local agencies with professional design and consulting services for the delivery of PS&E for construction and obtaining Caltrans encroachment permit. Our understanding of the Project is based on the following:

- Intersection modification and new traffic signal installation at Victor Road and Guild Avenue.
- Provide alternative layout for the intersection of Lockford Street and Guild Avenue
- Install a new traffic signal system with Caltrans standard signal poles, mast arm, vehicular and pedestrian signal indications, detection system to meet Caltrans 2015 Standard Plans and Specification.
- Construct a new sidewalk on all four corners of the intersection and install ADA-compliant ramps.
- Coordinate with Caltrans to obtain encroachment permit.

Over the past 30 years, BKF Engineers has been involved in hundreds of intersection layout, signal modification and sidewalk installation design projects throughout Northern California, from project inception, through conceptual design, all the way to construction.

It is the Project's ultimate goal to prepare construction contract documents for the purpose of advertising, bidding, awarding and constructing, which comply

with all applicable Caltrans and City design standards, requirements, and guidelines. With the project understanding including the recognition of possible risks, challenges, and resolution of key issues BKF has developed the following work plan with five specific tasks so the risks and challenges to the project can be managed, addressed and mitigated.

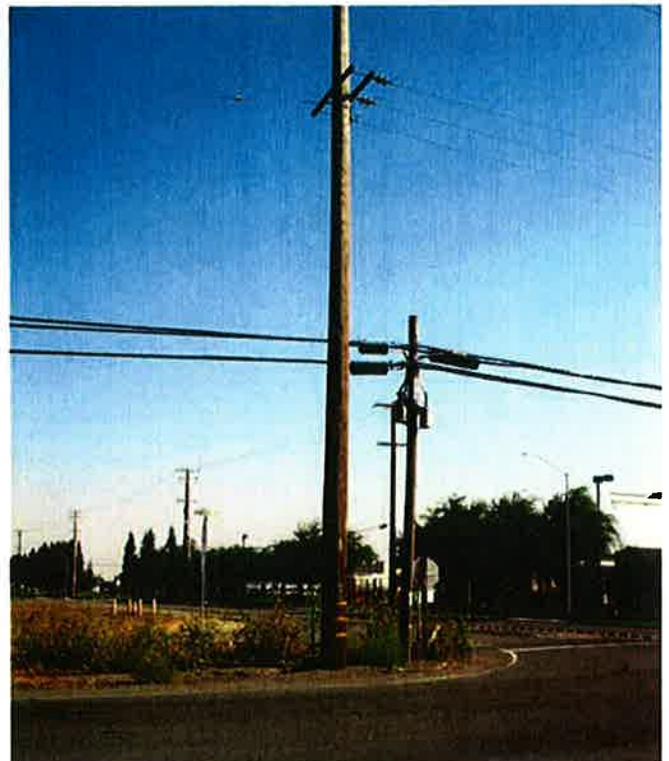
Task 1: Project Start-up & Site Investigation

With the notice to proceed from the City BKF will attend a project kick-off meeting with the City to discuss project intent, the limits of improvements, overall project scope, budget & master schedule. BKF will obtain all civil and utilities as-built plans from the City and utilities companies.

BKF will conduct independent field site visits involving site reconnaissance to verify existing conditions.

Task 1 Deliverables:

- Detailed CPM Schedule and Updates
- Project Meeting Materials (Agenda, Minutes, Logs etc.) for all Coordination Meetings
- Relevant Correspondence
- Monthly Invoicing Format

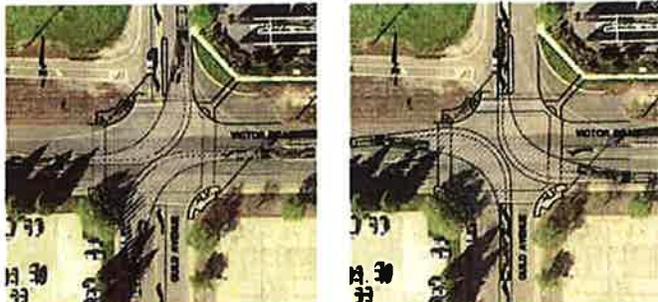


Based on existing AM and PM peak hour traffic volumes provided by the city, Kittelson & Associates (KAI) will evaluate existing delay and LOS at the intersection of Victor Road and Guild Avenue using the Highway Capacity Manual (HCM) 2010 methods as implemented by the Vistro traffic analysis software. KAI will develop recommended intersection lane configuration and signal phasing for existing traffic conditions and analyze the resulting AM and PM peak hour LOS and delay. KAI will also coordinate with the City of Lodi and SJCOG to apply the Tri-County travel demand model to obtain 2040 forecast volumes for the ultimate cumulative conditions. Using the ultimate traffic volumes, KAI will recommend lane geometries and signal phasing and assess AM and PM peak hour delay and LOS with the proposed signal. The signal phasing developed for existing conditions will be modified to ensure the signal operates optimally

With the topographic field survey information provided by the City and intersection lane configuration recommended by KIA BKF will prepare preliminary intersection layout with the proposed curb returns, wheel chair ramps, traffic signal equipment including poles, mast arm, signal indications and push buttons.

Task 2: Analysis and Concept Design

Immediately after Kick-off meeting with the City BKF contact utility companies without delay to request existing roadway and utility as-built plans, record right of way, block maps, and planned/proposed roadway work in the area. During this phase of work, BKF will compile available information, confirm work performed to date, perform investigative studies to progress the design to a level which will finalize and begin to mathematize the geometry and the right of way lines.



Task 2 Deliverables:

- Traffic Analysis
- Preliminary Driveway Conform Limits at adjacent properties
- Preliminary Signal Layout
- Intersection Truck Turning Analysis
- Intersection lighting photometrics calculation
- Preliminary cost estimates of the project

In anticipation of the work in Task 3 and 4, including updating and refining the intersection layout concept BKF will take this opportunity to open the dialogue and communication with City staff regarding key elements and constraints of the project to make sure the project's goal and needs will be met.

The goal of Task 2 is to gather all existing and new information and create a basis of conceptual design necessary to move forward with development of a refined intersection and traffic signal design, and address any issues before proceeding further with the 90% level Design Development and Construction Documentation, 100% and final PS&E.

Task 3: Design Development (90% Submittal)

With the City approved intersection layout BKF will start Design Development phase of the project. A 90% level of Design and Development Package will be prepared under this task. This task will involve taking the necessary steps to assess, balance, evaluate, coordinate and integrate the various project components, including the data gathered/compiled in Task 1, standards and requirements, site conditions in order to develop, achieve, and refined the project's goal of pedestrian, bicycle, and vehicular operations and safety at the intersection. The result and deliverable of this first part of this task will be a highly-coordinated and detailed updated, complete and inclusive plans.

The following are several key design issues and considerations:

- ✓ Minor Grading at Intersection
- ✓ Possible Existing Utilities Conflicts with Proposed Traffic Signal Equipment, Poles, Cabinets and Push Buttons
- ✓ Coordination with Utilities Agencies for Removal or Relocation of Existing Facilities
- ✓ Coordination with Lodi Electric Utility for Possible Electric Service to the Proposed Traffic Signal System

BKF will essentially revisit the conceptual design during this task and address any and all issues before proceeding further with the project, and specifically the PS&E.

As part of the 90% Design and Development Package, a detailed engineer's estimate will be prepared to reflect the design and construction details. Specific bid items and precise quantities will be taken off, and directly linked and supported by the City technical specifications

Task 3 Deliverables:

- 90% Design and Development Package Including,
 - Cover sheet for Construction Plans
 - Typical Cross Section Sheets
 - Layout Plan
 - Traffic Signal Installation Plan, Including Signal Layout Sheet and Pole Equipment and Conductors Schedule
 - Signing and Striping Sheet
- Project Specifications

Task 4: 100% Construction Documentation

BKF will attend a meeting with the City staff to review the 90% Design and Development Package comments from the City and Caltrans. BKF will revise plans, estimate and specification per the City and Caltrans' comments and make the submittal for PS&E bid package.

BKF will perform an in-house QA/QC review of the documents submitted to the City. BKF's quality control review for the 100% submittal will include the review of the design package for compliance with the governing jurisdictional standards and completeness. The review will focus on ensuring that the plan elements are clearly delineated. The different project sheets will present the design in a common manner with no contradictions or variances.

Task 4 Deliverables:

- 65% Design and Development Package Including,
 - Cover sheet for Construction Plans
 - Typical Cross section Sheets
 - Layout Plan
 - Grading Plan Constructions Details Sheet
 - Traffic Signal Installation Plan
 - Signing and Striping Sheet
 - Specifications
- Updated Construction Cost Estimate and Bid List

Task 5: Final Construction Documentation

(Bid Package)

For the Final Bid package, BKF will incorporate or resolve any remaining comments received as a result of the 100% submittal review. BKF will also conduct remaining site investigations. It is crucial that the design engineers are confident that existing field conditions have not changed since inception of the project and are depicted accurately in the bid-ready documents. Assumptions, in lieu of verifications, are not acceptable; BKF will walk the site with the final bid docs prior to submittal. All remaining aspects of the design will be finalized in order to prepare a complete, checked and bid-ready set of documents. Schedules for utility relocations will be confirmed. The construction cost estimate will be updated and formatted to its final form. BKF will conduct a final quality control review on all documents to ensure that all design elements are thoroughly addressed prior to their submission to the City.

Task 5 Deliverables:

- Final 100% Construction Plans and Technical Specifications
- Final Construction Cost Estimate and Bid List



Task 6: As-Built Plans

With the red mark ups provided by the Contractor BKF will prepare as-built plans for the project.

Task 6 Deliverables:

- As-Built Plans in PDF and Cad Format

**City of Lodi
Traffic Signal and Lighting at Victor Road and Guild Avenue Intersection**

TASK	SCOPE DESCRIPTION	STAFF CATEGORY							EST. FEE					
		PI/C (Natalina Bernard)	PM (Jaggi Bhandal)	Associate (Davis Thresh)	Associate (Jeff Wang)	Engineer III/ Survey III	Engineer II/ Survey II	Engineer I/ Survey I		Drafter III	Survey Crew	Admin	Total Hrs	
Task 1	Project Start-Up & Site Investigation													
	Obtain/Review Existing Data, As-Builts						2							\$ 276.00
	Obtain Survey & Right of Way Information from the City							2						\$ 240.00
	Map Existing Utilities						3							\$ 632.00
	Meetings				4									\$ 776.00
	Quality Control	1												\$ 223.00
	Subtotals	1	*	4	4	5	2	2	2	*	*	14		\$ 2,147.00
Task 2	Analysis and Concept Design													
	Prepare Traffic Analysis - By Kitticon & Associates													
	Preliminary Intersection Layout Design Submittal		1			8								\$ 2,928.00
	Evaluate / pare response to Comments		1			2								\$ 486.00
	Finalize Intersection Layout Design		1			2								\$ 1,194.00
	Subtotals	*	3	*	2	12	10	4	*	*	*	23		\$ 4,608.00
Task 3	Design Development (90% Submittal)													
	90% Level Design Package to City & Caltrans		4			20								\$ 8,316.00
	Utility Coordination		1			2								\$ 920.00
	Subtotals	*	5	*	3	22	20	6	8	*	*	58		\$ 9,256.00
Task 4	100 % Construction Documentation													
	Evaluate/Prepare response to 90% Submittal Comments		2			2								\$ 864.00
	Prepare 100% PS&E	1	4			16								\$ 6,449.00
	Subtotals	1	6	*	5	18	8	4	6	*	*	43		\$ 7,313.00
Task 5	Final Construction Documentation (Bid Package)													
	Evaluate/Prepare response to 100% Submittal Comments		2			1								\$ 562.00
	Prepare Final Bid Package	1	1			6								\$ 2,813.00
	Construction Support During Bid and Construction Phase		2			8								\$ 2,046.00
	Subtotals	1	5	*	3	14	8	2	2	*	*	*		\$ 5,421.00
Task 6	As-Built Plans													
	Prepare As-Built Plans													\$ 1,506.00
	Subtotals	*	*	*	*	4	4	4	4	*	*	*		\$ 1,506.00



EXHIBIT C

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

1. **COMPREHENSIVE GENERAL LIABILITY**
\$2,000,000 Each Occurrence
\$4,000,000 General Aggregate
2. **COMPREHENSIVE AUTOMOBILE LIABILITY**
\$1,000,000 Combined Single Limit
Such insurance shall cover liability arising out of any vehicle (including, owned, hired and non-hired vehicles) operated in performing any and all services pursuant to this Agreement. Coverage shall be written on ISO form CA 00 01 12 90, or a later version, that provides liability coverage at least as broad as this form.
3. **PROFESSIONAL LIABILITY / ERRORS AND OMISSIONS**
\$2,000,000 Each Occurrence

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

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

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

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

- (a) **Additional Named Insured Endorsement**
Pursuant to a separate endorsement (ISO form CG 2010 (11/85) or a later version, that provides liability coverage at least as broad as this form) such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers as additional named insureds. An additional named insured endorsement is also required for Auto Liability.
 - (b) **Primary and Non-Contributory Insurance Endorsement**
Additional insurance coverage under the Contractor's policy shall be "primary and non-contributory" and will not seek contribution from City's insurance or self-insurance and shall be at least as broad as ISO form CG 20 01 04 13.
- NOTE:** (1) The street address of the **CITY OF LODI** must be shown along with (a) and (b) above: 221 West Pine Street, Lodi, California, 95240; (2) The insurance certificate must state, on its face or as an endorsement, a description of the project that it is insuring.
- (c) **Waiver of Subrogation**
Include a waiver of subrogation against the City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers. A waiver is required for General Liability and Auto Liability.

Insurance Requirements for Contractor (continued)

- (d) **Limits of Coverage**
The limits of insurance coverage required may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance of Contractor shall contain, or be endorsed to contain, a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City's own insurance or self-insurance shall be called upon to protect the City as a named insured.
- (e) **Completed Operations Endorsement**
For three years after completion of project, a certificate of insurance with a Completed Operations Endorsement, CG 20 37 07 04, will be provided to the City of Lodi.
- (f) **Severability of Interest Clause**
The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.
- (g) **Notice of Cancellation or Change in Coverage Endorsement**
This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 West Pine St., Lodi, CA 95240.
- (h) **Continuity of Coverage**
All policies shall be in effect on or before the first day of the Term of this Agreement. At least thirty (30) days prior to the expiration of each insurance policy, Contractor shall furnish a certificate(s) showing that a new or extended policy has been obtained which meets the minimum requirements of this Agreement. Contractor shall provide proof of continuing insurance on at least an annual basis during the Term. If Contractor's insurance lapses or is discontinued for any reason, Contractor shall immediately notify the City and immediately obtain replacement insurance.
- (i) **Failure to Comply**
If Contractor fails or refuses to obtain and maintain the required insurance, or fails to provide proof of coverage, the City may obtain the insurance. Contractor shall reimburse the City for premiums paid, with interest on the premium paid by the City at the maximum allowable legal rate then in effect in California. The City shall notify Contractor of such payment of premiums within thirty (30) days of payment stating the amount paid, the name(s) of the insurer(s), and rate of interest. Contractor shall pay such reimbursement and interest on the first (1st) day of the month following the City's notice. Notwithstanding any other provision of this Agreement, if Contractor fails or refuses to obtain or maintain insurance as required by this agreement, or fails to provide proof of insurance, the City may terminate this Agreement upon such breach. Upon such termination, Contractor shall immediately cease use of the Site or facilities and commence and diligently pursue the removal of any and all of its personal property from the site or facilities.
- (j) **Qualified Insurer(s)**
All insurance required by the terms of this Agreement must be provided by insurers licensed to do business in the State of California which are rated at least "A-, VI" by the AM Best Ratings Guide, and which are acceptable to the City. Non-admitted surplus lines carriers may be accepted provided they are included on the most recent list of California eligible surplus lines insurers (LESLI list) and otherwise meet City requirements.

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

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

RESOLUTION NO. 2016-____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BFK ENGINEERS, OF PLEASANTON, FOR GUILD AVENUE AND VICTOR ROAD INTERSECTION TRAFFIC SIGNAL AND LIGHTING DESIGN SERVICES AND FURTHER APPROPRIATING FUNDS

WHEREAS, the 2012 Impact Mitigation Fee Program (IMFP) updated report, approved by City Council on August 15, 2012, included a fully IMFP funded traffic signal at the intersection of Guild Avenue and Victor Road; and

WHEREAS, the scope of work includes preliminary engineering, alternative geometric designs for the closely-spaced Lockeford Street and Guild Avenue intersection, coordination with Caltrans, and final plans and specifications; and

WHEREAS, staff issued a request for proposals for engineering and design services on August 31, 2016, and received six proposals on September 15, 2016. Based on the written proposals, consultants' qualifications, reference checks, and experience, BKF Engineers was selected for this project; and

WHEREAS, staff recommends Council authorize the City Manager to execute a Professional Services Agreement with BKF Engineers, of Pleasanton, for design services for Guild Avenue and Victor Road Intersection Traffic Signal and Lighting, in the amount of \$35,484; and

WHEREAS, staff also recommends appropriating funds from Street Impacts Fees, in the amount of \$15,000.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a Professional Services Agreement with BKF Engineers, of Pleasanton, California, for design services for Guild Avenue and Victor Road Intersection Traffic Signal and Lighting, in the amount of \$35,484; and

BE IT FURTHER RESOLVED that Lodi City Council does hereby appropriate funds in the amount of \$15,000 for this project.

Dated: November 2, 2016

I hereby certify that Resolution No. 2016-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Sign the Agreement for Hazardous Materials Team within San Joaquin County

MEETING DATE: November 2, 2016

PREPARED BY: Fire Chief

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to sign the Agreement for Hazardous Materials Team within San Joaquin County.

BACKGROUND INFORMATION: Since 1991, the Lodi Fire Department has been a participating member of the San Joaquin County Hazardous Materials Response Team and a signatory on a previous agreement. The team is made up of participating cities and agencies from throughout the County.

Attached to this Council Communication is a copy of the renewal of that agreement. This is a cooperative agreement of member agencies to provide mutual aid assistance as part of a County joint team to mitigate emergency hazardous materials incidents throughout the County. As a participating member, the City receives assistance when necessary from other members and assists other participants when needed.

The agreement rescinds previous agreements and remains in effect through December 2021. The agreement allows the City of Lodi to withdraw with 30 days' notice should it desire.

Staff recommends that the City Council authorize the City Manager to sign the agreement.

FISCAL IMPACT: There are no additional costs to the City related to this agreement. The overall fiscal impacts to the City are significantly less as part of the County team when compared to providing a similar level of service to the community with Fire Department resources alone.

FUNDING AVAILABLE: None

Larry Rooney, Fire Chief

APPROVED: _____
Stephen Schwabauer, City Manager

AGREEMENT FOR JOINT HAZARDOUS MATERIALS RESPONSE TEAM
WITHIN SAN JOAQUIN COUNTY

THIS AGREEMENT is made and entered into this ____ day of _____, 2016, by and between the COUNTY OF SAN JOAQUIN, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and the cities of LODI, hereinafter referred to as "LODI," STOCKTON, hereinafter referred to as "STOCKTON," SOUTH COUNTY FIRE AUTHORITY, hereinafter referred to as "SCFA," MANTECA, hereinafter referred to as "MANTECA," and the LATHROP-MANTECA RURAL COUNTY FIRE PROTECTION DISTRICT, hereinafter referred to as "LATHROP-MANTECA," the WOODBRIDGE RURAL FIRE PROTECTION DISTRICT, hereinafter referred to as "WOODBRIDGE," the RIPON CONSOLIDATED FIRE DISTRICT, hereinafter referred to as "RIPON FIRE," the CLEMENTS RURAL FIRE DISTRICT, hereinafter referred to as "CLEMENS," the ESCALON RURAL FIRE DISTRICT, hereinafter referred to as "ESCALON," the WATERLOO MORADA FIRE DISTRICT, hereinafter referred to as "WATERLOO MORADA," and the DEFENSE LOGISTICS AGENCY FIRE DEPARTMENT, hereinafter referred to as "DEFENSE DEPOT SAN JOAQUIN."

RECITALS:

This Agreement is made with reference to the following facts:

1. The cost of maintaining hazardous materials emergency response capabilities within the boundaries of San Joaquin County, including within the incorporated cities of the County, can be reduced by a coordinated effort of the cities, fire districts, the County of San Joaquin, and federal and state agencies.
2. Greater efficiency and planning and response can be achieved by joining the efforts of the cities, fire districts, the County of San Joaquin, and federal and state agencies through creation of a Joint Hazardous Materials Response Team, centralization of hazardous materials records, and coordination of training and the use of vehicles, special equipment, and personnel.

ARTICLE 1. CREATION OF SAN JOAQUIN JOINT HAZARDOUS MATERIALS RESPONSE TEAM

A San Joaquin Joint Hazardous Materials Response Team, hereinafter referred to as "TEAM," is hereby created to provide technical services at the scene of a hazardous materials incident within the boundaries of San Joaquin County. Each of the parties to this Agreement agrees to designate a number of individuals commensurate with the size of its organization to serve on the TEAM under its operational and training policies.

Each party to this Agreement will be responsible to ensure that the individuals designated to fulfill its commitment under this paragraph are trained to the "Hazardous Materials Specialist" or "Technician" level pursuant to the statutes and regulations governing certification by the State of California and maintain annual physical and joint training standards as set by the Joint Team Steering Committee established in

Article 3 below. Individuals designated as part of the TEAM serve on an “on-call basis” for any response within the unincorporated boundaries of the COUNTY and the boundaries of the entities that are parties to this Agreement.

It is anticipated that each jurisdiction will respond initially to an incident using its available resources as set forth in the TEAM policies and procedures prior to the activation of additional parties. No party to this Agreement shall be required to pay any compensation to any other party to this agreement for services rendered hereunder, the mutual advantages and protection afforded by this Agreement being considered adequate compensation to all parties.

ARTICLE 2. PROVISION OF VEHICLES AND SPECIALIZED EQUIPMENT

Emergency response vehicles and specialized hazardous materials vehicles and equipment obtained and maintained by parties to this Agreement will be made available to support TEAM operations and response to emergency incidents under this Agreement. It will be the responsibility of the entity owning the vehicles and specialized equipment to maintain its vehicles and equipment and deliver them to the incident site if requested.

ARTICLE 3. TEAM STEERING COMMITTEE

A Team Steering Committee (TSC) is hereby established which consists of one representative of each of the party jurisdictions to this Agreement. It will be the responsibility of the TSC to set the policies and rules for the governance of the Committee, for annual physical and joint training standards for TEAM members, for joint operation and mobilization of the TEAM, and for common charge rates and conditions for response to non-signatory jurisdictions. The representative of each party jurisdiction must attend at least one-half of scheduled meetings of the TSC each year. COUNTY will provide staff support for the Committee.

The TSC shall confirm in writing that the proposed contribution to TEAM operations of each party to this Agreement is commensurate with the size of the party’s organization by a majority vote of the team representatives.

The TSC will be responsible for overseeing training standards, certification and recertification, and the monitoring requirements for certification. The TSC will keep staff records of each TEAM member and ensure that member parties notify TEAM members of medical tests requirements or training needed to maintain certification and expertise required under this Agreement. The TSC will not have any operational authority over the TEAM.

ARTICLE 4. NATIONAL INCIDENT MANAGEMENT SYSTEM

All TEAM operations shall be in conformance to the National Incident Management System (NIMS), the California Standardized Emergency Management System (SEMS), and all existing California mutual aid agreements.

ARTICLE 5. CENTRAL HAZARDOUS MATERIALS RECORDS CENTER

COUNTY will establish and maintain a centralized hazardous materials records center with records pertaining to hazardous materials business plans and other records pertinent to responding to a hazardous materials incident such that the information will be available to each of the parties of this Agreement.

ARTICLE 6. TERM OF AGREEMENT

This agreement shall be effective from the date executed by all parties until December 31, 2021. This agreement may be terminated prior to the conclusion of the term by mutual agreement of a majority of the member parties. This Agreement rescinds Agreements A-91-1628, A-01-1297, and A-09-278.

ARTICLE 7. WITHDRAWAL OF PARTY

Any party to this Agreement may withdraw as a party to this Agreement prior to the termination of the term of this Agreement upon giving 30 days prior written notice to other parties.

ARTICLE 8. REMOVAL OF PARTIES FROM AGREEMENT

The TSC shall annually review participation of each party to the agreement for compliance with its terms and requirements. Any party which has failed to meet one or more of the terms of this Agreement, or has failed to maintain the documented commensurate contribution to TEAM operations, shall be given notice and be required to submit a remedial action plan within 60 days to the TSC. Failure to implement the remedial action plan within 180 days of its approval by the TSC will authorize the TSC by majority vote of all parties present to remove the non-complying party from this Agreement and the mutual benefits resulting therefrom. Such removal will be effective 30 days after the vote for such action by the TSC.

ARTICLE 9. ADDITIONAL PARTIES

Additional parties, who are public entities, including special districts, within the geographical boundaries of San Joaquin County, may join in this Agreement and become member entities upon execution of an Exhibit to this Agreement in which the entity agrees to be subject to the conditions and terms of this Agreement. The executed Exhibit shall become a part of this Agreement automatically after the expiration of thirty days following notification by the new party to all other parties of the execution of the Exhibit.

Provided however, in the event any existing party to the Agreement gives the other parties notice of its objection to the addition of the particular entity within the thirty day notice period, the addition of

such party to the Agreement shall require a two-thirds majority vote of the member parties present at a noticed meeting to address the issue.

ARTICLE 10. LIABILITY

Each party to this Agreement , insofar as it may legally do so, agrees to hold harmless all other parties to this Agreement, their officers, agents, and employees from and against claims and demands resulting from performance of this Agreement, including but not limited to performance of TEAM duties.

Each party to this Agreement shall be liable for worker’s compensation benefits for personnel who are employed by them and injured in the performance of TEAM duties.

IN WITNESS WHEREFORE THE PARTIES HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
of the County of San Joaquin,
State of California

By _____
Deputy Clerk

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

By _____
Moises Zapien, Chair
Board of Supervisors

“COUNTY”

ATTEST:

By _____
City Clerk

CITY OF LODI

By _____
Signature

Title _____

“LODI”

ATTEST:

By _____
City Clerk

CITY OF STOCKTON

By _____
Signature

Title _____

“STOCKTON”

ATTEST:

By _____
City Clerk

CITY OF MANTECA

By _____
Signature

Title _____
"MANTECA"

SOUTH COUNTY FIRE AUTHORITY

By _____
Signature

Title _____
"SCFA"

LATHROP-MANTECA RURAL COUNTY
FIRE PROTECTION DISTRICT

By _____
Signature

Title _____
"LATHROP-MANTECA"

WOODBIDGE RURAL FIRE
PROTECTION DISTRICT

By _____
Signature

Title _____
"WOODBIDGE"

RIPON CONSOLIDATED FIRE DISTRICT

By _____
Signature

Title _____

“RIPON FIRE”

CLEMENTS RURAL FIRE DISTRICT

By _____
Signature

Title _____

“CLEMENTS”

ESCALON RURAL FIRE DISTRICT

By _____
Signature

Title _____

“ESCALON”

DEFENSE LOGISTICS AGENCY FIRE
DEPARTMENT

By _____
Signature

Title _____

“DEFENSE DEPOT SAN JOAQUIN”

WATERLOO MORADA FIRE DISTRICT

By _____
Signature

Title _____

“WATERLOO MORADA”

APPROVED AS TO FORM:

J. MARK MYLES
County Counsel

By _____
Zayante (Zoey) P. Merrill,
Deputy County Counsel

RESOLUTION NO. 2016-____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PARTICIPATION IN THE JOINT HAZARDOUS MATERIALS RESPONSE TEAM WITHIN SAN JOAQUIN COUNTY

=====

WHEREAS, the City of Lodi provides emergency hazardous materials mitigation; and

WHEREAS, the Lodi Fire Department participates in the mutual aid system; and

WHEREAS, the Lodi Fire Department has been party to previous agreements and has participated within the San Joaquin County Joint Hazardous Materials Team since 1991; and

WHEREAS, such participation provides a benefit and enhancement of service to the community through shared cost of resources; and

WHEREAS, said agreement has been received and reviewed by City staff and forwarded to the City Manager; and

WHEREAS, staff recommends that the City Council authorize the City Manager to execute said agreement on behalf of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute Agreement authorizing Lodi Fire Department participation with the San Joaquin County Joint Hazardous Materials Response Team.

Date: November 2, 2016

=====

I hereby certify that Resolution No. 2016-____ was passed and adopted by the Lodi City Council in a regular meeting held November 2, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Accept Improvements Under Contract for Well 23 Granular Activated Carbon Replacement Project

MEETING DATE: November 2, 2016

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept improvements under contract for Well 23 Granular Activated Carbon Replacement Project.

BACKGROUND INFORMATION: Granular activated carbon (GAC) is utilized at certain well sites to adsorb dibromochloropropane (DBCP) contaminants in the drinking water. Over time, the carbon loses its adsorptive capacity and must be replaced. While replacement intervals vary depending upon the concentration of DBCP and well run times, staff anticipates one of the seven GAC facilities serving the water system to need carbon replacement each year. While Well No. 23 was providing safe drinking water that meets all State and federal drinking water requirements, test results indicated the GAC in the treatment system had lost its adsorptive capacity and needed replacement.

Well No. 23 is located at 55 East Harney Lane. The GAC treatment system at this location had been in service since 1998. The well site contains two vessels with 30,000 pounds of GAC each. The total amount of GAC replaced was 60,000 pounds.

The contract was awarded to Calgon Carbon Corporation of Pittsburgh, PA in the amount of \$87,660 on May 4, 2016. The project completion date was October 7, 2016. The final contract price was \$93,730. The difference between the original contract price and the final contract amount is due to City requested repairs to the carbon vessel internal liner. The area requiring repairs was discovered during the carbon change out and inspection process.

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

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: This project was funded by Water Capital Projects (56199000.77020)

Charles E. Swimley, Jr.
Public Works Director

Prepared by Lyman Chang, Interim City Engineer/Deputy Public Works Director
CES/LC/tdb

cc: Utilities Manager
Calgon Carbon Corporation
Public Works Management Analyst

APPROVED: _____
Stephen Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Accepting \$20,230 Donation from Michael David Family Foundation and Appropriating Funds

MEETING DATE: November 2, 2016

PREPARED BY: Parks, Recreation and Cultural Services Director

RECOMMENDED ACTION: Adopt resolution accepting \$20,230 donation from Michael David Family Foundation and appropriating funds in the amount of \$20,230.

BACKGROUND INFORMATION: The Parks, Recreation and Cultural Services Department was one of the beneficiaries of the annual Reggae and Rhone fundraiser held in August each year by the Michael-David Family Foundation. The Foundation recently delivered proceeds of \$20,230 to the department.

The donation was made without conditions. PRCS asks the City Council to accept the donation and appropriate the funds for capital needs at Lodi Lake Park.

FISCAL IMPACT: Accepting the donation allows PRCS to purchase items not included in the FY 2016/17 budget that will reduce long-term maintenance and/or invest in revenue-generating improvements.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation and Cultural Services Director

JH:tl

cc: City Attorney

APPROVED: _____
Stephen Schwabauer, City Manager

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL
ACCEPTING \$20,230 DONATION FROM
MICHAEL DAVID FAMILY FOUNDATION AND
FURTHER APPROPRIATING FUNDS

=====

WHEREAS, the Parks, Recreation and Cultural Services Department was one of the beneficiaries of the annual Reggae and Rhone fundraiser held in August each year by the Michael David Family Foundation; and

WHEREAS, the Foundation recently delivered proceeds of \$20,230 to the Parks, Recreation and Cultural Services Department; and

WHEREAS, the very generous donation was made without conditions; and

WHEREAS, staff recommends that the City Council accept the donation and appropriate the funds for capital needs at Lodi Lake Park.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby gratefully accept the \$20,230 donation from Michael David Family Foundation; and

BE IT FURTHER RESOLVED that the City Council further approves appropriating the \$20,230 donation to the Parks, Recreation and Cultural Services Department for capital needs at Lodi Lake Park.

Dated: November 2, 2016

=====

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2016, by the following vote:

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

JENNIFER M. FERRAIOLO
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Revising Debt Management Policy
MEETING DATE: November 2, 2016
PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Adopt resolution revising Debt Management Policy.

BACKGROUND INFORMATION: A comprehensive debt policy is the foundation of a well-managed debt program, setting forth parameters for issuing and administering debt. Adherence to a debt policy is viewed positively by rating agencies and helps ensure sound debt decisions are made.

The Government Finance Officers Association (GFOA) recommends that state and local governments adopt comprehensive debt management policies and suggests that any debt policy be reviewed periodically and updated if necessary.

Council approved a Debt Management Policy in November 2012 and amended it in November 2015 to address issues raised by rating agencies and the Security and Exchange Commission.

As a component of a comprehensive set of financial policies, staff is recommending that goals for rating agency ratings be included in the Debt Management Policy. Staff is recommending that all funds that issue debt have a goal of obtaining a AA+ rating (Aa1 for Moody's). This rating is at the upper edge of high grade investments. Current ratings are shown in the table below:

Fund	Fitch	Moody's	Standard & Poors
General	AA-		A+
Electric	A-	A2	A-
Wastewater	AA-		AA-
Water		Aa3	AA-

Attached is a redline version of the revised policy for your review and adoption.

FISCAL IMPACT: No direct fiscal impact at this time.

FUNDING AVAILABLE: Not applicable.

Jordan Ayers, Deputy City Manager

APPROVED: _____
Stephen Schwabauer, City Manager

City of Lodi

Debt Management Policy

Adopted November 7, 2012
Revised November 18, 2015
Revised November 2, 2016

Section 1 – Introduction

The purpose of this Debt Management Policy (Policy) is to establish guidelines for the issuance and management of the City’s debt. While the City prefers to finance projects on a pay-as-you-go basis, in the event debt is necessary, this Policy confirms the commitment of the Council, management, staff, advisors and other decision makers to adhere to sound financial management practices, including full and timely repayment of borrowings, achieving the lowest possible cost of capital within prudent risk parameters.

Priorities of the Policy are:

1. Achieve the lowest cost of capital;
2. Maintain a prudent level of financial risk;
3. Preserve future financial flexibility;
4. Maintain full and complete financial disclosure and reporting;
5. Obtain highest practical credit ratings and good investor relations; and
6. Ensure compliance with state and federal laws and regulations.

The Policy shall govern, except as otherwise covered by the Investment Policy, the issuance and management of all debt and lease financings funded from the capital markets (including private placement and bank loans), including the selection and management of related financial services and products and investment of bond and lease proceeds. While adherence to this policy is required in applicable circumstances, it is recognized that changes in the capital markets, agency programs and other unforeseen circumstances may from time to time produce situations that are not covered by this policy and will require modifications or exceptions to achieve policy goals. In these cases, management flexibility is appropriate, provided specific authorization from the City Manager and the City Council is obtained.

Section 2 - Responsibilities

The City’s debt program for all City funds shall be operated in conformance with applicable federal, state and other legal requirements, including the Lodi Municipal Code.

Responsibility for managing and coordinating all activities related to the structure, issuance and administration of all long- and short-term debt obligations shall rest with the Deputy City Manager/Internal Services Director.

No debt obligations shall be presented to the City Council for their authorization without the joint assessment and recommendation of the City Manager, Deputy City Manager/Internal Services Director and the City Attorney. Departments planning debt-financed capital programs or equipment acquisitions shall work closely with the City Manager, Deputy City Manager/Internal Services Director and City Attorney to provide information and otherwise facilitate the issuance and on-going administration of debt.

The Deputy City Manager/Internal Services Director shall be responsible for maintaining good communication with rating agencies, investors and other debt related service providers about the City's financial condition and will follow a policy of full disclosure.

The Deputy City Manager/Internal Services Director shall conduct an annual review of this Policy and bring forward to the City Council any amendments deemed necessary and appropriate.

Section 3 – Debt Considerations

The City will evaluate the need for debt financing a project compared to a pay-as-you-go financing methodology. The City prefers to fund projects on a pay-as-you-go basis.

- A. Factors favoring a pay-as-you-go methodology include:
 - a. Current projected revenues and fund balances available are sufficient to fund the project.
 - b. Long-term total costs are lower due to the avoidance of interest expense.
 - c. Existing debt capacity is insufficient to absorb the additional debt without adverse impact to credit ratings.
 - d. Market conditions are unfavorable or present difficulties in marketing.

- B. Factors favoring debt financing include:
 - a. Current and projected revenues available for debt service are sufficient and reliable so that financings can be marketed with investment grade credit ratings.
 - b. Market conditions present favorable interest rates and demand for the City financings.
 - c. A project is mandated by state or federal requirements, and current resources are insufficient or unavailable to fully fund the project.
 - d. The project is immediately required to meet or relieve capacity needs or emergency conditions and current resources are insufficient or unavailable.
 - e. The savings from the project are sufficient to pay for the debt service costs.

The City will review debt limits in conjunction with any proposed financing.

It is the City's goal to limit debt service costs in the General Fund to no more than 8 percent of revenues, including transfers.

It is the City's goal to maintain debt service coverage ratios for enterprise funded debt at least 0.50% greater than the coverage ratio specified in the bond covenants for each issue.

The City's goal is to obtain and maintain the following ratings from each of the rating agencies:

<u>Fund</u>	<u>Fitch</u>	<u>Moody's</u>	<u>Standard & Poors</u>
<u>General</u>	<u>AA+</u>	<u>Aa1</u>	<u>AA+</u>
<u>Electric</u>	<u>AA+</u>	<u>Aa1</u>	<u>AA+</u>
<u>Wastewater</u>	<u>AA+</u>	<u>Aa1</u>	<u>AA+</u>
<u>Water</u>	<u>AA+</u>	<u>Aa1</u>	<u>AA+</u>

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Section 4 – Debt Term

The City Council recognizes that any new debt obligation will have an impact on the long-term affordability of all outstanding debt and any future planned debt, as well as budgetary impacts associated with the maintenance and operating costs of debt-financed facilities.

- A. Term of Debt – Debt will be structured for the shortest period possible, consistent with a fair allocation of costs to current and future beneficiaries or users. Debt shall not be issued for a term that exceeds the useful life of the debt-financed asset.
- B. Debt Repayment – Typically, the City desires level debt service payments over the term of the debt. However, the cost of capital, financial risk, current economic conditions, future financial flexibility, credit ratings and available cash flow will be evaluated to determine the most appropriate method of debt amortization for each debt issue. Notwithstanding the above, back loading of debt service will be evaluated as the circumstances dictate. Back loading occurs when debt service payments are lower in the initial years of a debt term and higher toward the later years of a debt term.

Section 5 - Debt Issuance

The City has the capacity to issue long- and short-term debt and to refund any outstanding debt. The following section details the purposes of debt issuance, the method of sale for such debt and the practices for obtaining professional assistance in the debt issuance process.

- A. Long-term Debt – Long-term debt may be used to finance the acquisition or improvement of land, infrastructure, facilities, or equipment for which it is appropriate to spread the costs of such over more than one budget year. Long-term debt may be used to fund capitalized interest, cost of issuance, required reserves and any other financing related costs that may be legally capitalized. Long-term debt shall not be used to fund City operating costs.
- B. Short-term Debt - Short-term debt will be considered as an interim source of funding in anticipation of long-term debt. Short-term debt may be issued for any purpose for

which long-term debt may be issued, including capitalized interest and financing-related costs.

Short-term debt is also appropriate to address legitimate short-term cash flow requirements during a given fiscal year to fund the operating costs of the City to provide necessary public services. The City will not engage in short-term borrowing solely for the purpose of generating investment income.

- C. Refunding - Refunding opportunities will be identified by periodic reviews of outstanding debt obligations. Refunding will be considered when there is a net economic benefit from the refunding of at least five percent on a net present value basis. Non-economic refunding may be undertaken to achieve City objectives relating to changes in covenants, call provisions, operational flexibility, tax status, issuer, or other non-economic factors related to the debt.
- D. Method of Sale – Debt is typically issued under either a competitive sale or a negotiated sale. The City shall have the flexibility to determine which method of sale is appropriate for each debt issuance. Determination of the appropriate method of sale will rest collectively with the City Manager, Deputy City Manager/Internal Services and City Attorney.
- E. Private Placement - The City may determine that private placement of debt is most appropriate. Use of private placement will be considered collectively by the City Manager, Deputy City Manager/Internal Services and City Attorney.
- F. Pooled Financing – The City may also consider use of pooled financing as a method of accessing the capital markets. Use of pooled financing will be evaluated collectively by the City Manager, Deputy City Manager/Internal Services and City Attorney on a case-by-case basis.
- G. Selection of Financing Professionals – Selection of financing professionals (financial advisor, underwriter, bond counsel, disclosure counsel, trustee, etc.) shall generally be on a competitive basis; however, the City Manager is authorized to select financing professionals on a sole source basis. Selection shall balance service (experience, professional reputation and capabilities) with costs. Once selected, the Financial Advisor may assist the City with selecting the rest of the members of the financing team.

Section 6 – Debt Structure

- A. Credit Ratings - The City seeks to obtain and maintain the highest possible credit ratings when issuing debt. The City will seek credit ratings from at least one of the three major ratings agencies on all debt, as appropriate. Ratings from multiple rating agencies may be sought for a single debt issue, based upon the market conditions at the time of the issuance.

- B. Fixed-rate and Variable-rate Debt - The City prefers to issue fixed-rate debt. Variable-rate debt may be used, if market conditions warrant at the time of issuance. It is acknowledged that variable-rate debt passes an unknown obligation onto future budget cycles.
- C. Derivatives - Derivative products may have application with regard to certain City borrowing programs. The City Manager, Deputy City Manager/Internal Services Director and City Attorney will evaluate the use of derivative products on a case-by-case basis.
- D. Call Provisions – The timing for when bonds are callable varies and is determined at the time of pricing such bonds. The City’s preferred structure is to negotiate for optional redemption at par in order to maintain flexibility in the future.
- E. Credit Enhancements – The City may use credit enhancements (letters of credit, bond insurance, surety bonds, etc.) when such credit enhancements prove to be cost-effective. The City will consider the use of credit enhancements on a case-by-case basis.

Section 7 - Interfund Borrowings

The City may borrow internally from other funds with temporary cash surpluses to meet short-term cash needs in lieu of issuing debt. The fund(s) from which the money is borrowed shall be repaid with interest at the average earnings rate of the City investment pool. Interfund borrowing extending for more than one year will be brought to Council for approval.

Section 8 - Debt Administration

The Deputy City Manager/Internal Services Director shall be responsible for administering the City’s debt management program. To that end, this position shall:

- A. Comply with all reporting requirements within the bond documents;
- B. Review all outstanding debt for refunding opportunities;
- C. Maintain positive working relationships with rating agencies and other financial professionals;
- D. Review and recommend appropriate structures for all new debt issuances; and
- E. Ensure compliance with the Investment Policy and bond documents regarding investing bond proceeds.

Section 9 – Disclosure

The Deputy City Manager/Internal Services Director shall be the Disclosure Coordinator of the City (the Disclosure Coordinator).

The Disclosure Coordinator shall review any Official Statement prepared in connection with any debt issuance by the City in order to ensure that there are no misstatements or omissions of material information in any sections that contain descriptions of information prepared by the City.

In connection with the review of the Official Statement, the Disclosure Coordinator shall consult with third parties, including outside professionals assisting the City, and all members of City staff, to the extent that the Disclosure Coordinator concludes they should be consulted so that the Official Statement will include all ‘material’ information (as defined for purposes of federal securities law).

As part of the review process, the Disclosure Coordinator shall submit all Official Statements to the City Council for approval.

The approval of an Official Statement by the City Council shall be placed on the agenda as a Regular Calendar item and shall not be approved as a consent item. The City Council shall undertake such review as deemed necessary by the City Council, following consultation with the Disclosure Coordinator, to fulfill the City Council’s responsibilities under applicable federal and state securities laws. In this regard, the Disclosure Coordinator shall consult with the City’s disclosure counsel to the extent the Disclosure Coordinator considers appropriate.

Under the continuing disclosure undertakings that the City has entered into in connection with its debt offerings, the City is required each year to file annual reports with the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access (“EMMA”) system in accordance with such undertakings. Such annual reports are required to include certain updated financial and operating information, and the City’s audited financial statements.

The City is also required under its continuing disclosure undertakings to file notices of certain events with EMMA.

The Disclosure Coordinator is responsible for establishing a system (which may involve the retention of one or more consultants) by which:

- A. the City will make the annual filings required by its continuing disclosure undertakings on a complete and timely basis, and
- B. the City will file notices of enumerated events on a timely basis.

Whenever the City makes statements or releases information relating to its finances to the public that are reasonably expected to reach investors and the trading markets, the City is obligated to ensure that such statements and information are complete, true, and accurate in all material respects.

The Disclosure Coordinator shall ensure that the members of the City staff involved in the initial or continuing disclosure process and the City Council are properly trained to understand and perform their responsibilities.

The Disclosure Coordinator shall arrange for disclosure training sessions conducted by the City's disclosure counsel. Such training sessions shall include education on disclosure practices, the City's disclosure obligations under applicable federal and state securities laws and the disclosure responsibilities and potential liabilities of members of the City's staff and members of the City Council. Such training sessions may be conducted using a recorded presentation.

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE REVISED CITY OF LODI
DEBT MANAGEMENT POLICY

=====

WHEREAS, the City Council adopted a Debt Management Policy on November 7, 2012, and revised said policy on November 18, 2015; and

WHEREAS, the Government Finance Officers of America recommend that such policies be reviewed periodically and revised as necessary; and

WHEREAS, the attached revised policy adds goals for rating agency ratings for all funds that issue debt within the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby adopt revisions to the Debt Management Policy to be effective immediately; and

BE IT FURTHER RESOLVED that by adoption of this Resolution, all other Debt Management Policies are hereby superseded.

Dated: November 2, 2016

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I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2016, by the following votes:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAILOLO
City Clerk

City of Lodi

Debt Management Policy

Adopted November 7, 2012
Revised November 18, 2015
Revised November 2, 2016

Section 1 – Introduction

The purpose of this Debt Management Policy (Policy) is to establish guidelines for the issuance and management of the City’s debt. While the City prefers to finance projects on a pay-as-you-go basis, in the event debt is necessary, this Policy confirms the commitment of the Council, management, staff, advisors and other decision makers to adhere to sound financial management practices, including full and timely repayment of borrowings, achieving the lowest possible cost of capital within prudent risk parameters.

Priorities of the Policy are:

1. Achieve the lowest cost of capital;
2. Maintain a prudent level of financial risk;
3. Preserve future financial flexibility;
4. Maintain full and complete financial disclosure and reporting;
5. Obtain highest practical credit ratings and good investor relations; and
6. Ensure compliance with state and federal laws and regulations.

The Policy shall govern, except as otherwise covered by the Investment Policy, the issuance and management of all debt and lease financings funded from the capital markets (including private placement and bank loans), including the selection and management of related financial services and products and investment of bond and lease proceeds. While adherence to this policy is required in applicable circumstances, it is recognized that changes in the capital markets, agency programs and other unforeseen circumstances may from time to time produce situations that are not covered by this policy and will require modifications or exceptions to achieve policy goals. In these cases, management flexibility is appropriate, provided specific authorization from the City Manager and the City Council is obtained.

Section 2 - Responsibilities

The City’s debt program for all City funds shall be operated in conformance with applicable federal, state and other legal requirements, including the Lodi Municipal Code.

Responsibility for managing and coordinating all activities related to the structure, issuance and administration of all long- and short-term debt obligations shall rest with the Deputy City Manager/Internal Services Director.

No debt obligations shall be presented to the City Council for their authorization without the joint assessment and recommendation of the City Manager, Deputy City Manager/Internal Services Director and the City Attorney. Departments planning debt-financed capital programs or equipment acquisitions shall work closely with the City Manager, Deputy City Manager/Internal Services Director and City Attorney to provide information and otherwise facilitate the issuance and on-going administration of debt.

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The City’s goal is to obtain and maintain the following ratings from each of the rating agencies:

Fund	Fitch	Moody’s	Standard & Poors
General	AA+	Aa1	AA+
Electric	AA+	Aa1	AA+
Wastewater	AA+	Aa1	AA+
Water	AA+	Aa1	AA+

Section 4 – Debt Term

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The Disclosure Coordinator shall arrange for disclosure training sessions conducted by the City's disclosure counsel. Such training sessions shall include education on disclosure practices, the City's disclosure obligations under applicable federal and state securities laws and the disclosure responsibilities and potential liabilities of members of the City's staff and members of the City Council. Such training sessions may be conducted using a recorded presentation.



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Set Public Hearing for December 21, 2016 to Consider Introducing an Ordinance Amending Lodi Municipal Code Chapter 13.20 – “Electrical Service” by Repealing and Reenacting Article III “Rates” in its Entirety

MEETING DATE: November 2, 2016

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Set public hearing for December 21, 2016 to consider introducing an ordinance amending Lodi Municipal Code Chapter 13.20 – “Electrical Service” by repealing and reenacting Article III “Rates” in its entirety.

BACKGROUND INFORMATION: In 2014, a 10-year financial planning model was completed to identify revenue requirements for the Lodi Electric Utility (LEU) through 2024 which called for a 5-percent rate increase to address deferred maintenance and capital infrastructure needs of the utility.

The 5-percent increase was approved by the City Council and implemented effective January 2, 2015 across all electric utility rate classes. In addition, staff recommended annual inflationary increases of no more than 2 percent through 2019 to be brought back to the City Council for consideration as the financial model was updated and the need arose; it was noted that the council also preferred smaller inflationary increases. The financial model has been updated through 2025 and is attached as Exhibit A.

Rate revenue has been forecasted based on updated load projections, taking into consideration both the loss of General Mills and additional growth resulting from new development and business expansion within LEU’s service territory.

Power supply costs comprise approximately 55 percent of LEU’s annual budget and have been forecasted based on costs associated with existing generation resources, transmission access charges, and costs associated with meeting State mandates for greenhouse gas emissions and Renewables Portfolio Standard requirements.

Non-power supply costs, including debt service, contributions to the General Fund, energy efficiency, and operating and capital expenses, comprise the remaining 45 percent of LEU’s annual budget. Operating expenses, including labor and supply/material costs, continue to rise and have been projected to increase annually between 2 and 2.5 percent.

Capital costs total over \$20 million to address deferred maintenance and needed system improvements, including: underground and overhead infrastructure; substation maintenance and improvements; vehicles and equipment; LED streetlight replacement; security upgrades and improvements; distribution capacity upgrades; implementation of a Meter Data Management System; and 230 kV Interconnection Project planning. Not included in the model are design and construction costs associated with the 230 kV

APPROVED: _____
Stephen Schwabauer, City Manager

Interconnection Project as it is anticipated that savings realized from reduced transmission access charges will mitigate the debt costs associated with the project during this planning period.

Based on projections, LEU is anticipated to experience an annual deficit ranging from approximately \$1 million in FY 16/17 to over \$2 million by FY 24/25. LEU cash reserves are projected to be reduced by one-half, from a current \$26 million to \$13 million by 2025.

Additional rate revenue is necessary to meet debt service coverage requirements, gradually close the annual projected deficit for non-power supply costs, sufficiently fund deferred capital maintenance, and meet reserve targets set forth by City Council policy and contractual requirements.

To provide the additional revenue as identified above, LEU is proposing a 2-percent increase, effective February 5, 2017. LEU did not request an inflationary increase in 2016 as it was focused instead on a revenue neutral effort to better align costs and charges. Failure to approve the rate increases subjects the LEU to system reliability issues resulting from additional deferred maintenance; an inability to meet reserve requirements; and possible downgrading by rating agencies resulting in future higher costs – including those associated with the financing needed for the 230 kV Interconnection Project.

An average residential customer using 550 kWh per month will see an increase of less than \$2 per month. Increases to commercial and industrial customers will vary depending on average use and demand for each rate class.

Approving incremental adjustments such as this will help avoid future potential rate shock while maintaining the financial integrity and bond rating of the City’s Electric Utility.

LEU is also proposing modifications to Schedule ED (Residential SHARE Program Service), Schedule EP (Energy Purchase), Schedule ES (City Facilities Service), and Schedule EV (Electric Vehicle Pilot Charging Rate) to better align these schedules with the recent changes approved by City Council to address the changing utility business model. In addition, this update to Article III – “Rates” will include all rate schedules whereas previously some of the schedules were only referenced as exhibits to the ordinance and not actually displayed in the Lodi Municipal Code. It is recommended these changes, along with the 2-percent rate increase, take effect February 5, 2017.

FISCAL IMPACT: The proposed rate increase is anticipated to provide an additional \$12 million in rate revenue through 2025 as illustrated in Exhibit B. A summary of the proposed changes is included as Exhibit C. Actual revenue realized will depend on customer growth and energy sales.

FUNDING AVAILABLE: Not applicable.

Elizabeth A. Kirkley
Electric Utility Director

LODI ELECTRIC UTILITY FINANCIAL FORECAST - BEFORE RATE ADJUSTMENT

EXHIBIT A

Account	15/16 Est Act	16/17 Est	17/18 Forecast	18/19 Forecast	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast	23/24 Forecast	24/25 Forecast
Total Rate Revenue	\$67,507,179	\$68,526,450	\$68,619,720	\$68,990,448	\$70,374,737	\$71,980,232	\$73,246,337	\$74,351,202	\$75,239,775	\$72,745,393
Additional Rate Revenue from Proposed Adjustments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Loan Proceeds	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue (Op and Non-Op)	\$4,763,522	\$3,754,790	\$3,435,274	\$3,448,040	\$3,289,166	\$2,194,530	\$1,037,250	\$1,037,250	\$1,037,250	\$1,037,250
Total Revenue	\$73,770,701	\$72,281,240	\$72,054,993	\$72,438,488	\$73,663,904	\$74,174,761	\$74,283,587	\$75,388,452	\$76,277,025	\$73,782,643
Power Supply	\$38,632,485	\$40,434,980	\$40,926,847	\$41,159,111	\$42,404,244	\$43,869,886	\$44,995,439	\$45,959,050	\$46,705,662	\$44,068,610
Construction & Maintenance	\$5,358,548	\$6,663,040	\$6,838,295	\$7,020,414	\$7,209,804	\$7,406,901	\$7,559,800	\$7,715,876	\$7,875,195	\$8,037,826
Engineering & Operations	\$2,136,109	\$2,722,260	\$2,794,295	\$2,869,179	\$2,947,080	\$3,028,180	\$3,090,738	\$3,154,596	\$3,219,784	\$3,286,327
Administrative & General (A&G)	\$1,717,043	\$2,343,610	\$2,399,264	\$2,456,733	\$2,516,111	\$2,577,495	\$2,630,041	\$2,683,662	\$2,738,381	\$2,794,221
In-Lieu Taxes	\$7,082,070	\$7,131,330	\$7,181,249	\$7,231,518	\$7,282,139	\$7,333,114	\$7,384,445	\$7,436,137	\$7,488,190	\$7,540,607
Internal Cost of Service	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000
Capital Funded from Rates	\$3,559,155	\$3,916,000	\$3,030,200	\$3,121,000	\$2,431,000	\$2,161,000	\$1,966,000	\$1,375,000	\$1,140,000	\$1,140,000
Debt Service / Loan Repayment	\$8,168,594	\$5,528,520	\$5,538,575	\$5,523,125	\$5,519,375	\$5,514,000	\$5,522,950	\$5,510,025	\$5,268,650	\$5,264,275
Funding of Capital Reserves	\$250,000	\$250,000	\$250,000	\$250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Benefits/Solar	\$1,603,767	\$2,190,160	\$1,611,763	\$1,643,998	\$1,676,878	\$1,710,416	\$1,744,624	\$1,779,517	\$1,815,107	\$1,851,409
Total Expenses	\$70,611,771	\$73,283,900	\$72,674,489	\$73,379,079	\$74,090,631	\$75,704,991	\$76,998,037	\$77,717,863	\$78,354,969	\$76,087,275
Surplus/(Deficit)	\$3,158,930	(\$1,002,660)	(\$619,495)	(\$940,590)	(\$426,727)	(\$1,530,229)	(\$2,714,450)	(\$2,329,410)	(\$2,077,944)	(\$2,304,632)

	15/16 Est Act	16/17 Est	17/18 Forecast	18/19 Forecast	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast	23/24 Forecast	24/25 Forecast
Proposed Rate Adjustments	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0%
Available Cash	\$26,936,574	\$25,933,914	\$25,314,419	\$24,373,828	\$23,947,102	\$22,416,872	\$19,702,422	\$17,373,012	\$15,295,068	\$12,990,436
Council Reserve Requirement (90 Days)	\$17,776,000	\$17,350,000	\$17,411,072	\$17,564,520	\$17,914,908	\$18,385,998	\$18,758,009	\$19,085,716	\$19,303,742	\$18,736,819
Days Cash	138	136	133	127	122	111	96	83	72	63
Council Reserve Funded (\$1M Target)	\$ 250,000	\$ 500,000	\$ 750,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Overall Target (90 Days, Capital, NCPA GOR - Approved by ROC)	\$ 23,155,000	\$ 22,776,000	\$ 22,911,072	\$ 23,064,520	\$ 23,414,908	\$ 23,885,998	\$ 24,258,009	\$ 24,585,716	\$ 24,803,742	\$ 24,236,819
% of Target	116.3%	113.9%	110.5%	105.7%	102.3%	93.8%	81.2%	70.7%	61.7%	53.6%

LODI ELECTRIC UTILITY FINANCIAL FORECAST - AFTER RATE ADJUSTMENT (2%)

EXHIBIT B

Account	15/16 Est Act	16/17 Est	17/18 Forecast	18/19 Forecast	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast	23/24 Forecast	24/25 Forecast
Total Rate Revenue	\$67,507,179	\$68,526,450	\$68,619,720	\$68,990,448	\$70,374,737	\$71,980,232	\$73,246,337	\$74,351,202	\$75,239,775	\$72,745,393
Additional Rate Revenue from Proposed Adjustments	\$0	\$637,495	\$1,379,256	\$1,386,708	\$1,414,532	\$1,446,803	\$1,472,251	\$1,494,459	\$1,512,319	\$1,462,182
Loan Proceeds	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue (Op and Non-Op)	\$4,763,522	\$3,754,790	\$3,435,274	\$3,448,040	\$3,289,166	\$2,194,530	\$1,037,250	\$1,037,250	\$1,037,250	\$1,037,250
Total Revenue	\$73,770,701	\$72,918,735	\$73,434,250	\$73,825,196	\$75,078,436	\$75,621,564	\$75,755,839	\$76,882,911	\$77,789,345	\$75,244,826
Power Supply	\$38,632,485	\$40,434,980	\$40,926,847	\$41,159,111	\$42,404,244	\$43,869,886	\$44,995,439	\$45,959,050	\$46,705,662	\$44,068,610
Construction & Maintenance	\$5,358,548	\$6,663,040	\$6,838,295	\$7,020,414	\$7,209,804	\$7,406,901	\$7,559,800	\$7,715,876	\$7,875,195	\$8,037,826
Engineering & Operations	\$2,136,109	\$2,722,260	\$2,794,295	\$2,869,179	\$2,947,080	\$3,028,180	\$3,090,738	\$3,154,596	\$3,219,784	\$3,286,327
Administrative & General (A&G)	\$1,717,043	\$2,343,610	\$2,399,264	\$2,456,733	\$2,516,111	\$2,577,495	\$2,630,041	\$2,683,662	\$2,738,381	\$2,794,221
In-Lieu Taxes	\$7,082,070	\$7,131,330	\$7,181,249	\$7,231,518	\$7,282,139	\$7,333,114	\$7,384,445	\$7,436,137	\$7,488,190	\$7,540,607
Internal Cost of Service	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000	\$2,104,000
Capital Funded from Rates	\$3,559,155	\$3,916,000	\$3,030,200	\$3,121,000	\$2,431,000	\$2,161,000	\$1,966,000	\$1,375,000	\$1,140,000	\$1,140,000
Debt Service / Loan Repayment	\$8,168,594	\$5,528,520	\$5,538,575	\$5,523,125	\$5,519,375	\$5,514,000	\$5,522,950	\$5,510,025	\$5,268,650	\$5,264,275
Funding of Capital Reserves	\$250,000	\$250,000	\$250,000	\$250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Benefits/Solar	\$1,603,767	\$2,190,160	\$1,611,763	\$1,643,998	\$1,676,878	\$1,710,416	\$1,744,624	\$1,779,517	\$1,815,107	\$1,851,409
Total Expenses	\$70,611,771	\$73,283,900	\$72,674,489	\$73,379,079	\$74,090,631	\$75,704,991	\$76,998,037	\$77,717,863	\$78,354,969	\$76,087,275
Surplus/(Deficit)	\$3,158,930	(\$365,165)	\$759,761	\$446,118	\$987,806	(\$83,427)	(\$1,242,199)	(\$834,951)	(\$565,624)	(\$842,450)

	15/16 Est Act	16/17 Est	17/18 Forecast	18/19 Forecast	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast	23/24 Forecast	24/25 Forecast
Proposed Rate Adjustments	0.0%	1.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0%
Available Cash	\$26,936,574	\$26,571,409	\$27,331,170	\$27,777,288	\$28,765,094	\$28,681,667	\$27,439,468	\$26,604,517	\$26,038,892	\$25,196,443
Council Reserve Requirement (90 Days)	\$17,776,000	\$17,350,000	\$17,411,072	\$17,564,520	\$17,914,908	\$18,385,998	\$18,758,009	\$19,085,716	\$19,303,742	\$18,736,819
Days Cash	138	140	143	144	147	142	133	127	123	123
Council Reserve Funded (\$1M Target)	\$ 250,000	\$ 500,000	\$ 750,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Overall Target (90 Days, Capital, NCPA GOR - Approved by ROC)	\$ 23,155,000	\$ 22,776,000	\$ 22,911,072	\$ 23,064,520	\$ 23,414,908	\$ 23,885,998	\$ 24,258,009	\$ 24,585,716	\$ 24,803,742	\$ 24,236,819
% of Target	116.3%	116.7%	119.3%	120.4%	122.8%	120.1%	113.1%	108.2%	105.0%	104.0%

EXHIBIT C

**Lodi Electric Utility
Proposed 2017 Rate Changes**

	Energy Tier(s)	Rate(s)	
		Current	Proposed
<u>RESIDENTIAL - Schedule EA</u>			
Customer Charge	N/A	\$ 10.00	\$ 10.20
Energy Charge - Summer (\$/kWh)			
Tier 1	0 - 481 kWh / month	\$ 0.1400	\$ 0.1428
Tier 2	482 - 962 kWh / month	\$ 0.1550	\$ 0.1581
Tier 3	> 962 kWh / month	\$ 0.3300	\$ 0.3366
Energy Charge - Winter (\$/kWh)			
Tier 1	0 - 391 kWh / month	\$ 0.1400	\$ 0.1428
Tier 2	392 - 782 kWh / month	\$ 0.1550	\$ 0.1581
Tier 3	> 782 kWh / month	\$ 0.3300	\$ 0.3366
<u>MOBILE HOME PARK - Schedule EM</u>			
Customer Charge (Master Meter Customer)	N/A	\$ 1.00	\$ 1.02
Energy Charge - Summer (\$/kWh)			
Tier 1	0 - 481 kWh / month	\$ 0.1400	\$ 0.1428
Tier 2	482 - 962 kWh / month	\$ 0.1550	\$ 0.1581
Tier 3	> 962 kWh / month	\$ 0.3300	\$ 0.3366
Energy Charge - Winter (\$/kWh)			
Tier 1	0 - 391 kWh / month	\$ 0.1400	\$ 0.1428
Tier 2	392 - 782 kWh / month	\$ 0.1550	\$ 0.1581
Tier 3	> 782 kWh / month	\$ 0.3300	\$ 0.3366
<u>DUSK-TO-DAWN LIGHTING - Schedule EL</u>			
6,000 lumen gas discharge lamp (each) - per billing cycle	N/A	\$ 12.76	\$ 13.02
18,000 lumen gas discharge lamp (each) - per billing cycle	N/A	\$ 23.69	\$ 24.16
<u>CITY FACILITIES - Schedule ES</u>			
Minimum Charge	N/A	\$ 5.25	\$ -
Customer Charge	N/A	\$ -	\$ 10.20
Energy Charge (\$/kWh)	All kWh	\$ 0.10948	\$ 0.10890
<u>COMMERCIAL/INDUSTRIAL - Schedule G1 (< 8,000 kWh/month)</u>			
Customer Charge			
Single-Phase Service	N/A	\$ 7.35	\$ 7.50
Three-Phase or Combination Service	N/A	\$ 10.87	\$ 11.09
Energy Charge (\$/kWh)			
Summer	See Notes	\$ 0.18883	\$ 0.19261
Winter	See Notes	\$ 0.13965	\$ 0.14244
<u>COMMERCIAL/INDUSTRIAL - Schedule G2 (> 8,000 kWh/month)</u>			
Customer Charge	N/A	\$ 59.20	\$ 60.38
Demand Charge (\$/kW)	N/A	\$ 4.10	\$ 4.18
Energy Charge (\$/kWh)			
Summer	See Notes	\$ 0.15519	\$ 0.15829
Winter	See Notes	\$ 0.12423	\$ 0.12671
<u>COMMERCIAL/INDUSTRIAL - Schedule G3-S (Secondary) (400 kW - 500 kW/month)</u>			
Customer Charge	N/A	\$ 134.54	\$ 137.23
Demand Charge - Summer (\$/kW)	N/A	\$ 4.10	\$ 4.18
Demand Charge - Winter (\$/kW)	N/A	\$ 4.10	\$ 4.18
Peak Demand Charge - Summer (\$/kW)	N/A	\$ 11.47	\$ 11.70
Energy Charges - Summer (\$/kWh)			
Peak	See Notes	\$ 0.16890	\$ 0.17228
Part-Peak	See Notes	\$ 0.13528	\$ 0.13799
Off-Peak	See Notes	\$ 0.11621	\$ 0.11853
Energy Charges - Winter (\$/kWh)			
Part-Peak	See Notes	\$ 0.12259	\$ 0.12504
Off-Peak	See Notes	\$ 0.11188	\$ 0.11412

EXHIBIT C

COMMERCIAL/INDUSTRIAL - Schedule G3-P (Primary) (400 kW - 500 kW/month)

Customer Charge	N/A	\$	134.54	\$	137.23
Demand Charge - Summer (\$/kW)	N/A	\$	3.17	\$	3.23
Demand Charge - Winter (\$/kW)	N/A	\$	3.17	\$	3.23
Peak Demand Charge - Summer (\$/kW)	N/A	\$	10.76	\$	10.98
Energy Charges - Summer (\$/kWh)					
Peak	See Notes	\$	0.16280	\$	0.16606
Part-Peak	See Notes	\$	0.13086	\$	0.13348
Off-Peak	See Notes	\$	0.11274	\$	0.11499
Energy Charges - Winter (\$/kWh)					
Part-Peak	See Notes	\$	0.11880	\$	0.12118
Off-Peak	See Notes	\$	0.10862	\$	0.11079

COMMERCIAL/INDUSTRIAL - Schedule G4-S (Secondary) (500 kW - 1,000 kW/month)

Customer Charge	N/A	\$	134.54	\$	137.23
Demand Charge - Summer (\$/kW)	N/A	\$	4.10	\$	4.18
Demand Charge - Winter (\$/kW)	N/A	\$	4.10	\$	4.18
Peak Demand Charge - Summer (\$/kW)	N/A	\$	11.47	\$	11.70
Energy Charges - Summer (\$/kWh)					
Peak	See Notes	\$	0.15592	\$	0.15904
Part-Peak	See Notes	\$	0.12225	\$	0.12470
Off-Peak	See Notes	\$	0.10322	\$	0.10528
Energy Charges - Winter (\$/kWh)					
Part-Peak	See Notes	\$	0.11031	\$	0.11252
Off-Peak	See Notes	\$	0.09969	\$	0.10168

COMMERCIAL/INDUSTRIAL - Schedule G4-P (Primary) (500 kW - 1,000 kW/month)

Customer Charge	N/A	\$	134.54	\$	137.23
Demand Charge - Summer (\$/kW)	N/A	\$	3.17	\$	3.23
Demand Charge - Winter (\$/kW)	N/A	\$	3.17	\$	3.23
Peak Demand Charge - Summer (\$/kW)	N/A	\$	10.76	\$	10.98
Energy Charges - Summer (\$/kWh)					
Peak	See Notes	\$	0.14988	\$	0.15288
Part-Peak	See Notes	\$	0.11791	\$	0.12027
Off-Peak	See Notes	\$	0.09981	\$	0.10181
Energy Charges - Winter (\$/kWh)					
Part-Peak	See Notes	\$	0.10657	\$	0.10870
Off-Peak	See Notes	\$	0.09647	\$	0.09840

COMMERCIAL/INDUSTRIAL - Schedule G5-S (Secondary) (> 1,000 kW/month)

Customer Charge	N/A	\$	134.54	\$	137.23
Demand Charge - Summer (\$/kW)	N/A	\$	4.10	\$	4.18
Demand Charge - Winter (\$/kW)	N/A	\$	4.10	\$	4.18
Peak Demand Charge - Summer (\$/kW)	N/A	\$	11.47	\$	11.70
Energy Charges - Summer (\$/kWh)					
Peak	See Notes	\$	0.14365	\$	0.14652
Part-Peak	See Notes	\$	0.11005	\$	0.11225
Off-Peak	See Notes	\$	0.09311	\$	0.09497
Energy Charges - Winter (\$/kWh)					
Part-Peak	See Notes	\$	0.09825	\$	0.10022
Off-Peak	See Notes	\$	0.09009	\$	0.09189
Economic Stimulus Rate Credit (\$/kWh)	All kWh	\$	0.00431	\$	0.00440

COMMERCIAL/INDUSTRIAL - Schedule G5-P (Primary) (>1,000 kW/month)

Customer Charge	N/A	\$	134.54	\$	137.23
Demand Charge - Summer (\$/kW)	N/A	\$	3.17	\$	3.23
Demand Charge - Winter (\$/kW)	N/A	\$	3.17	\$	3.23
Peak Demand Charge - Summer (\$/kW)	N/A	\$	10.76	\$	10.98
Energy Charges - Summer (\$/kWh)					
Peak	See Notes	\$	0.13794	\$	0.14070
Part-Peak	See Notes	\$	0.10602	\$	0.10814
Off-Peak	See Notes	\$	0.08993	\$	0.09173
Energy Charges - Winter (\$/kWh)					
Part-Peak	See Notes	\$	0.09481	\$	0.09671
Off-Peak	See Notes	\$	0.08706	\$	0.08880
Economic Stimulus Rate Credit (\$/kWh)	All kWh	\$	0.00431	\$	0.00440

EXHIBIT C

EP ENERGY PURCHASE - Schedule EP

<i>Compensation for customer owned generation</i>	N/A	Contract Basis	Avoided Cost
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COMMERCIAL/INDUSTRIAL - OPTIONAL - Schedule I1 (>1,000 kW/month) - Special Conditions Apply

<i>Customer Charge</i>	N/A	\$ 134.54	\$ 137.23
<i>Demand Charge - Summer (\$/kW)</i>	N/A	\$ 3.17	\$ 3.23
<i>Demand Charge - Winter (\$/kW)</i>	N/A	\$ 3.17	\$ 3.23
<i>Peak Demand Charge - Summer (\$/kW)</i>	N/A	\$ 10.76	\$ 10.98

Customers with demand < 4,000 kW:

<i>Energy Charges - Summer (\$/kWh)</i>			
Peak	See Notes	\$ 0.14029	\$ 0.14310
Part-Peak	See Notes	\$ 0.10807	\$ 0.11023
Off-Peak	See Notes	\$ 0.09245	\$ 0.09430
<i>Energy Charges - Winter (\$/kWh)</i>			
Part-Peak	See Notes	\$ 0.09972	\$ 0.10171
Off-Peak	See Notes	\$ 0.09177	\$ 0.09361

Customers with demand ≥ 4,000 kW

<i>Energy Charges - Summer (\$/kWh)</i>			
Peak	See Notes	\$ 0.13378	\$ 0.13646
Part-Peak	See Notes	\$ 0.10156	\$ 0.10359
Off-Peak	See Notes	\$ 0.08594	\$ 0.08766
<i>Energy Charges - Winter (\$/kWh)</i>			
Part-Peak	See Notes	\$ 0.09321	\$ 0.09507
Off-Peak	See Notes	\$ 0.08526	\$ 0.08697
<i>Economic Stimulus Rate Credit (\$/kWh)</i>	All kWh	\$ 0.01359	\$ 0.01386

ELECTRIC VEHICLE CHARGING SERVICE -Schedule EV

<i>Minimum Charge</i>	N/A	\$ 5.25	\$ -
<i>Customer Charge</i>	N/A	\$ -	\$ 3.00
<i>Energy Charge (\$/kWh)</i>			
EV Charging Period	See Notes	\$ 0.14910	Schedule EA Tier 1 Energy Charge
Non-EV Charging Period	See Notes	\$ 0.34650	Schedule EA Tier 3 Energy Charge

NOTES:

Summer (May 1 through Oct 31)
 Peak: 3 pm to 7 pm - Mon through Fri (except holidays)
 Part-Peak: 8:30 am to 3 pm and 7 pm to 9:30 pm - Mon through Fri (except holidays)
 Off-Peak: 9:30 pm to 8:30 am - Mon through Fri and all day Sat, Sun, holidays

Winter (Nov 1 through Apr 30)
 Part-Peak: 8:30 am to 9:30 pm - Mon through Fri (except holidays)
 Off-Peak: 9:30 pm to 8:30 am - Mon through Fri and all day Sat, Sun, holidays

EV Charging Period: 8 pm to 6 am - Mon through Fri (and all day weekends and holidays)
 Non-EV Charging Period: 6 am to 8 pm - Mon through Fri (excluding weekends and holidays)

Holidays include: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving Day and Christmas Day. The dates will be based on those days on which the holidays are legally observed.

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER 13.20 –
ELECTRICAL SERVICE – BY REPEALING AND REENACTING
ARTICLE III “RATES” IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.20 – Electrical Service is hereby amended by repealing and reenacting Article III. “Rates” in its entirety and shall read as follows:

Article III. – Rates

- 13.20.175 ~~Schedule ECA—Energy cost adjustment~~ **Applicability.**
- 13.20.180 ~~Applicability~~ **Schedule ECA—Energy Cost Adjustment.**
- 13.20.185 Schedule CSS—California Solar Initiative Surcharge.
- 13.20.190 Schedule EA—Residential Service.
- 13.20.200 Schedule ED—Residential SHARE Program Service.
- 13.20.210 Schedule EM—Mobilehome Park Service.
- 13.20.220 Schedule MR—Residential Medical Rider.
- 13.20.225 Schedule NEM—Net Energy Metering Rider.
- 13.20.227 Conversion of Prior Schedule CEM—Co-Energy Metering Rider.
- 13.20.230 Schedule EL—Outdoor Dusk-To-Dawn Lighting.
- 13.20.235 Schedule ES—City Facilities Service.
- 13.20.240 Schedule G1—General Service—Group 1 Commercial/Industrial.
- 13.20.250 Schedule G2—General Service—Group 2 Commercial/Industrial.
- 13.20.260 Schedule G3—General Service—Group 3 Commercial/Industrial.
- 13.20.270 Schedule G4—General Service—Group 4 Commercial/Industrial.
- 13.20.280 Schedule G5—General Service—Group 5 Commercial/Industrial.
- 13.20.290 Schedule EP—Energy Purchase.
- 13.20.300 Schedule SS—Standby Service.
- 13.20.310 Schedule I1—General Service—Group 5 Commercial/Industrial—Optional.
- 13.20.315 Schedule EDR—Economic Development Rates.
- ~~13.20.320 Schedule NST—New Sales Tax Rate. Reserved.~~
- 13.20.325 Schedule EV—Electric Vehicle Charging Service.
- ~~13.20.330 Schedule IE—Industrial Equipment Charging Service. Reserved.~~

~~*—Editor's Note: The increased rates shall be effective on applicable electric utility billings prepared by the city on or after May 1, 1998.~~

13.20.180~~175~~ APPLICABILITY.

The sale of electric energy by the City shall be at the rates set forth in this article.

13.20.175~~180~~ SCHEDULE ECA—ENERGY COST ADJUSTMENT.

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

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

B. Rates:

Effective July 6, 2007, the ECA billing factor for any given month shall be calculated as follows:

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

Where:

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

The City of Lodi will recalculate the ECA each month, and resulting amount shall be automatically implemented for bills rendered during the following billing month. The ECA shall not be discounted.

SCHEDULE I-1 FIXED ECA OPTION:

Customers must elect this option prior to the start of the twelve-month cycle (July-June) and must be billed for the entire twelve months under this option. Customers may opt out in the May prior to the next twelve-month billing period.

The City of Lodi will calculate a fixed ECA based on projected sales divided by the budgeted NCPA all resource bill for the upcoming twelve-month period (July-June) minus eight point three one (8.31) cents. The resulting amount shall be automatically implemented for bills rendered during the eleven billing months beginning in July and ending in May. The June billing shall include a true-up for the actual ECA billed in the same eleven-month period and the actual ECA for the month of June.

13.20.185 SCHEDULE CSS—CALIFORNIA SOLAR INITIATIVE SURCHARGE.

A. 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 six hundred thousand dollars annually between the years 2008 — 2017.

B. 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.

13.20.190 SCHEDULE EA—RESIDENTIAL SERVICE.

~~For residential service rates, see the schedule attached to the ordinance codified in this section, marked Exhibit A and made a part hereof as if set out in full.~~

A. Applicability:

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

B. Rates:

Customer Charge ~~\$10.00~~10.20

Energy Charge is by Tier of kWh usage:

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
\$/kWh	\$0.14000 <u>0.1428</u>	\$0.15500 <u>0.1581</u>	\$0.33000 <u>0.3366</u>

Summer (May through October) Energy Tiers

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
Beginning Tier kWh/month	0	482	>962
Ending Tier kWh/month	481	962	

Winter (November through April) Energy Tiers

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
Beginning Tier kWh/month	0	392	>782
Ending Tier kWh/month	391	782	

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.475180 Schedule ECA – Energy Cost Adjustment.

D. Billing Cycle Charge (Monthly Bill):

The Billing Cycle Charge is the sum of the Customer Charge, the Energy Charge and the ECA.

E. Special Conditions:

- a. When a business or commercial establishment is conducted in conjunction with a residence and both are measured through one meter, this rate does not apply.
- b. This rate does not apply to service used for common area and facilities in multi-family dwellings.
- c. Additional discounts are available as described in Schedule MR, Residential Medical Discount and Schedule ED, Residential SHARE Program Service.

F. Fixed Income Discount:

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

13.20.200 SCHEDULE ED—RESIDENTIAL SHARE PROGRAM SERVICE.

A. Applicability.

Applicable to domestic service in single-family and multi-family dwellings separately metered by the City of Lodi where the customer meets all the special conditions of this rate schedule including those on discontinued all electric SHARE rate schedule, EF.

B. Rates.

Customers under this schedule will have bills computed using the EA rate schedule less a 30% discount.

C. Energy Cost Adjustment (ECA).

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.475180 Schedule ECA - Energy Cost Adjustment.

D. Billing Cycle Charge (Monthly Bill).

The billing cycle charge is ~~the higher of~~ the sum of ~~minimum~~ the customer charge, and ~~ECA or the sum of~~ the energy charge and the ECA.

E. Special Conditions.

1. When a business or commercial establishment is conducted in conjunction with a residence and both are measured through one meter, this rate does not apply.
2. This rate does not apply to service used for common area and facilities in multi-family dwellings.
3. Single Household Alternative Rate for Energy (SHARE) Eligibility: To be eligible to receive SHARE an applicant must complete an application and qualify based on the income eligibility criteria for state of California Low Income Home Energy Assistance Program.
4. Completed applications must be submitted to the City of Lodi finance department. The City of Lodi finance department shall certify the eligibility of all applicants.
5. All applicants will be required to certify income eligibility for the SHARE program. Customers must sign a statement upon application indicating that the City of Lodi may verify the customer's eligibility at any time. If verification established that the customer is ineligible, the customer will be removed from the program and the City of Lodi may render corrective billings.
6. An additional discount is available as described in Schedule MR, Residential Medical Discount.

13.20.210 SCHEDULE EM—MOBILEHOME PARK SERVICE.

A. Applicability:

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

B. Rates:

Customer Charge (Master Meter Customer)...~~\$1.02~~ \$1.02 per individual mobile home park unit.

Energy Charge is by Tier of kWh usage:

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
\$/kWh	\$0.14000 <u>0.1428</u>	\$0.15500 <u>0.1581</u>	\$0.33000 <u>0.3366</u>

Summer (May through October) Energy Tiers

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>

Beginning Tier kWh/month	0	482	>962
Ending Tier kWh/month	481	962	

Winter (November through April) Energy Tiers

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
Beginning Tier kWh/month	0	392	>782
Ending Tier kWh/month	391	782	

C. Master Meter / Sub-Meter Discount:

For each occupied mobile home park unit, the park owner will receive a monthly discount in the amount of \$3.00.

D. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.475180 Schedule ECA – Energy Cost Adjustment.

E. Billing Cycle Charge (Monthly Bill):

The Billing Cycle Charge is the sum of the Customer Charge (Master Meter Customer), the Energy Charge, the Master Meter / Sub-Meter Discount and the ECA.

F. Special Conditions:

1. This rate is available only for mobile home park master metering in service prior to March 31, 1989.
2. It is the responsibility of the master-metered customer to notify the City Finance Department by the 5th day of each month of any change in the number of occupied mobile home park units wired for service on the first day of that month.
3. Miscellaneous electric loads such as general lighting, laundry rooms, general maintenance, and other similar use incidental to the operation of the premises as a multi-family accommodation will be considered domestic use.
4. For the master-metered Customer to qualify for Single Household Alternative Rate for Energy (SHARE) and/or the Residential Medical Discount, the qualified sub-metered tenants of the master-metered Customer must submit the applicable application(s), including the tenant's unit number, to the City of Lodi Finance Department. The City of Lodi Finance Department will notify the master-metered Customer in writing of the tenant's certification for these programs.
5. For tenants who are on fixed incomes below \$45,000 annually and who are over 62 years of age, and do not qualify for any other discount, a discount of 5% of the qualifying tenant's electric bill (Fixed Income Discount) shall be provided to the master-metered Customer. Procedures as to qualification will be established by the Electric Utility Department.

6. The master-metered customer, not the City of Lodi, is responsible for extending the SHARE, Residential Medical Discount, and Fixed Income Discount to tenants certified to receive them. If verification establishes that the SHARE, Residential Medical Discount, or Fixed Income Discount tenant is ineligible, the tenant will be removed from the master-metered Customer's qualified tenants and the City of Lodi may render corrective billings.
7. The master-metered Customer shall not bill any sub-metered tenant more than that tenant would be billed if that tenant were an individual customer of the City of Lodi. For a qualifying SHARE tenant, the master-metered Customer shall bill the qualifying tenant at the applicable rates equivalent to Schedule ED, Residential SHARE Program Service. For a tenant qualifying for a Residential Medical Discount, the master-metered Customer shall bill the qualifying tenant in accordance with the provisions of Schedule MR, Residential Medical Discount. For tenants qualifying for a Fixed Income Discount, the master-metered Customer shall bill the qualifying tenant in accordance with the provisions of paragraph (e) herein.

A tenant not qualified for any of the above discounts shall be billed using the rates and charges provided for in Schedule EM, Mobile Home Park Service, except the Master Meter / Sub-Meter Discount shall not be provided to tenants and the master-metered Customer shall not bill the tenant the Schedule EM, Mobile Home Park Service Customer Charge (Master Meter Customer).

8. With the exception of the Customer Charge provided for in Schedule EA, Residential Service, the master-meter/sub-meter rate discount provided herein prohibits further recovery by mobile home park owners for the costs of owning, operating and maintaining their electric sub-metered system.
9. Upon request, mobile home park owners must submit copies of their tenant billings to the City of Lodi for auditing to ensure compliance with this rate tariff, provided however that such requests shall not be made more often than semi-annually.

13.20.220 SCHEDULE MR—RESIDENTIAL MEDICAL RIDER.

~~For residential medical rider rates, see the schedule attached to the ordinance codified in this section, marked Exhibit E and made a part hereof as if set out in full.~~

A. Applicability:

Qualifying residential customers on Schedule EA are entitled to a discount of 25% from the total bill. Qualifying residential customers on Schedule ED are entitled to a discount of 5% from the total bill. Master-metered customers with qualifying tenant(s) on Schedule EA are entitled to a discount of 25% per billing cycle (monthly bill) for each qualifying household or mobile home unit. Master-metered customers with qualifying tenant's' on Schedule ED are entitled to a discount of 5% per billing cycle (monthly bill) for each qualifying household or mobile home unit. If a customer or full-time resident in the home or mobile home unit has one or more of the medical conditions listed below, contact the Electric Utility Department to request a City application, "Declaration of Eligibility for Medical Discount." Only one medical discount adjustment per household or mobile home unit is available.

B. Qualifying Conditions:

To qualify for the Medical Discount, the customer will be required to submit a completed City application, including the certification of a doctor of medicine or osteopathy licensed to practice in the State of California that a customer or other full time resident in the home is:

- a. Dependent on a life-support device used in the home.
- b. Paraplegic, hemiplegic, or quadriplegic person having special air-conditioning needs.
- c. A multiple-sclerosis patient with special heating or air-conditioning needs.
- d. Medical conditions other than multiple sclerosis, paraplegia, hemiplegia, or quadriplegia may qualify customers for medical quantities for electric heating or air conditioning. Any such conditions will be reviewed on an individual basis.

C. Life Support Devices:

A life support device is any medical device necessary to sustain life or relied upon for mobility. To qualify under this schedule, the device must be used in the home and must run on electricity supplied by the City of Lodi.

The term "life support device" includes, but is not limited to respirators, iron lungs, hemodialysis machines, suction machines, electric nerve stimulators, pressure pads and pumps, aerosol tents, electrostatic and ultrasonic nebulizers, compressors, IPPB machines and motorized wheelchairs.

D. Heating and Air Conditioning:

Special heating and/or air-conditioning needs will qualify for a Medical Discount only if the main source of energy for heating or air conditioning is electricity supplied by the City of Lodi.

E. Medical Discount for Mobile Home Park Service Customers:

Residential tenants of mobile home park service customers can also qualify for Medical Discount. If one or more of the customer's tenant(s) have a medical condition that qualifies under the conditions listed above, contact the Electric Utility Department to apply.

Any Medical Discount must be passed on to the qualifying tenant(s) when tenants are billed for the electricity they use.

13.20.225 SCHEDULE NEM—NET ENERGY METERING RIDER.

A. Purpose. The purpose of this rider is to establish rates, terms, and conditions for providing net metering services to customers generating electricity using solar and wind facilities of one MW or less in size. This rider complies with California State legislation requiring every electric utility in the state, including municipally-owned utilities, to develop a standard contract or tariff providing for net energy metering, as defined below.

B. Applicability. This schedule is applicable to service for customers where a part or all of the electrical requirements of the customer can be supplied from a solar or wind power production source owned and operated by the customer (customer-generated). Availability of this schedule to eligible customer-generators will be on a first-come, first-served basis and will

be available until such time the total rated generating capacity used by eligible customer-generators equals five percent of the City of Lodi aggregate customer annual peak demand.

The solar or wind generation source must: 1) have a capacity of one MW or less, 2) be located on the customer-generator's premises, 3) be connected for parallel operation with Lodi's distribution facilities, and 4) be intended for the sole purpose of offsetting a part or all of the customer-generator's own electrical requirements. In no case shall the power or energy generated by the customer-owned solar or wind source be available for resale, except as specified under this rider.

Additional terms and conditions for service, including terms of interconnection and parallel operation, are specified in a customer-specific Electrical Interconnection and Net Energy Metering Payment Agreement.

C. Rates. Charges for electricity supplied by the city will be based on metered usage in accordance with special conditions (D)(3) and (5) below. Rates charged under this schedule will be in accordance with the eligible customer-generator's otherwise applicable rate schedule. Public benefit charges and monthly customer charges shall not be by-passable.

D. Special Conditions.

1. Other Agreements. A signed electrical interconnection and net metering payment agreement between the customer-generator and the city is required for service under this schedule.
2. Metering Equipment. Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in two directions. If customer's existing electrical meter is not capable of measuring the flow of electricity in two directions, the customer-generator shall be responsible for all expenses involved in purchasing and installing a meter that is capable of measuring electricity in both directions.

Co-energy metering customers transferred to net metering pursuant to Section 13.20.227 of this code, may remain on the dual meter system. Net energy metering customers, at their election may opt for the dual meter system.

3. Net Energy Metering and Billing. Net energy is defined as measuring the difference between the electricity supplied by the city through the electric grid to the eligible customer-generator and electricity generated by an eligible customer-generator and fed back into the electric grid over a twelve-month period.

In the event that the electricity supplied by the city during the twelve-month period exceeds the electricity generated by the eligible customer-generator during the same period, the eligible customer is a net electricity consumer and the city shall bill the customer for the net consumption during the twelve-month period based on the retail price per kilowatt-hour for eligible customer-generator's rate class over the same period.

The city shall provide the customer-generator with net electricity consumption information on each regular bill. That information shall include the current amount owed to the city for the net electricity consumed. Customer-generator may exercise the option to pay monthly for the net energy consumed, but in any

event shall be responsible for any payments due at the end of each twelve-month period.

4. **Attributes.** Any capacity attributes or environmental attributes associated with the renewable energy produced by the customer-generator at sites subject to this schedule shall belong to the city with the sole exception of renewable energy credits for solar and wind generation up to the amount of on-site consumption. Capacity attributes include, but are not limited to, system resource adequacy capacity and local resource adequacy capacity, if any. Environmental attributes include, but are not limited to, renewable portfolio standard recognition, renewable energy credits, greenhouse gas credits, and emission reduction credits, if any.
5. **Excess Energy.** Net energy metering will be administered on an annualized basis, beginning with the month of interconnection of the customer's generating system with the city's electrical system. Electric solar and wind generation production may result in a dollar credit carrying forward to the next billing period. If a credit accumulation results in a net customer-owned generation credit at the end of the annualized year, unused dollar credits will be set to zero and not be carried into the new annualized year unless the customer-generator affirmatively elects to be paid for such excess. If the customer-generator so elects, the city shall either pay the customer-generator or credit the customer generator's account for such excess at the baseline energy cost rate specified in Schedule ECA plus the energy cost adjustment rate averaged for the billing periods with excess generation.
6. **Rules and Regulations.** Other conditions specified in the City of Lodi electric utility department's rules, regulations and engineering standards shall apply to this electric rate schedule.

13.20.227 CONVERSION OF PRIOR SCHEDULE CEM—CO-ENERGY METERING RIDER.

A. On the effective date of this [ordinance no. 1853], customer generators on the city's prior schedule CEM co-metering rider will be converted to the city's schedule NEM-net energy metering rider. In calendar year 2011, the annual net energy bill as provided in Subsection 13.20.225(D)(3) of this code, shall be calculated retroactive to January 1, 2011, and the annual excess energy credit or payment (if any) shall be calculated retroactive to January 1, 2011.

13.20.230 SCHEDULE EL—OUTDOOR DUSK-TO-DAWN LIGHTING.

~~For outdoor dusk-to-dawn lighting rates, see the schedule attached to the ordinance codified in this section, marked Exhibit B and made a part hereof as if set out in full.~~

A. **Applicability:**

This schedule is applicable to City-owned and maintained outdoor overhead area lighting service. Dusk-to-Dawn lighting may not be used for street lighting purposes.

B. **Rates:**

For each 6,000 lumen gas discharge lamp ~~\$12.76~~13.02 per billing cycle

For each 18,000 lumen gas discharge lamp ~~\$23.69~~24.16 per billing cycle

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.~~475~~180 Schedule ECA – Energy Cost Adjustment.

D. Billing Cycle Charge (Monthly Bill):

- a. Lamps shall be approximately 6,000 or 18,000 lumen gas discharge with luminaire and bracket, as specified by the City of Lodi Electric Utility Department, and shall be supported on City-owned poles which are used to carry distribution system circuits for other City purposes and shall be at locations approved by the City of Lodi. Lamps will be controlled from dusk to dawn each night so as to give approximately 4,380 hours of service annually.
- b. Upon receipt of notice from a customer of failure of light to operate as scheduled, the City of Lodi Electric Utility Department will, within a reasonable period of time, make the necessary repairs.
- c. Relocation of existing outdoor lighting service equipment or the installation of additional facilities required other than mentioned in (a) above shall be at customer's expense prior to starting work.

13.20.235 SCHEDULE ES—CITY FACILITIES SERVICE.

~~For city facilities service rates, see the schedule attached to the ordinance codified in this section, marked Exhibit C and made a part hereof as if set out in full.~~

A. Applicability:

This schedule is applicable only to those city facilities currently on schedule ES.

B. Rates:

~~MinimumCustomer~~ Charge \$~~5.25~~10.20

Energy Charge per kWh \$~~.109~~.480.10890

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.~~475~~180 Schedule ECA – Energy Cost Adjustment.

D. Billing Cycle Charge (Monthly Bill):

The billing cycle charge is ~~the higher of~~ the sum of the ~~MinimumCustomer~~ Charge, ~~and the~~ Energy Charge, ~~and the~~ ECA ~~or the sum of the Energy Charge and the ECA.~~

13.20.240 SCHEDULE G1—GENERAL SERVICE—GROUP 1 COMMERCIAL/ INDUSTRIAL.

~~For Group 1 commercial/industrial rates, see the schedule attached to the ordinance codified in this section, marked Exhibit D and made a part hereof as if set out in full.~~

A. Applicability:

This schedule is applicable to customers with single-phase or three-phase service, or to a combination thereof, whose energy consumption does not exceed 8,000 kilowatt-hours (kWh) per billing cycle for three consecutive billing cycles. This schedule is not available for service when another commercial/industrial schedule is applicable.

Assignment to Schedule: If, in the judgment of the City, an account is expected to have usage below 8,000 kWh per billing cycle, the City has the option of placing the account immediately on this schedule.

When an account billed on this schedule permanently changes the nature of electrical operations to such an extent that the account would in time qualify for another rate schedule, such billing change will be made as soon as practicable after verification of said changes.

If energy consumption equals or exceeds 8,000 kWh for three consecutive billing cycles, the City will transfer the account to the appropriate rate schedule. If the demand reaches or exceeds 400 kW for three consecutive billing cycles, the account will be transferred to the appropriate rate schedule.

B. Rates:

Customer Charge: (per meter per billing cycle)

Single-Phase Service	\$-7.35 7.50
Three-Phase or Combination Service.....	\$10.87 11.09

Energy Charge: (\$ per kWh)

Summer (May through October).....	\$0.1888 0.19261
Winter (November through April)	\$0.1396 0.14244

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.175180 Schedule ECA – Energy Cost Adjustment.

D. Community Benefits Incentive Discount:

G1-Non-profit (as defined in Federal Internal Revenue 501 (c) (3)) Industrial/Commercial customers who are currently receiving Federal Community Development Block Grant funds or have received such funds not more than two years before preparation of the current billing cycle charge are eligible for the following discount on Energy and Demand charges:

July 1, 1996 and after 30%

It is the customer's responsibility to notify the Finance Department of this eligibility.

This discount may not be used in conjunction with any other incentive discount.

E. Billing Cycle Charge (Monthly Bill):

The billing cycle charge is the sum of the Customer Charge, the Energy Charge and the ECA.

13.20.250 SCHEDULE G2—GENERAL SERVICE—GROUP 2 COMMERCIAL/INDUSTRIAL.

~~For Group 2 commercial/industrial rates, see the schedule attached to the ordinance codified in this section, marked Exhibit E and made a part hereof as if set out in full.~~

A. Applicability:

This schedule will be applied to accounts with energy consumption in excess of 8,000 kilowatt-hours (kWh) for three consecutive billing cycles. This schedule is not available for service when another commercial/industrial schedule is applicable.

Billing Demand: The billing demand in any billing cycle will be the maximum average power taken during any metering interval in the period, but not less than the diversified resistance welder load. (The customary metering interval is 15 minutes; in cases where the use of energy is intermittent or subject to violent fluctuations, a 5-minute interval may be used.)

Assignment to Schedule: If, in the judgment of the City, an account is expected to have usage over 8,000 kWh per billing cycle, the City has the option of placing the account immediately on this schedule.

When an account billed on this schedule permanently changes the nature of electrical operations to such an extent that the account would in time qualify for another rate schedule, such billing change will be made as soon as practicable after verification of said changes. It shall be the responsibility of the customer to notify the City of any such changes.

If energy consumption drops below 8,000 kWh and remains there for 12 consecutive billing cycles, the City will transfer the account to the appropriate schedule. If the billing demand reaches or exceeds 400 kW for three consecutive billing cycles, the account will be transferred to the appropriate rate schedule as soon as practicable.

B. Rates:

<u>Customer Charge:</u> (per meter per billing cycle)	\$59,2060.38
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<u>Demand Charge:</u>	
All kW of billing demand, per kW	\$ 4,404.18

Energy Charge: (per kWh)

Summer (May through October)	\$0.155190.15829
Winter (November through April)	\$0.124230.12671

Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.~~175~~180 Schedule ECA – Energy Cost Adjustment.

C. Voltage Discount:

When delivery is made at the same primary distribution voltage as that of the line from which the service is supplied, a 4% discount will be allowed on the sum of the Demand Charge and the Energy Charge.

D. Community Benefits Incentive Discount:

G2-Non-profit (as defined in Federal Internal Revenue 501 (c) (3)) Industrial/Commercial customers who are currently receiving Federal Community Development Block Grant funds or have received such funds not more than two years before preparation of the current billing cycle charge are eligible for the following discount on Energy and Demand charges:

July 1, 1996 and after 30%

It is the customer's responsibility to notify the Finance Department of this eligibility.

This discount may not be used in conjunction with any other incentive discount.

E. Billing Cycle Charge (Monthly Bill):

The billing cycle charge is the sum of the Customer Charge, the Demand Charge, the Energy Charge, the ECA and the voltage discount, if applicable.

13.20.260 Schedule G3—General service—Group 3 commercial/industrial.

~~For Group 3 commercial/industrial rates, see the schedule attached to the ordinance codified in this section, marked Exhibit F and made a part hereof as if set out in full.~~

A. Applicability:

This schedule shall be applied to accounts with billing period demands of between 400 kilowatts (kW) and 500 kW for three consecutive billing cycles. This schedule is not available for service when another commercial/industrial schedule is applicable.

Demand: The billing period and peak period demands will be the maximum average power taken during any 15-minute interval in the billing period and peak period, respectively, but not less than the diversified resistance welder load. In cases where the use of energy is intermittent or subject to violent fluctuations, a 5-minute interval may be used.

Assignment to Schedule: If, in the judgment of the City, an account is expected to have billing period demand of 400 kW or more and less than 500 kW per billing cycle, the City has the option of placing the account immediately on this schedule.

When an account billed on this schedule permanently changes the nature of electrical operations to such an extent that the account would in time qualify for another rate schedule, such billing change will be made as soon as practicable after verification of said changes. It shall be the responsibility of the customer to notify the City of any such changes.

If billing period demand drops below 400 kW and remains there for 12 consecutive billing cycles, the City will transfer the account to the appropriate rate schedule. If billing period demand reaches or exceeds 500 kW for three consecutive billing cycles, the account will be transferred to the appropriate rate schedule.

B. Rates:

Customer Charge (per meter per billing cycle)		\$134.54137.23		
Service Voltage:				
	Secondary (G3-S)		Primary (G3-P)	
Season:	Summer	Winter	Summer	Winter
Demand Charges:				
Per kW of peak period demand	\$11.4711.70	--	\$ 10.7610.98	--
Per kW of billing period demand	\$ -4.104.18	\$ 4.104.18	\$ -3.173.23	\$ 3.173.23
Energy Charges:				
Peak Period (per kWh)	\$0.168900.17228	--	\$0.162800.16606	--
Partial peak period (per kWh)	\$0.135280.13799	\$0.122590.12504	\$0.130860.13348	\$0.118800.12118
Off peak period (per kWh)	\$0.116210.11853	\$0.111880.11412	\$0.112740.11499	\$0.108620.11079

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in section 13.20.175180 Schedule ECA – Energy Cost Adjustment.

D. Types of Charges:

The billing cycle charge for service is the sum of the Customer Charge, the Demand Charges, the Energy Charges, the ECA and the Power Factor Adjustment:

1. Customer Charge: The Customer Charge is a flat monthly fee.
2. Demand Charges: This schedule has two Demand Charges: A peak period Demand Charge and a billing period Demand Charge. The peak period Demand Charge per kW applies to the maximum average power taken during any metering interval during the billing cycle's peak hours. The billing period Demand Charge per kW applies to the maximum average power taken during any metering interval at any time during the billing cycle. The bill will include both Demand Charges. Time periods are defined below.
3. Energy Charges: This schedule has three Energy Charges: A peak period Energy Charge, a partial peak period Energy Charge, and an off peak period Energy Charge. The peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's peak hours. Partial peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's partial peak hours. Off peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's off peak hours. The bill will include all of these Energy Charges. Time periods are defined below.
4. ECA: The ECA is a per kWh charge applied to the total kWh used during the billing cycle.

Monthly charges may be decreased or increased based upon power factor as defined below.

As shown on the rates above, Demand and Energy Charges are based on the voltage at which service is taken. Service voltages are defined below.

E. Definition of Service Voltage:

The service voltage classes are:

- (a) Primary: Service Voltage class for service at 12,000 volts (nominal).
- (b) Secondary: Service Voltage class for service at available voltages below 12,000 volts (nominal).

F. Power Factor Adjustment:

Bills will be adjusted for billing cycle average power factor as follows:

1. The total charge (except taxes and customer charge) for any billing cycle as computed on the above rates shall be decreased or increased, respectively, by 0.0006% for each 0.01 percentage point that the average power factor of the customer's load in the billing cycle is greater or less than 85.00%, such average power factor to be computed (to the nearest hundredth of a percent) from the ratio of lagging kilovolt ampere-hours to kilowatt-hours consumed in the billing cycle.
2. Customers with service entrance equipment unable to accommodate the City's reactive metering equipment shall have their billing power factor determined by testing performed by the City.

G. Definition of Time Periods:

Times of the year and times of the day are defined as follows:

1. SUMMER: (May 1 through October 31)
 - Peak: 3:00 p.m. to 7:00 p.m. Monday through Friday (except holidays).
 - Partial Peak: 8:30 a.m. to 3:00 p.m. and 7:00 p.m. to 9:30 p.m. Monday through Friday (except holidays).
 - Off Peak: 9:30 p.m. to 8:30 a.m. Monday through Friday and all day Saturday, Sunday and holidays.
2. WINTER: (November 1 through April 30)
 - Partial Peak: 8:30 a.m. to 9:30 p.m. Monday through Friday (except holidays).

Off Peak: 9:30 p.m. to 8:30 a.m. Monday through Friday and all day Saturday, Sunday and holidays.

3. HOLIDAYS:

"Holidays," for the purpose of this rate schedule, are New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving Day and Christmas Day. The dates will be based on those days on which the holidays are legally observed.

13.20.270 SCHEDULE G4—GENERAL SERVICE—GROUP 4 COMMERCIAL/INDUSTRIAL.

~~For Group 4 commercial/industrial rates, see the schedule attached to the ordinance codified in this section, marked Exhibit G and made a part hereof as if set out in full.~~

A. Applicability:

This schedule shall be applied to accounts with billing period demands of between 500 kilowatts (kW) and 1,000 kW for three consecutive billing cycles. This schedule is not available for service when another commercial/industrial schedule is applicable.

Demand: The billing period and peak period demands will be the maximum average power taken during any 15-minute interval in the billing period and peak period, respectively, but not less than the diversified resistance welder load. In cases where the use of energy is intermittent or subject to violent fluctuations, a 5-minute interval may be used.

Assignment to Schedule: If, in the judgment of the City, an account is expected to have billing period demand between 500 kW and 1,000 kW per billing cycle, the City has the option of placing the account immediately on this schedule.

When an account billed on this schedule permanently changes the nature of electrical operations to such an extent that the account would in time qualify for another rate schedule, such billing change will be made as soon as practicable after verification of said changes. It shall be the responsibility of the customer to notify the City of any such changes.

If billing period demand drops below 500 kW and remains there for 12 consecutive billing cycles, the City will transfer the account to the appropriate rate schedule. If billing period demand reaches or exceeds 1,000 kW for three consecutive billing cycles, the account will be transferred to the appropriate rate schedule.

B. Rates:

Customer Charge (per meter per billing cycle)		\$134.54 <u>137.23</u>		
Service Voltage:	Secondary (G4-S)		Primary (G4-P)	
Season:	Summer	Winter	Summer	Winter
Demand Charges:				
Per kW of peak period demand	\$11.47 <u>11.70</u>	--	\$ 10.76 <u>10.98</u>	--

Per kW of billing period demand	\$ <u>-4.104.18</u>	\$ <u>4.104.18</u>	\$ <u>-3.173.23</u>	\$ <u>3.173.23</u>
Energy Charges:				
Peak Period (per kWh)	\$ <u>0.155920.15904</u>	--	\$ <u>0.149880.15288</u>	--
Partial peak period (per kWh)	\$ <u>0.122250.12470</u>	\$ <u>0.110310.11252</u>	\$ <u>0.117910.12027</u>	\$ <u>0.106570.10870</u>
Off peak period (per kWh)	\$ <u>0.103220.10528</u>	\$ <u>0.099690.10168</u>	\$ <u>0.099810.10181</u>	\$ <u>0.096470.09840</u>

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.~~175~~180 Schedule ECA – Energy Cost Adjustment.

D. Types of Charges:

The billing cycle charge for service is the sum of the Customer Charge, the Demand Charges, the Energy Charges, the ECA and the Power Factor Adjustment:

1. Customer Charge: The Customer Charge is a flat monthly fee.
2. Demand Charges: This schedule has two Demand Charges: A peak period Demand Charge and a billing period Demand Charge. The peak period Demand Charge per kW applies to the maximum average power taken during any metering interval during the billing cycle's peak hours. The billing period Demand Charge per kW applies to the maximum average power taken during any metering interval at any time during the billing cycle. The bill will include both of these Demand Charges. Time periods are defined below.
3. Energy Charges: This schedule has three Energy Charges: A peak period Energy Charge, a partial peak period Energy Charge, and an off peak period Energy Charge. The peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's peak hours. Partial peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's partial peak hours. Off peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's off peak hours. The bill will include all of these Energy Charges. Time periods are defined below.
4. ECA: The ECA is a per kWh charge applied to the total kWh used during the billing cycle.

Monthly charges may be decreased or increased based upon power factor as defined below.

As shown on the rates above, Demand and Energy Charges are based on the voltage at which service is taken. Service Voltages are defined below.

E. Definition of Service Voltage:

The service voltage classes are:

- (a) Primary: Service Voltage class for service at 12,000 volts (nominal).
- (b) Secondary: Service Voltage class for service at available voltages below 12,000 volts (nominal).

F. Power Factor Adjustment:

Bills will be adjusted for billing cycle average power factors as follows:

- 1. The total charge (except taxes and customer charge) for any billing cycle as computed on the above rates shall be decreased or increased, respectively, by 0.0006% for each 0.01 percentage point that the average power factor of the customer's load in the billing cycle is greater or less than 85.00%, such average power factor to be computed (to the nearest hundredth of a percent) from the ratio of lagging kilovolt ampere-hours to kilowatt-hours consumed in the billing cycle.
- 2. Customers with service entrance equipment unable to accommodate the City's reactive metering equipment shall have their billing power factor determined by testing performed by the City.

G. Definition of Time Periods:

Times of the year and times of the day are defined as follows:

- 1. SUMMER (May 1 through October 31)
 - Peak: 3:00 p.m. to 7:00 p.m. Monday through Friday (except holidays).
 - Partial Peak: 8:30 a.m. to 3:00 p.m. and 7:00 p.m. to 9:30 p.m. Monday through Friday (except holidays).
 - Off Peak: 9:30 p.m. to 8:30 a.m. Monday through Friday and all day Saturday, Sunday and holidays.
- 2. WINTER (November 1 through April 30)
 - Partial Peak: 8:30 a.m. to 9:30 p.m. Monday through Friday (except holidays).
 - Off Peak: 9:30 p.m. to 8:30 a.m. Monday through Friday and all day Saturday, Sunday and holidays.
- 3. HOLIDAYS:

"Holidays," for the purpose of this rate schedule, are New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving Day and Christmas Day. The dates will be based on those days on which the holidays are legally observed.

13.20.280 SCHEDULE G5—GENERAL SERVICE—GROUP 5 COMMERCIAL/INDUSTRIAL.

~~For Group 5 commercial/industrial rates, see the schedule attached to the ordinance codified in this section, marked Exhibit H and made a part hereof as if set out in full.~~

A. Applicability:

This schedule shall be applied to accounts with billing period demands of 1,000 kilowatts (kW) or more for three consecutive months, unless the customer elects an optional rate schedule the account would otherwise qualify.

Demand: The billing period and peak period demands will be the maximum average power taken during any 15-minute interval in the billing period and peak period, respectively, but not less than the diversified resistance welder load. In cases where the use of energy is intermittent or subject to violent fluctuations, a 5-minute interval may be used.

Assignment to Schedule: If, in the judgment of the City, an account is expected to have billing period demand of 1,000 kW or more per billing cycle, the City has the option of placing the account immediately on this schedule.

When an account billed on this schedule permanently changes the nature of electrical operations to such an extent that the account would in time qualify for another rate schedule, such billing change will be made as soon as practicable after verification of said changes. It shall be the responsibility of the customer to notify the City of any such change.

If billing period demand drops below 1,000 kW and remains there for 12 consecutive billing cycles, the City will transfer the account to the appropriate rate schedule.

B. Rates:

Customer Charge (per meter per billing cycle)		<u>\$134.54137.23</u>		
Service Voltage:	Secondary (G5-S)		Primary (G5-P)	
Season:	Summer	Winter	Summer	Winter
Demand Charges:				
Per kW of peak period demand	<u>\$11.4711.70</u>	--	<u>\$10.7610.98</u>	--
Per kW of billing period demand	<u>\$ 4.104.18</u>	<u>\$ 4.104.18</u>	<u>\$ 3.173.23</u>	<u>\$ 3.173.23</u>
Energy Charges:				
Peak Period (per kWh)	<u>\$0.143650.14652</u>	--	<u>\$0.137940.14070</u>	--
Partial peak period (per kWh)	<u>\$0.110050.11225</u>	<u>\$0.098250.10022</u>	<u>\$0.106020.10814</u>	<u>\$0.094840.09671</u>
Off peak period (per kWh)	<u>\$0.093110.09497</u>	<u>\$0.090090.09189</u>	<u>\$0.089930.09173</u>	<u>\$0.087060.08880</u>
Economic Stimulus Rate Credit: (per kWh)	<u>\$0.004310.00440</u>	<u>\$0.004310.00440</u>	<u>\$0.004310.00440</u>	<u>\$0.004310.00440</u>

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.475180 Schedule ECA – Energy Cost Adjustment.

D. Types of Charges:

The billing cycle for service is the sum of the Customer Charge, the Demand Charges, the Energy Charges, the ECA and the Power Factor Adjustment.

1. Customer Charge: The Customer Charge is a flat monthly fee.
2. Demand Charges: This schedule has two Demand Charges: A peak period Demand Charge and a billing period Demand Charge. The peak period Demand Charge per kW applies to the maximum average power taken during any metering interval during the billing cycle's peak hours. The billing period Demand Charge per kW applies to the maximum average power taken during any metering interval at any time during the billing cycle. The bill will include both of these Demand Charges. Time periods are defined below.
3. Energy Charges: This schedule has three Energy Charges: A peak period Energy Charge, a partial peak period Energy Charge, and an off peak period Energy Charge. The peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's peak hours. Partial peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's partial peak hours. Off peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's off peak hours. The bill will include all of these Energy Charges. Time periods are defined below.
4. ECA: The ECA is a per kWh charge applied to the total kWh used during the billing cycle.

Monthly charges may be decreased or increased based upon power factor as defined below.

As shown on the rates above, Demand and Energy Charges are based on the voltage at which service is taken. Service Voltages are defined below.

E. Definition of Service Voltage:

The service voltage classes are:

- (a) Primary: Service Voltage class for service at 12,000 volts (nominal).
- (b) Secondary: Service Voltage class for service at available voltages below 12,000 volts (nominal).

F. Power Factor Adjustments:

Bills will be adjusted for billing cycle average power factor as follows:

1. The total charge (except taxes and customer charge) for any billing cycle as computed on the above rates shall be decreased or increased, respectively, by

0.0006% for each 0.01 percentage point that the average power factor of the customer's load in the billing cycle is greater or less than 85.00%, such average power factor to be computed (to the nearest hundredth of a percent) from the ratio of lagging kilovolt ampere-hours to kilowatt-hours consumed in the billing cycle.

2. Customers with service entrance equipment unable to accommodate the City's reactive metering equipment shall have their billing power factor determined by testing performed by the City.

G. Definition of Time Periods:

Times of the year and times of the day are defined as follows:

1. SUMMER: (May 1 through October 31)

Peak: 3:00 p.m. to 7:00 p.m. Monday through Friday (except holidays).

Partial Peak: 8:30 a.m. to 3:00 p.m. and 7:00 p.m. to 9:30 p.m. Monday through Friday (except holidays).

Off Peak: 9:30 p.m. to 8:30 a.m. Monday through Friday and all day Saturday, Sunday and holidays.
2. WINTER: (November 1 through April 30)

Partial Peak: 8:30 a.m. to 9:30 p.m. Monday through Friday (except holidays).

Off Peak: 9:30 p.m. to 8:30 a.m. Monday through Friday and all day Saturday, Sunday and holidays.
3. HOLIDAYS:

"Holidays," for the purpose of this rate schedule, are New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving Day and Christmas Day. The dates will be based on those days on which the holidays are legally observed.

13.20.290 SCHEDULE EP—ENERGY PURCHASE.

~~For energy purchase rates, see the schedule attached to the ordinance codified in this section, marked Exhibit E and made a part hereof as if set out in full.~~

A. Applicability:

This schedule is applicable to qualifying customer-owned/leased and operated generating alternating current facilities operating in parallel with the City's electric distribution system, on a contract basis. Customer generators must currently be served by the City of Lodi Electric Utility (LEU).

Generating facilities must be rated less than 1 MW, be located on the customer-generator's premises and be intended for the purpose of offsetting a part or all of the customer-generator's own electrical requirements. In no case shall the energy, capacity, and/or other attributes associated with the customer-owned/leased generating facility be available for resale by a party other than LEU.

This schedule is available only to customers who do not otherwise qualify for compensation for customer-owned generation under an existing LEU rate schedule or contract.

A. Rates:

1. Energy Charges:

Customer will be billed for all usage at the applicable service rate in effect when the service was rendered in accordance with the eligible customer-generator's otherwise applicable rate schedule based on metered usage prior to any generation. Monthly customer charges, public benefit charges, and all other surcharges shall be non-bypassable.

2. Energy Purchase Credit:

Credit will be provided to the customer for all metered output of the customer-owned and operated generating facility based on the avoided cost to the LEU, the specific value of which will be determined and updated by the LEU each year based on the following components: avoided energy and transmission costs, environmental attribute value (if applicable based on generation type), avoided system loss, and avoided capacity value.

Energy Purchase Credit values will be published each year on LEU's website and provided to customers receiving service under this schedule, including any annual updates.

The above charges and credits will be determined using two separate meters.

B. Billing

For each billing month, the customer shall receive a bill including all applicable Energy Charges, including, but not limited to, customer charges, energy charges, demand charges, and any applicable surcharges, taxes, and/or discounts. The bill will also include all applicable Energy Purchase Credits which shall be used to offset the Energy Charges in a given billing month. Any credit(s) remaining at the end of each billing month shall carry forward and be applied to the customer's next monthly electric bill. Any outstanding charges will be due and payable at the end of each billing month.

C. Special Conditions:

1. Other conditions shall apply to this schedule as specified in the City of Lodi Electric Utility Department's Rules and Regulations, as updated from time to time, and Engineering Standards and Specifications (including metering requirements).

2. Customers will be responsible for any and all metering and interconnection charges as required to provide service under this schedule. Said charges will be determined by LEU and be based on the cost(s) associated with providing service under this schedule.
3. Any capacity or environmental attributes associated with the energy by customer-generator at sites subject to this schedule shall belong to the City. Capacity attributes include, but are not limited to: system, local, and/or flexible resource adequacy capacity, if any. Environmental attributes include, but are not limited to: renewables portfolio standard eligible resources, renewable energy credits, greenhouse gas credits, and/or emission reduction credits, if any.
4. LEU reserves the right to require a contract should it determine the customer-owned generator does not qualify under this schedule.

13.20.300 SCHEDULE SS—STANDBY SERVICE.

A. Applicability:

This schedule is applicable to commercial/industrial customers who would otherwise qualify for Schedule G2, G3, G4, G5, or I1 and who have privately-owned generating facilities with a combined nameplate rating greater than one megawatt (1 MW) on their premises and where the city must stand ready to supply electric service to replace such a facility. This schedule will apply in addition to any other schedule applicable to the customer of record; any multiple generation facilities for one customer of record will be under one contract.

B. Service by Contract:

Service under this schedule shall be provided on a contract basis to commercial/industrial customers who have privately- owned generating facilities on their premises. Contracts shall be subject to terms approved by the city council and shall obligate the customer to pay the city for its costs associated with providing standby service for the actual life of the privately-owned generating facilities and for three months following written notice to the City of Lodi Electric Utility of the removal of the privately-owned generating facilities from operation.

13.20.310 SCHEDULE I1—GENERAL SERVICE—GROUP 5 COMMERCIAL/INDUSTRIAL- OPTIONAL.

~~For Group 5 commercial/industrial—optional rates, see the schedule attached to the ordinance codified in this section, marked Exhibit I and made a part hereof as if set out in full.~~

A. APPLICABILITY:

This schedule is an optional rate for accounts who would otherwise qualify for primary service under the G5 rate schedule with billing period demands of 1,000 kilowatts (kW) or more for three consecutive months.

Demand: The billing period and peak period demands will be the maximum average power taken during any 15-minute period interval in the billing period and peak period, respectively, but not less than the diversified resistance welder load. In cases where the use of energy is intermittent or subject to violent fluctuations, a 5-minute interval may be used.

Assignment to Schedule: Assignment to this schedule is at the option of the customer and does not supersede any standby service contracts.

This rate schedule is prospective and not subject to rebate or retroactivity.

When a customer chooses to be assigned to this schedule, the customer elects the City of Lodi (City) to be the sole electric power requirements provider of choice. The customer must give the City three year written notice before the customer can elect to use another electric power requirements provider.

When a customer has a measurable incremental permanent load increase of 200 kW or greater, over the highest billing period demand in the previous twelve (12) months the customer will be eligible for a ten (10) percent discount on the incremental Demand and Energy charges. Such billing change will be made as soon as practicable after verification of said changes and is not subject to rebate or retroactivity. It shall be the responsibility of the customer to notify the City of any such change.

When an account billed on this schedule qualifies for another City bundled rate schedule, the customer may elect to be billed on that other rate schedule. When a customer chooses to be assigned to another bundled rate a three-year written notice is still required before the customer can elect to use another electric power requirements provider.

If the billing period demand drops below 1,000 kW and remains there for 12 consecutive billing cycles, the City will transfer the account to the appropriate rate schedule and the customer will be subject to the requirements of the appropriate schedule, rather than schedule I1.

B. Rates.

Customer Charge (per meter per billing cycle)	<u>\$134.54137.23</u>	
Service Voltage:	Primary (I1-P)	
Season:	Summer	Winter
Demand Charges:		
Per kW of peak period demand	<u>\$40.7610.98</u>	--
Per kW of billing period demand	<u>\$ 3.173.23</u>	<u>\$ 3.173.23</u>
Energy Charges:		
< 4000 kW	Summer	Winter
Peak period (per kWh)	<u>\$0.140290.14310</u>	--
Partial peak period (per kWh)	<u>\$0.108070.11023</u>	<u>\$0.099720.10171</u>
Off peak period (per kWh)	<u>\$0.092450.09430</u>	<u>\$0.091770.09361</u>
≥4000 kW	Summer	Winter
Peak period (per kWh)	<u>\$0.133780.13646</u>	--
Partial peak period (per kWh)	<u>\$0.101560.10359</u>	<u>\$0.093210.09507</u>
Off peak period (per kWh)	<u>\$0.085940.08766</u>	<u>\$0.085260.08697</u>
Economic Stimulus Rate Credit: (per kWh)	<u>\$0.013590.01386</u>	<u>\$0.013590.01386</u>

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.475180 Schedule ECA – Energy Cost Adjustment.

D. Types of Charges:

The billing cycle charge for service is the sum of the Customer Charge, the Demand Charges, the Energy Charges, the ECA and the Power Factor Adjustment:

1. Customer Charge: The Customer Charge is a flat monthly fee.
2. Demand Charges: This schedule has two Demand Charges: A peak period Demand Charge and a billing period Demand Charge. The peak period Demand Charge per kW applies to the maximum average power taken during any metering interval during the billing cycle's peak hours. The billing period Demand Charge per kW applies to the maximum average power taken during any metering interval at any time during the billing cycle. The bill will include both of these Demand Charges. Time periods are defined below.
3. Energy Charges: This schedule has three Energy Charges: A peak period Energy Charge, a partial peak period Energy Charge, and an off peak period Energy Charge. The peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's peak hours. Partial peak period Energy Charge per kWh applies to the total kWh used during the billing cycle's partial peak hours. Off peak period Energy Charge per kWh applies to the total kWh used during the billing cycles off peak hours. The bill will include all of these Energy Charges. Time periods are defined below.
4. ECA: The ECA is a per kWh charge applied to the total kWh used during the billing cycle.

Monthly charges may be decreased or increased based upon power factor as defined below.

As shown on the rates above, Demand and Energy Charges are based on the voltage at which service is taken. Service Voltage is defined below.

E. Definition of Service Voltage:

The service voltage class:

- a. Primary: Service Voltage class for service at 12,000 volts (nominal).

F. Power Factor Adjustments:

Bills will be adjusted for billing cycle average power factor as follows:

1. The total charge (except taxes and customer charge) for any billing cycle as computed on the above rates shall be decreased or increased, respectively, by 0.0006% for each 0.01 percentage point that the average power factor of the customer's load in the billing cycle is greater or less than 85.00%, such average power factor to be computed (to the nearest hundredth of a percent) from the ratio of lagging kilovolt ampere-hours to kilowatt-hours consumed in the billing cycle.

2. Customers with service entrance equipment unable to accommodate the City's reactive metering equipment shall have their billing power factor determined by testing performed by the City.

G. Definition of Time Periods:

Times of the year and times of the day are defined as follows:

1. SUMMER: (May 1 through October 31)
 - Peak: 3:00 p.m. to 7:00 p.m. Monday through Friday (except holidays).
 - Partial Peak: 8:30 a.m. to 3:00 p.m. and 7:00 p.m. to 9:30 p.m. Monday through Friday (except holidays).
 - Off Peak: 9:30 p.m. to 8:30 a.m. Monday through Friday and all day Saturday, Sunday and holidays.
2. WINTER: (November 1 through April 30)
 - Partial Peak: 8:30 a.m. to 9:30 p.m. Monday through Friday (except holidays).
 - Off Peak: 9:30 p.m. to 8:30 a.m. Monday through Friday and all day Saturday, Sunday and holidays.
3. HOLIDAYS:

"Holidays," for the purpose of this rate schedule, are New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving Day and Christmas Day. The dates will be based on those days on which the holidays are legally observed.

13.20.315 SCHEDULE EDR—ECONOMIC DEVELOPMENT RATES.

Applicability:

A. New Business Rate Discount. NBR discount, applicable to any new commercial or industrial customer that locates their operations/business that receives electric utility service from the City of Lodi, with the following stipulations: a customer assigned to the G1 electric utility rate shall receive a discount for twelve consecutive months of twenty-five dollars per month; and, customers assigned to the G2, G3, G4, G5, or I1 electric utility rate shall receive a discount for twelve consecutive months of five percent; and this rate discount may not be combined with any other electric discount or rate and shall only apply to the base rate. Surcharges including, but not limited to, the California Energy Commission fee, solar surcharge, public benefits charge, state energy tax, and other assessments or charges after the date of this rate schedule shall not be subject to this discount.

B. New Jobs Rate Discount. NJR discount, applicable to any commercial or industrial customer that adds a minimum of one full-time position, and retains that position for at least twelve consecutive months, with the following stipulation: A two percent discount for one

to three new positions; four percent for four to six new positions; six percent for seven to nine positions; and eight percent for ten or more new positions. The maximum discount available is eight percent; all discounts are available for twelve consecutive months; and this rate discount may not be combined with any other electric discount or rate and shall only apply to the base rate. Surcharges including, but not limited to, the California Energy Commission fee, solar surcharge, public benefits charge, state energy tax, and other assessments or charges after the date of this rate schedule shall not be subject to this discount.

C. The rate schedules referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after September 1, 2015 and said utility rate discounts shall expire on June 30, 2018.

13.20.320 - ~~Schedule NST—New sales tax rate.~~Reserved.

~~A. Applicability. This rate discount is available to qualified commercial customers on the G1, G2, G3, G4, or G5 rate for the purpose of attracting new businesses generating substantial sales tax revenue into vacant properties.~~

~~B. Commercial Businesses.~~

~~1. Qualifying Customers. A qualifying customer is one who:~~

~~a. Takes permitted occupancy after June 30, 2010, of property within the City of Lodi ("Lodi") and receives electric service from the City of Lodi. The property must be unoccupied for at least ninety days prior to the subject occupancy ("subject property"); and~~

~~b. At the subject property, makes retail sales that generate new sales tax of one hundred thousand dollars per year or more, as determined by the City of Lodi; and~~

~~c. Files a complete application requesting a new sales tax rate (NST).~~

~~2. New Sales Tax.~~

~~a. "New sales tax" as used in paragraph (B)(1)(b) above refers to the portion of the sales tax paid to the City of Lodi generated by sales at the subject property ("Lodi NST"); and~~

~~b. A business that relocates within the City of Lodi must generate an additional one hundred thousand dollars of Lodi NST over their prior twelve months sales tax to qualify for this rate.~~

~~C. Discount. The discount shall equal ten percent of the electric portion of the Lodi utility bill associated with the load of the qualified customer at the subject property for bills for periods ending with meter readings in the year ending June 30, 2011, and five percent for the electric portion of the Lodi utility bill associated with the load of the qualified customer at the subject property for periods ending with meter readings in the year ending June 30, 2012. The discount shall not apply to the solar surcharge, CEC fee, state energy tax, or any other assessment or charge levied on electric bills after the effective date of this rate schedule unless specifically provided otherwise. These discounts shall expire for bill periods ending with meter readings after June 30, 2012.~~

~~D. Verification. Customer must provide information satisfactory to Lodi regarding the planned size of the new load and sales tax generation. If, in the opinion of Lodi, a customer is~~

~~deemed qualified on the basis of sales tax projections, but is later found not to be qualified, on the basis of actual sales tax generation, then any discount will be rebilled and due back to Lodi. If, in the opinion of Lodi, a customer is deemed not to be qualified on the basis of sales tax projections, but is later found to be qualified, on the basis of actual sales tax generation, then any discount due for the applicable retroactive period will be credited to the customer's account.~~

~~E. — Tourism and/or Wine Industry Businesses.~~

~~1. — Customers who meet the qualifications for both the NST rate and the tourism and/or wine industry business discount under the EDR rate will be given the larger of the two discounts, but not both, for the period in which they meet the qualifications for both.~~

~~F. — Sunset. This NST rate shall expire at the end of June 2012. It shall not apply to any bill based on the customer's meter readings taken after June 30, 2012.~~

~~G. — Lodi shall be responsible for establishing administrative rules and processes for administering this rate schedule. Customers shall provide information on a timely basis to enable EUD to verify eligibility and to administer the terms of this rate schedule.~~

13.20.325 Schedule EV—Electric Vehicle Charging Service.

A. Applicability:

This schedule is applicable to single-phase electric vehicle charging service in single-family and multi-family dwellings separately metered by the City.

B. Rates:

~~Minimum~~Customer Charge \$5.253.00

Energy Charge:

EV Charging period (per kWh)	0.14910 <u>Schedule EA Tier 1 Energy Charge</u>
Non-EV Charging period (per kWh)	0.34650 <u>Schedule EA Tier 3 Energy Charge</u>

C. Energy Cost Adjustment (ECA):

An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.~~475~~180 Schedule ECA – Energy Cost Adjustment.

D. Billing Cycle Charge (Monthly Bill):

The billing cycle charge is ~~the higher of~~ the sum of the ~~Minimum~~Customer Charge, the Energy Charge ~~and the ECA or the sum of the Energy Charge~~ and the ECA.

E. Definition of Time Periods:

Times of the day are defined as follows:

EV Charging period: 8:00 p.m. to 6:00 a.m. Monday through Friday (and all day weekends and holidays).

Non-EV Charging period: 6:00 a.m. to 8:00 p.m. Monday through Friday (excluding weekends and holidays).

13.20.330 ~~Schedule IE—Industrial equipment charging service.~~Reserved.

~~A. Applicability. This schedule is applicable to all single-phase or three-phase commercial and industrial customers separately metered by the City of Lodi. This schedule shall only be available to customers who purchase and install a separate electric meter dedicated to charging rechargeable battery industrial equipment ("IE Meter").~~

~~The minimum charge is five dollars and twenty-five cents. Between the hours of ten p.m. to six a.m. Monday through Friday (including City observed holidays and weekends) the charge for a meter dedicated exclusively to charging rechargeable battery industrial equipment shall be a flat rate of \$0.10427/kWh plus the ECA set forth in Section 13.20.175 of this code ("ECA"). At all other times, the charge shall be a flat rate of \$0.33000/kWh plus the ECA.~~

~~This schedule IE may not be combined with any other electric rate or rate discount on the IE meter and all surcharges, including, but not limited to the California Energy Commission fee, solar surcharge, public benefits charge, state energy tax, and other assessments or charges after the date of this rate schedule shall be in addition to this rate schedule.~~

~~The rate schedule referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after July 1, 2013 and said utility rate discounts shall expire on June 30, 2015.~~

B. ~~Rates.~~

~~Minimum charge\$5.25~~

IE Charging period (per kWh)	\$0.10948
Non-IE Charging period (per kWh)	0.34650

~~C. Energy Cost Adjustment (ECA). An energy cost adjustment shall be included in each bill for service as provided in Section 13.20.175 Schedule ECA—Energy Cost Adjustment.~~

~~D. Billing Cycle Charge (Monthly Bill). The billing cycle charge is the higher of the sum of the minimum charge and the ECA or the sum of the energy charge and the ECA.~~

~~E. Definition of time Periods. Times of the day are defined as follows:~~

~~IE charging period: Ten p.m. to six a.m. Monday through Friday (including City observed holidays and weekends).~~

~~Non-IE charging period: Six a.m. to ten p.m. Monday through Friday (excluding City observed holidays).~~

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

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

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

SECTION 6. Effective Date and Publication This Ordinance shall take effect on February 5, 2017. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ____ day of _____, 2016

MARK CHANDLER
Mayor

ATTEST:

JENNIFER M. FERRAILOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2016, by the following vote:

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

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

Approved as to Form:

JENNIFER M. FERRAILOLO
City Clerk

JANICE D. MAGDICH
City Attorney





TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Adopting a Resolution Approving the Planning Commission's Recommendation to Authorize 28 Medium-Density Residential Growth Management Allocations for the Camper – Sacramento Street Subdivision

MEETING DATE: November 2, 2016

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Public Hearing to consider adopting a resolution approving the Planning Commission's recommendation to authorize 28 Medium-Density Residential Growth Management Allocations for the Camper – Sacramento Street Subdivision.

BACKGROUND INFORMATION: As part of the City's Growth Management program, the Planning Commission reviews allocation requests for new housing developments. Following a public hearing, the Commission makes a recommendation for City Council consideration.

On September 28, 2016, the Planning Commission held a public hearing regarding the 2016 Residential Growth Management Development Allocation. At this hearing the Planning Commission reviewed a request by Bruce Camper for 28 Medium-Density Residential Growth Management Allocations for the Camper – Sacramento Street subdivision, a 2.15-acre 28-lot subdivision.

The Commission received a staff report, heard the staff presentation; asked questions of staff as well as the applicant; opened the hearing to the public for testimony in support and in opposition to the application; closed the public hearing and voted 5-0 to recommend the City Council approve the applicant's request for 28 Medium-Density Residential growth management allocation units and approve the Final Map for the project.

ANALYSIS

The proposed project seeks to create a private, 28-unit, single-family lot community with associated landscape parcel and private driveway. This is not a gated community although the driveway through the project is private.

All private streets meet the minimum City right of way standards of 24 feet. There is no on-site guest parking.

The project takes access off South Sacramento Street with two driveways.

The proposed residences are detached single-family homes on individual private parcels.

General Plan and Zoning Conformance

APPROVED: _____
Stephen Schwabauer, City Manager

The project site has a General Plan land use designation of Mixed Use Corridor. The proposed multi-family use project is consistent with the existing General Plan designation of Mixed Use Corridor and the proposed density of 13-units per acre is within the Mixed Use Corridor density range of 2.0 - 35 dwelling units per acre. The project site is zoned Mixed use Corridor (MCO) and multi-family dwellings (three or more units) are an allowed use.

Subdivision Map:

The proposed Tentative Map would subdivide the project parcel into 28 Medium-Density residential single-family lots, one private lot for an open space / park lot and associated private roadways.

The project includes lots that meet the required two to 35 units per acre density and are consistent with a medium-density project allowed per the General Plan and zoning.

Growth Management Compliance:

The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of two percent of the City's population, compounded annually. Once the number of allocable units is figured, the City requires that the allocation units be distributed among housing types as follows; **44 percent low density, 28 percent medium density and 28 percent high density (GM-P4).**

The California Department of Finance sets the City population for January 1st of each year. The population has been as follows:

2012 – 62,575
2013 – 63,233
2014 – 63,651
2015 – 62,772
2016 – 63,219

Staff believes the drop in population is based upon how the state now counts temporary population and transient individuals.

Growth Allocations for 2013 and 2014 were higher because the persons per household was lower. New Department of Finance numbers show Lodi at 2.85 persons per household in 2015 compared with 2.7 in the past.

Growth allocations for 2016 are also lower because of a reduction in the City population.

The following calculation explains the current City population of **63,219** as of January 1, 2016 and **443** units available for 2016:

1. Calculate two percent of the City's current population: $63,219 \times 2\% = 1,264.38$
2. Divide 1,264 by the average number of persons per household $1,264 / 2.85 = 443.50$
3. Divide the 443.50 (**443 du**) units into the 3 housing types:
 - 44% low density = 195 units
 - 28% medium density = 124 units
 - 28% high density = 124 units

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

Table A: Growth Management Allocation History 2012

Density	Base Available Allocations		
	Total Available for 2012	2% Allocations for 2013	Total Available for 2013
Low (0.1-7)	2,995	197	3,192
Medium (7.1-20)	557	126	683
High (20.1-30)	1,122	125	1,247
TOTAL	4,674	448	5,122

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

Table B: Growth Management Allocation for 2013 and 2014

	Available Allocations			
	Total Available for 2013	Total Allocated in 2013 (Rose Gate)	2% Allocations for 2014	Total Available for 2014
Low (0.1-7)	3,192	- 232 (2960)	199	3,159
Medium (7.1-20)	683	- 0 (683)	127	810
High (20.1-30)	1,247	- 0 (1,247)	127	1,374
TOTAL	5,122	4,890	453	5,343

Table C identifies the 2014 Total Allocations, the requested Allocations for projects, and the remaining overall Allocations.

Table C: Growth Management Allocation for 2014

Density	Available Allocations				
	Total Available for 2014	Allocation for Van Ruiten Ranch	Allocation for Reynolds Ranch	Remaining Allocations for 2014	Total Remaining for 2014
Low (0.1-7)	3,159	145	0	145 – 199 (54)	3,014
Medium (7.1-20)	810	55	227	282 – 127 (-155)	528
High (20.1-30)	1,374	88	330	418 – 127 (-291)	956
TOTAL	5,343	288	557	- 392	4,498

Table D identifies the 2015 Total Allocations, the requested Allocations for projects, and the remaining overall Allocations.

Table D: Growth Management Allocation for 2015

Density	Available Allocations				
	Total Remaining for 2014	2%Allocations for 2015	Total Available for 2015	Grupe – Taylor Road	Total Remaining for 2015
Low (0.1-7)	3,014	197	3,211	22	3,189
Medium (7.1-20)	528	125	653	0	653
High (20.1-30)	956	125	1081	0	1081
TOTAL	4,498	447	4,945	4,923	4,923

Table E identifies the 2016 Total Allocations, the requested Allocations for projects, and the remaining overall Allocations.

Table E: Growth Management Allocation for 2016

Density	Available Allocations					
	Total Remaining for 2015	2% Allocations for 2016	Total Available for 2016	Garfield	Camper - Sac	Total Remaining for 2016
Low (0.1-7)	3,189	195	3,384	6	0	3,378
Medium (7.1-20)	653	124	777	0	28	749
High (20.1-30)	1081	124	1205	0	0	1,205
TOTAL	4,923	443	5,366	5,360	5,332	5,332

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

Conclusion

Staff sent a copy of the application to various City departments for review and comment. Their comments and requirements incorporated into the attached resolution.

The proposed tentative map is consistent with the current General Plan (2010). The proposed residential development aligns with the residential land use designations and densities assigned to the site in the current General Plan. The site for the proposed subdivision is suitable for the density and type of development proposed in that it is a flat piece of land. The project design of the subdivision and type of improvements proposed would not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision in that there are no existing public access easements on the site. The Planning Commission reviewed the project in its entirety and recommended the City Council grant the applicant 28 Medium-Density Residential Growth Management Allocations.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

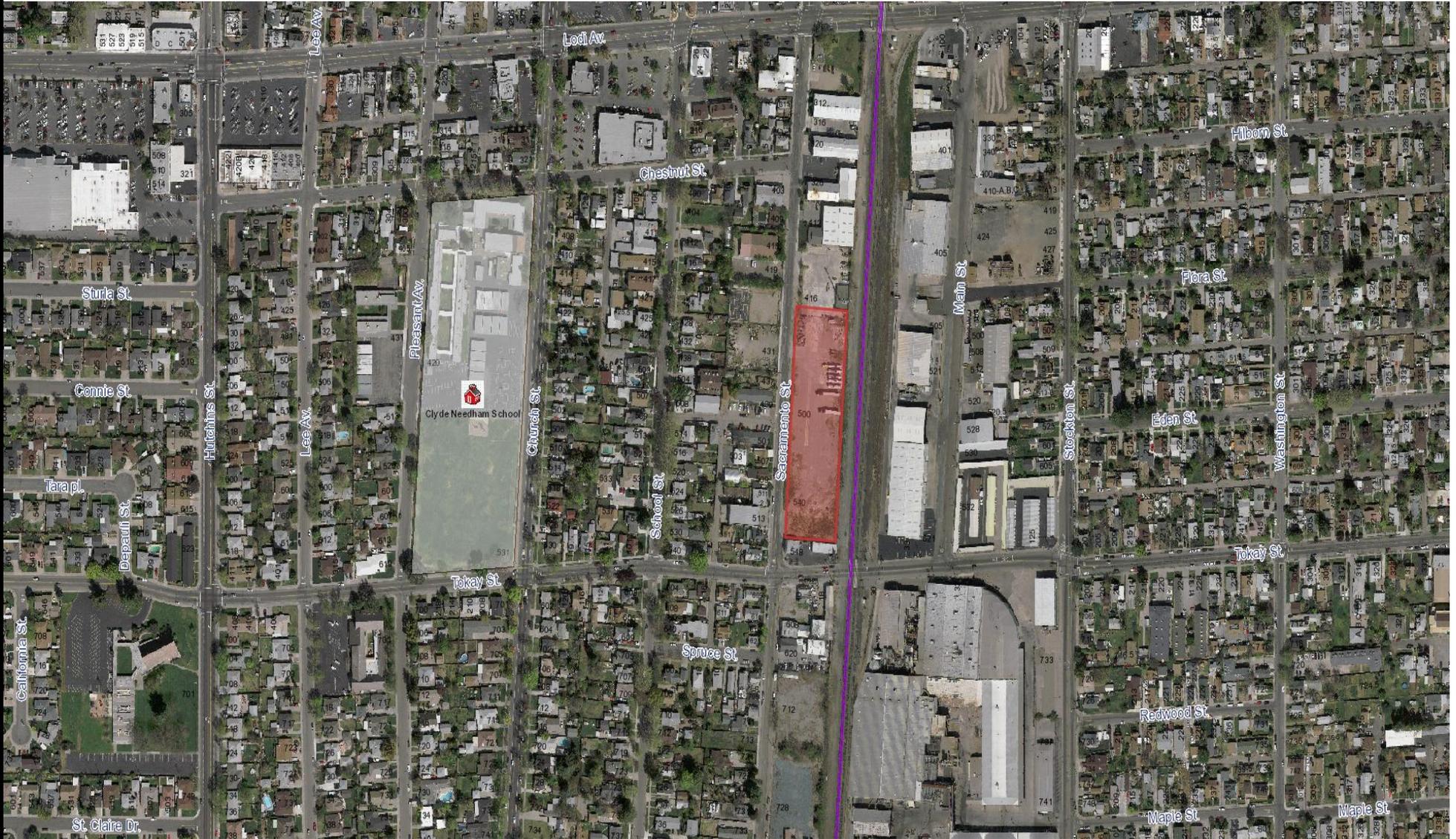
Stephen Schwabauer
Community Development Director

Attachment:

1. Aerial /Vicinity Map
2. Tentative Subdivision Map
3. Planning Commission Staff Report
4. Planning Commission Resolution
5. Draft Resolution

VICINITY MAP

North



South

416, 500 and 540 South Sacramento Street

SACRAMENTO STREET TENTATIVE SUBDIVISION MAP

JULY, 2016

OWNER

BRUCE CAMPER & DEBORAH CAMPER COWAN
1263 HEIDELBURG WAY
LODI, CA. 95242
(209) 366-3991

ENGINEER

DILLON & MURPHY
P.O. BOX 2180
847 N. CLUFF AVENUE, SUITE A2
LODI, CA. 95241
(209) 334-6613

NOTES

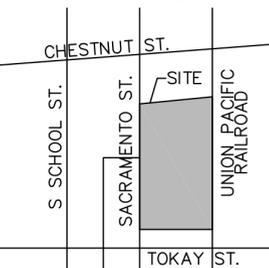
1. APN: 045-320-02, 045-320-08, 045-310-14 (PARTIAL)
2. WATER: CITY OF LODI
3. SANITARY SEWER: CITY OF LODI
4. STORM DRAINAGE: CITY OF LODI. SEE NOTE 12.
5. SITE ADDRESS: 500, 540 S SACRAMENTO ST. LODI, CA. 95240
6. FLOOD ZONE: ZONE X, MAP NO.06077C0169F OCT. 16, 2009
7. ZONING: MUC (MIXED USE CORRIDOR)
8. INSTALL 790 LF ~2" W IN DRIVEWAY TO PROVIDE SERVICE TO NEW LOTS.
9. INSTALL 760 LF ~4" SS IN DRIVEWAY TO PROVIDE SERVICE TO NEW LOTS.
10. DRIVEWAYS PERPENDICULAR TO SACRAMENTO STREET SHALL BE 24' WIDE, DRIVEWAY PARALLEL TO SACRAMENTO TO BE 24' WIDE.
11. SEE TABLE BELOW FOR LOT SIZES.
12. TWO YEAR STORM TO BE RETAINED ON-SITE IN LANDSCAPING AREAS AND PERMEABLE SURFACES. HEAVIER STORMS TO BE DISCHARGED TO EXISTING INDUSTRIAL WASTE LINE.
13. REMOVE EXISTING DRIVEWAYS ON SACRAMENTO STREET AS NECESSARY. REPLACE WITH CONCRETE WITH CURB, GUTTER OF SIDE AND SIDEWALK.

CONSTRUCTION NOTES

1. EXISTING 12" SD LINE TO BE CAPPED AT PROPERTY LINE.

LEGEND

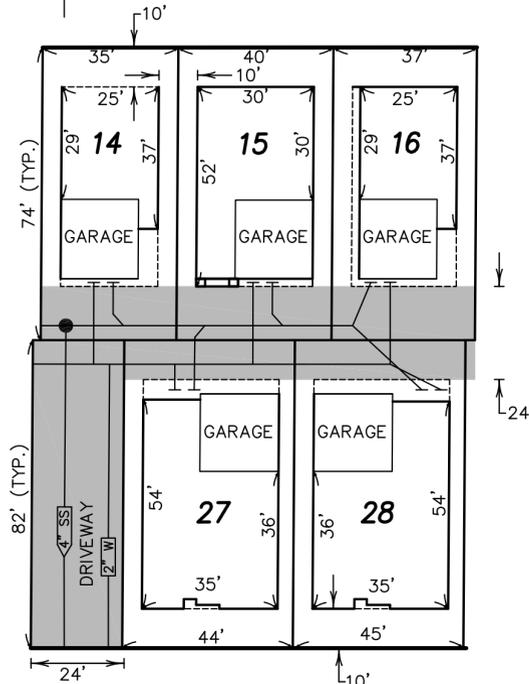
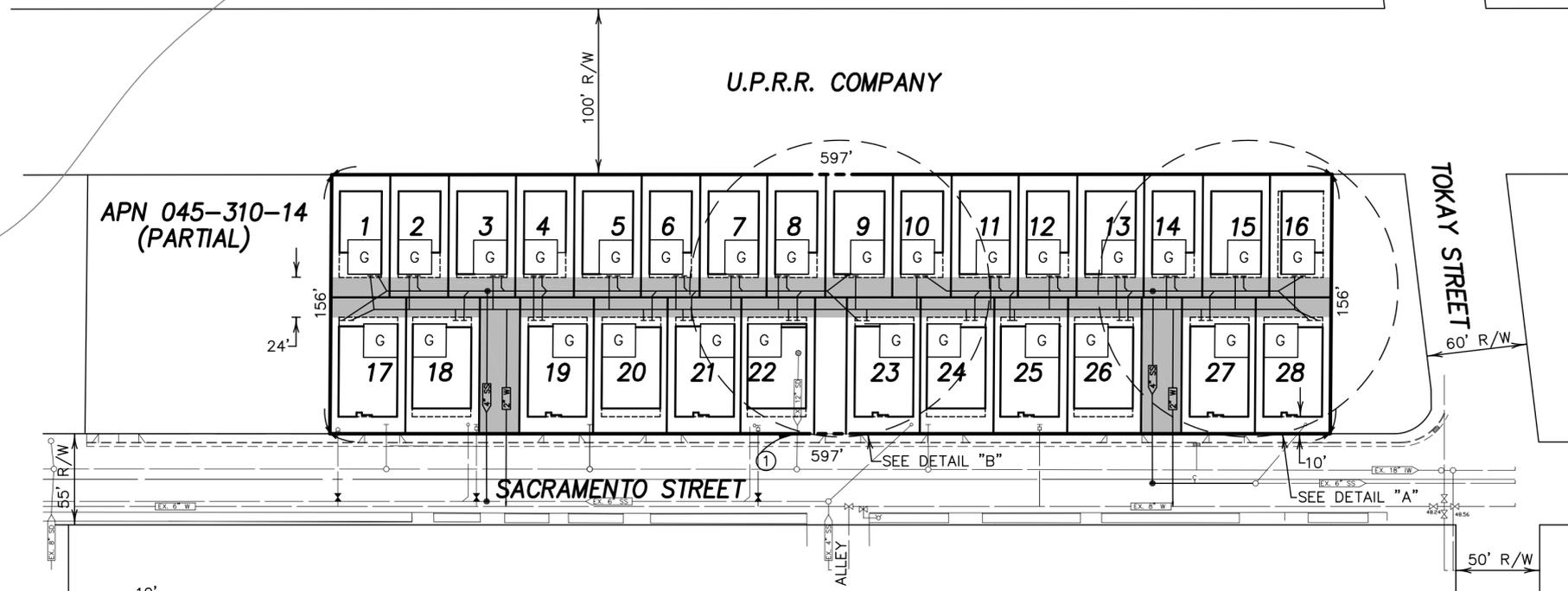
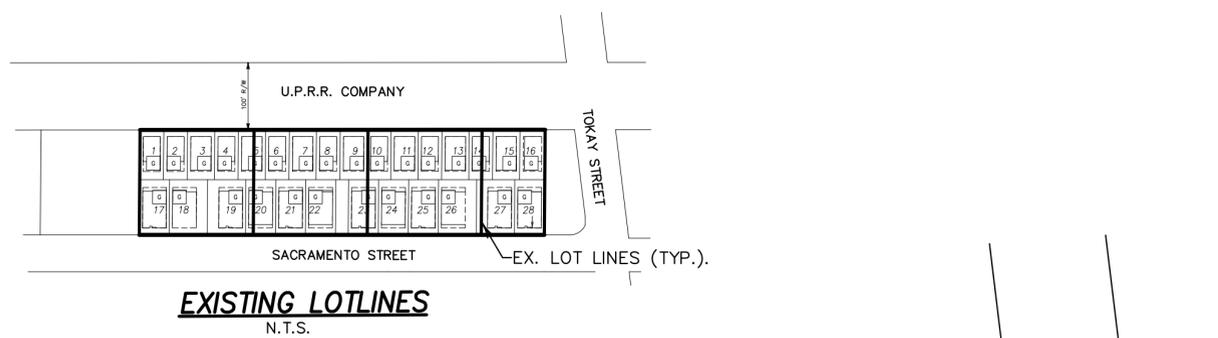
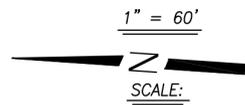
APN	ASSESSOR'S PARCEL NUMBER
BLDG	BUILDING
DRWY	DRIVEWAY
EX.	EXISTING
G	GARAGE
IW	INDUSTRIAL WASTE
P.U.E.	PUBLIC UTILITY EASEMENT
R/W	RIGHT OF WAY
SS	SANITARY SEWER
SD	STORM DRAIN
S.F.	SQUARE FEET
W	WATER
46	EXISTING GROUND ELEVATION CONTOUR



VICINITY MAP

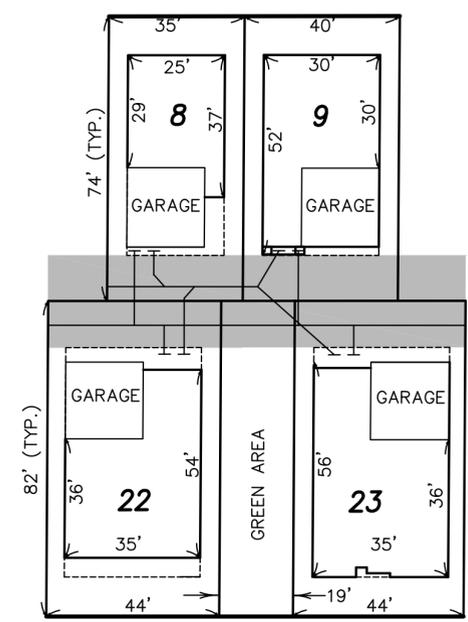
N.T.S.

1607



DETAIL "A"

1" = 30'



DETAIL "B"

1" = 30'

LOT SIZE TABLE

LOT NO.	LOT S.F.	BLDG. PAD S.F. (INCLUDING GARAGE)	LOT NO.	LOT S.F.	BLDG. PAD S.F. (INCLUDING GARAGE)
1	2590	1300	15	2960	1560
2	2590	1300	16	2738	1404
3	2960	1560	17	3690	2100
4	2590	1300	18	3608	2100
5	2960	1560	19	3608	2100
6	2590	1300	20	3608	2100
7	2960	1560	21	3608	2100
8	2590	1300	22	3608	2100
9	2960	1560	23	3608	2100
10	2590	1300	24	3608	2100
11	2960	1560	25	3608	2100
12	2590	1300	26	3608	2100
13	2960	1560	27	3608	2100
14	2590	1300	28	3690	2100





CITY OF LODI PLANNING COMMISSION Staff Report

MEETING DATE: September 28, 2016

APPLICATION NO: Subdivision Application: 2016-14 S
Growth Management Allocation: 2016-14 GM

REQUEST: Request for Planning Commission approval of: Growth Management Allocation for 28 Medium-Density Residential Lots and a Subdivision Map for the Camper Subdivision, a 2.14 acre, 28 unit subdivision.

416, 500 and 540 South Sacramento Street, north of Tokay Street
(Applicant: Bruce Camper; File: 2016-09 GM / S; CEQA Status: Section 15183 – Previous Environmental Review)

LOCATION: 416, 500 and 540 South Sacramento Street, north of Tokay Street. APN: 045-310-14, 045-320-02 and 045-320-08

APPLICANT: Bruce Camper
1263 Heidelberg Way
Lodi, CA 95242

Dillon and Murphy
Joe Murphy
847 N. Cluff Ave., Suite A2
Lodi, CA 95241

PROPERTY OWNER: Bruce Camper
1263 Heidelberg Way
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Tentative Subdivision Map for the Camper – Sacramento Street Subdivision and recommend to the City Council approval of the request for 28 Medium-Density growth management allocations subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: MCO – Mixed Use Corridor
Property Size: 2.14 acres – 93,132 sq ft

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Mixed Use Corridor	Mixed Use Corridor	vacant
South	Mixed Use Corridor	Mixed Use Corridor	Market and self-storage
East	Industrial / Railroad	Industrial / Railroad	Railroad and M&R Packing Company
West	Mixed Use Corridor	Mixed Use Corridor	Residences, apartments, commercial

SUMMARY

The proposed project seeks to create a private 28 unit single family lot community with associated landscape parcel and private driveway. This is not a gated community although the driveway through the project is private.

All private streets meet the minimum City right of way standards of 24 feet. There is no on-site guest parking.

The project takes access off South Sacramento Street with two driveways.

The proposed residences are detached single-family homes on individual private parcels.

A project located at Century Boulevard and Chickadee Lane (Century 22) is very similar in design and was built in the late 1980's. The project is located between Stockton Street and Cherokee Lane. This development is 22 units and has an HOA.

ANALYSIS

Existing Conditions: The subject site consists of two parcels totaling 2.14 acres. The property is currently vacant with fencing surrounding the property. This is a historically under-utilized property.

General Plan and Zoning Conformance

The project site has a General Plan land use designation of Mixed Use Corridor. The proposed multi-family use project is consistent with the existing General Plan designation of Mixed Use Corridor and the proposed density of 13-units per acre is within the Mixed Use Corridor density range of 2.0 - 35 dwelling units per acre. The project site is zoned Mixed use Corridor (MCO) and multi-family dwellings (3 or more units) are an allowed use.

The General Plan provided land use designations to provide options for housing that would be different from conventional single family subdivisions. This land use designation also promotes infill development. The proposed density allows for individual home ownership of detached single family homes in a more affordable configuration and density.

Noise

The General Plan identifies that within 60 feet of the railroad centerline, residences are subject to 65 dBs of noise and at 200 feet, 60 dBs. The General Plan conditionally allows residential within this 65 dBs noise contour. The back 15 feet of the project site is within this 65 dBs contour. The project has been conditioned to complete a noise study or provide construction materials that will reduce internal noise levels to 45 dBs for the project. Typically; triple pane windows, added insulation,

purple board gypsum for indoor sound attenuation, and added stucco layers reduce interior noise levels dramatically.

Parking

The project provides for a 2 car garage for all 28 single family residences. The interior private drive does not allow or provide for guest parking. The project site is 600 feet in length. That would provide for approximately 24 parking spaces along Sacramento Street in the front of the project site. Historically Sacramento Street has not had a lot of on-street parking along the eastern edge.

Single-family residential projects typically provide guest parking on City streets.

Fencing

A chain link fence is located along the eastern property line with the railroad tracks. The project applicant is proposing minimal fencing for the project to maintain as much open space as possible.

The project will include a solid wood fence to the southern, northern and eastern property boundary. Internal wood fencing would be between houses and out of setbacks to maintain open landscape areas.

Along the railroad tracks, the applicant is proposing a solid wood fence with landscaping to provide a buffer. Staff is not requiring a masonry wall. This would be something that would most likely be vandalized. Creeping vines like morning glory and ivy can be used to eventually cover the fence and create a green buffer along with cypress trees.

A masonry wall will not block or reduce noise from the railroad tracks. This noise is ambient and cannot be blocked. Residential design and construction measures will reduce noise

The project has been conditioned to use enhanced materials for fence construction – pressure treated wood and metal posts.

Project Design:

The applicant has proposed a 28 unit development that includes a private roadway, 12 single story residences fronting onto Sacramento Street and 16 two story homes along the eastern property line. See front elevations and site plan.

The homes along the eastern property line include a 10 ft rear yard with 5 ft side yards. A two car garage fronts onto the private drive along with front door.

The homes along Sacramento Street included a front elevation facing the street and will be single story. There will be a 10 ft front setback for landscaping and 4 to 5 ft side yards. The 2 car garage fronts onto the private drive. Many of the forward homes have courtyards for outside seating and barbeque area.

The homes along Sacramento Street will be about 1,200 sq ft in size and the 2 story homes will be 1,700 sq ft in size.

The internal private drive will be comprised of street pavers. (Think downtown School Street) The pavers create a different street scape and help the project meet stormwater infiltration standards from the State. The roadway will be owned by the project home owners.

Typical landscaping for the project will be drought tolerant with plants, shrubs and street trees. Along the eastern property line will be vertical trees (Italian cypress for visual screening). The preliminary landscape plan generally places one large street tree in each front yard among other

accent landscaping including various shrubs, ground cover and lawn. The landscaping plan would have to comply with the requirements of the Lodi Municipal Code Section 17.03.070 which regulate landscape water efficiency.

The project includes a landscape area for the residents to use The landscape lot will be owned by the project ownership group.

HOA / CCRs

A project that has unique features or common areas typically has a home owners association or other mechanism for maintenance and ownership of shared facilities. The project has been required to prepare documents for an HOA. The applicant has requested that the Commission consider the use of CCRs verses the typical HOA. Staff is willing to work with the applicant and to review prepared documents. The roadway and landscape area will need to be co-owned facilities and an ownership entity needs to own and ultimately maintain these areas.

The prepared documents also need to discuss: parking, garbage pick-up, shared maintenance, nuisance activities, uses of shared facilities, overall project condition and aesthetics. This document will be recorded with the final map.

Subdivision Map:

The proposed Tentative Map would subdivide the project parcel into 28 Medium-Density residential single-family lots, 1 private lot for an open space / park lot and associated private roadways.

The project includes lots that meet the required 2 to 35 units per acre density and are consistent with a medium density project allowed per the General Plan and zoning.

In accordance with Lodi Municipal Code Section, 17.52.070, the Commission may approve a tentative map only when it first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, and any applicable specific plan, and that none of the findings for denial can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6. The findings are included as part of the resolution and staff recommends approval of the subdivision map.

In accordance with Lodi Municipal Code Section, 17.52.130, an approved Tentative Map is valid for 24 months after its effective date (Section 17.66.130). At the end of 24 months, the approval shall expire and become void unless, the applicant petitions the Planning Commission for an extension and the Commission grants an extension in accordance with Lodi Municipal Code Section 17.52.130 (B)(1). Phased Final Maps shall extend the expiration of the tentative map by 36 months or the date of the previously filed Final Map.

Growth Management Compliance:

The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of two percent of the City's population, compounded annually. Once the number of allocable units is figured, the City requires that the allocation units be distributed among housing types as follows; **44 percent low density, 28 percent medium density and 28 percent high density (GM-P4).**

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2. Divide 1,264 by the average number of persons per household 1,264 / 2.85 = **443.50**
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In 2013, the City Council expired allocations accumulated since 2008. In the five-year period since 2008, 2,235 allocations were added to the reserve. The Council eliminated 800 Low Density and 1,435 High Density allocations. This Council action created a new balance of **4,674** as detailed below in Table A.

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Table C: Growth Management Allocation for 2014

Density	Available Allocations				
	Total Available for 2014	Allocation for Van Ruiten Ranch	Allocation for Reynolds Ranch	Remaining Allocations for 2014	Total Remaining for 2014
Low (0.1-7)	3,159	145	0	145 – 199 (54)	3,014
Medium (7.1-20)	810	55	227	282 – 127 (-155)	528
High (20.1-30)	1,374	88	330	418 – 127 (-291)	956
TOTAL	5,343	288	557	- 392	4,498

Table C identifies the 2015 Total Allocations, the requested Allocations for projects, and the remaining overall Allocations.

Table D: Growth Management Allocation for 2015

Density	Available Allocations				
	Total Remaining for 2014	2%Allocations for 2015	Total Available for 2015	Grupe – Taylor Road	Total Remaining for 2015
Low (0.1-7)	3,014	197	3,211	22	3,189
Medium (7.1-20)	528	125	653	0	653
High (20.1-30)	956	125	1081	0	1081
TOTAL	4,498	447	4,945	4,923	4,923

Table E: Growth Management Allocation for 2016

Density	Total Remaining for 2015	2% Allocations for 2016	Available Allocations			Total Remaining for 2016
			Total Available for 2016	Garfield	Camper - Sac	
Low (0.1-7)	3,189	195	3,384	6	0	3,378
Medium (7.1-20)	653	124	777	0	28	749
High (20.1-30)	1081	124	1205	0	0	1,205
TOTAL	4,923	443	5,366	5,360	5,332	5,332

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

Conclusion

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

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

ENVIRONMENTAL ASSESSMENT

The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Rezone, Tentative Subdivision Map, and Design Review for subdivision layout is a project under CEQA.

CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects that are consistent with a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be

necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

The City Council, by Resolution No. 2010-41, which became effective on April 7, 2010, certified an Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi General Plan. This General Plan designated the project site as Mixed Use Corridor.

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No increase in development density beyond what was anticipated in the General Plan for the Project site would occur. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15183 and no further environmental review is required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, July 30, 2016 and September 17, 2016. Fifty-One (51) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff’s recommendation, the following motion is suggested:

1. “I move that the Planning Commission adopt a Resolution finding that the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15183, the project is consistent with the findings of the previous environmental documents prepared for the 2010 Lodi General Plan and approve the Tentative Subdivision Map for the Camper – Sacramento Street Subdivision and recommend to the City Council approval of the request for 28 Medium-Density Growth Management Allocations subject to conditions in the attached resolution.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
City Planner

Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Site Map
- C. House Elevations
- D. Subdivision Map
- E. Draft Resolution

RESOLUTION NO. 16-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF BRUCE CAMPER FOR A TENTATIVE SUBDIVISION MAP FOR THE 28 LOT CAMPER – SACRAMENTO STREET SUBDIVISION AND RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST FOR 28 MEDIUM-DENSITY GROWTH MANAGEMENT ALLOCATIONS

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Subdivision application, in accordance with the Lodi Municipal Code, Section 17.74; and

WHEREAS, the project site is located 416, 500 and 540 South Sacramento Street, north of Tokay Street. APN: 045-310-14, 045-320-02 and 045-320-08; and

WHEREAS, the project applicant is Bruce Camper, 1263 Heidelberg Way, Lodi, CA 95242; and

WHEREAS, the project engineer is Dillon and Murphy, Joe Murphy, 847 N. Cluff Ave., Suite A2, Lodi, CA 95241; and

WHEREAS, the project properties owners of record is a Bruce Camper, 1263 Heidelberg Way, Lodi, CA 95242; and

WHEREAS, the applicant, Bruce Camper, has filed the Camper Sacramento Street Subdivision Map and Growth Management Application with the City of Lodi; and

WHEREAS, City Council Resolution No. 2010-41 adopted by the City Council on April 7, 2010, approved the land use designation as Mixed Use Corridor for the project site; and

WHEREAS, the City Council by Ordinance No. 1869, which became effective on March 21, 2013, granted Mixed Use Corridor for the project site; and

WHEREAS, the City Council by Resolution No. 2010-41, which became effective on April 7, 2010, certified an Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi General Plan; and

WHEREAS, a copy of the Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, is kept on file for public review within the Community Development Department by the Community Development Director at 221 West Pine Street, Lodi, CA; and

WHEREAS, the Subdivision Map contains 2.14 acres, 28-single family residential lots and is consistent with the density ranges of the General Plan; and

WHEREAS, the Community Development Department did study and recommend approval of said request; and

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

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

1. The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Rezone, Tentative Subdivision Map, and Design Review for subdivision layout is a project under CEQA.

CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects that are consistent with a Community Plan, General Plan, or Zoning for which an

environmental impact report (EIR) has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

The project site was annexed into the City of Lodi in 1996 and paid all mitigation costs and completed environmental measures to reduce impacts from the conversion from rural to urban uses.

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

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No increase in development density beyond what was anticipated in the General Plan for the Project site would occur. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15183 and no further environmental review is required.

2. The proposed design and improvement of the tentative subdivision, as conditioned, will conform to the standards and improvements mandated by the adopted City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance, as well as all other applicable standards.
3. The standard size, shape and topography of the site is physically suitable for residential development proposed in that the site is generally flat and is not within an identified natural hazard area.
4. The site is suitable for the density proposed by the tentative subdivision map in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
5. The design of the proposed tentative subdivision and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.
6. The design of the proposed tentative subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed tentative subdivision.
7. The subdivision is conditioned to construct public street improvements thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
8. The subdivision map allows for the orderly growth of Lodi in that the Land Use and Growth Management Element allows for the development of Multi-Family Residential on the project site.
9. Said Subdivision map complies with the requirements of Title 17, Article 5 of the Lodi Development Code, governing subdivision maps.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED, by the Planning Commission of the City of Lodi hereby approves the Subdivision Map and recommends that the City Council award 28 medium density growth management allocation units subject to the following development conditions and standards:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents,

officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

2. This recommendation for approval by the Planning Commission shall not constitute an authorization to begin any construction.
3. The developer shall comply with all the applicable requirements of the City's Community Development Department including Planning and Building Divisions; Public Works, Fire and Electric Utility Departments; and all other applicable local, state and federal agencies. It is the responsibility of the applicant to check with each agency for requirements that may pertain to the project.
4. The Tentative Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
5. The Final Map shall be in substantial conformance to the approved Tentative Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
6. The developer shall install, on each residence, minimum four-inch high block style numbers for address identification. The numbers shall be in color that is contrasting to the background surface to which they are adhered and shall be readily visible from the street during the day and night. The construction drawings for the house plans shall identify the location of the address boxes or numbers on the house façades, along with a detail or keynote that describes how the house numbers will be illuminated or made identifiable from the street.
7. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
8. A conceptual fencing/wall plan shall be submitted for the entire subdivision with the grading plan and a detailed fencing/wall plan shall be submitted with the improvement plans for each phase of development. The design, height, and location of walls shall be subject to approval of the Community Development Director prior to approval of improvement plans. Fencing shall be provided along the north, south and east property lines.
9. If archeological materials are uncovered during any construction or pre-construction activities on the site, all earthworks within one hundred feet (100') of these materials shall be stopped, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find, and outline appropriate mitigation measures, if they are deemed necessary.
10. The developer shall pay for and install all street name signs, traffic regulatory and warning signs, and any necessary street striping and markings required by the City Engineer. Street striping and markings shall be raised ceramic markers or thermoplastic material, as directed by the City Engineer.
11. Road or street names shall not duplicate any existing road or street name in the City, except where a new road or street is a continuation of an existing street. Road or street names that may be spelled differently but sound the same shall also be avoided. Road or street names shall be approved by the Fire Chief and the Community Development Director.

12. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City Plans and all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
13. The developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for San Joaquin County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development.
14. In accordance with the Growth Management and Infrastructure/Public Facilities Element of the City's General Plan, the environmental review prepared for this project, and the regulations of the applicable school districts, the Developer shall demonstrate that adequate provision is made for school facilities. To the extent permitted by law, this may include the payment of school facility mitigation fees adopted by the Lodi Unified School district, or alternative financial arrangements negotiated by agreement between the Developer and the applicable school districts.
15. The Developer shall notify all purchasers of homes or lots, either through the Department of Real Estate Subdivision Report or, if there is no Subdivision Report, through a statement signed by each buyer and submitted to the City, that the this subdivision is adjacent to an active railroad line and within an area of active industrial uses that can create noise and activities that may be counter to residential uses. The wording and format for notifying home buyers of this information is subject to approval by the Community Development Director.
16. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
17. The City places a high value on quality design and materials in the construction of fencing and buffers for developments. Fencing is an integral design feature in residential developments and defines property ownership and boundaries. The City expects quality materials that will last and maintain an appealing aesthetic within neighborhoods. This includes metal or pressure treated posts for fencing.
18. The project shall be developed consistent with the plans approved by the Planning Commission.
19. A comprehensive landscape plan shall be developed for the project by a landscape architect and meet the state water efficiency standards.
20. The applicant shall prepare a noise study or provide construction materials that will reduce internal noise levels to 45 dBs for the project. Typically; triple pane windows, added insulation, purple board gypsum for indoor sound attenuation, and added stucco layers reduce interior noise levels

City of Lodi Fire Department

21. The developer shall comply with all applicable requirements of the California Fire Code and the adopted policies of the City of Lodi.
22. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the California Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches. (Ord. No. 1840, § 1, 11-17-2010)
23. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first

story of the building as measured by an approved route around the exterior of the building or facility.

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

Building Department

26. Building permit is required for Site work. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
27. The 2013 California Residential Code, Section R313.2 requires all new one and two-family dwellings to have an automatic residential fire sprinkler system installed.
28. Dwelling unit walls less than 3' from the property lines are required to be 1 hour fire rated. 2013 CRC, Section R302, Table R302.1 (2)
29. Sanitary sewer drainage pipe shall be sized as per 2013 CPC, Table 703.2 or 717.1 and is to be sloped a minimum of 1% (4" – 6" pipe). 2013 CPC, Section 718.1

City of Lodi Public Works Department

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

30. Engineered Improvement plans and cost estimate shall be submitted for approval per the City Public Improvement Design Standards for all public improvements prior to final map filing. Plan submittal shall include:
 - a) Approved tentative map, signed by the Community Development Director.
 - b) Storm drainage facilities design shall conform to the Multi-Agency Post-Construction Stormwater Standards Manual (PCSP) as adopted by City Council on November 4, 2015.

- c) Irrigation plans and plantings shall conform to the Model Water Efficient Landscaping Ordinance (MWELO) per the Governor's Executive Order B-29-12 adopted on December 31, 2015.
- d) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
- e) Grading, drainage and erosion control plan.
- f) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
- g) All utilities, including electrical, gas, telephone and cable television facilities.
- h) Joint Trench plans.
- i) Provide an onsite fire truck/garbage truck turning analysis.

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

31. Design and installation of public improvements to be in accordance with City master plans. Street, wastewater, storm drainage, and water master plans and design calculations for the development will be required.

a) Street

- i) Install frontage improvements including but not limited to pavement, driveways, streetlights, curb, gutter and sidewalk along Sacramento Street frontage within the project limits in accordance with City Standards.
- ii) All existing unused driveways shall be removed and new curb, gutter, and sidewalk shall be installed per City Standards.
- iii) Access driveways shall be a minimum of 24 feet and function for two way vehicular access.

b) Wastewater

- i) Individual wastewater service shall be provided to each parcel from an on-site private wastewater main.
- ii) The on-site private wastewater pipe shall be connected to the existing 6-inch public wastewater main in Sacramento Street per City Standards. A manhole or riser shall be installed to separate the private wastewater line from the public wastewater line.

c) Water

- i) Individual water service shall be provided to each parcel from an on-site public water main.
- ii) The on-site public water main shall be looped and connected to the existing public water main in Sacramento Street per City Standards.
- iii) Water meter boxes shall be located outside of areas of vehicular travel.

d) Storm Drainage

- i) On-site storm water shall be collected on-site and discharged to a public storm drain system. A manhole or riser shall be installed to separate the private storm water from the public storm water line
- ii) Public storm drain facilities are not available in Sacramento Street. Developer shall install new storm drain facilities conforming to the City's Design Standards and to the approval of the City Engineer. Engineering calculations shall be submitted with the plans.

32. All unused water, wastewater or storm drain connections shall be abandoned at the owner's expense.
33. Project design and construction shall be in compliance with applicable terms and conditions of the Multi-Agency Post-Construction Stormwater Standards Manual (PCSP) as adopted by City Council on November 4, 2015.
 - a) State-mandated construction site inspections to assure compliance with the City of Lodi Storm Discharge Permit are required. The fee for the inspections is the responsibility of the developer and must be paid prior to parcel map filing or commencement of construction operations, whichever occurs first.
34. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). City of Lodi Standard Plans are in the process of being revised and it should not be assumed that current standard plans are fully ADA compliant. Project compliance with ADA standards is the developer's responsibility.
35. If this project is constructed in phases, the following improvements shall be constructed with the first phase:
 - a) All public frontage improvements.
 - b) Public and private utility mains and services for each parcel including the extension of the public water main from Sacramento Street.
 - c) Private access road improvements.
36. All public improvements to be installed within one year under the terms of an improvement agreement to be approved by the City Council prior to final parcel map filing. The developer will be required to provide warranty security in the amount of 10% of the value of the public improvements. The warranty period will be two (2) years commencing on the date of acceptance of the public improvements.
37. All property dedicated to the City of Lodi shall be free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste. Developer shall prepare and submit a hazardous materials report and shall indemnify the City against any and all hazardous materials and/or ground water contamination for all property/easements dedicated to the City.
38. Dedication of utility easements as required by the various utility companies and the City of Lodi, including, but not limited to the on-site public water main.
39. Dedication of the 24' Non-Exclusive Egress and Ingress Easement along the frontage of Lots 1 through 16 and the driveways between properties 18 and 19 and 26 and 27 shall be dedicated for the purposes of access. Said access easement shall be to the approval of the Public Works Department, Community Development Department and Fire Department.
40. As set forth in Resolution No. 2007-59 approved by the City Council on April 4, 2007, the territory included in the subdivision map shall be annexed to the City of Lodi Community Facilities District No 2007-1 (Public Facilities) prior to final map filing. All costs associated with annexation to the District shall be the Developer's responsibility.
41. The Project will include a Home Owner Association (HOA) or other mechanism to City staff satisfaction. HOA for the project shall be provided to the Community Development for review and approval prior to recordation of the final map. HOA shall contain appropriate mechanisms for the permanent ongoing maintenance of facilities, including but not limited to private storm drain system, private wastewater system, common landscaping and shared

drives. HOA shall include appropriate mechanism to assess and collect assessments for said maintenance and the ability to enforce adherence to the HOA. HOA shall clearly provide that the homeowner is responsible for compliance of HOA and also responsible and liable for any renter's violations of the HOA. The HOA shall also discuss guest parking and garbage pick-up. Following approval of the HOA by staff, the HOA shall be recorded concurrently with the final map.

42. Submit final map per City and County requirements including the following:
 - a) Preliminary title report.
 - b) Standard note regarding requirements to be met at subsequent date.
 - c) Waiver of access rights on Sacramento Street except at driveway locations specifically approved by the Public Works Department.
 - d) Parcel Map Guarantee.
 - e) Annexation to Community Facilities District 2007-1.
 - f) Home Owners Association's proposed Declaration of Covenants, Conditions, and Restriction.
43. Payment of the following:
 - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of certificate of occupancy.
 - c) Water meter installation fees at the time of building permit issuance for each parcel.
 - d) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance for each parcel.
 - e) Stormwater compliance inspection fee prior to parcel map filing or commencement of construction operations, whichever occurs first.
 - f) Annexation into the City of Lodi Community Facilities District – Estimated at \$10,000 prior to recording the final subdivision map. The annexation process generally requires 2-3 months to complete.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.
44. Obtain the following permits:
 - a) Grading Permit issued from the City of Lodi Building Department.
 - b) Encroachment Permit issued from the City of Lodi Public Works Department for any work within the public right of way or on existing public water, wastewater and storm drain infrastructure.
 - c) NPDES Construction General Permit (SWPPP)
 - d) San Joaquin Valley Air Pollution Control District (SJVAPCD) permits

The following comments are provided as a matter of information. The items listed are not requirements of the Public Works Department, but indicate conditions normally imposed by other City departments or agencies which affect and/or need to be coordinated with the design and installation of Public Works requirements:

1. On-site fire protection as required by the Fire Department.

2. Landscaping and irrigation system as required by the Community Development Department.
3. Applicable agreements and/or deed restrictions for access, use and maintenance of shared, private facilities to Community Development Department approval.

Dated: September 28, 2016

I certify that Resolution No. 16-23 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 28, 2016 by the following vote:

AYES: Commissioners: Gomes, Kirst, Kirsten, Olson and Vice-Chair Slater

NOES: Commissioners: None

ABSENT: Commissioners: Cummins and Chair Hennecke

ATTEST



Secretary, Planning Commission

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE LODI PLANNING COMMISSION'S
RECOMMENDATION FOR THE 2016 GROWTH
MANAGEMENT ALLOCATIONS FOR CAMPER –
SACRAMENTO STREET SUBDIVISION

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the 2016 Growth Management Allocation as recommended by the Lodi Planning Commission, as shown as follows:

	<u>Requested 2016 Allocations</u>	<u>Recommended 2016 Allocations</u>
Camper – Sacramento Street	0 Low-Density	0 Low-Density
Camper – Sacramento Street	28 Medium-Density	28 Medium-Density
Camper – Sacramento Street	0 High-Density	0 High-Density
TOTAL	28	28

Dated: November 2, 2016

=====

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2016, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk



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

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

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTING RESOLUTION APPROVING PLANNING COMMISSION'S RECOMMENDATION TO AUTHORIZE 28 MEDIUM-DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS FOR THE CAMPER - SACRAMENTO STREET SUBDIVISION

PUBLISH DATE: SATURDAY, OCTOBER 22, 2016

LEGAL AD

TEAR SHEETS WANTED: One (1) please

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

DATED: THURSDAY, OCTOBER 20, 2016

ORDERED BY: JENNIFER M. FERRAILOLO
CITY CLERK

Jennifer M. Ferraiolo
PAMELA M. FARRIS
DEPUTY CITY CLERK

ELIZABETH BURGOS
ADMINISTRATIVE CLERK

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

LNS Emailed to the Sentinel at dianer@lodinews.com at _____(time) on _____(date) _____(pages)
Phoned to confirm receipt of all pages at _____(time) EB PMF (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION APPROVING THE PLANNING COMMISSION'S RECOMMENDATION TO AUTHORIZE 28 MEDIUM-DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS FOR THE CAMPER – SACRAMENTO STREET SUBDIVISION

On Thursday, October 20, 2016, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adopting a resolution approving the Planning Commission's recommendation to authorize 28 medium-density Residential Growth Management Allocations for the Camper – Sacramento Street Subdivision (attached and marked as Exhibit A) was posted at the following locations:

Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum
WorkNet Office

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

Executed on October 20, 2016, at Lodi, California.

ORDERED BY:

**JENNIFER M. FERRAILO
CITY CLERK**

for Jennifer M. Ferraiolo
PAMELA M. FARRIS
DEPUTY CITY CLERK

ELIZABETH BURGOS
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION APPROVING THE PLANNING COMMISSION'S RECOMMENDATION TO AUTHORIZE 28 MEDIUM-DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS FOR THE CAMPER – SACRAMENTO STREET SUBDIVISION

On Thursday, October 20, 2016, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider adopting a resolution approving the Planning Commission's recommendation to authorize 28 Medium-Density Residential Growth Management Allocations for the Camper – Sacramento Street Subdivision, attached hereto marked Exhibit A. The mailing list for said matter is attached hereto marked Exhibit B.

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

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

Executed on October 20, 2016, at Lodi, California.

ORDERED BY:

**JENNIFER M. FERRAILOLO
CITY CLERK, CITY OF LODI**

Jennifer M. Ferraiollo
for **PAMELA M. FARRIS
DEPUTY CITY CLERK**

**ELIZABETH BURGOS
ADMINISTRATIVE CLERK**



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 2, 2016

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Ferraiolo

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

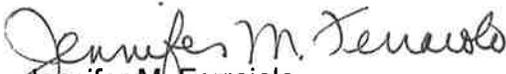
NOTICE IS HEREBY GIVEN that on **Wednesday, November 2, 2016**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Adopting a resolution approving the Planning Commission's recommendation to authorize 28 Medium-Density Residential Growth Management Allocations for the Camper – Sacramento Street Subdivision.**

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

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

By Order of the Lodi City Council:


Jennifer M. Ferraiolo
City Clerk

Dated: **October 19, 2016**

Approved as to form:


Janice D. Magdich
City Attorney

AVISO: Para obtener ayuda interpretativa con esta noticia, por favor llame a la oficina de la Secretaria Municipal, a las (209) 333-6702.

300 FT RADIUS MAILING LIST FOR 500, 540 PORTION OF 416 S. SACRAMENTO ST - BRUCE CAMPER - CAMPER
SUBDIVISION

EXHIBIT B

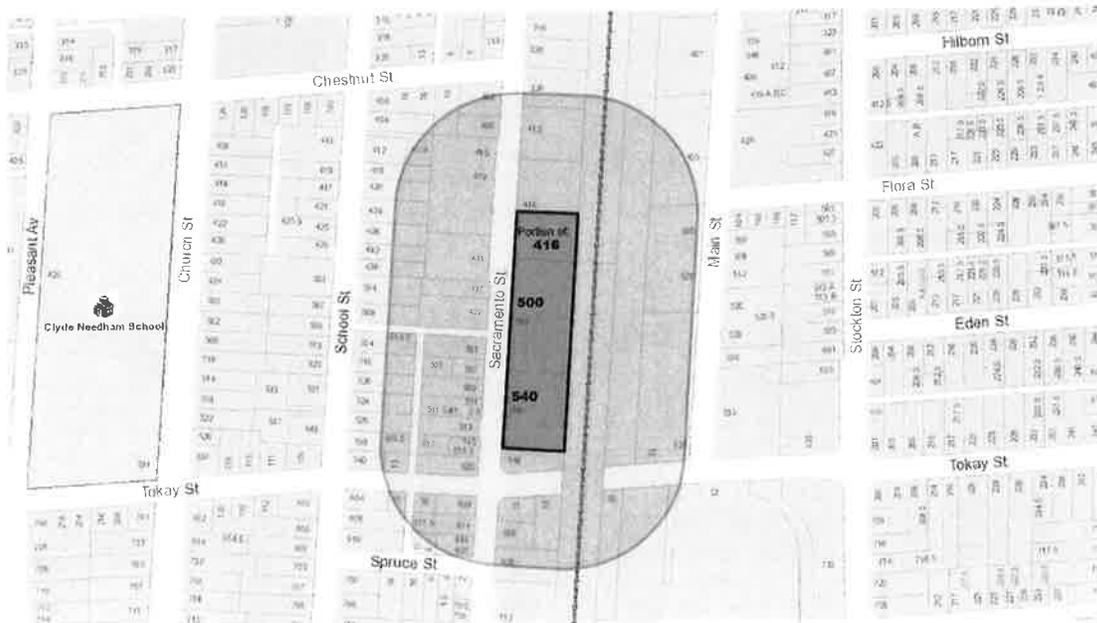
PARCEL	OWNER	ATTN	ADDRESS	CITY	STATE	ZIP
4520123	COMPORATO, ANGELINA		1301 S CHURCH ST	LODI	CA	95240
4520102	CARRILLO, JUAN ETAL	ARACELI PEREZ MARTINREZ	PO BOX 603	ACAMPO	CA	95220
4520103	SMART, FRANK & JOY		10 CHESTNUT ST	LODI	CA	95240
4520111	RADOVICH, RICHARD W & LEONA J		PO BOX 2175	LODI	CA	95241
4520115	BLIGHTON, BUDDY EUGENE		438 S SCHOOL ST	LODI	CA	95240
4520116	RADOVICH, LEONA ETAL	MICHAEL J CURRY	PO BOX 2175	LODI	CA	95241
4520117	DEL RIO, SANTIAGO M & RAMONA T		15315 N HOERL RD	LODI	CA	95240
4520118	DEL RIO, SANTIAGO M & RAMONA T		15315 N HOERL RD	LODI	CA	95240
4520119	BONITA, RICHARD A		420 S SCHOOL ST	LODI	CA	95240
4520120	BREWER, WANDA		416 S SCHOOL ST	LODI	CA	95240
4523001	COX, EDWIN JR		514 S SCHOOL ST	LODI	CA	95240
4523004	LIKINS, JAMES F & JUDY TR		1863 LAKESHORE DR	LODI	CA	95242
4523005	PAZ, ADRIAN & ANITA		509 S SACRAMENTO ST	LODI	CA	95240
4523009	OLMOS, ROGELIO & EUSTOLIA TR		525 S SACRAMENTO ST	LODI	CA	95240
4523010	BATH, ANGAD PREET S		2435 JAMAICA WAY	STOCKTON	CA	95212
4523011	MEJIA, MANUEL & EMILIA		609 S SACRAMENTO ST	LODI	CA	95240
4523012	MOSQUEDA, LUIS & OFELIA		611 SO SACRAMENTO ST	LODI	CA	95240
4523015	ROMAN, MARTHA T		611 1/2 S SACRAMENTO ST	LODI	CA	95240
4523017	ESPARZA, EFRAIN V & DEBBIE		1151 BRADFORD CIR	LODI	CA	95240
4523018	KISHIDA, RUSSELL N & HARUMI TR		615 34TH AVE	SAN FRANCISCO	CA	94121
4523020	KENNY, THOMAS D & JOAN A		15 W TOKAY ST	LODI	CA	95240
4523021	FERRY, ADRIANA S TR		PO BOX 2411	LODI	CA	95241
4523023	POWELL BILL L &, ELAINE L		526 S SCHOOL ST	LODI	CA	95240
4523024	BELL, RICKY		524 S SCHOOL ST	LODI	CA	95240

300 FT RADIUS MAILING LIST FOR 500, 540 PORTION OF 416 S. SACRAMENTO ST - BRUCE CAMPER - CAMPER
SUBDIVISION

PARCEL	OWNER	ATTN	ADDRESS	CITY	STATE	ZIP
4523025	RIEDINGER, ROBERT R JR & TRUDY		520 S SCHOOL ST	LODI	CA	95240
4523026	CAHUE, MANUEL T & MERCEDES A T		1810 CORBIN LN	LODI	CA	95242
4523027	ALDRETE, MAGADALENA		PO BOX 1796	LODI	CA	95241
4523028	SMITH, RAY		PO BOX 286	LODI	CA	95241
4523014	OHLHAUSER, WES & DANENE TR		2020 CABRILLO CI	LODI	CA	95242
4523013	LADOUCEUR, LORRAINE L TR		2311 LIDO CI	STOCKTON	CA	95207
4523002	CRYSTAL RIDGE PROPERTIES LLC		7864 CRYSTAL BLVD	EL DORADO	CA	95623
4520114	IBRAHIM, HANIEH TR		120 VINEYARD DR	LODI	CA	95240
4520112	MCCARTY, JAMES A TR ETAL	ARGYLE PROPERTIES	PO BOX 2641	LODI	CA	95241
4520113	SALVESTRIN, MARIO A & CARMEN T		1930 INDIAN VALLEY RD	NOVATO	CA	94947
4523006	WILLIAMS, WILLIAM RICHARD TR		67 VINE AVE	POINT RICHMOND	CA	94801
4523022	POOLE, APRIL MARIE TR		2409 ROCKINGHAM CIR	LODI	CA	95242
4520121	COMPORATO, ANGELINA		1301 S CHURCH ST	LODI	CA	95240
4520101	THEM APPLES LLC		3511 E WOODSON RD	ACAMPO	CA	95220
4532003	GREWAL, DEWINDER S & HARDEEP T		2416 MAYBROOK DR	SACRAMENTO	CA	95835
4532005	GARCIA, JORGE & MARIA J		5575 E MORSE RD	LODI	CA	95240
4520136	RADOVICH, RICH & LEONA TR		PO BOX 2175	LODI	CA	95241
4531013	CAMPER, BRUCE S TR		1263 HEIDELBERG WAY	LODI	CA	95242
4523003	LOCKE, MICHAEL JR & TERESA TR	TERESA LEGRANDE	1000 W PINE ST	LODI	CA	95240
4531009	MUNRO, JIM D & KAREN TR		PO BOX 864	LODI	CA	95241
4523029	HEFFEL GRANDCHILDRENS TRUST	COREY WRIGHT VIENNA NURSING	800 S HAM LN	LODI	CA	95242
4531014	CAMPER, BRUCE S TR		1263 HEIDELBERG WAY	LODI	CA	95242

**300 FT RADIUS MAILING LIST FOR 500, 540 PORTION OF 416 S. SACRAMENTO ST - BRUCE CAMPER - CAMPER
SUBDIVISION**

PARCEL	OWNER	ATTN	ADDRESS	CITY	STATE	ZIP
4532002	CAMPER, BRUCE S TR		1263 HEIDELBERG WAY	LODI	CA	95242
4532008	CAMPER, BRUCE S TR		1263 HEIDELBERG WAY	LODI	CA	95242
4702002	ROBERT L & CAROLYN REYNOLD ET	ROBERT L REYNOLDS	33 E TOKAY ST	LODI	CA	95240
4702055	REYNOLDS, CAROLYN W TR ETAL	ALAN HUYNH	33 E TOKAY ST	LODI	CA	95240
4703020	PACIFIC COAST PRODUCERS		PO BOX 1600	LODI	CA	95241
4702056	REYNOLDS RANCHES PTP		33 E TOKAY ST	LODI	CA	95240
4532007	UNION PACIFIC RAILROAD COMPANY	UNION PACIFIC RAILROAD COMPANY	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
4531010	UNION PACIFIC RAILROAD COMPANY	UNION PACIFIC RAILROAD COMPANY	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
4702001	CENTRAL CALIF TRACTION CO	AT&F RAILWAY CO	920 SE QUINCY	TOPEKA	KS	66612
4702057	UNION PACIFIC RAILROAD COMPANY	UNION PACIFIC RAILROAD COMPANY	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
4703011	UNION PACIFIC RAILROAD COMPANY	UNION PACIFIC RAILROAD COMPANY	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
4703021	CENTRAL CALIF TRACTION CO	AT&F RAILWAY CO	920 SE QUINCY	TOPEKA	KS	66612
4520137	SAN JOAQUIN COUNTY		222 E WEBER AVE ROOM 12	STOCKTON	CA	95202





**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Public Hearing to Consider Introducing Ordinances Adopting the 2016 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, Fire Code

MEETING DATE: November 2, 2016

PREPARED BY: Community Development Director and Fire Chief

RECOMMENDED ACTION: Public hearing to consider introducing ordinances adopting the 2016 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, Fire Code.

BACKGROUND INFORMATION: Pursuant to Health and Safety Code Section 18938, the California Building Standards Commission has selected January 1, 2017 as the effective date for the 2016 California Building Code, 2016 California Mechanical Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Residential Code, 2016 California Fire Code and 2016 California Green Building Standard Code.

Every three years, Building/Construction and Fire 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, 2017, then cities are required to follow State codes only. The need for the new ordinances is to adopt specific Appendixes and/or Administration provisions not adopted by the State. An example of this is:

- Administration Chapter I, Division II has been amended to have the City Council sit as the board of appeals for alternate materials and types of construction versus a separate appointed board of appeals; and
- Appendix J will be adopted to assist staff and design professionals with clear direction for construction design guidelines for grading, excavation and earthwork.

The major changes in this code cycle are in the California Building Code, California Plumbing Code and California Green Building Standard Code. These changes will have some benefits and restrictions compared to the existing Codes. Some of the changes in the building codes are as follows:

California Building Code

- 1) The provisions of Chapter 34 Existing Structures were relocated to 2016 California Existing Building Code (CEBC) Part 10, Title 24.

APPROVED: _____
Stephen Schwabauer, City Manager

California Plumbing Code changes

The 2016 California Plumbing Code several chapters were reorganized, which includes the following changes

- 1) Referenced standards formerly in Chapter 14 have been relocated to Chapter 17
- 2) Provisions regarding alternate water sources from nonpotable applications have been relocated from Chapter 15 to Chapter 16.
- 3) Provisions regarding Nonpotable Rainwater Catchment Systems have been relocated from Chapter 17 to Chapter 16.

California Fire Code Changes

There were minimal edits of which are not anticipated to be of concern.

Staff met with BIA and the Chamber of Commerce on October 13th. A publication for the public hearing has been posted in the Lodi News-Sentinel as well as notices were provided at the front counter. Informational handouts are currently being revised to reflect the new code requirements. These handouts will be available at the Building & Safety kiosk and on the City web page on or before January 1, 2017.

Staff's recommendation is to approve the 2016 codes as amended. The Ordinances have been presented in track changes format to more easily identify the revisions.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Steve Schwabauer
Community Development Director

Larry Rooney
Fire Chief

DC/LR/BD/kjc

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "~~2013~~2016 CALIFORNIA BUILDING
CODE," VOLUMES 1 AND 2; THEREBY, REPEALING
AND REENACTING LODI MUNICIPAL CODE CHAPTER
15.04 IN ITS ENTIRETY



NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.04, "California Building Code," is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.04

Building Code

- 15.04.010 Adoption.
- 15.04.020 CBC Chapter 1, Division II (Board of Appeals).
- 15.04.030 CBC Chapter 1, Division II (Building Permit Fees and Valuation).
- ~~15.04.032 CEBC Chapter 1, Division II (Board of Appeals~~
- ~~15.04.034 CEBC Chapter 1, Division II (Building Permit Fees and Valuation).~~
- 15.04.040 Fee Schedule.
- 15.04.050 Special Inspections – Downtown Business District.
- 15.04.060 Violation – Misdemeanor.

15.04.010 Adoption

The provisions set forth in the ~~2013~~2016 California Building Code, Volumes 1 and 2, including Chapter 1, Division II, Appendix I and J, California Existing Building Code including Chapter 1, Division II, thereto, are hereby adopted as the Building Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Building Code of the City of Lodi shall apply to all matters pertaining to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Lodi, California; the issuance of building permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "~~2013~~2016 California Building Code," Volumes 1 and 2, California Existing Building Code and the above designated appendixes thereto.

15.04.020 CBC Chapter 1, Division II (Board of Appeals)

Sec.113.1. In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a Board of Appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the Board shall be valid unless a majority of the full board shall concur therein.

The Board of Appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.04.030 CBC Chapter 1, Division II (Building Permit Fees and Valuation)

Sec. 109.1. Building Permit Fees. A fee for each building permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

Sec. 109.3. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official and shall be based on the latest building valuation data as printed in the Building Safety Journal, published by the International Code Council, 5360 South Workman Mill Road, Whittier, CA 90601. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work, including materials and labor for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available in Building Safety Journal.

15.04.040 Fee Schedule

The schedule of building permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.04.032 CEBC Code Chapter 1, Division II (Board of Appeals)

Sec. 112.1. In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a Board of Appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the Board shall be valid unless a majority of the full board shall concur therein.

The Board of Appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.04.034 CEBA Chapter 1, Division II (Building Permit Fees and Valuation)

Sec. 108.1 Building Permit Fees. A fee for each building permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

Section 108.3. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official and shall be based on the latest building valuation data as printed in the Building Safety Journal, published by the International Code Council, 5360 South Workman Mill Road, Whittier, CA 90601. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work, including materials and labor for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available in Building Safety Journal.

15.04.040 Fee Schedule

The schedule of building permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.04.050 Special Inspections – Downtown Business District

- A. Notwithstanding any other provision of this Chapter, special inspection fees required to determine compliance with this Chapter for all buildings and structures located within the area designated by Lodi Municipal Code Section 13.12.195(B) as the “downtown business district” are waived.
- B. The City Council finds and declares that the waiver of special inspection fees is taken to protect and preserve a crucial part of City’s economy and to preserve a portion of the City’s heritage by offering incentives for businesses to locate, relocate, or expand existing commercial uses within the “downtown business district.”

15.04.060 Violation – Misdemeanor

- A. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure located within the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.04.060(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2017, which date is at least 30 days after the passage of this ordinance.

Approved this ____ day of November, 2016

MARK CHANDLER
Mayor

Attest:

JENNIFER M. FERRAILOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2016 and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

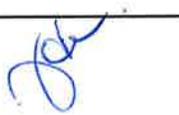
ABSTAIN: COUNCIL MEMBERS –

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

JENNIFER M. FERRAILOLO
City Clerk

Approved as to Form:

JANICE D. MAGDICH
City Attorney



AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "~~2013~~2016 CALIFORNIA MECHANICAL
CODE", THEREBY, REPEALING AND REENACTING LODI
MUNICIPAL CODE CHAPTER 15.08 IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.08, "California Mechanical Code," is hereby repealed and reenacted in its entirety to read as follows:

Chapter 15.08

MECHANICAL CODE

- 15.08.010 Adoption.
- 15.08.020 Mechanical Permit Fees.
- 15.08.030 Fee Schedule.
- 15.08.040 Investigation Fee.
- 15.08.050 Installation.
- 15.08.060 CMC Chapter 1, Division II (Board of Appeals).
- 15.08.070 Violation – Misdemeanor.

15.08.010 Adoption

The provisions set forth in the "~~2013~~2016 California Mechanical Code," together with Chapter 1, Administration Division II, are hereby adopted as the Mechanical Code of the City of Lodi, and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Mechanical Code of the City of Lodi shall apply to all matters pertaining to erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilation, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances; to the issuance of permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "~~2013~~2016 California Mechanical Code" within the City of Lodi.

15.08.020 Mechanical Permit Fees

A fee for each mechanical permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.08.030 Fee Schedule

Section ~~114.2~~1104.5 is amended to read as follows: The schedule of Mechanical Permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.08.040 Investigation Fee – Work Without a Permit

Sections ~~114.5~~1104.5.1 and ~~114.5~~1104.5.2 are amended to read as follows: Work Commenced before permit is issued. Any person who commences work requiring a permit before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

15.08.050 Installation

Section 303.1 Installation. The California Mechanical Code adopted in Section 15.08.010, is amended to read as follows:

Section 303.1.2 Location of heating and cooling equipment. Heating, cooling, and swimming pool equipment shall not be located within the required five-foot side yard setback as defined by the City of Lodi Zoning Ordinance for residential zonings.

15.08.060 CMC Chapter 1, Division II (Board of Appeals)

Section ~~408-0107.0~~ and ~~408-1107.1~~ In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a Board of Appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The Board of Appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.08.070 Violation – Misdemeanor

A. It shall be unlawful for any person, to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, comfort cooling, or refrigeration equipment in the jurisdiction, or cause the same to be done, contrary to or in violation of any of the provision of this Chapter. Maintenance of equipment, which was unlawful at the time it was installed and which would be unlawful under this Code if installed after effective date of this Chapter, shall constitute a continuing violation of this Chapter.

B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.

C. In addition to the penalties set forth in Section 15.08.070(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

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 if the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. – Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, ~~2014~~2017 which date is at least 30 days after passage of this ordinance.

Approved this ____ day of November, 2016

MARK CHANDLER
Mayor

Attest:

JENNIFER M. FERRAILOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November ____, 2016, by the following vote:

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

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

JENNIFER M. FERRAILOLO
City Clerk

Approved as to Form:

JANICE D. MAGDICH
City Attorney



ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING
THE "20132016 CALIFORNIA ELECTRICAL CODE", THEREBY
REPEALING AND REENACTING LODI MUNICIPAL CODE
CHAPTER 15.16 IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.16, "California Electrical Code," is hereby repealed and reenacted in its entirety to read as follows.

Chapter 15.16

ELECTRICAL CODE

Sections:

- 15.16.010 Adoption.
- 15.16.020 Fees.
- 15.16.030 Fee Schedule.
- 15.16.040 Investigation Fee.
- 15.16.050 Appeals Board.
- 15.16.060 Qualifications of Inspectors.
- 15.16.070 Violation – Misdemeanor.

15.16.010 Adoption

The provisions set forth in the "20132016 California Electrical Code" together with Annex C, Annex H, and Administration and Enforcement thereto, are hereby adopted as the Electrical Code of the City of Lodi, and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Electrical Code of the City of Lodi shall apply to all matters pertaining to the installation, alteration, or addition of electrical wiring, devices, appliances, or equipment in the City of Lodi; and the enforcement of the rules and regulations as set forth in the 20132016 California Electrical Code together with Annex C, Annex H and Administration and Enforcement thereto.

15.16.020 Fees

A fee for each electrical permit required by this Code shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.16.030 Fee Schedule

The Schedule of Electrical Permit Fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.16.040 Investigation Fee – Work Without a Permit

Work commenced before permit is issued. Any person who commences work requiring a permit before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

15.16.050 Appeals Board (CEC Annex H)

Annex H 80.15 - is amended to read: In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a Board of Appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the Board shall be valid unless a majority of the full board shall concur therein.

The Board of Appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.16.060 Qualifications of Inspectors

Annex H 80.27- is amended to read: All electrical inspectors shall meet the minimum certification and experience as required by the City of Lodi's job description.

15.16.070 Violation – Misdemeanor

A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any electrical wiring, devices, appliances or equipment or permit the same to be done in violation of this Chapter.

B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.

C. In addition to the penalties set forth in Section 15.16.070(B) above, City may at its sole discretion, seek to enforce its Building Code under Chapter 1.10 of this Code.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 – Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, ~~2014~~2017, which date is at least 30 days after the passage of this ordinance.

Approved this ___ day of November, 2016

MARK CHANDLER
Mayor

Attest:

JENNIFER M. FERRAIOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November ____, 2016, by the following vote:

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

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

JENNIFER M. FERRAIOLO
City Clerk

Approved as to Form:

JANICE MAGDICH
City Attorney



ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY
COUNCIL ADOPTING THE "20132016
CALIFORNIA PLUMBING CODE", THEREBY
REPEALING AND REENACTING LODI MUNICIPAL
CODE CHAPTER 15.12 IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.12, "California Plumbing Code," is hereby repealed and reenacted to read as follows:

Chapter 15.12

PLUMBING CODE

- 15.12.010 Adoption.
- 15.12.020 Department Having Jurisdiction.
- 15.12.030 Plumbing Permit Fees.
- 15.12.040 Fee Schedule.
- 15.12.050 Investigation Fee.
- 15.12.060 Violation – Misdemeanor.

15.12.010 Adoption

The provisions set forth in the "20132016 California Plumbing Code" together with Chapter 1 Administration Division II are hereby adopted as the Plumbing Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Plumbing Code of the City of Lodi shall apply to all matters pertaining to plumbing, drainage systems, and gas fittings in the City of Lodi.

15.12.020 Department Having Jurisdiction

The Building Division of the Community Development Department and the Building Official or his/her authorized representative shall enforce the provisions of this Chapter and shall have all of the duties and rights of the Administrative Authority as provided in the 20132016 California Plumbing Code.

15.12.030 Plumbing Permit Fees

A fee for each plumbing permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.12.040 Fee Schedule

Section 403.4104.5 The schedule of plumbing permit fees required by this Chapter will be those established and adopted by City Council from time to time by resolution.

15.12.050 Investigation Fee – Work Without a Permit

Sections 104.5.1 and 104.5.2 Work Commenced before permit is issued. Any person who commences work requiring a permit before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

15.12.060 Violation – Misdemeanor

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing or permit the same to be done in violation of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.12.060(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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

Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a newspaper of general circulation, printed and published in the City of Lodi, and shall be in force and take effect January 1, ~~2014~~2017, which date is at least 30 days after passage of this ordinance.

Approved this ____ day of November, 2016

MARK CHANDLER
Mayor

Attest:

JENNIFER M. FERRAILOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November ____, 2016, by the following vote:

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

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

JENNIFER M. FERRAILOLO
City Clerk

Approved as to Form:

JANICE D. MAGDICH
City Attorney

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "~~2013~~2016 CALIFORNIA RESIDENTIAL
BUILDING CODE", THEREBY REPEALING AND
REENACTING LODI MUNICIPAL CODE CHAPTER 15.06
IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.06, "California Residential Building Code," is hereby repealed and reenacted in its entirety to read as follows:

Chapter 15.06

RESIDENTIAL CODE

- 15.06.010 Adoption.
- 15.06.020 CBC Chapter 1, Division II (Board of Appeals).
- 15.06.030 CBC Chapter 1, Division II (Building Permit Fees and Valuation).
- 15.06.040 Fee Schedule.
- 15.06.050 Repetitive Submittals (Master Plans).
- 15.06.060 Violation – Misdemeanor.

- 15.06.010 Adoption

The provisions set forth in the ~~2013~~ 2016 California Residential Code, including Chapter 1, Division II, Appendix H and J, Sections AJ102, AJ104.1, AJ105, AJ501.7, AJ501.8, AJ601.1 only, Appendix V thereto, are hereby adopted as the Residential Building Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Residential Code of the City of Lodi shall apply to all matters pertaining to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Lodi, California; the issuance of building permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "~~2013~~2016 California Residential Code" and the above-designated appendixes thereto.

15.06.020 CBC Chapter 1 Division II (Board of Appeals)

Sec.112.1 - In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a Board of Appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the Board shall be valid unless a majority of the full Board shall concur therein.

The Board of Appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.06.030 CBC Chapter 1, Division II (Building Permit Fees and Valuation)

Section 108.1. Building Permit Fees. A fee for each building permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

Section 108.3. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official and shall be based of the latest building valuation data as printed in the Building Safety Journal, published by the International Code Council, 5360 South Workman Mill Road, Whittier, CA 90601. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work, including materials and labor for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available in Building Safety Journal.

15.06.040 Fee Schedule

The schedule of building permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.06.050 Repetitive submittals (Master Plans)

A. Fees for the repetitive submittals of Master Plans shall be as follows:

1. Original plan: 100% of building permit fee, plus 10%.
2. Subsequent plans: 25% of building permit fee.
3. City's Residential Code (Chapter 15.06) is subject to review and adoption every three years; as such, Master Plans expire upon the effective date of City's most recent Residential Code.

15.06.060 Violation – Misdemeanor

- A. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure located within the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.06.060(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid

provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, ~~2014~~2017, which date is at least 30 days after the passage of this ordinance.

Approved this ____ day of November, 2016

Attest:

MARK CHANDLER, Mayor

JENNIFER M. FERRAILO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November ____, 2016, by the following vote:

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

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

Approved as to Form:

JENNIFER M. FERRAILO
City Clerk

JANICE D. MAGDICH
City Attorney



ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING THE
"20132016 CALIFORNIA GREEN BUILDING STANDARD CODE",
THEREBY REPEALING AND REENACTING LODI MUNICIPAL
CODE CHAPTER 15.18 IN ITS ENTIRETY

=====

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

Section 1. Lodi Municipal Code Chapter 15.18 "California Green Building Standard Code," is hereby repealed and reenacted in its entirety to read as follow:

Chapter 15.18

GREEN BUILDING CODE

15.18.010 Adoption.

The provisions set forth in the 20132016 California Green Building Standard Code is hereby adopted as the Green Building Code of the City of Lodi, and a copy of the same is maintained by the City Building Official and available for review in the Community Development Department. The Green Building Code of the City of Lodi shall apply to the planning, design, operations, construction, use, and occupancy of every newly constructed building or structure requiring a Building Permit in the City of Lodi.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 20142017, which date is at least 30 days after the passage of this ordinance.

Approved this ____ day of November, 2016

MARK CHANDLER
Mayor

Attest:

JENNIFER M. FERRAIOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November ____, 2016, by the following vote:

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

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

JENNIFER M. FERRAIOLO
City Clerk

Approved as to Form:

JANICE D. MAGDICH
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING THE
"20132016 CALIFORNIA FIRE CODE", THEREBY REPEALING
AND REENACTING LODI MUNICIPAL CODE CHAPTER 15.20
IN ITS ENTIRETY

=====

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 15.20, "California Fire Code," is hereby repealed in its entirety and reenacted to read as follows:

CHAPTER 15.20

FIRE CODE

Section:

- 15.20.010 Adoption
- 15.20.020 Enforcement
- 15.20.030 Definitions
- 15.20.040 Findings and Filings
- 15.20.050 Open Burning, Recreational Fires and Portable Outdoor Fireplaces
- 15.20.065 Sky Lanterns
- 15.20.070 Misc. Combustible Material Storage - Pallets, Palletized Packing Boxes, and Bin Boxes
- 15.20.080 Fire Apparatus Access Roads - Dimensions
- 15.20.090 Fire Apparatus Access Roads - Surfaces
- 15.20.100 Premises Identification
- 15.20.110 Key Boxes - Hazardous Materials Management Plan Box
- 15.20.120 Emergency Responder Radio Coverage - Public Safety Radio Building Amplification System
- 15.20.130 Fuel - Fired Appliances Gas Meters - Gas Service Identification
- 15.20.140 Electrical Equipment Wiring and Hazards - Electrical Disconnect
- 15.20.150 Fire Protection Systems - System Maintenance
- 15.20.160 Automatic Sprinkler Systems
- 15.20.170 Sprinkler Coverage Identification
- 15.20.180 Fire Control Room
- 15.20.190 Fire Alarm and Detection System Certification
- 15.20.200 Precautions Against Fire - Opening Burning Construction Sites
- 15.20.210 Tire Rebuilding and Tire Storage - Inside Tire Storage
- 15.20.220 Explosives and Fireworks - Seizure of Fireworks
- 15.20.230 Explosives and Fireworks - Limits Explosive and Blasting Agents
- 15.20.240 Explosives and Fireworks - Manufacturing of Fireworks
- 15.20.250 Storage - Locations Where Aboveground Tanks are Prohibited Class I & II Liquids
- 15.20.260 General Authority - Contract Inspector
- 15.20.270 General Authority - Fire investigators
- 15.20.280 Permits - Required Fees
- 15.20.290 Permits - Inspection Authorized
- 15.20.300 Permits - Revocation
- 15.20.310 Permits - Required
- 15.20.320 Inspections - Administrative Costs

- 15.20.325 Board of Appeals
- 15.20.330 Violations - Administrative Enforcement Provisions
- 15.20.340 Violations - Abatement of Hazard by Fire Code Official
- 15.20.350 Unsafe Building - Structural fires
- 15.20.360 Stop Work Order - Failure to comply
- 15.20.370 Fire Hydrants - Location and Distribution, Distribution of fire hydrants
- 15.20.380 Changes or modifications

- 15.20.010 Adoption

The provisions set forth in the California Fire Code (~~2013~~2016 Edition), including Chapters 1, Division II, Chapter 11 in its entirety and Chapter 4. Appendix ~~Chapters 4~~, - A, B, BB, C, CC, D, E, F, G, H, I, ~~J~~, and K and N with the exception of Section 103.2 (published by the International Code Council), are hereby adopted as the Fire Code of the City of Lodi, and copies of the same are maintained by the City Building Official and available for review in the Community Development Department, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and the enforcement of the rules, regulations, penalties, conditions and terms of the Fire Code of the City of Lodi, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes as prescribed in this ordinance.

15.20.020 Enforcement

Peace officers and persons employed in positions authorized to exercise the authority provided in California Penal Code Section 836.5 are authorized to issue citations for violation of this Chapter. The following designated employee positions may enforce the provisions of this Chapter by issuance of citations: the City Manager or his/her duly authorized representative, the Fire Chief, the Fire Marshal, Fire Inspectors, and all sworn members of the City's fire department

15.20.030 Definitions

- a) Whenever the words "International Fire Code" are used in this Chapter, it shall mean the California Fire Code (~~2013~~2016 Edition), Title 24, California Code of Regulations, Part 9.
- b) Whenever the words "California Fire Code" are used in this Chapter, it shall mean the California Fire Code (~~2013~~2016 Edition), Title 24, California Code of Regulations, Part 9, as adopted.
- c) Whenever the word "municipality" is used in the California Fire Code (~~2013~~2016 Edition), it shall mean the City of Lodi.
- d) Whenever the words "Chief" or "Fire Code Official" is used in the California Fire Code (~~2013~~2016 Edition), they shall mean the Fire Chief for the City of Lodi or his/her designated representative.

15.20.040 Findings and filings

The findings of fact required in accordance with Health and Safety Code Section 17958.5 are set forth in Section 15.20.380 of this Chapter and are filed separately with the California Building Standards Commission and Lodi City Clerk's Office.

15.20.050 Open burning, Recreational Fires and Portable Outdoor Fireplaces

Section 307.1 of the California Fire Code is hereby amended to read as follows:

A person shall not kindle or authorize to be kindled or maintain any outdoor burning within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Code Official for the following purposes:

- a. The prevention of a fire hazard that cannot be evaded by any other means.
- b. The instruction of public employees in the methods of fighting fire.
- c. The instruction of employees in the methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.
- d. The setting of backfires necessary to save life or valuable property pursuant to Section 4462 of the Public Resource Code.
- e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.
- f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Code Official, provided that the combustible is clear dry wood or charcoal and it is a permissive burn day. Approval shall be in accordance with Sections 307.1.1 – 307.5 of the California Fire Code.

15.20.65 Sky Lanterns

Section 308 of the California Fire Code is hereby amended to add the following:

No person shall release or cause to be released an untethered sky lantern.

Sky Lantern. An unmanned device with a fuel source that incorporates an open flame in order to make the device airborne.

15.20.070 Miscellaneous Combustible Materials Storage - Pallets, Palletized Packing Boxes and Bin Boxes

Section 315 of the California Fire Code is hereby amended to add the following:

A permit shall be required to store pallets, palletized packing boxes, or bin boxes in excess of 30,000 board feet, in accordance with the following restrictions.

Pallets, palletized packing boxes, and bin boxes shall be piled with due regard to stability of piles and in no case higher than 12 feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one half the pile height and in no case less than 5 feet from the property line.

Exception: Bin boxes may be stacked to a maximum height of 20 feet.

Driveways between and around pallets, bin boxes, and palletized packing boxes shall be a minimum of 20 feet wide and maintained free from accumulations of rubbish, weeds, machinery or other articles that would block access or add to the fire hazard. Driveways shall be spaced so a maximum grid of storage is no more than 50 feet by 50 feet.

Pallets, palletized packing boxes, and bin boxes, operating under a permit, shall be enclosed by a suitable fence of at least 6 feet in height, unless storage is in a building.

An approved water supply and/or fire hydrants capable of supplying the required fire flow shall be provided to the premises within all portions of the storage areas in accordance with Section 507, California Fire Code and Lodi Municipal Code 15.20.370.

For permitting purposes one pallet will be calculated as having 25 board feet and palletized packing boxes and bin boxes will be calculated based on average board feet per box.

15.20.080 Fire Apparatus Access Roads - Dimensions

Section 503.2.1 of the California Fire Code is hereby amended to read as follows:

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the California Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches.

15.20.090 Fire Apparatus Access Roads - Surfaces

Section 503.2.3 of the California Fire Code is hereby amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs, and fire lanes.

15.20.100 Premises Identification

Section 505.1 of the California Fire Code is hereby amended to read as follows:

A. Address Identification

New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.

The approved minimum size dimensions of the numbers shall be as specified by Table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape and architectural appendages, or other obstructions, address posting shall be required both at the street driveway serving such building and on the building.

Table 1	
Distance to Building address measured from back of walk.	Size Height
25 Feet	4 inches
26-40 Feet	6 inches
41-55 Feet	9 inches
Over 55 Feet	12 inches

B. Address Identification – Rear

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way, or parking lot shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Code Official.

C. Address Identification - Multiple Dwelling Units

An approved diagram of the premises, which clearly indicates all individual addresses of each unit in the complex, shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Code Official.

In addition, the Fire Code Official may require that individual buildings on the premises be identified in an approved manner.

D. Address Identification - Multiple Buildings

An approved identification of multiple buildings within an industrial complex shall be required which clearly indicates each individual building in the complex. Identification shall be placed on each building in a size and location, when required by the Fire Code Official, and be visible for responding emergency personnel in an approved manner.

E. Address Identification - Illumination

Addressing shall be illuminated at night in all new buildings. Signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

15.20.110 Key Boxes - Hazardous Materials Management Plan Box

Section 506 of the California Fire Code is hereby amended to add the following:

When a business which handles hazardous materials is required to complete a Hazardous Materials Management Plan (HMMP), the Fire Code Official may require the installation of a secured box at the primary facility entrance or the fire control room, which contains a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding

the document in a rolled condition without folding. Other characteristics of the box shall be approved by the Fire Code Official.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

15.20.120 Emergency Responder Radio Coverage - Public Safety Radio Building Amplification System

Section 510 (Emergency Responder Radio Coverage) of the California Fire Code is hereby amended to add the following:

A. Requirement for Approved Emergency Responder Radio Coverage in Buildings.

All buildings shall have approved indoor radio coverage for emergency responders. Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than 20 percent to, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for the City of Lodi radio communications system. Determining the existence of approved radio coverage and the correction of any deficiencies shall be the responsibility of the building owner. Existing buildings, buildings of one or two single family dwellings, or those below minimum areas as determined by the fire code official may be exempted from this requirement by the Fire Code Official.

B. Approved Radio Coverage

Approved radio coverage shall conform to the current standards of the Lodi Fire Department. These standards shall define the acceptable indoor signal levels to provide 90% reliability of the Lodi Public Safety Radio System inside structures. The fire code official may determine exceptions and additions to these standards as required to protect the integrity of the public safety radio system and provide acceptable signal levels in structures critical to public health and safety.

C. Indoor Public Safety Radio Enhancement Systems

If required by this code, any indoor public safety radio enhancement system must comply with current standards set by the Lodi Fire Department, and the regulations of the Federal Communications Commission. Systems shall be inspected, maintained, and modified as necessary to provide approved emergency responder radio coverage. If changes in FCC regulations or modifications to the Lodi Public Safety Radio System require modifications to a public safety radio enhancement system, the building owner, at his/her own expense, shall make necessary changes to conform to the existing standard.

15.20.130 Fuel-Fired Appliances - Gas Meters, Gas Service Identification

Section 603.9 of the California Fire Code is hereby amended to add the following:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections shall have individual gas shutoffs identified in a manner approved by the Fire Chief indicating areas or units served.

15.20.140 Electrical Equipment, Wiring and Hazards - Electrical Disconnect

Section 605 of the California Fire Code is hereby amended to add the following:

All buildings constructed after July 1, 2005, shall have main electrical shut off accessible to the exterior of the structure. This may be accomplished by placing the shut off on the building exterior, an electrical room with a door leading directly to the exterior or a remote electrical (shunt) switch on the building exterior. Breakaway locks are allowable for security.

15.20.150 Fire Protection Systems- System Maintenance

Section 901.7 of the California Fire Code is hereby amended to add the following:

All individuals or companies installing, repairing, testing, servicing, or maintaining sprinkler systems, fire hydrant systems, standpipes, fire alarm systems, portable fire extinguishes, smoke and heat ventilators, smoke-removal systems, and other fire protection or extinguishing systems or appliances shall be a fire protection contractor or contractor licensed for said work by the State of California or have the appropriate license required by the California State Fire Marshal's Office or both.

The authority having jurisdiction shall be notified immediately when a fire protection or detection system or portion thereof is found inoperable.

The authority having jurisdiction shall be notified in writing within 72-hours by the person performing repairs, testing, or maintenance when a fire protection or detection system is not in compliance with applicable codes.

When changes involve shutting off water for a considerable number of sprinklers for more than 4-hours, temporary water supply connections shall be made to sprinkler systems so that reasonable protection can be maintained. Protection shall be restored each night. The Fire Code Official may require a fire watch while any system is inoperative.

When shorts, failures, or other interruptions of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station or is a local alarm only, the Fire Code Official may require the system to be disconnected or shunt out the private fire alarm system and/or circuit. When shorts, failures, or other interruption of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station, the Fire Code Official may require the system to be repaired and written notification to be provided to the Fire Code Official before he or she responds to alarms generated by the system.

Where alarm system(s) are wholly or partially out of service for more than 8 hours, the alarm company having responsibility shall notify the fire dispatch center.

15.20.160 Automatic Sprinkler Systems

Section 903 of the California Fire Code is hereby amended to add the following:

In addition to the requirements specified in Section 903 of the California Fire Code, an automatic sprinkler system shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following buildings:

- (1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.
- (2) Every building hereafter constructed of three or more stories as defined in the California Building Code.
- (3) Every building hereafter in which the square footage existing as of September 1, 1997, is increased by 50% or the total square footage of the building exceeds 6,000 square feet.

15.20.170 Sprinkler Coverage Identification

Section 903 of the California Fire Code is hereby amended to add the following:

When required by the Fire Code Official, approved signs shall identify the building(s) or portions of building(s) served by a fire department connection and/or riser.

15.20.180 Fire Control Room

Section 903 of the California Fire Code is hereby amended to add the following:

An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Existing buildings installing automatic fire extinguishing system shall have a fire control room added unless approved by the Fire Code Official or his/her designee for good cause. Fire control room shall contain all system control valves, fire alarm control panels, and other fire equipment required by the Fire Code Official. Fire control rooms shall be located within the building at a location approved by the Fire Code Official and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

EXCEPTION: Group R, Division 3 occupancies.

15.20.190 Fire Alarm and Detection Systems - Certification

Section 907.8.2 of the California Fire Code is hereby amended to add the following:

The permittee shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and meets National Fire Protection Association Standards. Certification shall be required for all new systems to be installed after July 1, 2003. All existing systems must obtain certification in a timely manner, as approved by the Fire Code Official. A copy of the certification shall be provided to the Fire Code Official at no cost.

15.20.200 Precautions Against Fire - Open Burning Construction Sites

Section 3404.3 of the California Fire Code is hereby amended to add the following:

No fire shall be permitted to burn on any construction site for any purpose. This section is not intended to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

15.20.210 Tire Rebuilding and Tire Storage - Indoor Tire Storage

Chapter 34 (Tire Rebuilding and Tire Storage) 3409.1 of the California Fire Code are hereby amended to add the following:

Inside tire storage shall be in accordance with the following requirements.

Tires stored on side walls shall not be higher than six feet. Tires stored in a lace pattern shall not be higher than 5 feet. A minimum of 3 feet of clearance from tire storage racks shall be maintained in all directions to roof structure, sprinkler deflectors, unit heaters, supply and return air duct registers, lighting fixtures, electrical outlets or any other producing device. On-tread storage piles, regardless of storage needs, shall not exceed 25 feet in the direction of the wheel holes. On-floor, on-tread storage shall not exceed 5 feet in height. The width of the main aisles between piles shall not be less than 8 feet. Any aisle other than the main aisles shall not be less than 4 feet in width.

Definitions:

On-side storage: Tires stored horizontally or flat.

On-tread storage: Tires stored vertically or on their treads.

Laced storage: Tires stored where the sides of the tires overlap, creating a woven or laced appearance.

15.20.220 Explosives and Fireworks - Seizure of Fireworks

Chapter 56 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The Fire Code Official is authorized to seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of local, state, or federal regulations.

15.20.230 Explosives and Fireworks - Limits Explosive and Blasting Agents

Chapter 56 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The storage of explosives and blasting agents is prohibited within the City limits, except in areas zoned M-2 as such zone is defined in the zoning regulations of the City.

15.20.240 Explosives and Fireworks-Manufacturing of Fireworks

Chapter 56 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

15.20.250 Storage - Locations where aboveground tanks are prohibited – Class I & II Liquids

Section 5704.2.9.6.1 of the California Fire Code is hereby amended to read as follows:

Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits of the City of Lodi, except areas zoned IP, M-1, and M-2 as such zones are defined in the zoning regulations of the City of Lodi.

15.20.260 General Authority - Contract Inspector

Chapter 1, Division II, Part 2 Section 104.7.2 of the California Fire Code is hereby amended to add the following:

The Fire Code Official may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector ("Contract Inspector") when the department requires technical expertise for assistance to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Fire Code Official for inspection of a particular type of construction, operation, fire extinguishing, or detection system or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

1. The Contract Inspector shall observe the work assigned for conformance with the approved design drawing and specifications.
2. The Contract Inspector shall furnish inspection reports to the Fire Code Official, Building Official, and other designated persons as required by the Fire Code Official. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Fire Code Official, and to the building official.
3. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

15.20.270 General Authority - Fire Investigators

Chapter 1, Division II, Part 2 – Section 104.10 of the California Fire Code is hereby amended to add the following:

All sworn members assigned to the Fire Prevention Bureau or Fire Investigation Unit are hereby assigned as Fire Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to fire and arson investigations.

15.20.280 Permits – Required Fees

Chapter 1, Division II, Part 2 – Section 113.2 of the California Fire Code is hereby amended to add the following:

The fee for each permit shall be as set forth from time to time by resolution of the Lodi City Council. The City may establish fees sufficient to recover its costs in administering this Code. No permit shall be issued until such fees have been paid, and administrative citations may be issued to persons violating this Code by the persons allowed to issue citations as stated in Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions.

15.20.290 Permits - Inspection Authorized

Chapter 1, Division II, Part 2 – Section 105.2.2 of the California Fire Code is hereby amended to read as follows:

Before a new operational permit is approved, the Fire Code Official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces, or areas to be used to determine compliance with this Code or any operational constraints required. In instances where laws or regulations are enforced by departments other than the fire department, joint approval shall be obtained from all departments concerned.

No final inspection under this Code, as to all or any portion of the development, shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by this Code have been completed and the final approval thereof by the Fire Department has been given as provided herein and all plan reviews and inspection fees paid.

15.20.300 Permits - Revocation

Chapter 1, Division II, Part 2 – Section 105.5 of the California Fire Code is hereby amended to add the following:

The Fire Code Official further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of this Code for any of the following reasons:

- (a) When deemed necessary for the protection of life, limb, or property; or
- (b) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.310 Permits - Required

Chapter 1, Division II, Part 2 – Section 105.6 of the California Fire Code is hereby amended to add the following:

Christmas Tree Lots. A permit issued by the Fire Code Official is required to operate a Christmas Tree Lot with or without flame proofing services.

Haunted Houses. A permit issued by the Fire Code Official is required to operate a temporary or permanent haunted house.

Special Events. A permit issued by the Fire Code Official is required to conduct a special event that is not otherwise listed in this Code and in the opinion of the Fire Code Official or his or her designee poses a fire or life safety concern to the public.

15.20.320 Inspections - Administrative Costs

Chapter 1, Division II, Part 2 – Section 106.2 of the California Fire Code is hereby amended to add the following:

When a test or inspection is scheduled and the contractor fails to perform to the satisfaction of the authority having jurisdiction, the authority having jurisdiction may bill the contractor for actual time spent traveling to and from the test/inspection location and the time spent at the test/inspection site as well as administrative costs.

15.20.325 Board Of Appeals

Chapter 1, Division II, Part 2 – Section 108 of the California Fire Code is hereby amended to read as follows:

In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a Board of Appeals. The Fire Code Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the Board shall be valid unless a majority of the full board shall concur therein.

The Board of Appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Fire Code Official with the other copy to the applicant.

15.20.330 Violations - Administrative Enforcement Provisions

Chapter 1, Division II, Part 2 – Section 109.2 and 109.3 of the California Fire Code is hereby amended to read as follows:

Notices of violation, citation, or penalties shall comply with Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions with the following terminology changes or deletions wherever stated in Chapter 1.10.

- (a) Whenever the word “Community Improvement Officer” is used, it shall mean the Fire Code Official.
- (b) Whenever the word “Department of Public Safety” is used, it shall mean the Lodi Fire Department.
- (c) Whenever the word “Community Development Director” or “Director” is used, it shall mean the Fire Chief or his designee.
- (d) Whenever the word “Uniform Codes” is used, it shall mean the California Fire Codes.
- (e) Section 1.11.260E is not applicable to the provisions of this chapter, (Community Awareness and Responsibility Education Classes) as it pertains to residential dwellings.

15.20.340 Violations - Abatement of Hazard by Fire Code Official

Chapter 1, Division II, Part 2 – Section 109.3.1 of the California Fire Code is hereby amended to add the following:

If any person fails to comply with the orders of the Fire Code Official, or if the Fire Code Official is unable to locate the owner, operator, occupant, or other person responsible within a reasonable time, the Fire Code Official or his or her authorized representative may take such steps as are necessary to abate the hazard for the protection of the public health and safety. No event notice is necessary before abatement when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

15.20.350 Unsafe Buildings - Structural Fires

Chapter 1, Division II, Part 2 – Section 110.1.1 of the California Fire Code is hereby amended to add the following:

The Chief Officer at the scene shall attempt to notify all occupants or owners of structures, which have suffered damage by fire, that such structures or buildings must be inspected before any repairs thereof are made. A permit covering the structural, electrical, and plumbing repairs shall be obtained from the City of Lodi Community Development Department. The Chief Officer shall report all such structural fires to the Chief Building Official or his/her designee within twenty-four hours after the occurrence of such fire.

15.20.360 Stop Work Order - Failure to Comply

Chapter 1, Division II, Part 2 – Section 111.4 of the California Fire Code is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than that stated in Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions.

15.20.370 Fire Hydrants Locations and Distribution – Distribution of Fire Hydrants

Appendix C – Section C105.1 of the California Fire Code is hereby amended to read as follows: Private fire hydrants and public off site fire hydrants shall be spaced with the maximum distances as specified by Table 2.

Table 2	
Zoning Type	Maximum Spacing
Commercial, high density, Industrial or high-value	300 feet
Low Density Residential	500 feet
Residential Reverse Frontage	1000 feet

Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:

1. Streets have median center dividers that make access to hydrants difficult, cause time delays, or create undue hazard or both.
2. On major arterials when there is more than four lanes of traffic.
3. Width of street in excess of 88 feet.
4. The existing street being widened or having a raised median center divider in the future pursuant to the General Plan Roadway Improvements Plans for the City of Lodi.

15.20.380 Changes or Modifications

In accordance with Health and Safety Code Section 17958.5, the adoption of amendments more restrictive than the requirements contained in the provisions published in the California Building Standard Code, are needed because of local conditions, as specified below:

(A) Climatic.

(1) Conditions

Precipitation averages 18 inches per year and can reach as high as 35 inches per year. Virtually all of the rain occurs during the months of October through April. The remaining months receive little or no rain. Temperatures during the summer months can reach as high as 110 and City of Lodi averages 19 days over 100 each year. Relative humidity during these summer months is very low. Lodi averages 34 days of dense fog per year, and has had as many as 64 foggy days.

(2) Impacts

The generally dry, hot summer months create extreme fire conditions. Adding to this situation is the dryness and combustibility of many structures during the summer, especially true of structures with wood siding and roofs constructed of wood shakes and shingles. The cyclical uncertainty that allow weather events can cause rapid melting of the snow pack, which causes flood potential in areas surrounding the Mokelumne River. The foggy conditions can inhibit the dispatch and timeliness of emergency equipment reaching the site of a fire. During foggy periods, it is common place for visibility to be near zero, which results in emergency equipment having to decrease their speed to less than 25 miles per hour.

(B) Geographic

(1) Conditions

The City of Lodi is subject to ground tremors from seismic events as the County is in seismic Category D. The Mokelumne River, which borders the northern city limits, is subjected to flood potential and its levies are subject to failure from seismic activity or high water.

(2) Impacts

The geologic conditions in San Joaquin County in general, and the City of Lodi, in particular, have the potential of restricting access to structures, especially in remote or isolated areas. A moderate earthquake or extended periods of rain can impact local access roads.

(C) Topographic

(1) Conditions

The City of Lodi consists mainly of the San Joaquin Valley floor. The valley floor is typically flat land area bisected by intermittent and year round stream and river systems. Much of the valley floor is irrigated agriculture. Low land areas protected by a complex and extensive levee system characterize the Delta area. Union Pacific Railroad Tracks bisect the eastern and western portions of Lodi as well as Highway 99 creating traffic congestion and emergency response delays.

(2) Impacts

The valley floor is frequently subject to both general and localized flooding. Because the area is so flat and low, it is not unusual for local drainage systems to be inadequate during heavy rain periods. This condition can isolate areas where roads are flooded and thereby block access. With the OSHA "two-in two-out" rule requiring two fire fighters ready to make attack only when two others are present, the potential delay in east-west response increases the risk to firefighter and the public.

While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property, and protection of the environment.

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. All ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

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. That nothing in this ordinance or in the California Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the City Clerk is hereby ordered and directed to cause this ordinance to be published. This ordinance shall be published one time in "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect January 1, ~~2014~~2017, a date which is at least 30 days after passage of this ordinance.

Approved this ____ day of November, 2016

Attest:

MARK CHANDLER, Mayor

JENNIFER M. FERRAILOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2016, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November ____, 2016, by the following vote:

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

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

Approved as to Form:

JENNIFER M. FERRAILOLO
City Clerk

JANICE D. MAGDICH
City Attorney





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

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

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2016 CALIFORNIA BUILDING CODE, MECHANICAL CODE, ELECTRICAL CODE, PLUMBING CODE, RESIDENTIAL CODE, GREEN BUILDING STANDARD CODE, AND FIRE CODE

PUBLISH DATE: SATURDAY, OCTOBER 22, 2016

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052

JENNIFER M. FERRAILOLO, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, OCTOBER 20, 2016

ORDERED BY: JENNIFER M. FERRAILOLO
CITY CLERK


PAMELA M. FARRIS
DEPUTY CITY CLERK

ELIZABETH BURGOS
ADMINISTRATIVE CLERK

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

LNS Emailed to the Sentinel at dianer@lodinews.com at _____(time) on _____(date) _____(pages)
Phoned to confirm receipt of all pages at _____(time) _____EB _____PMF (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2016 CALIFORNIA BUILDING CODE, MECHANICAL CODE, ELECTRICAL CODE, PLUMBING CODE, RESIDENTIAL CODE, GREEN BUILDING STANDARD CODE, AND FIRE CODE

On Thursday, October 20, 2016, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of the 2016 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code (attached and marked as Exhibit A) was posted at the following locations:

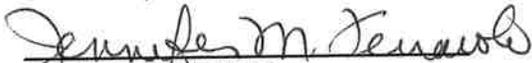
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum
WorkNet Office

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

Executed on October 20, 2016, at Lodi, California.

ORDERED BY:

JENNIFER M. FERRAILO
CITY CLERK


PAMELA M. FARRIS
DEPUTY CITY CLERK

ELIZABETH BURGOS
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 2, 2016

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Ferraiolo
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 2, 2016**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Adoption of the 2016 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code.**

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

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

By Order of the Lodi City Council:


Jennifer M. Ferraiolo
City Clerk

Dated: October 19, 2016

Approved as to form:


Janice D. Magdich
City Attorney

AVISO: Para obtener ayuda interpretativa con esta noticia, por favor llame a la oficina de la Secretaria Municipal, a las (209) 333-6702.



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Adoption of Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees For 2017 and Updating the Fee Model for the Conservation Plan

MEETING DATE: November 2, 2016

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Public Hearing to consider adoption of resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2017 and updating the fee model for the conservation plan.

BACKGROUND INFORMATION: On February 21, 2001, the City of Lodi adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The Plan includes a schedule of fees to be paid by property owners who propose to develop their property with non-agricultural uses. These fees are used to mitigate for the cumulative impacts of new development on habitat lands within Lodi and San Joaquin County. It is necessary for all jurisdictions covered by the Plan to approve the Habitat Conservation Plan (HCP) fees in order for the jurisdiction to continue to participate in the Plan. The fees are reviewed on an annual basis.

The 2017 per-acre fees for all categories of habitat land have increased over 14 percent from the prior year. In 2016 the fees went up by 9 percent over the previous year. Fees are calculated based upon appraisal value of easements. Open Space lands have increased from \$7,807 to \$8,905. Agriculture and Natural lands (the two largest categories) have increased from \$15,596 to \$17,808. Fees for Vernal Pool (grasslands) habitat lands increased from \$46,869 to \$66,437 and Vernal Pool (wetted lands) increased from \$90,273 to \$109,737

Over the past year or so, San Joaquin Council of Governments, Inc. (SJCOG) has engaged in the required five-year financial analysis to the SJMSCP fee and methodology used to calculate the fee. The last reviews were in 2007 and 2011, respectively. The goal of the update was to review, and refine as necessary, the adopted fee model which estimates the costs of implementation of the SJMSCP in compliance with the SJMSCP federal and state permits. Along with the fee updates, the City will be adopting the new cost methodology. The fee model defines the three fee categories (Category A – Acquisition; Category B – Enhancement; and Category C - Land Management/Administration).

APPROVED: _____
Stephen Schwabauer, City Manager

Updates/Changes to the Financial Analysis Model by SJMSCP Fee Category:

I. Category A (Acquisition) – Comparables:

This category addresses land valuation and is based on comparable land sales in San Joaquin County. To be included in the analysis, the land sale must have occurred in specific zones of the SJMSCP plan area (Central Zone and Delta Zone) over an established two-year period. Each year, all qualified comparables in each zone, including SJCOG, Inc. easements, are evaluated to set a weighted cost per acre using the methodology established in the 2007 and 2011 Financial Analysis Updates.

1. The 2016 update increases the size of parcels that can be considered as a valid comparable from 500 acres to 640 acres.

The criteria to determine valid comparables to be used in the weighted calculation are:

1. All SJCOG, Inc. transactions (fee title and appraised value of unencumbered property)
 2. Sales not less than 40 acres
 3. Sales not greater than ~~500~~ 640 acres
 4. No parcels with vineyard or orchard (except SJCOG, Inc. transactions for special needs)
 5. Must be land which would fulfill mitigation under the SJMSCP
 6. Not greater than two years old from the date of June 30th of each year with all acceptable comparables included (criteria 1-5). A minimum of 10 acceptable comparables are required for analysis. If the minimum of 10 transactions are not available, the time period will extend at three-month intervals prior to the beginning date until 10 comparables are gathered.
2. The update also changes the index used to bring the nominal values of the older comparable values in the 24-month set of comparables to current market values. The new approach better captures actual land market trends by changing the inflator from a flat percentage to an annual average representing the change in nominal land values represented by the prior two years of comparable transactions.
 3. The 2016 update also revises the method for determining encumbered land sale values for use in the fee calculation model. Prior to this update, the model was limited to the rare resales of encumbered properties within the County. The 2016 update analysis determined that encumbered land sales, on average, represent 70 percent of the fee title value. Rather than apply an index to older encumbered property sales for use in the fee model, the 2016 revised model established the basis for calculating a weighted average cost of easement acquisition as a set 70 percent of fee title value.
 4. Future fee calculations will be based on the term of the SJMSCP permits remaining (e.g., the term of the permits is 50 years and in 2016 there are 36 years remaining). Rather than calculate the fee based on the static 50-year term of the permits, the new model takes into consideration time actually left on the permit and gives a better correlation of acres remaining to be acquired under the plan during the life of the plan.

As in the previous model, the Category A analysis in the 2016 model results in costs of easement or fee title acquisition per acre by habitat type and zone and the final cost per acre for each habitat type is a function of the proportion of preserve acquisition by zone.

No changes are recommended for Southwest zone grassland easement acquisition, vernal pool preserves acquisition or for transaction costs associated with preserve acquisition.

II. Category B (Assessment & Enhancement) – Refined Cost Factors/Redistribution of Habitat/Consumer Price Index

The changes in this category include refined cost factors for biological site assessment and preserve enhancement and management planning.

1. Refined costs to better reflect the enhancement and restoration requirements of the SJMSCP.
2. The updated analysis redistributes preserve acres across the habitat types to more accurately reflect the range and types of natural lands preserves described in the adopted SJMSCP rather than all in riparian habitat classification.
3. Annually, the California Consumer Price Index (CPI), as reported by the California Department of Finance for the preceding 12 months (July-June), inflation factor will be applied to update annual costs for site assessment, management plans, and enhancement plans.

III. Category C (Management & Administration) – Refined Cost Factors/Long Term Investment/Consumer Price Index

The changes to this category include refined monitoring costs and updated management and administration costs that are based on actual SJCOG, Inc. expenditures incurred in these categories.

1. The update includes refinement to costs anticipated to be incurred once the term of the permit expires and assumes that the post permit costs will be lower than costs incurred during the permit term as many of the monitoring, reporting, and administrative compliance costs are not required post-permit.
2. Updates annual management, administrative, legal and other consultant costs associated with administration of the SJMSCP.
3. Annual cost updates will continue to use the California Consumer Price Index (CPI), as reported by the California Department of Finance, for the preceding 12 months (July – June) to keep up with inflation on an annual basis.

Updated SJMSCP Mitigation Fee Formula = 2017 SJMSCP Fees

The formula for fee calculation is categorized into three distinct components (discussed above) to calculate a supported fee per acre [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & administration)].

The 2017 SJMSCP fees calculated with the updated 2016 analysis are shown below.

Table 1 - 2017 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee
Open Space	\$6,806.00	\$1,713.00	\$385.94	\$8,904.94	\$8,905
AG/Natural	\$13,611.00	\$3,426.00	\$770.86	\$17,807.86	\$17,808
Vernal Pool (grasslands)	\$50,187.00	\$13,902.00	\$2,348.30	\$66,437.30	\$66,437
Vernal Pool (wetted)	\$49,273.00	\$58,159.00	\$2,305.42	\$109,737.42	\$109,737

Compared to the 2016, SJMSCP Fees, shown in the table below, the change is an overall increase of 14% in the Multi-purpose, Agricultural and Natural habitat classifications. The increase is due primarily to the large increase in Category A land acquisition costs. Also, the rarely impacted Vernal Pool Upland and Wetted habitat classifications increased 42% and 22% respectively, due primarily to enhancement and restoration costs associated with the creation of those habitat types.

Table 2 - 2016 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee
Open Space	\$5,206.81	\$1,651.07	\$949.55	\$7,807.42	\$7,807
AG/Natural	\$10,413.61	\$3,302.13	\$1,880.37	\$15,596.11	\$15,596
Vernal Pool (grasslands)	\$39,415.32	\$621.84	\$6,831.53	\$46,868.70	\$46,869
Vernal Pool (wetted)	\$39,415.32	\$44,025.87	\$6,831.53	\$90,272.73	\$90,273

Projects which participate under the SJMSCP benefit from a pre-determined streamlined processing of the project rather than navigating through the long and sometimes cumbersome regulatory process led by local jurisdiction staff outside the habitat plan. By opting for participation, the project can **choose** any number of ways to provide mitigation for the impacts of the project through the plan and even control the majority of the mitigation costs if desired. The options are:

1. Pay a fee;
2. Redesign the project to avoid/minimize impacts;
3. Provide land in lieu of the SJMSCP fee which the project will negotiate the easement/fee title costs; or
4. Any combination of the above options.

Or, the project proponent can choose to not participate in the plan and fulfill mitigation requirements on their own with state and federal permitting agencies.

On Thursday, September 22, 2016, the San Joaquin Council of Governments Board approved the attached HCP fee schedule for 2017. The Board coordinates the review of land costs to ensure that the attached land mitigation costs will satisfy habitat conservation and purchases.

All local jurisdictions are requested to approve the new fee schedule that will take effect on January 1, 2017.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Stephen Schwabauer
Community Development Director

Attachments:

- 1) Fee Schedule for 2017
- 2) SJCOG Staff Report w/Fee Analysis Update summary



SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

Steve DeBrum
CHAIR

Katherine Miller
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

2017 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$8,905
Natural	\$17,808
Agriculture	\$17,808
Vernal Pool - uplands	\$66,437
Vernal Pool - wetted	\$109,737

* Effective January 1, 2017 – December 31, 2017

2017 Endowment Fees with In-lieu Land**

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$3,426.00	\$770.86	\$4,196.86
Natural Lands	\$3,426.00	\$770.86	\$4,196.86
Vernal Pool Habitat			
<i>Vernal Pool Grasslands</i>	\$13,902.00	\$2,348.30	\$16,250.30
<i>Vernal Pool Wetted</i>	\$58,159.00	\$2,305.42	\$60,464.42

** Effective January 1, 2017 – December 31, 2017 in lieu of fees to be used as the endowment for the dedicated land preserves (Category B + C)

VELB Mitigation

A special fee category shall apply when removal of the Valley Elderberry Long-horned Beetle (VELB) habitat of elderberry shrubs occurs. The fee shall be paid to SJCOG, Inc. or a VELB mitigation bank approved by the Permitting Agencies. The current fee, as established in the VELB Conservation Fund Account managed by the Center for Natural Lands Management, and approved by the USFWS, is \$1,800 per VELB Unit (one unit= one stem over 1" in diameter at ground level which is removed). Fees shall be established by the JPA during preconstruction surveys (i.e., counts of stems to be removed with and without exit holes shall be completed during preconstruction surveys) and shall be paid to the JPA prior to ground disturbance or stem removal, whichever comes first.

Table of Contents	List of worksheet tabs and contents
Notes to User	Model overview and instructions for annual updates
Fee Summary Comparison	Table showing calculated fee amounts by habitat type and category; comparison to adopted fees; linked from other sheets; includes California CPI factor for Category C annual update
A1 PerAcreCostFactorsbyZone	Per acre easement cost factors by zone based on input from comparables and appraisal analysis
A2 PerAcreAcquisitionCost	Weighted acquisition cost factors by habitat type based on distribution of preserves by zone; adds transaction costs
A3 AcquisitionCostHabitatType	Total acquisition cost by habitat type, for preserves remaining to be acquired
A4 AcquisitionFEE	Category A fee by habitat type, based on remaining land conversion
B1 PreserveEnhancementCost	Weighted enhancement cost factors by habitat type based on estimate of acres enhanced and detailed per acre enhancement cost factors
B2 AssessmentEnhancementCost	All assessment and enhancement cost factors by habitat type
B3 AssessEnhancementCostAllocation	Total assessment and enhancement cost by habitat type, remainder of permit term
B4 AssessmentEnhancementFEE	Category B fee by habitat type, based on remaining land conversion
C MonitoringAdminFEE	Category C fee by habitat type, based on remaining land conversion; links to summary comparison for annual update
For 5-Year Update Only =>	Workbook break: the following tabs for Category C are only used in the 5-year economic analysis update
C1 MonitoringCost	Monitoring cost factors by habitat type, including post-permit annual cost
C2 PMAdminCost	Project management and administrative cost factors , including post-permit annual cost
C3 Endowment	Endowment cash flow, return assumptions, and total in year 51 to support post-permit annual cost
C4 MonitoringAdminCostAlloc	Total monitoring, management, and administrative cost by habitat type, remainder of permit term and endowment for post permit cost
C5 MonitoringAdminFEE	Category C fee by habitat type, based on remaining land conversion
Source for update acres =>	Workbook break: the following tabs are updated annually and every 5 years for acres inputs
1 SJMSCP Acres 6_4_2015	Land conversion and preserve acres by habitat type for the 50-year permit term (source table)
2 RemainingPreservetoAcquire	Preserve Acres, Total and Remaining to be Acquired (from Table 1 and Annual Report updates)
3 Cumulative Take_Remaining	Allowed and Remaining Incidental Take Acreage (from Table 1 and Annual Report updates)
4 PreserveAcquisitionSchedule	Preserve Acquisition Schedule, All Habitat Types, by Index Zone, Remaining Permit Term (from Table 2)

FINANCIAL ANALYSIS UPDATE FOR ADOPTION - August 10, 2016

	Category A	Category B	Category C		
2017 Fees - August 2016	Acquisition	Assessment & Enhancement	Monitoring, Management & Administration, & Post-permit Endowment	Total	Total Rounded
Other Open Space	\$6,806.00	\$1,713.00	\$385.94	\$8,904.94	\$8,905
Natural/Ag Lands	\$13,611.00	\$3,426.00	\$770.86	\$17,807.86	\$17,808
Vernal Pool Grasslands	\$50,187.00	\$13,902.00	\$2,348.30	\$66,437.30	\$66,437
Vernal Pool Wetted	\$49,273.00	\$58,159.00	\$2,305.42	\$109,737.42	\$109,737
	Category A	Category B	Category C		
2016 Fees - Adopted	Acquisition	Assessment & Enhancement	Monitoring, Management & Administration, & Post-permit Endowment	Total	Total Rounded
Other Open Space	\$5,206.81	\$1,651.07	\$949.55	\$7,807.42	\$7,807
Natural/Ag Lands	\$10,413.61	\$3,302.13	\$1,880.37	\$15,596.11	\$15,596
Vernal Pool Grasslands	\$39,415.32	\$621.84	\$6,831.53	\$46,868.70	\$46,869
Vernal Pool Wetted	\$39,415.32	\$44,025.87	\$6,831.53	\$90,272.73	\$90,273

Difference Per Acre (\$)	Acquisition	Assessment & Enhancement	Monitoring, Management & Administration, & Post-permit Endowment	Total	Total Rounded
Other Open Space	\$1,599	\$62	(\$564)	\$1,098	\$1,098
Natural/Ag Lands	\$3,197	\$124	(\$1,110)	\$2,212	\$2,212
Vernal Pool Grasslands	\$10,772	\$13,280	(\$4,483)	\$19,569	\$19,569
Vernal Pool Wetted	\$9,858	\$14,133	(\$4,526)	\$19,465	\$19,465

Percent Difference	Acquisition	Assessment & Enhancement	Monitoring, Management & Administration, & Post-permit Endowment	Total	Total Rounded
Other Open Space	31%	4%	-59%	14%	14%
Natural/Ag Lands	31%	4%	-59%	14%	14%
Vernal Pool Grasslands	27%	2136%	-66%	42%	42%
Vernal Pool Wetted	25%	32%	-66%	22%	22%

FINANCIAL ANALYSIS UPDATE FOR ADOPTION - August 10, 2016

TABLE A.1
SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)
Category A Per-Acre Acquisition Cost Factors by Zone (2016 dollars)

		Central Zone	Primary Zone of the Delta	Southwest Zone ³
Fee title value ¹	a	\$19,600	\$19,629	na
Easement percent of fee title value ²	b	70%	70%	na
Easement costs	a × b	\$13,720	\$13,740	\$1,000

1. SJCOG, Inc. Fee Study Property List, Table A and Table B

2. SJCOG, Inc. Appraisals as of March 2015

3. Based on standard easement cost in Southwest Zone of \$1,000/acre.

TABLE A.2
SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)
Per Acre Acquisition Cost by Preserve/Habitat Type (2016 dollars)

Preserve/Habitat Type		SJMSCP Zone			Total Weighted Acquisition Cost	Transaction Costs ⁵	Total Land Acquisition Costs Per Acre
		Central Zone	Primary Zone of the Delta	Southwest Zone			
		A	B	C	A + B + C = D	D × 5% = E	D + E
Easement cost by zone ¹	d	\$13,720	\$13,740	\$1,000			
Agricultural Lands							
Percent in zone ²	e	98%	2%	0%			
Weighted costs ³	d × e	\$13,472	\$248	\$0	\$13,720	\$686	\$14,406
Natural Lands							
Non-vernal pool natural lands							
Percent in zone ²	f	77%	4%	18%			
Weighted costs ³	d × f	\$10,600	\$610	\$183	\$11,393	\$570	\$11,963
Vernal pool grasslands ⁴		n/a	n/a	n/a	\$15,680	\$784	\$16,464
Vernal pool wetted ⁴		n/a	n/a	n/a	\$15,680	\$784	\$16,464

1. See Table A.1.

2. Percent of total lands in each category assumed to be in a given zone. Based on 1996 Economic Analysis.

3. Weighted average cost based on generalized proportion of total preserve land in each zone. Assumes easement acquisition for lands categorized as agriculture and all natural lands except vernal pool habitat.

4. Assumes fee title acquisition for vernal pool lands. Vernal pool habitat fee title land costs assumed to be about 80% of average Central Zone fee title costs.

5. Transaction costs include biological baseline reporting, appraisal, escrow, and survey costs. Costs are estimated at 5 percent of acquisition cost.

TABLE A.3

SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)

Total Acquisition Costs by Habitat Type, Remainder of Permit Term (2016 dollars)

Preserves by Habitat Type	Land Acquisition Cost Per Acre	Preserve Acres Remaining to be Acquired	Total Costs of Acquisition
Agricultural lands	\$14,406	51,585.03	\$743,133,957
Natural lands			
Non-vernal pool natural lands	\$11,963	17,736.77	\$212,184,980
Total for Natural/Ag Lands	\$13,781	69,321.80	\$955,318,937
Vernal pool grasslands	\$16,464	15,792.42	\$260,006,321
Vernal pool wetted	\$16,464	2,115.00	\$34,821,360

Sources: SJCOG, Inc., *SJMSCP 2015 Annual Report*, and Hausrath Economics Group.

TABLE A.4
SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)
Category A Acquisition
Fee Calculations (2016 dollars)

Habitat Type	Preserve Land Acquisition
Costs associated with natural/agricultural lands conversion	\$955,318,937
Natural/Agricultural land conversion (acres) , remaining	52,675.40
Multi-purpose open space conversion (acres), remaining ¹	35,021.59
Multiplier for natural/agricultural land conversion	1
Multiplier for multi-ourpose open space conversion ¹	0.5
Acquisition Component of Natural/Agricultural Lands Fee	\$13,611
Acquisition Component of Multi-Purpose Open Space Fee¹	\$6,806
Costs associated with vernal pool grasslands	\$260,006,321
Vernal pool grassland conversion (acres), remaining	5,180.80
Acquisition Component of Vernal Pool Grasslands Fee	\$50,187
Costs associated with vernal pool wetted	\$34,821,360
Vernal pool wetted conversion (acres), remaining	706.70
Acquisition Component of Vernal Pool Wetted Fee	\$49,273

1. As described in SJMSCP Section 7.4.1.2, the fee calculation allocates the costs associated with agricultural habitat and non-vernal pool natural lands preserves to conversion of both those high value lands (agricultural land and non-vernal pool natural land) and lower value multi-purpose open space. In other words, the SJMSCP does not enhance multi-purpose open space lands but allocates some of the costs of enhancements on agricultural and natural lands preserves to the conversion of multi-purpose open space lands to assist with the financing of those enhancements.

Sources: SJCOG, Inc., *SJMSCP 2015 Annual Report*, and Hausrath Economics Group.

TABLE B.1

SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)

Category B Assessment, Planning, Restoration and Enhancement

SJMSCP Preserve land by habitat type, enhancement analysis, and enhancement cost per preserve acre (2016 dollars)

Habitat Type	Total Preserve Acres (including neighboring lands preserves)	Percent of Preserve Acres Enhanced ¹	Acres Benefiting from Enhancements	Perimeter Hedgerow or Other Linear Habitat Feature (acres) ²	Enhancement Cost per Acre ³	Total Enhancement Cost	Enhancement Cost per Preserve Acre
	1	2	3	4	5	6	7
Agricultural Habitat Lands⁴	57,935	10%	5,794	776	\$55,399	\$42,989,981	\$742
Natural Lands							
Ditches	378	33%	126		\$119,049	\$15,000,124	
Grasslands	14,559	33%	4,853		\$20,318	\$98,602,769	
Oak woodlands	858	33%	286		\$31,957	\$9,139,788	
Riparian	2,725	33%	908		\$93,988	\$85,372,574	
Submerged aquatic in the Delta	10	100%	10		\$68,550	\$685,499	
<i>Subtotal</i>	<i>18,530</i>		<i>6,183</i>		<i>\$33,768</i>	<i>\$208,800,754</i>	
Other natural lands ⁵	6,445	33%	2,148		\$33,768	\$72,545,599	
Subtotal Non VP Natural	24,975					\$281,346,352	\$11,265
Vernal pool wetted	2,121	33%	707		\$58,197	\$41,145,279	\$19,399
Vernal pool grasslands	15,811	33%	5,270		\$13,579	\$71,567,437	\$4,526
Subtotal All Natural Lands	42,907		14,309			\$394,059,069	
Total	100,842		20,103			\$437,049,050	

See notes on following page

1. Enhancement criteria derived from the SJMSCP, Section 5.4.6.

2. Unlike most other habitat types, agricultural lands are enhanced by treating linear features that run along the edge of or through fields--features such as roads or drainage ditches. In these cases, the land area of direct enhancement activity is substantially less than that area benefiting from the enhancement. This has the advantage of minimizing impacts to agricultural land production. Installing pollinator hedgerows at the edges of fields and grassland borders along irrigation and drainage ditches, and planting nest trees and associated shrubs and grasses, are enhancements used in the cost analysis to represent the range of types of agricultural land enhancements outlined in the SJMSCP. In addition to benefits to species, these linear features offer benefits of preventing soil erosion and reducing costs for weed control and linear water conveyance infrastructure maintenance. They also enhance the entire field they are associated with, meeting the 10 percent enhancement criterion while also minimizing loss of productive agricultural land. The enhancement cost estimate for agricultural lands is therefore based on the acres of hedgerow or other linear feature multiplied by the cost per acre to install hedgerows and similar linear features.

3. The enhancement cost applies to the acres where construction and/or installation actually takes place. In the case of hedgerows or other edge features, this is only the relatively small area of activity, not the total area that is thereby enhanced. Enhancement cost includes costs for materials, construction labor, and equipment. In addition to the installation activity, the cost per enhanced acre also includes a cost for project oversight and contract administration and three years of maintenance and monitoring. For vernal pool wetted restoration, the cost includes 15 years of post-restoration monitoring.

4. For agricultural habitat lands, a SJMSCP describes a broad range of enhancement activities and a generalized target of 10 percent enhancement; providing benefits to species without substantially reducing the amount of agricultural land in production. This can be achieved by implementing the linear features described in footnote 2. Pollinator hedgerows or similar linear features enhance the entire field that they are associated with, thereby counting toward the 10 percent enhancement criteria while taking substantially less land out of production.

5. Estimated based on the weighted average cost for all other non-vernal pool natural lands.

Sources: Table A.1, SJCOG, Inc., ICF, and Hausrath Economics Group

TABLE B.2
SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)
Category B Assessment, Planning, Restoration and Enhancement Cost Factors (2016 dollars)
Remainder of Permit Term

Remaining years in permit term	34	
Biological Site Assessment		
Number of site visits per year	10	assumes 6 hours per visit
Annual cost	\$7,964	
Total Site Assessment cost remainder of permit term	\$270,769	
Preserve Management Plan Preparation		
Number of management plans per year	10	
Annual cost	\$53,092	assumes 40 hours per plan
Total Preserve Management Plan cost remainder of permit term	\$1,805,128	
Preserve Enhancement Plan Preparation		
Number of enhancement projects per year	5	
Annual cost	\$26,546	assumes 40 hours per plan for each enhancement project
Total Preserve Enhancement Plan cost remainder of permit term	\$902,564	
Preserve Enhancements on Agricultural Lands		
Enhancement cost per preserve acre	\$742	
Preserve Enhancements on Non-Vernal Pool Natural Lands		
Enhancement cost per preserve acre	\$11,265	
Vernal Pool Creation/Enhancement		
Enhancement cost per preserve acre	\$19,399	
Vernal Pool Upland Grassland Enhancement		
Enhancement cost per preserve acre	\$4,526	

Sources: SJCOG, Inc., ICF, and Hausrath Economics Group

TABLE B.3
SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)
Category B Assessment, Planning, Restoration and Enhancement (2016 dollars)
Cost Allocation by Habitat Type
Remainder of Permit Term

Preserves by Habitat Type	Acres Remaining to be Acquired ¹	Percent of Total	Costs - Remainder of Permit Term				
			<u>Total cost allocated by preserve type percent of total preserve land remaining to be acquired</u>			<u>Cost per acre multiplied by preserve acres by type remaining to be acquired</u>	
			Biological Site Assessment	Preserve Management Plans	Preserve Enhancement Plans	Preserve Enhancements	Vernal Pool Restoration
Agricultural lands	51,585.03	59%	\$160,126	\$1,067,505	\$533,752	\$38,278,062	na
Non-vernal pool natural lands	17,736.77	20%	\$55,057	\$367,046	\$183,523	\$199,806,829	na
Vernal pool grasslands	15,792.42	18%	\$49,021	\$326,809	\$163,405	\$71,483,314	na
Vernal pool wetted	2,115.00	2%	\$6,565	\$43,768	\$21,884	na	\$41,028,885
	87,229.22	100%	\$270,769	\$1,805,128	\$902,564	\$309,568,205	\$41,028,885

1. Includes 600 acres of neighboring lands preserves.

Sources: SJCOG, Inc., *SJMSCP 2015 Annual Report*, ICF, and Hausrath Economics Group.

TABLE B.4
SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)
Category B Assessment, Planning, Restoration and Enhancement
Fee Calculations (2016 dollars)
Remainder of Permit Term

Habitat Type	Biological Site Assessment	Preserve Management Plans	Preserve Enhancement Plans	Agricultural and Non VP Natural Land Enhancement	Total for Agricultural and Non VP Natural Land (incl. assessment and plans)	Vernal Pool Restoration / Enhancement	Total for Vernal Pool (incl. assessment and plans)
Costs associated with natural/agricultural lands conversion	\$215,183	\$1,434,551	\$717,275	\$238,084,891	\$240,451,900		
Natural/Agricultural land conversion (acres), remaining	52,675.4	52,675.4	52,675.4	52,675.4	52,675.4		
Multi-purpose open space conversion (acres), remaining ¹	35,021.6	35,021.6	35,021.6	35,021.6	35,021.6		
Multiplier for natural/agricultural land conversion	1	1	1	1	1		
Multiplier for multi-purpose open space conversion ¹	0.5	0.5	0.5	0.5	0.5		
Assessment & Enhancement Component of Natural/Agricultural Lands Fee	\$3	\$20	\$10	\$3,392	\$3,426		
Assessment & Enhancement Component of Multi-Purpose Open Space Fee¹	\$2	\$10	\$5	\$1,696	\$1,713		
Costs associated with vernal pool grasslands	\$49,021	\$326,809	\$163,405			\$71,483,314	\$72,022,549
Vernal pool grassland conversion (acres), remaining	5,180.8	5,180.8	5,180.8			5,180.8	5,180.8
Assessment & Enhancement Component of Vernal Pool Grasslands Fee	\$9	\$63	\$32			\$13,798	\$13,902
Costs associated with vernal pool wetted	\$6,565	\$43,768	\$21,884			\$41,028,885	\$41,101,102
Vernal pool wetted conversion (acres), remaining	706.7	706.7	706.7			706.7	706.7
Assessment & Enhancement Component of Vernal Pool Wetted Fee	\$9	\$62	\$31			\$58,057	\$58,159

1. As described in SJMSCP Section 7.4.1.2, the fee calculation allocates the costs associated with agricultural habitat and non-vernal pool natural lands preserves to conversion of both those high value lands (agricultural land and non-vernal pool natural land) and lower value multi-purpose open space. In other words, the SJMSCP does not enhance multi-purpose open space lands but allocates some of the costs of enhancements on agricultural and natural lands preserves to the conversion of multi-purpose open space lands to assist with the financing of those enhancements.

Sources: SJCOG, Inc., SJMSCP 2015 Annual Report, ICF, and Hausrath Economics Group.

TABLE C.5 for Annual Update
 SJMSCP Fee Update - 2016 (for 2017 SJMSCP Development Fee Cycle)
 Category C Monitoring and Program Management/Administration, including endowment for post-permit costs
 Fee Calculations (2016 dollars)
 Remainder of Permit Term

Habitat Type	Project Management & Administration						Total
	Monitoring	Project Management	Administration	Land Manager Coordination	Financial Plan 5-Year Updates	Post Permit Costs	
Costs associated with natural/agricultural lands conversion	\$19,920,137	\$12,542,577	\$5,413,076	\$211,667	\$411,840	\$14,921,108	\$53,420,405
Natural/Agricultural land conversion (acres) , remaining	53,133.4	53,133.4	53,133.4	53,133.4	53,133.4	53,133.4	53,133.4
Multi-purpose open space conversion (acres), remaining ¹	35,288.7	35,288.7	35,288.7	35,288.7	35,288.7	35,288.7	35,288.7
Multiplier for natural/agricultural land conversion	1	1	1	1	1	1	1
Multiplier for multi-purpose open space conversion ¹	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Monitoring & Administration Component of Natural/Agricultural Lands Fee	\$281	\$177	\$76	\$3	\$6	\$211	\$755
Monitoring & Administration Component of Multi-Purpose Open Space Fee¹	\$141	\$89	\$38	\$2	\$3	\$106	\$378
Costs associated with vernal pool grasslands	\$4,443,040	\$2,797,529	\$1,207,347	\$47,211	\$91,858	\$3,328,043	\$11,915,028
Vernal pool grassland conversion (acres), remaining	5,180.8	5,180.8	5,180.8	5,180.8	5,180.8	5,180.8	5,180.8
Monitoring & Administration Component of Vernal Pool Grasslands Fee	\$858	\$540	\$233	\$9	\$18	\$642	\$2,300
Costs associated with vernal pool wetted	\$595,034	\$374,659	\$161,694	\$6,323	\$12,302	\$445,708	\$1,595,720
Vernal pool wetted conversion (acres), remaining	706.7	706.7	706.7	706.7	706.7	706.7	706.7
Monitoring & Administration Component of Vernal Pool Wetted Fee	\$842	\$530	\$229	\$9	\$17	\$631	\$2,258

Note: Accounts for existing preserve fund balances applied against these costs.

1. The fee calculation allocates the costs associated with agricultural habitat and non-vernal pool natural lands preserves to conversion of both those high value lands (agricultural land and non-vernal pool natural land) and lower value multi-purpose open space, thereby assisting with the financing of management and monitoring on agricultural and natural lands preserves.

Sources: SJCOG, Inc. and SJMSCP 2014 Annual Report (February 2015 draft), ICF, and Hausrath Economics Group.

TABLE 1
2016 Economic Analysis and Fee Update
Land Conversion and Preserve Acres by Habitat Type for the 50-year Permit Term

Habitat Type	Land Conversion	Number of Preserve Acres to Land Conversion Acres	Total Preserve Acres for Compensation	Neighboring Land Protection Preserves	Total All Preserve Acres	Percent Total Acres
Agricultural lands¹	57,635	1.00	57,635	300	57,935	57%
Natural Lands						
Ditches ²	126	3.00	378		378	0.37%
Grasslands ³	4,853	3.00	14,559		14,559	14.44%
Oak woodlands ⁴	286	3.00	858		858	0.85%
Riparian ⁵	900	3.00	2,700	25	2,725	2.70%
Submerged aquatic in the Delta Zone	3	3.00	10		10	0.01%
Vernal pool grasslands ⁶						
VP - wetted surface area	707	3.00	2,121		2,121	2.10%
VP -upland grassland	5,187	3.00	15,561		15,561	15.43%
VP -Neighboring Land Protection preserves ⁷		na		250	250	0.25%
Other natural lands ⁸	2,140	3.00	6,420	25	6,445	6.39%
Subtotal Natural Lands	14,202		42,607	300	42,907	42.55%
Total	71,837		100,242	600	100,842	100.00%

NOTE: In the following footnotes, "type" refers to the mapped habitat unit identified in the SJMSCP Biological Analysis (Chapter 2). The following footnotes provide summaries only and the reader should refer to the Biological Analysis for a detailed description of each habitat type.

1. Neighboring Land Protection Preserves consist of ditched agricultural lands providing habitat for giant garter snake and pond turtle and other lands as needed for compensation to other covered species associated with agricultural land preserves,
2. Drainage ditches (unlined) generally found in agricultural fields (D types).
3. Valley grasslands (G types) and Foothill grasslands (G2 types).
4. Blue Oak woodlands, savanna and forests (BL types), Blue Oak Conifer woodlands, savanna and forests (BCN types), Valley Oak Woodland, savanna and forests (V types), and Mixed Oak Woodlands, savanna and forests (O types).
5. This category includes those portions of rivers and major streams located outside the Primary Zone of the Delta (Mokelumne, Calaveras, Stanislaus, and San Joaquin Rivers). These were originally included in a separate "Riparian Zone" during the SJMSCP planning process (i.e., "Riparian" refers to a zone rather than to the "Riparian" habitat type. The Riparian Zone was "absorbed" or combined into its surrounding zone (i.e., Central/Central-Southwest) in the final SJMSCP. It generally included River and Deep water channel (W), Tributary Streams (W2), Creeks-intermittent and perennial (W3, W3-i, W3-p), Dead-end sloughs (W-4) and their associated riparian habitats (Great Valley Riparian - R, R2, R3, R5, R4, S, S2). This category includes 25 acres of Neighboring Lands Protection Preserves for Valley elderberry longhorn beetle habitat.
6. Vernal pool grasslands (G3 type) .
7. The vernal pool preserves for Neighboring Land Protection consist of existing vernal pools (no creation requirement). Enhancements will benefit the tiger salamander.
8. This category includes all natural land types **except for Vernal Pools**. **Cost estimates in this category are an average of the costs of acquiring, restoring, enhancing the Natural Land categories specified in the preceding categories excluding Vernal Pools**. This category also includes natural lands not included in other categories: All Water Features (W types), Channel islands (I types), tule island and mudflat (I2) marsh, and Diablan sage scrub (S3 types) and all other types of Natural Lands.

TABLE 2
2016 Economic Analysis and Fee Update
Preserve Acres, Total and Remaining to be Acquired

Preserve/Habitat Type	Total Preserve Acres - 50-year Permit	Total Preserve Acres Acquired through 12/31/2015	Total Preserve Acres Remaining to Be Acquired (links to A.3, B.3. and C.4)
Agricultural lands	57,935	6,349.97	51,585.03
Natural lands			
Ditches	378	-	378.00
Grasslands	14,559	7,156.83	7,402.17
Oak woodlands	858	-	858.00
Riparian	2,725	50.80	2,674.20
Submerged aquatic in the Delta	10	-	10.00
Other natural lands	6,445	30.60	6,414.40
<i>Subtotal non-vp natural lands</i>	24,975	7,238.23	17,736.77
Total Non VP Natural/Ag Lands	82,910	13,588.20	69,321.80
Vernal pool wetted	2,121	6.00	2,115.00
Vernal pool grasslands	15,811	18.585	15,792.42
Total	100,842	13,612.78	87,229.22

Sources: Table 1 and SJCOG, Inc., 2015 Annual Report Table 6 and Table 12

TABLE 3
2016 Economic Analysis and Fee Update
Allowed and Remaining Incidental Take Acreage

Preserve/Habitat Type	Take Authorizations -		
	50-year Permit (including multi- purpose open space)	Cumulative Acres of Take through 12/31/2015	Remaining Acres of Land Conversion, (links to A.4, B.4. and C.5)
Agriculture	57,635	12,821.69	44,813.31
Multi-purpose (other open space)	37,465	2,443.41	35,021.59
Natural lands			
Vernal pool wetted	707	0.30	706.70
Vernal pool upland grassland	5,187	6.20	5,180.80
All other natural lands	8,308	446.24	7,862.09
Total	109,302	15,717.84	93,584.49

Sources: Table 1, SJMSCP Table 1-1 and Table 4.2-2; SJCOG, Inc., 2015 Annual Report Table 4 (revised)

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE LODI CITY COUNCIL SETTING
THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION
AND OPEN SPACE PLAN DEVELOPMENT FEE SCHEDULE FOR 2017, AND
FURTHER UPDATING THE FEE MODEL FOR THE CONSERVATION PLAN

=====

WHEREAS, the City Council of the City of Lodi adopted an ordinance establishing the authority for collection of a Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new developments pursuant to the SJMSCP within the City of Lodi; and

WHEREAS, a "Fee Study" dated July 16, 2001, was prepared, which analyzed and identified the costs, funding, and cost-benefit of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; and

WHEREAS, the purpose of the SJMSCP Development Fee is to finance the goals and objectives of the SJMSCP that include, but are not limited to, preserve land acquisition, preserve enhancement, land management, and administration that compensate for such lands lost as a result of future development in the City of Lodi and in San Joaquin County; and

WHEREAS, after considering the Fee Study and the testimony received at the public hearing, the Lodi City Council approved said report; and further found that the future development in the City of Lodi will need to compensate cumulative impacts to threatened, endangered, rare, and unlisted SJMSCP Covered Species and other wildlife and compensation for some non-wildlife related impacts to recreation, agriculture, scenic values and other beneficial Open Space uses; and

WHEREAS, an "Updated Fee Study" dated November 2, 2006, was prepared, which analyzed and identified the costs, funding, and indexing of the SJMSCP; and

WHEREAS, the SJMSCP Development Fees are divided into four categories: multi-purpose open space conversion; natural land and agricultural habitat land; and vernal pool habitat; and

WHEREAS, the SJMSCP Development Fees for these four categories will be increased consistent with the Updated Fee Study findings for the year 2016; and

WHEREAS, to ensure that the SJMSCP development fees keep pace with inflation, annual adjustments, based on the method set forth in this resolution, shall be made to the fees annually; and

WHEREAS, the method of annual adjustments was modified in 2011 and again in 2016; and

WHEREAS, the Updated Fee Study with the SJMSCP and the fee amendment were available for public inspection and review in the office of the City Clerk for more than ten days prior to the date of this Public Hearing.

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

1. The City Council finds and declares that the purposes and uses of the Development Fee, and the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed, are all established in Ordinance No. 1707, and remain valid, and the City Council therefore adopts such determinations.
2. The City Council finds and declares that since adoption of Ordinance No. 1707, the cost of land has increased in San Joaquin County; and that in order to maintain the reasonable relationship established by Ordinance No. 1707, it is necessary to increase the Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
3. The Development Fee for natural lands, agricultural land, vernal pool habitat and multi-purpose open space conversion shall be consistent with the table identified in Exhibit "A" and attached hereto.
4. The modification to the method of annual adjustments as set forth on Exhibit "B" is hereby adopted.
5. The Fee provided in this resolution shall be effective on January 1, 2017.
6. The Lodi City Council hereby approves the proposed Habitat Conservation and Open Space fee adjustment.

Dated: November 2, 2016

=====

I hereby certify that Resolution No. 2016-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2016, by the following vote:

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

JENNIFER M. FERRAIOLO
City Clerk

EXHIBIT "A"



SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

Steve DeBram
CHAIR

Katherine Müller
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

2017 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$8,905
Natural	\$17,808
Agriculture	\$17,808
Vernal Pool - uplands	\$66,437
Vernal Pool - wetted	\$109,737

* Effective January 1, 2017 – December 31, 2017

2017 Endowment Fees with In-lieu Land**

Type of Preserve	<i>Enhancement Cost/acre</i>	<i>Land Management Cost/acre</i>	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$3,426.00	\$770.86	\$4,196.86
Natural Lands	\$3,426.00	\$770.86	\$4,196.86
Vernal Pool Habitat			
<i>Vernal Pool Grasslands</i>	\$13,902.00	\$2,348.30	\$16,250.30
<i>Vernal Pool Wetted</i>	\$58,159.00	\$2,305.42	\$60,464.42

** Effective January 1, 2017 – December 31, 2017 in lieu of fees to be used as the endowment for the dedicated land preserves (Category B + C)

VELB Mitigation

A special fee category shall apply when removal of the Valley Elderberry Long-horned Beetle (VELB) habitat of elderberry shrubs occurs. The fee shall be paid to SJCOG, Inc. or a VELB mitigation bank approved by the Permitting Agencies. The current fee, as established in the VELB Conservation Fund Account managed by the Center for Natural Lands Management, and approved by the USFWS, is \$1,800 per VELB Unit (one unit= one stem over 1" in diameter at ground level which is removed). Fees shall be established by the JPA during preconstruction surveys (i.e., counts of stems to be removed with and without exit holes shall be completed during preconstruction surveys) and shall be paid to the JPA prior to ground disturbance or stem removal, whichever comes first.

EXHIBIT “B”
2016 SJMSCP Financial Analysis Model Updates

Updates/Changes to the Financial Analysis Model by SJMSCP Fee Category:

I. Category A (Acquisition) – Comparables:

This category addresses land valuation and is based on comparable land sales in San Joaquin County. To be included in the analysis, the land sale must have occurred in specific zones of the SJMSCP plan area (Central Zone and Delta Zone) over an established 2-year period. Each year, all qualified comparables in each zone, including SJCOG, Inc. easements, are evaluated to set a weighted cost per acre using the methodology established in the 2007 and 2011 Financial Analysis Updates.

1. The 2016 update increases the size of parcels that can be considered as a valid comparable from 500 acres to 640 acres.

The criteria to determine valid comparables to be used in the weighted calculation are:

1. All SJCOG, Inc. transactions (fee title and appraised value of unencumbered property)
 2. Sales not less than 40 acres
 3. Sales not greater than ~~500~~ 640 acres
 4. No parcels with vineyard or orchard (except SJCOG, Inc. transactions for special needs)
 5. Must be land which would fulfill mitigation under the SJMSCP
 6. Not greater than 2 years old from the date of June 30th of each year with all acceptable comparables included (criteria 1-5). A minimum of 10 acceptable comparables are required for analysis. If the minimum of 10 transactions are not available, the time period will extend at 3 month intervals prior to the beginning date until 10 comparables are gathered.
2. The update also changes the index used to bring the nominal values of the older comparable values in the 24-month set of comparables to current market values. The new approach better captures actual land market trends by changing the inflator from a flat percentage to an annual average representing the change in nominal land values represented by the prior two years of comparable transactions.
 3. The 2016 update also revises the method for determining encumbered land sale values for use in the fee calculation model. Prior to this update, the model was limited to the rare resales of encumbered properties within the County. The 2016 update analysis determined that encumbered land sales, on average, represent 70% of the fee title value. Rather than apply an index to older encumbered property sales for use in the fee model, the 2016 revised model established the basis for calculating a weighted average cost of easement acquisition as a set 70% of fee title value.
 4. Future fee calculations will be based on the term of the SJMSCP permits remaining (e.g., the term of the permits is 50 years and in 2016 there are 36 years remaining). Rather than calculate the fee based on the static 50-year term of the permits, the new model takes into consideration time actually left on the permit and gives a better correlation of acres remaining to be acquired under the plan during the life of the plan.

As in the previous model, the Category A analysis in the 2016 model results in costs of easement or fee title acquisition per acre by habitat type and zone and the final cost per acre for each habitat type is a function of the proportion of preserve acquisition by zone.

No changes are recommended for Southwest zone grassland easement acquisition, vernal pool preserves acquisition or for transaction costs associated with preserve acquisition.

II. Category B (Assessment & Enhancement) – Refined Cost Factors/Redistribution of Habitat/Consumer Price Index

The changes in this category include refined cost factors for biological site assessment and preserve enhancement and management planning.

1. Refined costs to better reflect the enhancement and restoration requirements of the SJMSCP.
2. The updated analysis redistributes preserve acres across the habitat types to more accurately reflect the range and types of natural lands preserves described in the adopted SJMSCP rather than all in riparian habitat classification.
3. Annually, the California Consumer Price Index (CPI), as reported by the California Department of Finance for the preceding 12 months (July-June), inflation factor will be applied to update annual costs for site assessment, management plans, and enhancement plans.

III. Category C (Management & Administration) – Refined Cost Factors/Long Term Investment/Consumer Price Index

The changes to this category include refined monitoring costs and updated management and administration costs that are based on actual SJCOG, Inc. expenditures incurred in these categories.

1. The update includes refinement to costs anticipated to be incurred once the term of the permit expires and assumes that the post permit costs will be lower than costs incurred during the permit term as many of the monitoring, reporting, and administrative compliance costs are not required post-permit.
2. Updates annual management, administrative, legal and other consultant costs associated with administration of the SJMSCP.
3. Annual cost updates will continue to use the California Consumer Price Index (CPI), as reported by the California Department of Finance, for the preceding 12 months (July – June) to keep up with inflation on an annual basis.



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

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

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTING RESOLUTION SETTING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR 2017 AND UPDATING THE FEE MODEL FOR THE CONSERVATION PLAN

PUBLISH DATE: SATURDAY, OCTOBER 22, 2016

LEGAL AD

TEAR SHEETS WANTED: One (1) please

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

DATED: THURSDAY, OCTOBER 20, 2016

ORDERED BY: JENNIFER M. FERRAILOLO
CITY CLERK

for Jennifer M Ferraiolo
PAMELA M. FARRIS
DEPUTY CITY CLERK

ELIZABETH BURGOS
ADMINISTRATIVE CLERK

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

LNS Emailed to the Sentinel at dianer@lodinews.com at _____ (time) on _____ (date) _____ (pages)
Phoned to confirm receipt of all pages at _____ (time) EB _____ PMF (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION SETTING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR 2017 AND UPDATING THE FEE MODEL FOR THE CONSERVATION PLAN

On Thursday, October 20, 2016, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adopting a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2017 and updating the fee model for the Conservation Plan (attached and marked as Exhibit A) was posted at the following locations:

Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum
WorkNet Office

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

Executed on October 20, 2016, at Lodi, California.

ORDERED BY:

**JENNIFER M. FERRAILOLO
CITY CLERK**

A handwritten signature in cursive script that reads "Jennifer M. Ferraiolo".

for
PAMELA M. FARRIS
DEPUTY CITY CLERK

ELIZABETH BURGOS
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 2, 2016

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Ferraiolo
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 2, 2016**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Adopting a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2017 and updating the fee model for the Conservation Plan.**

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

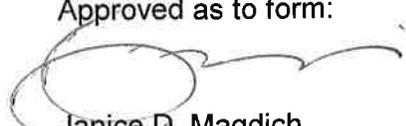
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:


Jennifer M. Ferraiolo
City Clerk

Dated: October 19, 2016

Approved as to form:


Janice D. Magdich
City Attorney

AVISO: Para obtener ayuda interpretativa con esta noticia, por favor llame a la oficina de la Secretaria Municipal, a las (209) 333-6702.



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Provide Direction on the Setting of Rebate Caps for the Annual Lodi Electric Utility Solar Rebate Program

MEETING DATE: November 2, 2016

PREPARED BY: Business Development Manager

RECOMMENDED ACTION: Provide direction on the setting of rebate caps for the annual Lodi Electric Utility Solar Rebate Program

BACKGROUND INFORMATION: Senate Bill 1 (SB1) was enacted by the State of California in August 2006 to encourage the installation of high-quality solar photovoltaic (PV) systems. Also known as the “California Solar Initiative” SB1 set a statewide goal of adding 3,000 MW of new solar PV systems over 10 years and mandated the establishment of solar PV incentive programs for publicly owned utilities (POU’s). In the first year, SB1 required POU’s to provide a rebate incentive of no less than \$2.80/watt; declining at a rate of 7 percent each year thereafter.

Lodi Electric Utility (LEU) has provided rebate incentives for the installation of solar PV systems since 2008. In the absence of new legislation, 2017 will be the 10th and final year of LEU’s solar rebate program. SB1 is an unfunded state mandate; however, POU’s are allowed to collect a separate surcharge to be used for solar PV system rebate incentives. LEU’s Program is funded by the California Solar Surcharge (“CSS”). The amount collected for CSS is \$0.00125 per kilowatt-hour assessed on each customer’s utility bill. LEU’s annual solar rebate program budget totals approximately \$600,000.

When LEU’s solar rebate program began in 2008, the maximum system rebate amount or “cap” was set at \$375,000 and funds were distributed by rate class (i.e. residential; non-residential), on a first-come, first-serve basis. Over subsequent years, as the cost of solar decreased and interest became more widespread, the rebate cap has been substantially reduced in an effort to incentivize a greater number of solar installations. When annual demand for rebate incentives exceeded available program budget, LEU began using a lottery selection process in an effort to distribute funds in a fair and equitable manner. Over the last few years, solar rebate incentive caps have been set at \$7,000 for residential and \$40,000 for non-residential, with no more than 50 percent of total project costs eligible. Even under this approach, the number of interested customers has exceeded available rebate funds.

At the February 2 Council meeting staff was directed to launch the 2016 solar rebate program with a reduced incentive cap of \$5,000 for residential, while retaining the same \$40,000 limit for non-residential. Staff was also directed to maintain a waiting list that could be carried forward to 2017, should applications exceed available funding. Based on the number of applications received in prior years, approximately two-thirds of the \$610,000 solar rebate budget was allocated to residential solar rebate incentives and the balance was allocated for non-residential solar rebate incentives.

APPROVED: _____
Stephen Schwabauer, City Manager

Rebates were ultimately reserved for all 84 of the residential solar applications submitted; a greater number than would have otherwise been funded under the prior rebate limit. On the non-residential side, a total of 15 applications were received, requesting rebates in excess of available program budget. Staff selected applications through a lottery to establish the order funding would be awarded to each project. This resulted in an initial waiting list of 10 projects; most of which may still be eligible for a rebate in 2017, reducing the availability of solar rebates available to new applicants. As an example, if all 10 projects move forward and are eligible to receive the maximum \$40,000 non-residential solar rebate, two-thirds of the 2017 solar rebate program would be unavailable to new applicants.

FISCAL IMPACT: Modification of the annual solar rebate program incentive caps will not result in a fiscal impact to Lodi Electric Utility; however, such changes could impact the effectiveness of the solar rebate incentive program.

FUNDING AVAILABLE: LEU's Program is funded by the California Solar Surcharge. The amount collected is \$0.00125 per kilowatt-hour assessed on each customer's utility bill.

Adam Brucker
Business Development Manager