



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: November 3, 2010

Time: Closed Session 6:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

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

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

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, 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 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Review of Council Appointee – City Manager to Include Employment, Appointment, and Evaluation of Performance (Government Code 54957)

C-3 Adjourn to Closed Session

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

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Pledge of Allegiance

C. Presentations

- C-1 Homeless Youth Awareness and Runaway Prevention Month
- C-2 Presentation by Hospice of San Joaquin Regarding 2010 Tree of Lights
- C-3 Quarterly Update by the Greater Lodi Area Youth Commission (COM)

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

- D-1 Receive Register of Claims in the Amount of \$5,038,696.85 (FIN)
- D-2 Approve Minutes (CLK)
 - a) October 19, 2010 (Shirtsleeve Session)
 - b) October 20, 2010 (Regular Meeting)
 - c) October 26, 2010 (Shirtsleeve Session)
- Res. D-3 Adopt Resolution Awarding the Purchase of 25,000 Feet of Underground Cable to General Cable Corporation, of Highland Heights, Kentucky (\$88,685.63) (EUD)
- Res. D-4 Adopt Resolution Accepting Improvements Under Contract for 2010 Alley Reconstruction Project and Appropriating Funds (\$11,289.32) (PW)
- Res. D-5 Adopt Resolution Authorizing the City Manager to Execute Consent to Assignment by Treadwell & Rollo, Inc. and Assumption of Contract by Langan Engineering & Environmental Services, Inc. (PW)

- Res. D-6 Adopt Resolution Authorizing the City Manager to Execute the Service Maintenance Agreement with Sungard Public Sector, Inc. (\$131,967.14) (PD)
- Res. D-7 Adopt Resolution Increasing Parking Fines for Lodi Municipal Code and California Vehicle Code Sections (PD)
- Res. D-8 Adopt Resolution Approving Year 2010 Amendments to Conflict of Interest Code (Government Code §87306.5) (CA)
- D-9 Set Public Hearing for November 17, 2010, to Consider Unmet Transit Needs in Lodi (PW)
- D-10 Set Public Hearing for November 17, 2010, to Consider Adoption of Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2011 (CD)

E. Comments by the Public on Non-Agenda Items

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

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

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

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

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

H. Public Hearings

- Ord. (8) H-1 Public Hearing to Consider Adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code with Local Amendments Including a Fee Schedule for Operational Permits and ATC 20 Placards (CD)

I. Communications – None

J. Regular Calendar

- Ord. J-1 Introduce Ordinance Amending Lodi Municipal Code Chapter 2.44 – Personnel System – by Repealing and Reenacting Sections 2.44.070, "Composition of Board – Vacancies," and 2.44.100, "Hearing of Appeals" (CA)

K. Ordinances

- Ord. K-1 Adopt Ordinance No. 1833 Entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.225, 'Schedule NEM – Net Energy Metering Rider,' and Section 13.20.227, 'Schedule CEM – Co-Energy Metering Rider'" (CLK)

L. Adjournment

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

Randi Johl
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Homeless Youth Awareness and Runaway Prevention Month
MEETING DATE: November 3, 2010
PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Katzakian present a proclamation proclaiming the month of November 2010 as “Homeless Youth Awareness and Runaway Prevention Month” in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the month of November 2010 as “Homeless Youth Awareness and Runaway Prevention Month” in the City of Lodi. Jennifer Jones, Associate Executive Director of the Family and Youth Services of San Joaquin County, will be at the meeting to accept the proclamation.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None.

Randi Johl
City Clerk

RJ/JMR

APPROVED: _____
Konradt Bartlam, Interim City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Presentation by Hospice of San Joaquin Regarding 2010 Tree of Lights
MEETING DATE: November 3, 2010
PREPARED BY: City Manager

RECOMMENDED ACTION: Receive presentation regarding 2010 Hospice Tree of Lights.

BACKGROUND INFORMATION: Stephen Guasco, Executive Director for Hospice of San Joaquin, will make a presentation regarding the 2010 Hospice Tree Lighting in the City of Lodi.

Konradt Bartlam
Interim City Manager

APPROVED: _____
Konradt Bartlam, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Quarterly Update by the Greater Lodi Area Youth Commission
MEETING DATE: November 3, 2010
PREPARED BY: Lodi Youth Commission Liaison

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

BACKGROUND INFORMATION: The LYC desires to stay more connected to the City Council and the community by having current commissioners provide a quarterly report on the activities of the Commission and also recognize the following students that have been honored as Teen of the Month: September 2010, Roman Butler; and October 2010, Rebeca Galvan.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

James M. Rodems
Community Center Director

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

APPROVED: _____
Konradt Bartlam, Interim City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims through October 14, 2010 in the Total Amount of \$5,038,696.85

MEETING DATE: November 3, 2010

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$5,038,696.85.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$5,038,696.85 through 10/14/10. Also attached is Payroll in the amount of \$1,207,314.03.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

Accounts Payable
Council Report

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Date - 10/19/10

As of Thursday	Fund	Name	Amount
10/14/10	00100	General Fund	1,079,645.98
	00120	Vehicle Replacement Fund	11,158.00
	00160	Electric Utility Fund	20,492.91
	00161	Utility Outlay Reserve Fund	93,231.20
	00164	Public Benefits Fund	46,625.31
	00166	Solar Surcharge Fund	7,788.00
	00167	Energy Efficiency & CBGP-ARRA	4,200.00
	00170	Waste Water Utility Fund	901,088.24
	00171	Waste Wtr Util-Capital Outlay	330,277.26
	00173	IMF Wastewater Facilities	5,785.00
	00180	Water Utility Fund	1,451,080.46
	00181	Water Utility-Capital Outlay	39,829.95
	00182	IMF Water Facilities	45,328.88
	00210	Library Fund	2,352.39
	00234	Local Law Enforce Block Grant	2,050.48
	00235	LPD-Public Safety Prog AB 1913	61.20
	00260	Internal Service/Equip Maint	38,160.22
	00270	Employee Benefits	430,570.26
	00310	Worker's Comp Insurance	26,189.79
	00321	Gas Tax	5,419.39
	00325	Measure K Funds	15,116.73
	00326	IMF Storm Facilities	22,423.00
	00331	Federal - Streets	2,154.44
	00337	Traffic Congestion Relf-AB2928	263.56
	00338	IMF-Regional Transportation	27,163.85
	00339	Prop.1B-Local Streets & Roads	20.21
	00340	Comm Dev Special Rev Fund	2,265.38
	00345	Community Center	19,264.33
	00346	Recreation Fund	27,241.15
	00459	H U D	2,737.50
	01212	Parks & Rec Capital	19.93
	01218	IMF General Facilities-Adm	13,057.00
	01241	LTF-Pedestrian/Bike	13,457.65
	01250	Dial-a-Ride/Transportation	309,148.86
	01410	Expendable Trust	23,963.90
Sum			5,019,632.41
	00190	Central Plume	19,064.44
Sum			19,064.44
Total Sum			5,038,696.85

Council Report for Payroll

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Date - 10/19/10

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	10/03/10	00100	General Fund	745,738.20
		00160	Electric Utility Fund	152,722.20
		00164	Public Benefits Fund	4,976.05
		00170	Waste Water Utility Fund	97,346.27
		00180	Water Utility Fund	1,494.87
		00210	Library Fund	29,708.61
		00235	LPD-Public Safety Prog AB 1913	2,634.20
		00260	Internal Service/Equip Maint	26,882.83
		00321	Gas Tax	41,187.64
		00340	Comm Dev Special Rev Fund	21,658.33
		00345	Community Center	26,549.82
		00346	Recreation Fund	49,873.63
		01250	Dial-a-Ride/Transportation	6,541.38
Pay Period Total:				
Sum				1,207,314.03



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) October 19, 2010 (Shirtsleeve Session)
b) October 20, 2010 (Regular Meeting)
c) October 26, 2010 (Shirtsleeve Session)

MEETING DATE: November 3, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) October 19, 2010 (Shirtsleeve Session)
b) October 20, 2010 (Regular Meeting)
c) October 26, 2010 (Shirtsleeve Session)

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, OCTOBER 19, 2010**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 19, 2010, commencing at 7:00 a.m.

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

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Receive Operational/Financial Report for the Parks and Recreation Department (PR)

Interim City Manager Rad Bartlam briefly introduced the subject matter of the Parks and Recreation Annual Report for 2009/10.

Interim Parks and Recreation Director Jim Rodems provided a PowerPoint presentation regarding the Annual Report for Parks and Recreation. Specific topics of discussion included department overview, recreation, budget target for 2009/10, two-year comparison, deficit issues, program areas, program cost and attendance, program cost versus expenditure, current challenges, goals for 2010/11, parks budget, general park facts, division accomplishments, and park goals for 2010/11.

In response to Council Member Hansen, Mr. Rodems stated that hours at Lodi Lake have increased but revenues do not match because they are spread across two budget cycles.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated some of the expenditures related to aquatics will be made up in the next fiscal year.

In response to Council Member Hansen, Mr. Rodems stated the 28,000 attendance figure reflects separate single uses including boat house uses. Mr. Rodems stated the 4,251 single-use figure for youth sports reflects single uses including kids in multiple sports.

In response to Council Member Hansen, Mr. Rodems stated aquatics figures are high because of the summer league program and attendance at Lodi Lake. He stated the pool and swim programs, including the Hutchins Street Square pool, all fall under the single-use figures.

In response to Council Member Mounce, Recreation Supervisor Mike Reese stated the miscellaneous category includes indoor soccer classes, the Christmas tree run, Farmers Market at the Lake, holiday events, and karate and tennis classes.

In response to Council Member Johnson, Mr. Reese stated changes in attendance, expenditures, and revenues are tracked through rosters.

In response to Council Member Hansen, Mr. Rodems stated the economy has impacted the programs but overall revenue generation has increased from previous years even though the target numbers are still not being hit.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated staff has not polled other cities as to their expenditures on youth sports programs. Mr. Rodems stated the after school and miscellaneous programs also include youth numbers.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated that, while some numbers may have declined based on the economy, overall the participation numbers appear to be holding steady over the last ten-year period.

In response to Council Member Hansen, Mr. Reese stated some competitive activity is provided in the surrounding area through churches and clubs but it is usually oriented around school breaks and holidays. Mr. Reese stated that, while staff is not formally working with these organizations, there is some talk and coordination.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated the City is meeting the demand for its own programs and field space notwithstanding outside requests.

Council Member Johnson requested data showing the participation trends for youth sports over the last few years.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated the City's user fees are fairly standard in comparison to other communities.

In response to Council Member Johnson, Mr. Rodems stated approximately \$120,000 of revenue is attributable to the summer swim program.

In response to Council Member Johnson, Mr. Reese stated Lodi Adopt-A-Child provides registration assistance for the summer swim program and children at risk and, while staff does do some outreach, they can always do a better job at trying to reach at-risk youth.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated having an aquatics trained Recreation Supervisor has helped the department.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated adventure recreation includes outdoor activities, multiple day trips, river trips, and fly fishing.

In response to Council Member Mounce, Mr. Rodems stated staff is reviewing options to expand senior offerings at affordable prices.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated the City's park acreage appears to be in the standard range in comparison to other communities.

In response to Council Member Hansen, Parks Superintendent Steve Dutra stated the 97 acres of undeveloped park land includes Roget, DeBenedetti, Pixley, and a few miscellaneous areas such as Maple Square.

In response to Mayor Katakian, Mr. Rodems stated the Grape Bowl will provide additional playing field availability for the City's soccer youth programs and other sports program rentals.

In response to Council Member Johnson, Mr. Dutra stated the school district has inquired about maintenance and upgrades at Kofu Park, but has not received any inquiries regarding Zupo Field. Mr. Dutra stated staff is performing some minor repair and improvements at Zupo Field.

In response to Council Member Hansen, City Attorney Schwabauer provided a status report on the Joint Use Agreement with the school district, stating they have concerns with the penalty-

related provisions that the Council desired and staff on both sides will look to bring the agreement back to the policy makers for resolution in the near future.

In response to Council Member Johnson, Mr. Reese stated staff continues to find ways to better communicate to the public the impact of recreation in the community.

In response to Council Member Hansen, Mr. Reese stated the Boosters of Boys/Girls Sports (BOBS) Organization is still offering various grant and scholarship programs and staff continues to work with the BOBS in identifying those needs.

In response to Council Member Johnson, Mr. Reese stated the equipment exchange program still exists, albeit it is less popular than before and staff will try to better communicate the programs availability to the public.

Tony Amador spoke in support of Parks and Recreation programs based on his belief that the programs serve as delinquency prevention programs.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:00 a.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 20, 2010**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of October 20, 2010, was called to order by Mayor Katzakian at 6:00 p.m.

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

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Actual Litigation: Government Code §54956.9; One Application; Lance Hayden v. City of Lodi; WCAB #STK 214337 (3/10/08)
- c) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Nathan Bullock Against City of Lodi Based on Damage to Personnel Property

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:50 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

A. Call to Order / Roll call

The Regular City Council meeting of October 20, 2010, was called to order by Mayor Katzakian at 7:00 p.m.

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

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Sandhill Crane Festival Proclamation

Mayor Katzakian presented a proclamation to Ken Nieland of the Lodi Sandhill Crane Association in celebration of the Sandhill Crane Festival in the City of Lodi.

C-2 Public Power Week Proclamation (EUD)

Mayor Katzakian presented a proclamation to Elizabeth Kirkley, Electric Utility Director, proclaiming the week of October 18 - 22, 2010, as "Public Power Week" in the City of Lodi.

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

Council Member Mounce made a motion, second by Mayor Pro Tempore Hitchcock, 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 Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-1 Receive Register of Claims in the Amount of \$8,154,300.63 (FIN)

Claims were approved in the amount of \$8,154,300.63.

D-2 Approve Minutes (CLK)

The minutes of September 28, 2010 (Shirtsleeve Session), October 5, 2010 (Shirtsleeve Session), October 6, 2010 (Regular Meeting), and October 12, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Specifications and Authorize Advertisement for Bids for Continued Maintenance of Landscape Areas for 2011 (PW)

Approved the specifications and authorized advertisement for bids for Continued Maintenance of Landscape Areas for 2011.

D-4 Authorize Acceptance of Donation of 2007 Ford Van as Partners Replacement Vehicle (PD)

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

Council Member Hansen commended the Partners on its efforts to raise funds for the replacement vehicle and the overall service it provides to the City.

Council Member Hansen made a motion, second by Council Member Johnson, to authorize the acceptance of a donation of a 2007 Ford van as a Partners replacement vehicle.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

D-5 Adopt Resolution Authorizing the City Manager to Execute Agreements with the Following Entities for the State Route 99/Harney Lane Interim Improvement Project and Appropriating Funds in the Amount of \$1,500,000 for the Total Project: a) Knife River Construction, of Stockton, for Construction (\$944,450); b) Mark Thomas & Company, of Sacramento, for Construction Administration (\$175,400); c) Fehr & Peers Transportation Consultants, of Roseville, for Traffic Signal Coordination (\$13,990); and d) San Joaquin Council of Governments for Incidental Take Minimization Measures Agreement (\$26,452.68) (PW)

Adopted Resolution No. 2010-177 authorizing the City Manager to execute agreements with the following entities for the State Route 99/Harney Lane Interim Improvement Project and appropriating funds in the amount of \$1,500,000 for the total project: a) Knife River Construction, for construction (\$944,450); b) Mark Thomas & Company, of Sacramento, for construction administration (\$175,400); c) Fehr & Peers Transportation Consultants, of Roseville, for traffic signal coordination (\$13,990); and d) San Joaquin Council of Governments for Incidental Take Minimization Measures Agreement (\$26,452.68).

D-6 Adopt Resolution Authorizing the City Manager to Enter into a Letter of Agreement Between the City of Lodi and Scientific Specialties, Inc. for the Sale of Designated Municipal Electric Distribution Facilities (\$36,983) (EUD)

Adopted Resolution No. 2010-178 authorizing the City Manager to enter into a letter of agreement between the City of Lodi and Scientific Specialties, Inc. for the sale of designated municipal electric distribution facilities in the amount of \$36,983.

D-7 Adopt Resolution Approving the Western Systems Power Pool Agreement and Authorizing Execution by the City Manager and Administration by the Electric Utility Director (\$25,000) (EUD)

Adopted Resolution No. 2010-179 approving the Western Systems Power Pool agreement and authorizing execution by the City Manager and administration by the Electric Utility Director in the amount of \$25,000.

D-8 Adopt Resolution Authorizing \$250,000 in Public Benefit Program Funds for the Energy Efficiency Financing Pilot Project and Authorizing the Electric Utility Director to Administer the Project (EUD)

Interim City Manager Rad Bartlam briefly introduced the subject matter of the energy efficiency financing pilot project.

Manager of Customer Services & Programs Rob Lechner provided a PowerPoint presentation regarding the City of Lodi's Energy Efficiency Financing Pilot Project. Specific topics of discussion included a description of the proposed project, the purpose, Public Benefit Program funding, participation eligibility, and proposed time line for project roll-out.

In response to Mayor Katzakian, Mr. Lechner stated the construction loans are based on reimbursements, which are provided when the project is fully operational.

In response to Mayor Pro Tempore Hitchcock, Mr. Lechner confirmed that the project is first

come, first serve and staff will review the credit worthiness of applicants based on their payment history with the City.

In response to Mayor Katzakian, Mr. Lechner stated the program provides an overall savings for customers while replenishing the program funds every two years.

In response to Mayor Pro Tempore Hitchcock, Mr. Lechner stated the solar rebates program is fully funded and there are ample dollars in the regular rebate program to fund the proposed solar program.

In response to Council Member Johnson, Mr. Lechner stated there is approximately \$500,000 in the Public Benefits Program that remains unspoken for and he is confident that there are sufficient funds to run the balance of the program.

In response to Council Member Hansen, Mr. Lechner confirmed that the overall goal is to sell less energy to buy less energy and conservation.

Council Member Hansen made a motion, second by Council Member Mounce, to adopt Resolution No. 2010-181 authorizing \$250,000 in Public Benefit Program funds for the Energy Efficiency Financing Pilot Project and authorizing the Electric Utility Director to administer the project.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

D-9 Adopt Resolution Approving Updated Engineering and Traffic Surveys on Almond Drive, Crescent Avenue (Kettleman Lane to Lodi Avenue), and Harney Lane (West City Limits to East City Limits) Resulting in No Change to Existing Speed Limits (PW)

Adopted Resolution No. 2010-180 approving updated Engineering and Traffic Surveys on Almond Drive, Crescent Avenue (Kettleman Lane to Lodi Avenue), and Harney Lane (west City limits to east City limits) resulting in no change to existing speed limits.

D-10 Set Public Hearing for November 3, 2010, to Consider Adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, Fire Code with Local Amendments Including a Fee Schedule for Operational Permits and ATC 20 Placards (CD)

Set public hearing for November 3, 2010, to consider adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code with local amendments including a fee schedule for operational permits and ATC 20 Placards.

D-11 Set Public Hearing for November 17, 2010, to Consider Resolution Approving Transit Fare Structure Updates (PW)

Set public hearing for November 17, 2010, to consider resolution approving transit fare structure updates.

E. Comments by the Public on Non-Agenda Items THE TIME ALLOWED PER NON-

AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

None.

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

Council Member Hansen reported on his attendance at the San Joaquin Council of Governments meetings and discussed funding for projects and the strategic planning session. Mr. Hansen also commended the efforts associated with the kitchen remodel project at the Loel Center.

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

Interim City Manager Rad Bartlam provided a brief overview of the process and status of the bond sale and financing as it relates to the Surface Water Treatment Facility Project.

H. Public Hearings

H-1 Public Hearing to Consider Substitution of Listed Subcontractors and Bid Protest; Adopt Resolution Authorizing the City Manager to Execute Agreements with the Following Entities for the Surface Water Treatment Facility Project and Appropriating Funds in the Amount of \$36,500,000 for the Total Project: a) C. Overaa & Co., of Richmond, for Construction (\$22,837,000); b) Pall Corporation, of Port Washington, New York, for Membrane Filtration System (\$3,926,081); c) Krazan & Associates, of Modesto, for Testing and Inspection Services (\$488,000); d) Durst Contract Interiors, of Stockton, for Furniture (\$52,025.98); e) HDR Engineering, of Folsom, for Construction Administration Services for Surface Water Treatment Facility Project (\$890,000); f) San Joaquin Council of Governments for Incidental Take Minimization Measures Agreement (\$90,606.80) (PW)
NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider substitution of listed subcontractors and bid protest; adopt resolution authorizing the City Manager to execute agreements with the following entities for the Surface Water Treatment Facility Project and appropriating funds in the amount of \$36,500,000 for the total project: a) C. Overaa & Co., of Richmond, for construction (\$22,837,000); b) Pall Corporation, of Port Washington, New York, for membrane filtration system (\$3,926,081); c) Krazan & Associates, of Modesto, for testing and inspection services (\$488,000); d) Durst Contract Interiors, of Stockton, for furniture (\$52,025.98); e) HDR Engineering, of Folsom, for construction administration services for Surface Water Treatment Facility Project (\$890,000); and f) San Joaquin Council of Governments for Incidental Take Minimization Measures Agreement (\$90,606.80).

Interim City Manager Rad Bartlam provided a brief introduction to the subject matter of the Surface Water Treatment Facility.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the Surface Water Treatment Facility. Specific topics of discussion included the public hearing process,

subcontractor substitutions, protest process, schedule for project, project budget, and recommended actions for each of the six contracts outlined in the staff report.

In response to Council Member Hansen, Mr. Sandelin stated the bid numbers were correct, but the company that was listed was wrong and the bottom line figure is not affected.

A brief discussion ensued between the City Council regarding the need for the project at the current time, the costs associated with the project, the economy and market conditions, water supply, and the historical debate over the water treatment options.

Mayor Katzakian opened the public hearing and having received no public comments closed the public hearing.

Council Member Johnson made a motion, second by Council Member Hansen, to approve the substitution of listed subcontractors and reject the bid protest.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-182 authorizing the City Manager to execute agreements with the following entities for the Surface Water Treatment Facility Project and appropriating funds in the amount of \$36,500,000 for the total project: a) C. Overaa & Co., of Richmond, for construction (\$22,837,000); b) Pall Corporation, of Port Washington, New York, for membrane filtration system (\$3,926,081); c) Krazan & Associates, of Modesto, for testing and inspection services (\$488,000); d) Durst Contract Interiors, of Stockton, for furniture (\$52,025.98); e) HDR Engineering, of Folsom, for construction administration services for Surface Water Treatment Facility Project (\$890,000); f) San Joaquin Council of Governments for Incidental Take Minimization Measures Agreement (\$90,606.80).

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce, and Mayor Pro Tempore Hitchcock

Absent: None

H-2 Public Hearing to Consider Introduction of Ordinance Amending Chapter 13.20, "Electrical Service," Article III, "Rates," to Revise Provisions Relating to Net-Metered Energy Generation and Co-Metered Energy Generation (EUD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider introduction of ordinance amending Lodi Municipal Code Chapter 13.20, "Electrical Service," Article III, "Rates," to revise provisions relating to net-metered energy generation and co-metered energy generation.

Interim City Manager Rad Bartlam briefly introduced the subject matter of the ordinance amending Chapter 13.20.

Electric Utility Director Elizabeth Kirkley provided a PowerPoint presentation regarding the

proposed ordinance amending Chapter 13.20 of the Lodi Municipal Code. Specific topics of discussion included background, net energy metering, co-energy metering, proposal, metering pricing, eligibility, payment for surplus, public benefits charge, attributes, and summary of changes.

In response to Council Member Hansen, Ms. Kirkley confirmed that the City has approximately 62 current solar customers.

In response to Mayor Katzakian, Ms. Kirkley stated residents are generally net metered at ten and anything else is co-metered.

In response to Council Members Hansen and Mounce, Ms. Kirkley confirmed currently there is one customer of the 62 that generates more than they consume through net metering.

In response to Mayor Pro Tempore Hitchcock, Ms. Kirkley stated the full retail rate includes the Energy Cost Adjustment (ECA) and without the ECA the number would fluctuate monthly.

In response to Mayor Pro Tempore Hitchcock, Ms. Kirkley stated under co-metering the City is buying at the average wholesale rate rather than the full retail rate.

In response to Council Member Mounce, Ms. Kirkley stated the original intent of AB 920 was to be compensated for excess generation and encourage solar energy use.

In response to Mayor Pro Tempore Hitchcock, Ms. Kirkley stated solar customers are being notified of the program although they are not required by law to participate.

In response to Council Member Mounce, Mr. Lechner provided an overview of the public outreach process including contacting potential customers by letter and personally.

In response to Mayor Katzakian, Ms. Kirkley stated the subsidy from other rate payers includes the effect on the overall rate.

In response to Council Member Johnson, Ms. Kirkley stated the credits assist the City with power content labels and the credits also count toward green house emission numbers and renewable energy. Ms. Kirkley stated currently there is no monetary exchange for the credits although the City could look into selling the credits in the future if all of its portfolio needs are met.

In response to Council Member Hansen, Mr. Lechner provided an overview of the pilot solar programs offered over the last few years and the decreasing costs associated with the same.

Mayor Katzakian opened the public hearing and having received no public comments closed the public hearing.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to introduce Ordinance No. 1833 amending Lodi Municipal Code Chapter 13.20, "Electrical Service," Article III, "Rates," to revise provisions relating to net-metered energy generation and co-metered energy generation.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Communications

I-1 Post for Expiring Terms on Lodi Animal Advisory Commission, Lodi Senior Citizens Commission, Recreation Commission, San Joaquin Council of Governments Citizens' Advisory Committee, and Site Plan and Architectural Review Committee (CLK)

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

Lodi Animal Advisory Commission

Gina Mendes, Term to expire December 31, 2010

Julia Priest, Term to expire December 31, 2010

Lodi Senior Citizens Commission

Kathryn Siddle, Term to expire December 31, 2010

Recreation Commission

Ken Sasaki, Term to expire December 31, 2010

Ed Wall, Jr., Term to expire December 31, 2010

Barbara Wardrobe-Fox, Term to expire December 31, 2010

San Joaquin Council of Governments Citizens' Advisory Committee

Richard Blackston, Term to expire January 1, 2011

Site Plan and Architectural Review Committee

Keith Selleseth, Term to expire January 1, 2011

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-2 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to approve the cumulative Monthly Protocol Account Report through September 30, 2010.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Regular Calendar

J-1 Provide Direction to Staff to Resolve Unpermitted Sidewalk Removal at 1032 Laurel Avenue (PW)

Public Works Director Wally Sandelin provided an overview of the unpermitted sidewalk removal at 1032 Laurel Avenue and the options associated with the same as set forth in the staff report.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated option three really is not an option but because it was proposed by the property owner staff felt a responsibility to bring it forward to the City Council.

In response to Council Member Mounce, Mr. Sandelin stated the property owner is aware of the \$2,850 amount as proposed in option two without the vacation of the right-of-way. He stated the \$2,850 could be put toward the handicap ramp at the corner as previously discussed if the Council so desired.

In response to Council Member Johnson, Mr. Sandelin stated if option two is chosen the two properties to the north are not affected because they do not have a sidewalk either.

Council Member Mounce made a motion, second by Council Member Johnson, to authorize staff to resolve the matter of the unpermitted sidewalk removal at 1032 Laurel Avenue as recommended in Option No. 2.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-2 Approve Water Meter Cost, Extended Payment, and Payment Deferral Plan (PW)

Interim City Manager Rad Bartlam briefly introduced the subject matter of the water meter program.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the proposed water meter program. Specific topics of discussion included the recommendation, historical information, approved cost by class, proposed cost by class, payment installments, favorable factors, financial analysis, seven-year construction term, and payment responsibilities.

In response to Council Member Hansen, Mr. Sandelin stated that, for those who paid more than \$300 for their water meter, rebates will be available, the affected property owners are being contacted, and the total amount of rebates is approximately \$7,000.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated property owners who are eligible will know based upon their building permit records and can confirm eligibility by contacting the department.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated approximately 15 property owners had their water meters installed privately.

In response to Council Member Johnson, Mr. Sandelin stated the notice will clearly state that only those who actually paid for the water meter installation qualify for the rebate.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated that, with respect to the bid process, the low bid was related to the overall amount of debt service needed.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the PCE/TCE funds are restricted by the settlement agreements, are in separate accounts, and are separate from rate structures. Mr. Schwabauer stated the \$18 million figure includes \$3 million of rate revenue and

\$15 million of settlement revenue.

In response to Council Member Mounce, Mr. Sandelin stated that, if there is a mother-in-law unit with two separate tenants, the property owner will receive the bill and the same is true for duplexes, triplexes, and fourplexes.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated about 45% of the City's housing stock is rental properties.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated it is possible that there will be two bills for one property because the property owner will get the water meter installation bill and the tenant will get the usage bill.

In response to Council Member Hansen, Mr. Sandelin stated the proposal is similar to what other communities are generally doing for property owner and tenant billing.

In response to Council Member Hansen, Mr. Sandelin stated staff has met with interested parties including realtor groups.

In response to Council Member Mounce, Mr. Sandelin stated approximately 12,800 homes remain to be metered.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated the City Council can vote on the item under the "Public General" exception.

Tony Amador spoke in regard to his concerns about how the proposal will affect commercial businesses and urged the Council to wait six months to study the matter.

Shelley Schmidt spoke of her concerns regarding how the proposal will affect multiple apartment complexes and property owners in general.

Phyllis Robinson spoke of her concerns regarding fairness in usage and billing for property owners.

In response to Council Member Hansen, Mr. Sandelin stated the policy decision for anything above a fourplex will come back to the City Council for consideration next year.

Council Member Mounce made a motion, second by Council Member Johnson, to approve the Water Meter Cost, Extended Payment, and Payment Deferral Plan as recommended.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-3 Review of Timing for Payment of Development Impact Mitigation Fees (CM)

Interim City Manager Rad Bartlam provided a brief introduction to the subject matter of the development impact mitigation fees, stating currently the program applies to both residential and commercial.

In response to Mayor Pro Tempore Hitchcock and Council Member Hansen, Mr. Bartlam stated

the current policy was not written so as to be separate or have differing application to residential and commercial development.

In response to Council Member Hansen, Mr. Bartlam stated he does not believe the subject policy will be the driving force for a decision to build or not build within the City.

A motion by Mayor Pro Tempore Hitchcock, second by Mounce, to amend the current policy to make it applicable to residential development only failed.

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:57 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, OCTOBER 26, 2010**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 26, 2010, commencing at 7:02 a.m.

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

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Receive Presentation Regarding Building/Construction/Fire Code Adoption (CD)

Interim City Manager Rad Bartlam provided a brief introduction to the subject matter of the adoption of the 2010 California Codes and placard ordinance.

Building Official Dennis Canright provided a PowerPoint presentation regarding the proposed code adoption. Specific topics of discussion included the California Building Standards Commission, code adoption process, Building Standards Code - Title 24, California Residential Code, California Green Building Standards Code, fire sprinklers, carbon monoxide alarms, mandatory measures, water use, construction waste, pollutant control, site development, bicycle parking, designated parking for clean air vehicles, accessibility for existing buildings, placards ordinance, and public communication.

In response to Mayor Katzakian, Mr. Canright stated the fire sprinkler requirement applies to new construction and the carbon monoxide also applies to \$1,000 improvements or greater that require retrofitting.

In response to Council Member Mounce, Mr. Canright stated the carbon monoxide requirement applies if there is a fuel burning appliance and attached garage.

In response to Mayor Pro Tempore Hitchcock, Mr. Canright and Fire Chief Kevin Donnelly stated the fire sprinkler requirement was controversial with respect to the voting process but the costs for residential systems has also come down.

In response to Mayor Pro Tempore Hitchcock, Chief Donnelly stated the fire sprinkler systems may cost anywhere from \$1 to \$2 per square foot depending upon the location.

In response to Council Member Hansen, Chief Donnelly stated that, because the State of California adopted the fire sprinkler requirement, it also becomes a mandate for the City.

In response to Council Member Hansen, Mr. Canright stated the \$1,000 threshold triggers the carbon monoxide requirement but not the fire sprinkler requirement, which is only applicable to new construction.

In response to Council Member Mounce, Mr. Canright stated the carbon monoxide requirement is only triggered if the structure has a fuel burning appliance and an attached garage.

In response to Council Member Johnson, Mr. Canright and Chief Donnelly stated the insurance benefit of having fire sprinklers generally depends upon the carrier and the location.

In response to Council Member Hansen, Mr. Bartlam stated the new laws go into effect on January 1, 2011, and some of these requirements are already the standard for Leadership in Energy and Environmental Design certified buildings.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated parking for clean air vehicles must be disbursed throughout the lot.

In response to Council Member Hansen, Mr. Canright stated electrical requirements are not required as a part of the clean air vehicles parking mandate.

In response to Council Member Johnson, Mr. Bartlam stated the downtown structure has parking for accessibility and this requirement is triggered if there is a change in occupancy, which means a change of use primarily but is narrowly defined by what kind of business is being conducted in the structure.

In response to Council Member Hansen, City Attorney Schwabauer stated that, if the City does not implement the State mandates, it could subject itself and contractors to liability and enforcement by the Attorney General.

In response to Mayor Pro Tempore Hitchcock, Mr. Canright stated public outreach efforts include meetings with the Building Industry Association and updating the handouts for the general public.

In response to Council Member Hansen, Mr. Bartlam stated the Community Development Department meets with contractors and the Building Industry Association on various subjects on a regular basis.

In response to Council Member Johnson, Mr. Canright stated the relevant information, including the codes themselves, is also available on line through the City's website.

Chief Donnelly provided a PowerPoint presentation regarding the Fire Code adoption as proposed. Specific topics of discussion included administrative section changes, appendixes for high hazards, local codes, operational permitting of current code, fee schedule and adoption for operational permits, and implementation over the upcoming year.

In response to Council Member Mounce, Chief Donnelly stated Appendix G refers to cryogenics in liquid form and may affect transportation related businesses.

In response to Council Member Hansen, Chief Donnelly stated additional staffing is not being added to implement or administer the new requirements.

In response to Council Member Johnson, Chief Donnelly stated the Community Development fees are being used for the initial inspection and fee collection and annual fees are being kept on the lower end although adjustments could come later if needed.

A brief discussion ensued between Council Member Johnson, Chief Donnelly, and Mr. Bartlam regarding the timing of fire sprinkler inspections for water volume and pressure through the Fire and Public Works Departments.

In response to Mayor Katzakian, Chief Donnelly stated the fire sprinklers are triggered by heat alone.

In response to Myrna Wetzel, Chief Donnelly stated only those sprinklers that are affected by the heat will go off and will continue until they are physically shut off and replaced.

In response to Council Member Johnson, Chief Donnelly stated there are no requirements for sprinkler alarm system monitoring, only local alarm notification for the tenants to alert them to get out of the house.

In response to Council Member Mounce, Chief Donnelly stated typically there will be more water damage from a hose nozzle than a fire sprinkler.

In response to Mayor Pro Tempore Hitchcock, Chief Donnelly stated that, in addition to adopting the State requirements, the Fire Department also adopted the appeal process to be consistent with Community Development, appendixes, and the fire suppression sections.

In response to Mayor Pro Tempore Hitchcock, Mr. Canright stated in addition to the State requirements the Community Development Department also adopted the appendix relating to patio covers and grading and permits.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:52 a.m.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding the Purchase of 25,000 Feet of Underground Cable to General Cable Corporation of Highland Heights, Kentucky (\$88,685.63)

MEETING DATE: November 3, 2010

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution awarding the purchase of 25,000 feet of underground cable to General Cable Corporation of Highland Heights, Kentucky (\$88,685.63).

BACKGROUND INFORMATION: On September 1, 2010, the City Council authorized the advertisement for bids to procure 25,000 feet of #4/0 AWG 15kV, ethylene-propylene rubber (EPR) insulated with concentric neutral underground cable. This cable is being purchased on an as-needed basis.

The Electric Utility Department advertised bid documents on September 21, 2010. Four medium voltage cable manufacturers and suppliers requested bid documents. On October 4, 2010, staff received bid proposals with the following results:

Marmon Utility LLC Milford, NH (Kerite Cable)	\$106,758.32
HD Supply (Western States Electric), Portland, OR	\$ 91,893.75 (no Addendum)
General Cable Corporation, Highland Heights, KY	\$ 88,685.63
Prysmian Cables and Systems USA, Lexington. SC	\$101,110.31

Staff reviewed the proposal from General Cable Corporation of Highland Heights, Kentucky and found it to be compliant with the bid documents.

The cable will be used for new developments and electrical distribution system upgrades/replacements. Planned projects requiring this cable include the Reynolds Ranch development and various underground upgrade/maintenance projects throughout the City. The current inventory level is insufficient to meet the known upcoming needs. The last procurement for this cable was in May 2008.

Staff recommends City Council award the bid to purchase 25,000 feet of #4/0 AWG 15kV EPR insulated with concentric neutral underground cable to General Cable Corporation of Highland Heights, Ky.

FISCAL IMPACT: Funds in Electric Utility FY2010/11 Budget. Sixty percent of the cost is expected to be recovered from new projects.

FUNDING AVAILABLE: Included in FY 2010/11 Budget Account No. 160651.7713

APPROVED: _____
Konradt Bartlam, Interim City Manager

Jordan Ayers
Deputy City Manager/Internal Services Director

Elizabeth A. Kirkley
Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr. -PE, Assistant Electric Utility Director
Weldat Haile PE, Senior Power Engineer

EAK/lst

RESOLUTION NO 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE PURCHASE OF 25,000 FEET OF
#4/0 AWG 15KV ETHYLENE-PROPYLENE
RUBBER INSULATED UNDERGROUND CABLE

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 4, 2010 at 11:00 a.m., for the purchase of 25,000 feet of #4/0 15kV ethylene-propylene rubber insulated underground cable, described in the specifications therefore approved by the City Council on September 1, 2010; and

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

- General Cable Corporation, Highland Heights, KY \$ 88,685.63
- HD Supply (Western States Electric), Portland, OR \$ 91,893.75 (no Addendum)
- Prysmian Cables and Systems USA, Lexington. SC \$101,110.31
- Marmon Utility LLC Milford, NH (Kerite Cable) \$106,758.32

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the purchase of 25,000 feet of #4/0 15kV ethylene-propylene rubber insulated underground cable from the lowest bidder, General Cable Corporation of Highland Heights, KY in the total amount of \$88,685.63.

Dated: November 3, 2010

I hereby certify that Resolution No. 2010- _____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 3, 2010, by the following vote:

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

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Accepting Improvements Under Contract for 2010 Alley Reconstruction Project and Appropriating Funds (\$11,289.32)

MEETING DATE: November 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution accepting improvements under contract for 2010 Alley Reconstruction Project and appropriating funds in the amount of \$11,289.32.

BACKGROUND INFORMATION: The project was awarded to George Reed Inc., of Lodi, on February 17, 2010, in the amount of \$226,454.40. The contract has been completed in substantial conformance with the plans and specifications approved by City Council on January 6, 2010.

This project consisted of the reconstruction of three alleys with 866 tons of asphalt concrete, installation of 1,856 lineal feet of pervious concrete valley gutter, and other incidental and related work. The reconstructed alleys were selected from Streets Maintenance District No. 1, which contains the oldest alleys in the community, based on condition, drainage problems, and the number of fronting residences. Community Development Block Grant (CDBG) funds were used to reconstruct the alleys with new asphalt concrete pavement. Due to the relative flatness of the alleys, a pervious concrete valley gutter was installed in the center of the alleys to handle storm drainage. The pervious concrete allows storm water to percolate to the underlying soil during low-flow situations and will solve the majority of the water-ponding problems. The alleys were also graded to drain to the adjacent streets during more intense storm events. This project was the first of its kind in the City in many years and was the first project in the City to use pervious concrete. If it proves to be successful, future alley projects will be constructed using similar methods.

One alley, as shown on Exhibit A, could not be completed. During utility location activities, it was discovered that the existing water and sewer lines were too shallow to permit the excavation, grading and paving of the alley. The water line is scheduled to be relocated as a part of the water meter program in a few years. It was determined that the best course of action was to delay the work in this alley until the water line has been relocated. Because this portion of the contract work could not be completed, the CDBG funds cannot be used for this alley. Staff recommends appropriating \$11,289.32 from the Water Fund to pay for the contract work on this alley. The final contract amount for all work completed is \$152,900.02.

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.

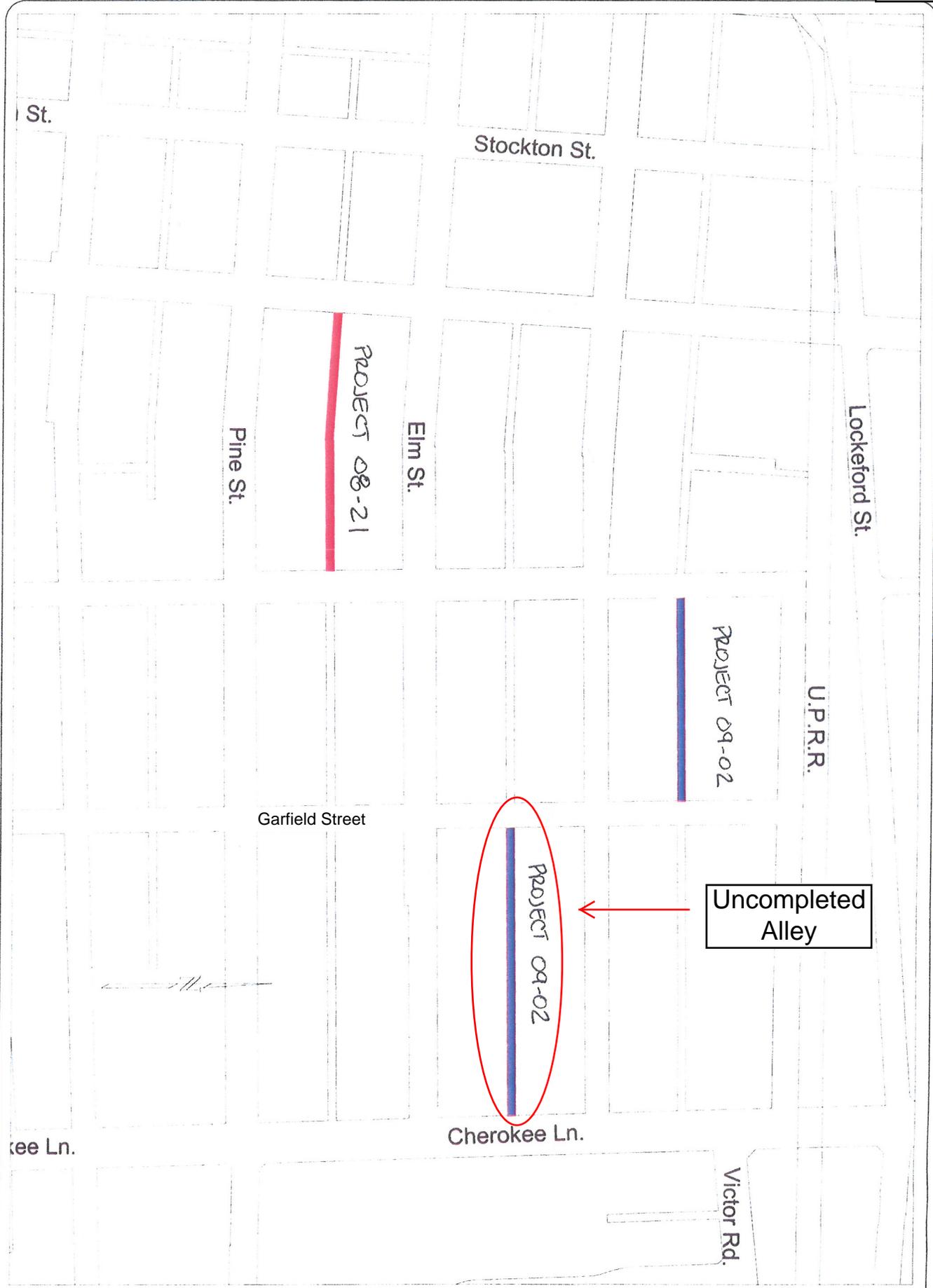
FISCAL IMPACT: There will be a decrease in street maintenance for the reconstructed alleys.

FUNDING AVAILABLE: Water Capital Fund (181): \$11,289.32

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager
Attachment
cc: Joseph Wood

APPROVED: _____
Konradt Bartlam, Interim City Manager



K:\31\31N\Projects\2009 Alley Improvements\Alley Location.dwg, Alley: 09/09/2009 3:58:41 Ichang

CDBG Alleys
Proposed repaving

CITY OF LODI
PUBLIC WORKS DEPARTMENT
225 WEST END STREET
LODI, CALIFORNIA 93240
PHONE: 438-7444
FAX: 438-7444
WWW.CITYOFLODI.CA.GOV



NO.	REVISION	DATE	BY

DATE	BY	REVISION

CUSTOM 12

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING
IMPROVEMENTS UNDER CONTRACT FOR 2010 ALLEY
RECONSTRUCTION PROJECT AND FURTHER
APPROPRIATING ADDITIONAL FUNDS FOR THE PROJECT

=====

WHEREAS, the project was awarded to George Reed, Inc., of Lodi, on February 17, 2010, in the amount of \$226,454.40; and

WHEREAS, the contract has been completed in substantial conformance with the plans and specifications approved by City Council on January 6, 2010; and

WHEREAS, this project consisted of the reconstruction of three alleys with 866 tons of asphalt concrete, installation of 1,856 lineal feet of pervious concrete valley gutter, and other incidental and related work; and

WHEREAS, one alley was not able to be completed in this project as the existing water and sewer lines were too shallow to permit the excavation, grading and paving of the alley. The water line is scheduled to be relocated as a part of the water meter program in a few years. It was determined that the best course of action was to delay the work in this alley until the water line has been relocated. Because this portion of the contract work could not be completed, CDBG funds cannot be used for this alley. Staff recommends appropriating \$11,289.32 from the Water Fund to pay for the contract work on this alley.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby accept the improvements under the contract for the 2010 Alley Reconstruction Project and directs the City Engineer to file a Notice of Completion with the County Recorder's Office; and

BE IT FURTHER RESOLVED that additional funds in the amount of \$11,289.32 be appropriated from the Water Fund for this project.

Dated: November 3, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 3, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Consent to Assignment by Treadwell & Rollo, Inc., and Assumption of Contract by Langan Engineering & Environmental Services, Inc.

MEETING DATE: November 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute Consent to Assignment by Treadwell & Rollo, Inc., and Assumption of Contract by Langan Engineering & Environmental Services, Inc.

BACKGROUND INFORMATION: Treadwell & Rollo, Inc., has notified the City of Lodi that its professional and business operations are planned to be acquired by Langan Engineering & Environmental Services, Inc. We currently have a number of open contract task orders (17 through 22) with Treadwell & Rollo. The Consent to Assignment and Assumption of Contract forms are attached as Exhibit A.

The Treadwell & Rollo personnel assigned to the Lodi work will continue to serve the City in the same capacities and from the same locations. The acquisition by Langan will bring additional resources that will be available to serve the City. Staff is confident there will be little or no change to the quality of services received by the City resulting from these changes.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/pmf

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager



Consent to Assignment and Assumption of Contract

The undersigned acknowledges and consents to the assignment by Treadwell & Rollo, Inc. of all of its duties under the referenced contract upon transaction closing scheduled for November 1, 2010, and the assumption of such duties by Langan Engineering and Environmental Services, Inc. and/or Langan Guaranteed Remediation, LLC.

Company: _____
City of Lodi
By: Konradt Bartlam
Its: Interim City Manager
Dated: _____

Referenced Contract:

3923.29 Lodi Task 17 - Central Plume SVE Tasks

APPROVED AS TO FORM:

ATTEST:

D. Stephen Schwabauer
City Attorney 

Randi Johl
City Clerk

Consent to Assignment and Assumption of Contract

The undersigned acknowledges and consents to the assignment by Treadwell & Rollo, Inc. of all of its duties under the referenced contract upon transaction closing scheduled for November 1, 2010, and the assumption of such duties by Langan Engineering and Environmental Services, Inc. and/or Langan Guaranteed Remediation, LLC.

Company: _____

City of Lodi

By: Konradt Bartlam

Its: Interim City Manager

Dated: _____

Referenced Contract:

3923.30 Lodi Task 18 - Central Plume GWETS

APPROVED AS TO FORM:

ATTEST:

D. Stephen Schwabauer
City Attorney

Randi Johl
City Clerk



Consent to Assignment and Assumption of Contract

The undersigned acknowledges and consents to the assignment by Treadwell & Rollo, Inc. of all of its duties under the referenced contract upon transaction closing scheduled for November 1, 2010, and the assumption of such duties by Langan Engineering and Environmental Services, Inc. and/or Langan Guaranteed Remediation, LLC.

Company: _____

By: City of Lodi
 Konradt Bartlam

Its: Interim City Manager

Dated: _____

Referenced Contract:

3923.31 Lodi Task 19 Strategic Consulting EE/CA

APPROVED AS TO FORM:

ATTEST:

D. Stephen Schwabauer
City Attorney



Randi Johl
City Clerk

Consent to Assignment and Assumption of Contract

The undersigned acknowledges and consents to the assignment by Treadwell & Rollo, Inc. of all of its duties under the referenced contract upon transaction closing scheduled for November 1, 2010, and the assumption of such duties by Langan Engineering and Environmental Services, Inc. and/or Langan Guaranteed Remediation, LLC.

Company: _____

City of Lodi

By: Konradt Bartlam

Its: Interim City Manager

Dated: _____

Referenced Contract:

3923.32 Lodi Task 20 - Guild SVE O&M 2010-2011

APPROVED AS TO FORM:

ATTEST:

D. Stephen Schwabauer
City Attorney



Randi Johl
City Clerk

Consent to Assignment and Assumption of Contract

The undersigned acknowledges and consents to the assignment by Treadwell & Rollo, Inc. of all of its duties under the referenced contract upon transaction closing scheduled for November 1, 2010, and the assumption of such duties by Langan Engineering and Environmental Services, Inc. and/or Langan Guaranteed Remediation, LLC.

Company: _____
City of Lodi

By: Konradt Bartlam

Its: Interim City Manager

Dated: _____

Referenced Contract:

3923.33 Task 21-Southern & South Central/Western

APPROVED AS TO FORM:

ATTEST:

D. Stephen Schwabauer
City Attorney



Randi Johl
City Clerk

Consent to Assignment and Assumption of Contract

The undersigned acknowledges and consents to the assignment by Treadwell & Rollo, Inc. of all of its duties under the referenced contract upon transaction closing scheduled for November 1, 2010, and the assumption of such duties by Langan Engineering and Environmental Services, Inc. and/or Langan Guaranteed Remediation, LLC.

Company: _____

City of Lodi

By: Konradt Bartlam

Its: Interim City Manager

Dated: _____

Referenced Contract:

3923.34 Task 22-Prepare Initial Strategy

APPROVED AS TO FORM:

ATTEST:

D. Stephen Schwabauer
City Attorney



Randi Johl
City Clerk

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING CITY MANAGER TO EXECUTE
CONSENT TO ASSIGNMENT BY TREADWELL &
ROLLO, INC., AND ASSUMPTION OF CONTRACT BY
LANGAN ENGINEERING & ENVIRONMENTAL
SERVICES, INC.

=====

WHEREAS, Treadwell & Rollo, Inc., has notified the City of Lodi that its professional and business operations are planned to be acquired by Langan Engineering & Environmental Services, Inc., and the City has a number of open contract task orders (17 through 22) with Treadwell & Rollo; and

WHEREAS, the Treadwell & Rollo personnel assigned to the Lodi work will continue to serve the City in the same capacities and from the same locations. The acquisition by Langan will bring additional resources that will be available to serve the City. Staff is confident there will be little or no change to the quality of services received by the City resulting from these changes.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the Consent to Assignment by Treadwell & Rollo, Inc., and Assumption of Contract by Langan Engineering & Environmental Services, Inc.

Dated: November 3, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 3, 2010, by the following vote:

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

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a Resolution Authorizing the City Manager to Execute the Service Maintenance Agreement with Sungard Public Sector, Inc. (\$131,967.14)

MEETING DATE: November 3, 2010

PREPARED BY: Interim Chief of Police

RECOMMENDED ACTION: Adopt a Resolution Authorizing the City Manager to Execute the Service Maintenance Agreement with Sungard Public Sector, Inc. (\$131,967.14)

BACKGROUND INFORMATION: In 2009, the Lodi Police Department purchased a replacement computer system. The new Sungard OSSI system provides records management, computer-aided dispatching, field reporting, mobile computing and other functions that allow the department to function more efficiently. The original purchase agreement included a one-year maintenance agreement to provide software and hardware support in the event of system malfunctions. This purchase renews the maintenance agreement, which minimizes any disruption in the department's ability to provide service to the public in the event of a system malfunction.

FISCAL IMPACT: Estimated budget cost of \$131,967.14 is included in the Department's Fiscal Year 2010/2011 budget.

FUNDING AVAILABLE: \$131,967.14 from the 2010/2011 Lodi Police Department operating budget 101031.7335

Jordan Ayers, Deputy City Manager

Captain Gary Benincasa
Interim Chief of Police

GB:sm
cc: City Attorney

APPROVED: _____
Konradt Bartlam, Interim City Manager

**SUNGARD PUBLIC SECTOR INC.
LICENSED PROGRAM(S) SUPPORT AGREEMENT**

THIS LICENSED PROGRAM(S) SUPPORT AGREEMENT (this "Agreement") is entered into this _____ day of _____, 2010, by and between Lodi Police Department, a political subdivision of the State of California, whose address is 215 W. Elm Street (hereafter referred to as "Customer"), and SunGard Public Sector Inc., having its principal place of business at 1000 Business Center Drive, Lake Mary, FL 32746, (hereafter referred to as "SunGard Public Sector").

WITNESSETH:

WHEREAS, SunGard Public Sector and Customer entered into that certain SunGard Public Sector Software License Agreement dated September 2, 2008 (the "License Agreement") under which Customer obtained a perpetual, non-exclusive, nontransferable license to use certain computer software in object code form and related user documentation on certain terms and conditions;

WHEREAS, Customer desires to receive the Support, as defined herein, from SunGard Public Sector and SunGard Public Sector desires to render the Support to Customer with respect to the Licensed Program (as hereinafter defined) on the terms and conditions set forth herein;

NOW THEREFORE, in consideration of the premises hereof, and the mutual obligations herein, the parties hereto, intending to be legally bound, hereby agree as follows:

Section 1

DEFINITIONS

For the purposes of this Agreement, the following definitions shall apply to the respective capitalized terms:

- 1.1 **"Licensed Program."** "Licensed Program" means the software identified in a schedule, supplement or amendment to the License Agreement between the parties (Schedules), including any extracts from such software, derivative works of such software, or collective works constituting such software (such as subsequent Releases) to the extent offered to Customer under this Agreement or License Agreement. This excludes computer software not developed by SunGard Public Sector which might be used in conjunction with the SunGard Public Sector Public Safety Licensed Program, such as word processors, spreadsheets, terminal emulators, etc.
- 1.2 **"Modification."** "Modification" means a change to the Licensed Program requested by Customer to meet its specific needs and use, adding value, functionality and/or desirability for Customer.
- 1.3 **"Agreement Term."** An initial period shall commence upon the Maintenance Plan Start Date reflected on Attachment 2 and extend for a period of one year. Thereafter, the Agreement Term shall automatically renew for successive periods of one year each unless and until terminated pursuant to Section 9 hereof or otherwise superseded by the execution of a new Licensed Program Support Agreement. In no event, however, shall the Agreement Term extend beyond the prescribed term of the License Agreement.
- 1.4 **"Error."** Any failure of the Licensed Program to conform in all material respects to the functional specifications for the Licensed Program published from time to time by SunGard Public Sector. However, any nonconformity resulting from Customer's misuse or improper use of the Licensed Program or combining or merging the Licensed Program with any hardware or software not supplied by SunGard Public Sector, or not authorized to be so combined or merged by SunGard Public Sector, shall not be considered an Error. Nor shall Licensed Program or data file damage resulting from unauthorized software alterations (including problems, errors, or malfunctions caused or created by the operator), customizing of programs, accident, neglect, power surge or failure, lightning, operating environment not in conformance with the manufacturer's specifications (for electric power, air quality, humidity or temperature), operating system errors, or hardware malfunction be considered an Error.

- 1.5 **"Error Correction."** Either a software modification or addition that, when made or added to the Licensed Program, establishes material conformity of the Licensed Program to the functional specifications, or a procedure or routine that, when observed in the regular operation of the Licensed Program, eliminates the practical adverse effect on Customer of such nonconformity. Not covered under Error Correction is the responsibility for data file damage due to software or hardware malfunction.
- 1.6 **"Enhancement."** Any modification or addition that, when made or added to the Licensed Program, materially changes its utility, efficiency, functional capability, or application, but that does not constitute solely an Error Correction. Enhancements may be designated by SunGard Public Sector as minor or major, depending on SunGard Public Sector's assessment of their value and of the function added to the preexisting Licensed Program.
- 1.7 **"Coverage Hours."** Monday through Friday 7:00 A.M. to 6:00 P.M. Eastern Standard Time excluding holidays for any questions regarding the Licensed Program(s) included in this Agreement. For a Major Application Problem on SunGard Public Sector's Base Computer Aided Dispatch System (Base CAD) only, SunGard Public Sector coverage hours will be 24-hours per day, 7-days per week.
- 1.8 **"Response Time."** Within Eight (8) hours of the Coverage Hours from the time that SunGard Public Sector verifies that an Error is present, SunGard Public Sector will initiate work toward development of an Error Correction for a Major Application Problem. Minor Application Problems will be fixed with the next scheduled Licensed Program Release.
- 1.9 **"Licensed Program Releases."** New versions of the Licensed Program, which new versions may include both Error Corrections and Enhancements.
- 1.10 **"System Administrator."** An agent of Customer with sufficient training and/or experience with the Licensed Program to communicate effectively with the SunGard Public Sector Support personnel.
- 1.11 **"Major Application Problem."** The Licensed Program is not functioning to the point that the Licensed Program is the cause of the Customer not being able to enter CAD calls, dispatch units, or update unit status in the Base CAD system. Therefore, the Base CAD system is down or non-operational because of the Licensed Program as determined by SunGard Public Sector.
- 1.12 **"Minor Application Problem."** The Licensed Program functions with inconveniences or programmatic error; however, the Licensed Program has not stopped Customers' daily operations.
- 1.13 **"Non Application Problem"** is a problem, which is determined by SunGard Public Sector to have been caused by a source other than the Licensed Program, such as hardware failure, network malfunction, etc.

Section 2

ELIGIBILITY FOR SUPPORT

To be eligible for support for a Licensed Program, Customer must meet the following requirements. Acceptance of this Agreement by SunGard Public Sector is conditioned upon confirmation by SunGard Public Sector that the Licensed Program is eligible for support. Customer agrees that the obligation of SunGard Public Sector to continue to provide Services with respect to a Licensed Program shall terminate if, at any time during the term of this Agreement, these requirements are not met. To be eligible for Support for a Licensed Program, Customer must meet all of the following requirements:

- a. Customer has a valid Software License Agreement for the Licensed Program.
- b. Customer has a System Administrator.
- c. The hardware configuration on which the Licensed Program is to be used is supported by SunGard Public Sector.
- d. Customer is, and remains, in compliance with the schedule of payments.

SunGard Public Sector may require Customer to appoint a new System Administrator if SunGard Public Sector determines that the System Administrator does not have the training or experience necessary to communicate effectively with the SunGard Public Sector support personnel.

Section 3

SCOPE OF SERVICES

- 3.1 During the Agreement Term, SunGard Public Sector shall render the following services in support of the Licensed Program, during Coverage Hours, subject to the compensation fixed for each type of service in SunGard Public Sector's current rate schedule:
- a. SunGard Public Sector shall maintain a program control center capable of receiving by telephone any operator reports of system irregularities.
 - b. SunGard Public Sector shall maintain a telephone hot line that allows Customer to report system problems and seek assistance in use of the Licensed Program.
 - c. SunGard Public Sector shall maintain a trained staff capable of rendering the services set forth in this Agreement.
 - d. SunGard Public Sector shall be responsible for using all reasonable diligence in correcting verifiable and reproducible Errors when reported to SunGard Public Sector in accordance with SunGard Public Sector's standard reporting procedures. SunGard Public Sector shall, after verifying that such an Error is present, initiate work, within Response Time, in a diligent manner toward development of an Error Correction. Following completion of the Error Correction, SunGard Public Sector shall provide the Error Correction through a "temporary fix" consisting of sufficient programming and operating instructions to implement the Error Correction, and SunGard Public Sector shall include the Error Correction in all subsequent Releases of the Licensed Program. SunGard Public Sector shall not be responsible for correcting Errors in any version of the Licensed Program other than the most recent Release of the Licensed Program, provided that SunGard Public Sector shall continue to support prior Releases superseded by recent Releases for a reasonable period sufficient to allow Customer to implement the newest Release, not to exceed 180 days.
 - e. SunGard Public Sector may, from time to time, issue new Releases of the Licensed Program to its customers generally, containing Error Corrections, minor Enhancements, and, in certain instances if SunGard Public Sector so elects, major Enhancements. SunGard Public Sector shall provide Customer with one copy of each new Release, without additional charge. SunGard Public Sector shall provide reasonable assistance to help Customer install and operate each new Release, provided that such assistance, if required to be provided at Customer's facility, shall be subject to the supplemental charges set forth in SunGard Public Sector's current rate schedule.
 - f. Subject to space availability and training fees, Customer may enroll its employees in SunGard Public Sector's training classes.
 - g. SunGard Public Sector shall consider and evaluate the development of Enhancements for the specific use of Customer and shall respond to Customer's requests for additional services pertaining to the Licensed Program (including, without limitation, data conversion and report-formatting assistance), provided that such assistance, if agreed to be provided, shall be subject to supplemental charges mutually agreed to by SunGard Public Sector and Customer.
 - h. SunGard Public Sector's software support is intended exclusively for SunGard Public Sector's Licensed Program(s); however, SunGard Public Sector can optionally provide first line support for selected operating systems where SunGard Public Sector has an agreement with the supplier. When the Customer contracts for this service, SunGard Public Sector will make a good faith effort to find solutions to operating system problems. However, Customer must be aware of the following facts:

1. In some cases, Customer is in a much better position to deal with operating system issues because they are on-site and because of technical expertise they may have. In these cases, SunGard Public Sector recommends that they work directly with the appropriate operating system vendor on these matters. SunGard Public Sector will still be available to provide assistance whenever needed.
2. SunGard Public Sector is required to work with the company that supplied the operating system. If that company fails to provide quality support, SunGard Public Sector will not be able to provide quality support to our customers.
3. Some operating system problems can only be solved on-site. If and when this situation occurs, SunGard Public Sector personnel will travel to Customer's site with Customer's approval. Customer will be billed according to the SunGard Public Sector's professional services fee schedule plus the Customer will be billed for travel expenses and comprehensive per diem.
4. In the event that a bug is identified in the operating system, SunGard Public Sector will immediately report the problem directly to the provider. However, SunGard Public Sector and the Customer will be required to accept their schedule for fixing the problem.
5. If enhancement requests are made to SunGard Public Sector for changes to the operating system, SunGard Public Sector will pass them along to the provider. SunGard Public Sector can make no commitments as to when, or if, the enhancements will be included in future releases.
6. SunGard Public Sector will provide assistance with operating system upgrades via phone but Customer is responsible for obtaining the upgrade from the vendor and paying any required fee.
7. Most operating system upgrades require on-site assistance. The fee for on-site assistance is not included with SunGard Public Sector software support.
8. SunGard Public Sector must approve all operating system upgrades in advance to verify that the upgrade is necessary and compatible with the SunGard Public Sector Licensed Program(s).

3.2 The following items are specifically not covered by this Agreement:

- a. Any hardware failure including, but not limited to, failure caused by wiring, multiplexers, modems, phone lines, power, or connectors. Also, any hardware limitations due to insufficient memory, disk storage or processing power.
- b. Any problems caused by hardware failure.
- c. Any work required to restore or recover the operating system and/or data files.
- d. Any problem caused by an operator.
- e. Configuring, maintaining, and upgrading the operating system including, but not limited to, backups and restores, fixes, and patches.
- f. Any problems caused by incorrectly installed, configured, or maintained operating system, or versions of the operating system not supported by SunGard Public Sector.
- g. Problems with, or caused by any software not supported by SunGard Public Sector, including, but not limited to, SNA, word processors, terminal emulators, etc.
- h. System software installations made by the Customer without authorization of SunGard Public Sector such as installing a new Windows SQL version.

Section 4

OBLIGATION OF CUSTOMER

- 4.1 Customer shall provide, without charge to SunGard Public Sector, access to its facilities in connection with the performance of SunGard Public Sector of its obligations hereunder. It is agreed that prior notification will be given when access is required.
- 4.2 Customer must provide SunGard Public Sector with information sufficient for SunGard Public Sector to duplicate the circumstances under which a Problem in a Licensed Program became apparent.
- 4.3 Customer must maintain a current license of pcAnywhere, the SunGard Public Sector OSSI services workstation, and a 128K internet connection (Cable, DSL or similar) for support of the Licensed Programs. These items will connect to the active OSSI application data set(s) using a Licensed Program maintained by SunGard Public Sector hereunder. If desired, the Customer may install a dedicated 56K modem and phone line as a backup support option via dial-up. The customer shall provide access to a voice grade local telephone line for communication with the SunGard Public Sector support staff. SunGard Public Sector strongly recommends PC Anywhere and modem connection as a backup solution in the event Customer loses the broadband connection. In the event Customer elects not to maintain such, Customer acknowledges that SunGard Public Sector will not be able to provide support and will be relieved from all obligations hereunder for providing support.
- 4.4 A representative of Customer must be present when any on-site support is provided. Customer agrees that if such representative is not present when the SunGard Public Sector representative arrives on site, no work will be performed and Customer will be charged for such SunGard Public Sector representative.
- 4.5 All communications by Customer to SunGard Public Sector must be in the English language.
- 4.6 Customer is responsible for providing one or more qualified System Administrators as described in Section 5. At least one of these System Administrators must be available at all times.
- 4.7 Customer is responsible to support and maintain all system software. Customer shall NOT upgrade the operating system or third party software identified as integral to the operation of SunGard Public Sector's Licensed Programs without approval from SunGard Public Sector.

Section 5

SYSTEM ADMINISTRATOR REQUIREMENTS

- 5.1 Each System Administrator must be certified by SunGard Public Sector by completing the following:
 - a. Operating System training by either SunGard Public Sector or by a certified Microsoft training organization. This course work must include Administrating Windows 2000 Workstation, Administrating Windows 2000 Server, Windows SQL Administration (or the most current version supported by SunGard Public Sector at the time of installation) and other courses determined at the installation planning session based on the experience of the individuals.
 - b. SunGard Public Sector's application administration and code file course for each Licensed Program.
 - c. SunGard Public Sector's application training courses for each Licensed Program.
- 5.2 Each System Administrator must meet with a SunGard Public Sector Project Manager to review and sign on each of SunGard Public Sector's "Licensed Program(s) and/or Services Delivered" list.

- 5.3 Each System Administrator must be identified in an Attachment 1 properly signed by both Customer and SunGard Public Sector.
- 5.4 Each System Administrator must be qualified to address, without the aid of SunGard Public Sector, all problems relating to any hardware, software or operating system not directly associated with the Licensed Program(s).
- 5.5 Calls received by anyone not identified in an Attachment 1 are not covered by this Agreement and are therefore subject to hourly fees, and are not subject to minimum Response Time.
- 5.6 Each System Administrator must attend all of SunGard Public Sector's Licensed Program training.

Section 6

FEES AND CHARGES

- 6.1 Customer shall pay SunGard Public Sector Support fees and charges of \$1123.20 to the table attached hereto as Attachment 2 - Support Fees. Additional Licensed Programs may be added to this Agreement by the Schedules. SunGard Public Sector reserves the right to change its Support fees, provided that no such change will be effective until at least 30 days after SunGard Public Sector has given Customer written notice of such change by means of an invoice. In addition to the foregoing changes in Support Fees, fee changes will also result from changes in (1) Software prices, (2) Increases in the number of modules of a Licensed Program, (3) Increases in the number of users on the system, (4) Changes in the computer hardware or (5) Selection by Customer of different Coverage Hours.
- 6.2 SunGard Public Sector shall invoice Customer at the beginning of each contract year for all Support fees. All reimbursable expenses incurred shall be invoiced at the beginning of the next calendar month. Customer shall pay the invoiced amounts immediately upon receipt of such invoices. Any amount not paid within thirty (30) days after the invoice date shall bear interest at the highest rate allowed by applicable law.
- 6.3 Customer shall be responsible for procuring, installing, and maintaining all equipment, telephone lines, modems, communications interfaces, and other hardware necessary to operate the Licensed Program and to obtain from SunGard Public Sector the Services called for by this Agreement.
- 6.4 Customer agrees to pay additional charges according to the SunGard Public Sector fee schedule for all work performed outside of Coverage Hours. These charges are applicable for any work performed after hours regardless of cause even if it was reported and/or initiated during Coverage Hours. Customer will be required to authorize any work outside of coverage hours that results in additional charges.
- 6.5 On-site assistance will be performed as requested by Customer. However, Customer will be billed according to the SunGard Public Sector fee schedule for travel expenses and comprehensive per diem.

Section 7

PROPRIETARY RIGHTS

- 7.1 To the extent that SunGard Public Sector may provide Customer with any Error Corrections or Enhancements or any other software, including any new software programs or components, or any compilations or derivative works prepared by SunGard Public Sector (collectively, "Vendor Programs"), Customer may (1) install one set of the Vendor Programs in the most current form provided by SunGard Public Sector, in Customer's own facility; (2) use such Vendor Programs in connection with the Licensed Programs, and in a manner consistent with the requirements of the License Agreement, for purposes of serving Customer's internal business needs; and (3) make one copy of the Vendor Programs in machine-readable form for nonproductive backup purposes only. Customer may not use, copy, or modify the Vendor Programs, or any copy, adaptation, transcription, or merged portion thereof, except as expressly authorized by SunGard Public Sector. Upon termination of such License Agreement, Customer shall return or destroy the Vendor Programs, and returning the Vendor Programs in the manner required by the License Agreement shall be sufficient for such purposes.

- 7.2 The Vendor Programs are and shall remain the sole property of SunGard Public Sector, regardless of whether Customer, its employees, or contractors may have contributed to the conception of such work, joined in the effort of its development, or paid SunGard Public Sector for the use of the work product. Customer shall from time to time take any further action and execute any further instrument, including documents of assignment or acknowledgment that SunGard Public Sector may reasonably request in order to establish and protect its exclusive ownership rights in such works. Customer shall not assert any right, title, or interest in such works, except for the non-exclusive right of use granted to Customer at the time of its delivery or on-site development.

Section 8

DISCLAIMER OF WARRANTY AND LIMITATION OF LIABILITY

- 8.1 SUNGARD PUBLIC SECTOR DISCLAIMS ALL WARRANTIES EITHER EXPRESSED OR IMPLIED AND REPRESENTATIONS WITH RESPECT TO THE LICENSED PROGRAM, INCLUDING ITS CONDITION, ITS CONFORMITY TO ANY REPRESENTATION OR DESCRIPTION, THE EXISTENCE OF ANY LATENT OR PATENT DEFECTS, AND ITS MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE.
- 8.2 In no event shall SunGard Public Sector's cumulative liability for any claim arising in connection with this Agreement exceed the total fees and charges paid to SunGard Public Sector by Customer within the last twelve (12) months.
- 8.3 No action, whether based on contract, strict liability, or tort, including any action based on negligence, arising out of the performance of services under this Agreement, may be brought by either party more than one (1) year after such cause of action accrued.

Section 9

TERMINATION

- 9.1 This Agreement may be terminated as follows:
- a. This Agreement shall immediately terminate upon the termination of the License Agreement;
 - b. This Agreement may be terminated by Customer upon the expiration of the then-current term of this Agreement, provided that at least ninety (90) days prior written notice is given to SunGard Public Sector. SunGard Public Sector may terminate this Agreement upon the expiration of the second term of this Agreement, provided that at least ninety (90) days prior written notice is given to Customer; or
 - c. This Agreement may be terminated by either party upon thirty (30) days prior written notice if the other party has materially breached the provisions of this Agreement and has not cured such breach within such notice period.
- 9.2 Following termination of this Agreement, SunGard Public Sector shall immediately invoice Customer for all accrued fees and charges and all reimbursable expenses, and Customer shall pay the invoiced amount immediately upon receipt of such invoice. Customer may continue to use any work supplied to Customer by SunGard Public Sector for the remaining term of the License Agreement. Any amount not paid within thirty (30) days after the invoice date shall bear interest at the rate allowed by applicable law.

Section 10

MISCELLANEOUS

- 10.1 Each party acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms. The parties further agree that this is the complete and exclusive statement of the agreement of the parties with respect to the subject matter hereof and that it supersedes and merges all prior proposals, understandings, and agreements, whether oral or written, between the parties with respect to the subject matter hereof. This Agreement may not be modified except by a written instrument duly executed by the parties hereto.
- 10.2 If any term or provision of this Agreement or the application thereof to any entity, person or circumstance shall, to any extent be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to entities, persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 10.3 This Agreement may not be assigned except in conjunction with permitted assignment of the SunGard Public Sector Software License and Services Agreement.
- 10.4 Waiver of any breach or default hereunder shall not constitute a continuing waiver or a waiver of any subsequent breach either of the same or of another provision of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as set forth below.

LODI POLICE DEPARTMENT, CA

SUNGARD PUBLIC SECTOR INC.

Authorized Signature

Authorized Signature

Rad Bartlam, Interim City Manager

Christian Coleman
VP and Controller, SunGard Public Sector Inc

Print Name & Title

Print Name & Title

Date

10/11/2010

Date

Attest

Randi Johl
City Clerk

Dated: _____

Approved as to Form:

D. Stephen Schwabauer, City Attorney

**LICENSED PROGRAM(S) SUPPORT AGREEMENT
ATTACHMENT 1**

SUPPORT FEES

Qty.	Schedule of Licensed Programs covered under this Agreement	Annual Support Fee	
			October 1, 2010 - September 30, 2011
1	OSSI Base Computer Aided Dispatch System Tier 3	\$	12,519.00
3	OSSI Additional CAD Console License	\$	2,106.00
1	OSSI Alpha Numeric Paging Module	\$	990.00
1	OSSI Map Converter Software	\$	630.00
1	OSSI First CAD Map Display and Map Maintenance Software License	\$	990.00
5	OSSI Additional CAD Map Display SiteLicense	\$	1,800.00
2	OSSI CAD Resource Monitor Display License with Maps Client	\$	540.00
1	OSSI Rip & Run Printing Faxing Module	\$	990.00
1	OSSI Roster Module	\$	990.00
1	OSSI E911 Interface Module	\$	990.00
1	OSSI Firehouse RMS Interface	\$	990.00
1	OSSI Interface to Pagegate	\$	180.00
1	OSSI Station Toning Module	\$	990.00
1	OSSI Zetron Model 3030 TDD Interface	\$	810.00
1	OSSI Telestaff Interface	\$	990.00
1	OSSI Base Mobile Server Software Client - 50	\$	3,600.00
7	OSSI CAD Client AVL License	\$	2,520.00
35	OSSI Client AVL Mobile License	\$	840.00
1	OSSI AVL Server Host License	\$	6,300.00
35	OSSI MCT Client for Digital Dispatch	\$	5,572.00
35	OSSI Mobile Client Maps	\$	1,120.00
35	OSSI License of Incident/Offense Field Reporting Module Client	\$	5,572.00
85	OSSI MFR Client Accident Reporting	\$	6,800.00
35	OSSI Mobile Arrest Module	\$	1,680.00
50	OSSI MFR Client Moblan Version	\$	4,000.00
1	OSSI MCT Interface to Firehouse	\$	1,350.00
1	OSSI Review Module for Field Reporting	\$	2,800.00
1	OSSI Integrated State/NCIC Messaging Software Switch	\$	3,600.00
30	OSSI Lan Client License for Message Switch	\$	1,620.00
2	OSSI Canine Module in MFR	\$	96.00
1	OSSI Police to Citizen	\$	2,000.00
1	OSSI Client Base Records Management System - 50	\$	12,992.00
1	OSSI Police to Police Internet Data Sharing	\$	-
1	OSSI Base Accident Module - 50	\$	880.00
1	OSSI Accident Wizard Base Server License	\$	800.00
95	OSSI Accident Wizard Worksheet License Client	\$	2,280.00
1	OSSI Animal Control Module	\$	1,200.00
1	OSSI Bar Coding Server License	\$	400.00
1	OSSI Bike Registration module - 10	\$	240.00
1	OSSI Calls for Service Module	\$	320.00
1	OSSI RMS Canine Tracking Module	\$	880.00
1	OSSI Crime Analysis Module - Client License	\$	2,000.00
1	OSSI Crime Stoppers Management Module	\$	560.00
1	OSSI Document Scanning and Storage	\$	1,600.00
1	OSSI Felony Registration Module - 10	\$	240.00
1	OSSI Fire Arms Application Permit Module -10	\$	240.00
1	OSSI Generic Permit Module - 10	\$	480.00
2	OSSI Bar Coding Hand Held Client License	\$	510.00
1	OSSI Link Analysis Module	\$	2,800.00
1	OSSI RMS Map Display and Pin Mapping Licene - 50	\$	1,600.00
1	OSSI Notification Module -50	\$	2,272.00
1	OSSI Ordinance Module	\$	240.00
1	OSSI Probation and Parole Module - 10	\$	240.00
1	OSSI Problem Oriented Policing module - 10	\$	560.00
1	OSSI Property and Evidence Module	\$	880.00
1	OSSI Residential Security Watch - 10 Module	\$	240.00
1	OSSI Sex Offender Module	\$	2,400.00
1	Gang Profile Module	\$	1,200.00
1	OSSI Professional Standards Internal Affairs Module Client	\$	2,800.00
1	OSSI Client Jail Management System Module - 5	\$	2,400.00
1	OSSI Site License Mugshot Display Software License	\$	4,200.00
1	OSSI Mugshot Capture Station Software Only	\$	880.00
1	OSSI State Livescan Interface	\$	1,360.00
1	OSSI RMS Custom Modification - Dataworks Interface	\$	800.00
	Tax	\$	5,498.14
	Totals	\$	131,967.14

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO SIGN THE
ANNUAL SERVICE MAINTENANCE AGREEMENT WITH
SUNGARD PUBLIC SECTOR, INC.

=====

WHEREAS, in 2009 the Lodi Police Department purchased a new computer system from Sungard Public Sector, Inc.; and

WHEREAS, The new Sungard OSSI system provides records management, computer aided dispatching, field reporting, mobile computing and other functions which allow the department to function more efficiently; and

WHEREAS, the annual service maintenance agreement between the Lodi Police Department and Sungard Public Sector provides for software and hardware support in the event of system malfunctions and minimizes any disruption in the department's ability to provide service to the public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby authorize the City Manager to execute the Service Maintenance Agreement (ESA) for current police information systems with Sungard Public Sector, Inc. and authorize payment in the amount of \$131,967.14 from the 2010-2011 Lodi Police Department Operating Budget.

Dated: November 3, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City council of the City of Lodi in a regular meeting held November 3, 2010, by the following vote:

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

RANDI JOHL
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution to Increase Parking Fines for the Lodi Municipal Code and California Vehicle Code Sections

MEETING DATE: November 3, 2010

PREPARED BY: Interim Chief of Police

RECOMMENDED ACTION: Adopt Resolution to increase parking fines for the Lodi Municipal Code and California Vehicle Code Sections.

BACKGROUND INFORMATION: Pursuant to AB 1617, cities are required to forward an additional \$3.00 from each parking citation to the State of California for deposit in the State Court Facilities Construction Fund. This change is in addition to the \$4.50 currently required to fund court operations. The new law goes into effect on, December 8, 2010, and sunsets July 1, 2013.

Revenue from parking citations is minimal with budgeted revenue for Fiscal Year 2010/2011 at \$56,000. Parking fines were reviewed in February, 2009 with the majority of the fines increasing from \$25 to \$37. A review of these fines shows the City is currently in line with other county jurisdictions. The proposed bail schedule (see appendix A) will cover the \$3.00 additional surcharge the City is required to pay to the County to deposit into the State Court Facilities Construction Fund, and does not increase City revenue.

FISCAL IMPACT: Raising bail amounts will allow the City to recover the new State-imposed fee. Failing to increase the bails amounts will reduce General Fund revenue by an estimated \$4,650 annually.

FUNDING AVAILABLE: Not applicable.

Jordan Ayers, Deputy City Manager

Captain Gary Benincasa
Interim Chief of Police

GB:JB:sm
cc: City Attorney

Attachments: Appendix A

APPROVED: _____
Konradt Bartlam, Interim City Manager

**Adopt Resolution to increase parking fines for both the Lodi Municipal Code and California Vehicle Code Sections
November 3, 2010
Page Two**

Appendix A

Section	Offense	Current Fine	Proposed Fine
10.44.010 B	Overtime Parking 30min	\$30.00	\$33.00
10.44.010 B	Permit Zone on City Streets	\$37.00	\$40.00
10.44.020 A	No Parking sign, or Red Curb	\$37.00	\$40.00
10.44.020 B	Parking on Sidewalk or Parkway	\$37.00	\$40.00
10.44.020 C	Parking in alley except loading/unloading	\$37.00	\$40.00
10.44.020 D	Special Event no parking when previously signed 24-hours	\$37.00	\$40.00
10.44.020 G	Blocking wheelchair ramp where signed or red curb	\$37.00	\$40.00
10.44.030	Parking exceeds 72 consecutive hours	\$44.00	\$47.00
10.44.040 A	Vehicle "For Sale" except at the residence of owner	\$37.00	\$40.00
10.44.040 B	Person of firm displaying three or more vehicles for sale on public roadway/right-of-ways	\$70.00	\$73.00
10.44.040 C	For sale within 200 feet of signalized intersection	\$37.00	\$40.00
10.44.040 D	For Sale on private property within 30-feet of public street	\$37.00	\$40.00
10.44.040 F	Use of public street washing/publishing vehicles if charge is made for such service	\$37.00	\$40.00
10.44.050	Parking in position that obstructs traffic	\$37.00	\$40.00
10.44.070	No Parking of vehicle 6-feet in height, including load, within 100-feet of any signed and designated intersection	\$37.00	\$40.00
10.44.100 A	Angled Parking – out of markings	\$37.00	\$40.00
10.44.100 B	Angle Parking – Front wheel within 6" of curb	\$37.00	\$40.00
10.44.110 B	Out of designated space – straddling spaces	\$37.00	\$40.00
10.44.130 B	Permit required zone in City Lot	\$37.00	\$40.00
10.44.150 B	"Loading Zone" 20 minute Max, 3 minutes for passengers	\$37.00	\$40.00
10.44.150 C	"Passenger Loading Zone" 3 minutes max, Freight prohibited	\$37.00	\$40.00
10.48.010 A	Residential Permit required	\$30.00	\$33.00
10.52.050 A	Commercial vehicle, 10,000 GVW in residential district	\$44.00	\$47.00
10.52.050 B	Commercial vehicle outside specific signed area	\$44.00	\$47.00
10.52.060 A	Semi-trailer unattended without tractor on any public street, all, etc.	\$44.00	\$47.00
10.52.080 A	Commercial vehicle auxiliary engine within 250 feet of residential district between 10 pm and 7 am	\$70.00	\$73.00
15.40.100 C	Private property Fire Lane properly signed	\$37.00	\$40.00
17.60.190	Specific commercial vehicles greater than 3,000 GVW shall not park on private property in residential Zones unless out of public view.	\$37.00	\$40.00
17.60.160 A	No vehicle parked on unapproved yard. Anti- "Yard Car" Washing and cleaning of such vehicle is exempt, or if behind an opaque fence 7-feet high	\$37.00	\$40.00

CVC Sections

Section	Offense	Current Fine	Proposed Fine
22500 (a thru i)	Assorted Vehicle code violations	\$47.00	\$50.00
22502 (a)	Parallel Parking Within 18" of Curb	\$47.00	\$50.00
22514	Fire Hydrant Within 15 feet	\$47.00	\$50.00
5200	Display of License Plate	\$102.00 or PC + \$10.00*	\$105.00 or PC + \$10.00*
5204	No Current Registration Tag	\$102.00 or PC + \$10.00*	\$105.00 or PC + \$10.00*
Late Fees	Fees paid if citation is not paid or contested within 21 calendar days	\$40.00	\$43.00

* Maximum fine is set by judicial council and \$10.00 Proof of Correction fee is set by CVC section 40225.

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
FEE INCREASES FOR PARKING FINES

=====

WHEREAS, the Lodi Municipal Code requires the City Council, by Resolution, to set fees for various services provided by the City of Lodi to recover those costs associated with providing specific services and programs; and

WHEREAS, staff recommends increasing fees for parking citation fines, as shown on the attached schedule marked Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby implement the fee schedules as attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist; and

FURTHER RESOLVED that this resolution 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 fifteen (15) days from the date of its adoption, or as soon thereafter as administratively possible.

Dated: November 3, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City council of the City of Lodi in a regular meeting held November 3, 2010, by the following vote:

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

RANDI JOHL
City Clerk

Exhibit A

Section	Offense	Fine
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10.44.020 C	Parking in alley except loading/unloading	\$40.00
10.44.020 D	Special Event no parking when previously signed 24-hours	\$40.00
10.44.020 G	Blocking wheelchair ramp where signed or red curb	\$40.00
10.44.030	Parking exceeds 72 consecutive hours	\$47.00
10.44.040 A	Vehicle "For Sale" except at the residence of owner	\$40.00
10.44.040 B	Person of firm displaying three or more vehicles for sale on public roadway/right-of-ways	\$73.00
10.44.040 C	For sale within 200 feet of signalized intersection	\$40.00
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10.44.050	Parking in position that obstructs traffic	\$40.00
10.44.070	No Parking of vehicle 6-feet in height, including load, within 100-feet of any signed and designated intersection	\$40.00
10.44.100 A	Angled Parking – out of markings	\$40.00
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10.52.050 B	Commercial vehicle outside specific signed area	\$47.00
10.52.060 A	Semi-trailer unattended without tractor on any public street, all, etc.	\$47.00
10.52.080 A	Commercial vehicle auxiliary engine within 250 feet of residential district between 10 pm and 7 am	\$73.00
15.40.100 C	Private property Fire Lane properly signed	\$40.00
17.60.190	Specific commercial vehicles greater than 3,000 GVW shall not park on private property in residential Zones unless out of public view.	\$40.00
17.60.160 A	No vehicle parked on unapproved yard. Anti- "Yard Car" Washing and cleaning of such vehicle is exempt, or if behind an opaque fence 7-feet high	\$40.00

CVC Sections

Section	Offense	Fine
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22514	Fire Hydrant Within 15 feet	\$50.00
5200	Display of License Plate	\$105.00 or PC + \$10.00*
5204	No Current Registration Tag	\$105.00 or PC + \$10.00*
Late Fees	Fees paid if citation is not paid or contested within 21 calendar days	\$43.00

* Maximum fine is set by judicial council and \$10.00 Proof of Correction fee is set by CVC section 40225.



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt a Resolution Approving Year 2010 Amendments to Conflict of Interest Code (Government Code Section 87306.5)

MEETING DATE: November 3, 2010

PREPARED BY: Janice D. Magdich, Deputy City Attorney

RECOMMENDED ACTION: Adopt a Resolution approving Year 2010 Amendments to Conflict of Interest Code (Government Code Section 87306.5).

BACKGROUND INFORMATION: The City Council, must, periodically review, and if necessary, update the City's Conflict of Interest Code pursuant to California Government Code Section 87306.5.. The attached resolution makes changes based on conditions occurring since the last update adopted by the Council in 2008. The attached resolution was published in draft form to begin the 45-day public comment period on the proposed changes. The majority of the changes made since 2008 reflect little more than title changes of positions, the addition of new positions or deletion of abolished positions, and comments received from staff; no comments to the proposed resolution were received from members of the public. The following additional changes have been made to the draft resolution approved by Council on September 1, 2010.

- Addition of Supervising Budget Analyst position to Internal Services/Financial Services & Budget Department (this new position was approved by Council Resolution No. 2010-176 on October 6, 2010).
- Transfer a Senior Programmer/Analyst position to the City Manager's Department from the Internal Services/Information Systems Department.
- Transfer the Senior Storekeeper and Buyer positions to the Electric Utility Department from the Internal Services/Financial Services & Budget Department.
- Addition of Animal Services Supervisor position as a reporting position within the Police Department.
- Delete NAFFA International and Precision Inspection Company, Inc. as Community Development Department Consultants.

As required by statute, the final version of the resolution is now brought back to the City Council for final approval.

FISCAL IMPACT: None.
FUNDING: None required.

Janice D. Magdich
Deputy City Attorney

APPROVED: _____
Konradt Bartlam, Interim City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
REPEALING RESOLUTION NO. 2008-210
THEREBY AMENDING CITY OF LODI CONFLICT
OF INTEREST CODE

=====

The Political Reform Act of 1974 (Government Code section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and a hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the City of Lodi.

Designated officials and employees shall file their statements with the City Clerk of the City of Lodi and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution No. 2008-210 is hereby repealed in its entirety.
2. The terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Lodi.
3. Persons holding designated positions shall file statements of economic interest pursuant to the provisions of this code.
4. All designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Lodi to whom the City Council hereby delegates the authority to carry out the duties of filing officer.
5. Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal, and civil sanctions as provided in Government Code sections 81000-91014.
6. The effective date of this Resolution shall be November 3, 2010.

Dated: November 3, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 3, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Randi Johl
City Clerk

2010-_____

APPENDIX A

DESIGNATED OFFICIALS AND EMPLOYEES

The following is a listing of those persons who are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

List of designated positions required to file Form 700:

<u>Department:</u>	<u>Position:</u>	<u>Disclosure Category:</u>
City Manager	City Manager	*
	Deputy City Manager/Internal Services Director	1
	Management Analyst/Communications Specialist	1
	Management Analyst/Risk Manager	1
	Senior Programmer/Analyst	2, 3, 4
City Attorney	City Attorney	*
	Deputy City Attorney	1
City Clerk	City Clerk	1
	Assistant City Clerk	1
Community Center	Community Center Director	1
	Youth Commission Coordinator	2,5
	Stage Technician	2,5
	Art & Events Manager	2,5
	Building Services/Event Coordinator	2,5
Community Development	Community Development Director	1
	Planning Manager	1
	Junior\Assistant\Associate Planner	1
	Building Official	1
	Building Inspector III	2,3,5,7
	Neighborhood Services Manager	1
Electric Utility	Electric Utility Director	1
	Assistant Electric Utility Director	1
	Utility Operations Supervisor	5
	Manager, Customer Services & Programs	1
	Distribution Planning Supervisor	5
	Senior Power Engineer	2,3,5
	Electric Utility Rate Analyst	2,3,5
	Senior Storekeeper	2, 3, 4
	Buyer	2, 3, 4
Fire	Fire Chief	1
	Fire Division Chief \ Operations	1
	Fire Battalion Chief \ Training	5
	Fire Battalion Chief	5
	Fire Marshall	1
	Fire Inspector	1

Internal Services/Human Resources	Human Resources Manager Management Analyst	1 2,8
Internal Services/Financial Services & Budget	Financial Services Manager Accountant Supervising Accountant Budget Manager Management Analyst Purchasing Technician	2,3,4,8 2,3,4 2,3,4 2,3,4,8 2,3,4,8 4
Internal Services/Information Systems	Information Systems Manager Information Systems Coordinator Network Administrator Senior Programmer/Analyst	1 2,3,4 5 2,3,4
Library	Library Services Director Supervising Librarian	1 <u>5</u>
Parks and Recreation	Parks and Recreation Director Parks Superintendent Parks Project Coordinator Recreation Superintendent Recreation Manager	1 1 2,3,5 2,3,5 2,3,5
Police	Police Chief Police Captains Management Analyst Community Improvement Officer Supervising Community Improvement Officer Animal Services Supervisor	1 1 2,3,4 2,3,5,7 2,3,5,7 2, 5
Public Works	Public Works Director City Engineer/Deputy Public Works Dir. Senior Civil Engineer Fleet & Facilities Manager Water/Wastewater Superintendent Transportation Manager Transportation Planner Fleet Services Supervisor Management Analyst Construction Project Manager Deputy Public Works Director – Utilities Streets and Drainage Superintendent Wastewater Treatment Superintendent	1 1 2,3,5,7 2,3,5,7 2,3,5,7 2,3,5,7 2,3,5,7 2,3,5,7 2,3,5,7 2,3,5,7 1 2,3,5,7 2,3,5,7
Boards and Commissions	Members of the Planning Commission Members of the Recreation Commission Members of the Site Plan and Architectural Review Committee Members of the Library Board of Trustees	* 2,3,4,6,7,8 2,3,4,6,7,8 2,3,4,6,7,8

	Members of the Lodi Improvement Committee	2,3,4,6,7,8
	Members of the Lodi Arts Commission	2,3,4,6,7,8
	Members of the Lodi Budget/Finance Committee	2,3,4,6,7,8
	Members of the Lodi Animal Advisory Committee	2,3,4,6,7,8
	Members of the Lodi Senior Citizens Commission	2,3,4,6,7,8
Consultants		
Community Development	CDBG Program Administration(Contract Consultant – PMC)	2,3,4
	Interwest Consulting Group (Contract Plan Check Services)	2,3,4
	Bureau Veritas (Contract Plan Check Services)	2,3,4
	Dyett & Bhatia	1
Internal Services/Human Resources	York Insurance Service Group DB Claims Services Group, Inc.	2,3,4,8 2,3,4,8
Public Works	West Yost & Associates Treadwell & Rollo	1 1

* Exempted from Political Reform Act of 1974, but required to file a statement of economic interests pursuant to Government Code section 87200.

Designated Employees are those positions within the city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local governmental agency:

- A. Makes governmental decisions whether to
 1. approve a rate, rule or regulation;
 2. adopt or enforce a law;
 3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;

5. grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 6. grant agency approval to a plan, design, report, study or similar item;
 7. adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- B. Serves in a staff capacity with the agency and in that capacity performs the same or substantially the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agencies Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon the description, a statement of the extent of the disclosure requirements. The City Manager or his designee’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Public Officials Who Manage Public Investments (Specified in Government Code Section 87200):

The positions listed below manage public investments and shall file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only.

1. Members of the Lodi City Council
2. City Manager
3. City Attorney
4. Finance Director
5. Members of the Lodi Planning Commission

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code section 87200.

APPENDIX B

DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

DISCLOSURE CATEGORIES

1. All investments and business positions in business entities, sources of income, including loans, gifts, and travel payments, from all sources wherever located; and interests in real property located within the jurisdiction of the City of Lodi or within two (2) miles of the boundaries of the City of Lodi or within two (2) miles of any land owned or used by the City of Lodi.
2. Investments and business positions in business entities, and all sources of income, including loans, gifts, and travel payments, from all sources.
3. Interests in real property located within the jurisdiction of the City of Lodi or within two (2) miles of the boundaries of the City of Lodi or within two (2) miles of any land owned or used by the City of Lodi.
4. Investments and business positions in business entities, and ~~sources of income~~ from entities, including loans, gifts, and travel payments, from sources providing supplies, services, materials, equipment or machinery of the type used by the City of Lodi.
5. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources providing supplies, services, materials, equipment or machinery of the type used by the designated position's division or department.
6. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the City of Lodi during the previous two (2) years, or have a claim pending with the City of Lodi.
7. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to: licenses, utility permits, and vendor permits.
8. Investments and business positions in and income from Union Pension funds that may be affected by the outcome of negotiations involving monetary settlements of employer-employee memorandums involving the City of Lodi.



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for November 17, 2010, to Consider Unmet Transit Needs in Lodi

MEETING DATE: November 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set public hearing for November 17, 2010, to consider unmet transit needs in Lodi.

BACKGROUND INFORMATION: The San Joaquin Council of Governments (SJCOG) is required to conduct an annual assessment of the existing transit system prior to the allocation of Local Transportation Funds for non-transit purposes (TDA Section 99401.5). SJCOG, the San Joaquin Regional Transit District, and local jurisdictions are sponsoring several upcoming Unmet Transit Needs hearings in San Joaquin County, including Lodi. Any comments received from those meetings will be communicated to City staff. It should be noted that many of the comments are given directly via email to SJCOG staff throughout the year.

Unmet Transit Needs are defined as transportation services not currently provided to those residents who use or would use public transportation regularly, if available, to meet their life expectations. SJCOG's Social Services Transportation Committee (SSTAC) will evaluate the comments received based on a reasonableness test of six criteria. The criteria include community acceptance, equity, potential ridership, cost effectiveness, operational feasibility, and funding. The funding criterion requires the imposed service does not cause the public agency to incur expenses in excess of the maximum allocation of TDA funds. Completion of the Draft Unmet Transit Needs study is scheduled for February 2011 with adoption of the Final Unmet Transit Needs study in April 2011.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

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

FWS/PJF/pmf

cc: Tanisha Taylor, San Joaquin Council of Governments
Aaron Hoyt, San Joaquin Council of Governments

APPROVED: _____
Konradt Bartlam, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for November 17, 2010 To Consider Adoption of A Resolution Setting The San Joaquin County Multi-Species Habitat Conservation And Open Space Plan Development Fees For 2011

MEETING DATE: November 3, 2010

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Set public hearing for November 17, 2010 to consider adoption of a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2011.

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. According to the Plan, 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.

On August 11, 2010, The SJCOG Board unanimously approved the attached HCP fee schedule for 2011. All local jurisdictions are requested to approve the new fee schedule that will take effect on January 1, 2011.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

Konradt Bartlam
Community Development Director

IB/kjc

Attachments:

1. Habitat Conservation Plan 2011 Fee Schedule

APPROVED: _____
Konradt Bartlam, Interim City Manager



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)

Ann Johnston
CHAIR

Chuck Winn
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies

CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

2011 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$6,631
Natural	\$ 13,262
Agriculture	\$ 13,262
Vernal Pool - uplands	\$ 38,328
Vernal Pool - wetted	\$ 77,720

* Effective January 1, 2011 – December 31, 2011

2011 Endowment Fees with In-lieu Land**

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$2,996.88	\$1,689.55	\$4,686.43
Natural Lands	\$2,996.88	\$1,689.55	\$4,686.43
Vernal Pool Habitat			
<i>Vernal Pool Grasslands</i>	\$564.36	\$6,183.02	\$6,747.38
<i>Vernal Pool Wetted</i>	\$39,956.00	\$6,183.02	\$46,139.02

** Effective January 1, 2011 – December 31, 2011 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 elderberries 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.

Comments by the public on non-agenda items

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

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

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

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Conduct Public Hearing to Consider Adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, Fire Code with Local Amendments Including a Fee Schedule for Operational Permits and ATC 20 Placards

MEETING DATE: November 3, 2010

PREPARED BY: Community Development Director and Fire Chief

RECOMMENDED ACTION: Conduct public hearing to consider adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, Fire Code with Local Amendments including a fee schedule for Operational Permits and ATC 20 Placards.

BACKGROUND INFORMATION: Pursuant to Health and Safety Code Section 18938, the California Building Standards Commission has selected January 1, 2011 as the effective date for the 2010 California Building Code, 2010 California Mechanical Code, 2010 California Electrical Code, 2010 California Plumbing Code, 2010 California Residential Code, 2010 California Fire Code and 2010 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, 2011, 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 change in this code cycle is the adoption of the California Residential Code which is based on the 2009 International Residential 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 new residential code are as follows:

- 1) All building related construction requirements for residential structures are contained in the new Residential Code as opposed to the Building Code
- 2) Sprinkler systems are required for all new single-family dwellings

APPROVED: _____
Konradt Bartlam, Interim City Manager

- 3) Two options are provided for prescriptive braced wall panels
- 4) Reduction options are provided for attic ventilation
- 5) Carbon dioxide detectors are required in addition to smoke detectors

The Green Building Code has five mandatory measures; Planning and Design, Energy Efficiency, Water Efficiency and Conservation, Material Conservation and Resource Efficiency, and Environmental Quality for all new single family dwellings and new nonresidential buildings. Examples of some of the specific mandatory measures in each category are as follows:

Residential:

- 20-percent savings in potable water use
- Special outdoor irrigation controls such as soil moisture controls or weather-based controllers such as rain sensors
- Construction waste reduction of at least 50 percent
- Pollutant control, cover duct openings and protect equipment during construction
- Reduction in volatile organic compounds (VOC)

Nonresidential:

- Site development short-term and long-term bicycle parking, designated parking for low-emitting, fuel-efficient and car/van pool vehicles
- Separate water meters for buildings over 50,000 square feet, excess consumption more than 1,000 gal/day
- 20-percent savings in potable water use
- Separate water meters for buildings with landscaping areas between 1,000 square feet and 5,000 square feet
- Construction waste reduction of at least 50 percent
- Reduction in VOC

The major changes in the 2010 Fire Code this cycle are as follows:

- 1) Administrative chapter that had been previously an appendix is now included in the State Fire Code. It has amended to have the City Council sit as the board of appeals. The Fire Code appeal process will be handled in the same as in Community Development for the building codes.
- 2) Appendix I specifies maintenance requirements for fire-suppression systems. This is intended to identify conditions that may occur when a fire-suppression system is not maintained properly. Identifies specific problems that are readily observable during a fire inspection and makes the system noncompliant until the components are replaced.
- 3) Chapter 16 and Appendixes E, F, and G, which address high hazards including cryogenics, crop-ripening operations and building identification for hazardous materials. In combination these code sections provide the means for classifying the hazard, establishing standards for site identification and emergency planning requirements.
- 4) Renaming of Municipal Codes to more closely align with the State Code Sections. This is being done to assist in researching codes section and for referencing between the related code sections.

Along with the Fire Code changes a fee schedule for operational permits is being recommended. Operational permitting has been a part of the State Fire Code but has not been implemented locally in past years. The implementation of permitting is to ensure extra hazard operations are inspected annually for compliance. Authority to set fees is currently in the Lodi Municipal Code Section 15.20.280 Permits- Required Fees. The fee schedule provided is based on current cost recovery for services conducted by Community Development. Implementation will take place over the next year jointly by Fire and Community Development. Initial operational permits would be

issued by Community Development during plan review and inspection. Permits would be reissued annually following an inspection by Fire and/or Community Development.

Applied Technology Council ATC-20 Placards ordinance: One of the functions of the **Applied Technology Council** ATC-20 publication field manual was the development of placards that clearly identified the condition of buildings to owners and occupants in the event of a disaster. These placards were first used after the Loma Prieta earthquake in 1989. A panel was convened by the Applied Technology Council to review ATC-20 and update the document based on the Loma Prieta experience. One of the major revisions to come from that panel was to revise the three placards. These revised placards have been included in the **Post-Disaster Safety Assessment Program** and in this document.

Placards have been widely used in past earthquakes to denote the condition of buildings and structures. In many cases, the placards have been those recommended in the ATC-20 publication. Unfortunately, most jurisdictions have not officially adopted placards. Technically, these unofficial placards represent only a recommendation from those who performed the evaluation. As a recommendation, the placards do not carry the weight of law and cannot be enforced. Adopting the placards by ordinance makes them official and enforceable. Once the placards have been adopted and before they are printed, our jurisdiction seal, ordinance number, and the responsible department's name, address, and phone number will added.

In past events, there have been a number of reports of placards being removed from buildings by owners or tenants. In other cases, there have been reports of the unauthorized change of placards, usually from UNSAFE to one of the other categories. In both cases, adopting placards by ordinance allows the jurisdiction to enforce the posting with local police if necessary. Placards are placed on a building to protect the owner, tenant, and the general public. No action should be permitted that would compromise such protection.

We have tried to notify all affected parties by meeting with BIA/Chamber on October 7, publication in the Lodi News Sentinel, as well as notices 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, 2011.

Staff's recommendation is to approve the 2010 codes and Placards as amended. The Ordinances have been presented in highlight format to more easily identify the changes to aid in review.

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

Konradt Bartlam
Community Development Director

Kevin Donnelly
Fire Chief

DC/KD/kjc

Attachments:

1. Fee Schedule

Basic Fee Table

OPERATIONAL FIRE PERMITS				
CHECK	PERMIT TYPE	PERMIT FEE	ANNUAL INSPECTION FEE	TOTAL FEE
<input type="checkbox"/>	Above/Below Ground Fuel Storage Tank Installation	\$135	\$135/Tank	\$000/Tank
<input type="checkbox"/>	Above/Below Ground Fuel Tank Removal	\$135	\$135/Tank	\$000/Tank
<input type="checkbox"/>	Aerosol Products	\$135	\$135	\$000
<input type="checkbox"/>	Amusement Buildings	\$135	\$135	\$000
<input type="checkbox"/>	Aviation Facilities	\$135	\$135	\$000
<input type="checkbox"/>	Carnivals & Fairs	\$135	NA	\$000
<input type="checkbox"/>	Cellulose Nitrate Film	\$135	\$135	\$000
<input type="checkbox"/>	Christmas Tree Lots	\$135	NA	\$000
<input type="checkbox"/>	Combustible Dust-Producing Operations	\$135	\$135	\$000
<input type="checkbox"/>	Combustible Fibers	\$135	\$135	\$000
<input type="checkbox"/>	Compressed Gases	\$135	\$135	\$000
<input type="checkbox"/>	Covered Mall Buildings	\$135	\$135	\$000
<input type="checkbox"/>	Cryogenic Fluids	\$135	\$135	\$000
<input type="checkbox"/>	Cutting & Welding	\$135	\$135	\$000
<input type="checkbox"/>	Dry Cleaning Plants	\$135	\$135	\$000
<input type="checkbox"/>	Exhibits and Trade Shows	\$135	\$135	\$000
<input type="checkbox"/>	Explosives	\$135	\$135	\$000
<input type="checkbox"/>	Fire Hydrants & Valves	\$135	\$135	\$000
<input type="checkbox"/>	Flammable & Combustible Liquids	\$135	\$000	\$000
<input type="checkbox"/>	Floor Finishing	\$135	NA	\$000
<input type="checkbox"/>	Fruit and Crop Ripening	\$135	\$135	\$000
<input type="checkbox"/>	Hazardous Materials	\$135	\$135	\$000
<input type="checkbox"/>	Hazardous Production Material Facilities	\$135	\$135	\$000
<input type="checkbox"/>	High-Piled Storage	\$135	\$135	\$000
<input type="checkbox"/>	Hot Work Operations	\$135	\$135	\$000
<input type="checkbox"/>	Industrial Ovens	\$135	\$135	\$000
<input type="checkbox"/>	Lumber Yards and Woodworking Plants	\$135	\$135	\$000
<input type="checkbox"/>	Liquid-or-Gas-Fueled Vehc. or Equip. in Assembly Bldgs.	\$135	\$135	\$000
<input type="checkbox"/>	LP-Gas	\$135	\$135	\$000
<input type="checkbox"/>	Magnesium	\$135	\$135	\$000
<input type="checkbox"/>	Miscellaneous Combustible Storage	\$135	\$135	\$000
<input type="checkbox"/>	Opening Burning	NA	NA	NA
<input type="checkbox"/>	Open Candles, Flames, and Torches	\$25	NA	\$000
<input type="checkbox"/>	Organic Coatings	\$135	\$135	\$000
<input type="checkbox"/>	Places of Assembly	\$135	\$135	\$000
<input type="checkbox"/>	Private Fire Hydrants	\$135	\$135	\$000
<input type="checkbox"/>	Pyrotechnic/Special Effects Displays	\$135	\$135	\$000
<input type="checkbox"/>	Pyroxylin Plastics	\$135	\$135	\$000
<input type="checkbox"/>	Refrigeration Equipment	\$135	\$135	\$000

CHECK	PERMIT TYPE	PERMIT FEE	ANNUAL INSPECTION FEE	TOTAL FEE
<input type="checkbox"/>	Repair Garages and Motor Fuel-Dispensing Facilities	\$135	\$135	\$000
<input type="checkbox"/>	Rooftop Heliports	\$135	\$135	\$000
<input type="checkbox"/>	Spraying or Dipping	\$135	\$135	\$000
<input type="checkbox"/>	Storage of Scrap Tires and Tire Byproducts	\$135	\$135	\$000
<input type="checkbox"/>	Temporary Membrane Structures, Tents and Canopies	\$135	\$135	\$000
<input type="checkbox"/>	Tire-Rebuilding Plants	\$135	\$135	\$000
<input type="checkbox"/>	Waste Handling Facilities	\$135	\$135	\$000
<input type="checkbox"/>	Wood Products	\$135	\$135	\$000
<input type="checkbox"/>	Christmas Tree Lots	\$135	NA	\$000
<input type="checkbox"/>	Haunted Houses	\$135	NA	\$000
<input type="checkbox"/>	Special Events	\$135	NA	\$000

Permit Fee is based on 1 hour of time \$ 135. This includes Counter time, phone calls, permit data entry for permit Technician, plan check data entry and any additional plan check beyond the standard plan check time for a new building or Tenant improvement.

Fee table can be expanded in certain categories by square footage i.e. bigger building longer it takes for inspections.

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "2010 CALIFORNIA BUILDING CODE,"
VOLUMES 1 AND 2; THEREBY, REPEALING AND RE-
ENACTING 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).
- 15.04.040 Fee Schedule.
- 15.04.050 Special Inspections – Downtown Business District.
- ~~15.04.050 Repetitive Submittals (Master Plans).~~
- 15.04.060 Violation – Misdemeanor.

15.04.010 Adoption

The provisions set forth in the 2010 California Building Code, Volumes 1 and 2, including Chapter 1, Division II, Appendix I and J, 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 "2010 California Building Code," Volumes 1 and 2, 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.

Section 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.

15.04.050 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, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this ____ day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November____, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "2010 CALIFORNIA MECHANICAL
CODE"; THEREBY, REPEALING AND RE-ENACTING
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 "2010 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 "2010 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 115.2 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 115.5, 115.5.1, and 115.2 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 304.1 Installation. The California Mechanical Code adopted in Section 15.08.010, is amended to read as follows:

Section 304.1. 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)

Sec.110.1 - 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, 2011, which date is at least 30 days after passage of this ordinance.

Approved this ____ day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November ____, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

RANDI JOHL
City Clerk

Approved as to Form:
D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING THE
"2010 CALIFORNIA ELECTRICAL CODE"; THEREBY,
REPEALING AND RE-ENACTING 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 Inspectors Qualifications**
- 15.16.070 Violation – Misdemeanor

15.16.010 Adoption

The provisions set forth in the "2010 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, California; and the enforcement of the rules and regulations as set forth in the 2010 California Electrical Code ~~and Annex thereto~~ **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 Inspectors Qualifications

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 discription.

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, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this ____ day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2010, by the following vote:

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

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

RANDI JOHL
City Clerk

Approved as to Form:

D. STEVEN SCHWABAUER
City Attorney, City of Lodi

By _____
JANICE MAGDICH
Deputy City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "2010 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 "2010 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 2010 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 103.4 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.

15.16.050 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.

15.12.060 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, 2011, which date is at least 30 days after passage of this ordinance.

Approved this ____ day of November, 2010

PHIL KAZATKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL, City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING TITLE 15 "BUILDINGS AND
CONSTRUCTION" BY ADDING CHAPTER 15.06,
ADOPTING THE "2010 CALIFORNIA RESIDENTIAL
BUILDING CODE"



NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Title 15 – Buildings and Construction – is hereby amended by adding Chapter 15.06, "California Residential Code," 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 2010 California Residential Code, including Chapter 1, Division II, Appendix G, H, and J, sections AJ102.4, AJ501.7, AJ501.8, AJ601 only, 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 "2010 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)

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 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, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this ____ day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL, City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

RANDI JOHL, City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
TITLE 15 "BUILDINGS AND CONSTRUCTION" BY ADDING
CHAPTER 15.18, ADOPTING THE "2010 CALIFORNIA GREEN
BUILDING STANDARD CODE,"

=====

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

Section 1. Lodi Municipal Code Title 15 – Buildings and Construction – is hereby amended by adding Chapter 15.18, adopting the "2010 California Green Building Standard Code" to read as follows:

Chapter 15.18

Green Building Code

15.18.010 Adoption.

The provisions set forth in the 2010 California Green Building Standard Code, is hereby adopted as the Green Building Code of the City of Lodi and a copy of the same are 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, California.

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, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this ____ day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November ____, 2010, by the following vote:

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

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

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING THE
"2010 CALIFORNIA FIRE CODE"; THEREBY REPEALING AND
REENACTING THE 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**
- 15.20.060 Open Flames - Religious Ceremonies**
- 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 2010 California Fire Code, including Chapters 1, Division II, Chapters 3, 16 and 25, and Appendix Chapters B, D, E, F, G, I and J, 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. The Fire Code of the City of Lodi shall regulate and govern 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 and 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 and regulations as set forth in said “2010 California Fire Code,” and the above-designated appendixes thereto.

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, Title 24, California Code of Regulations, and Part 9.
- b) Whenever the word “municipality” is used in the California Fire Code, it shall mean the City of Lodi.
- c) Whenever the words “Chief” or “Fire Code Official” is used in the California Fire Code, 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.

15.20.060 **Open Flames - Religious Ceremonies**

Section 308.1.7 of the California Fire Code is hereby deleted:

Title 19 of the California Code of Regulations – Public Safety - Section 3.25 (b) supersedes this section thereby making the carrying of hand-held candles illegal.

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% and the total square footage of the building exceeds 6,000 square feet.

Exception: Group R, Division 3 occupancies.

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 1404.3 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 25 (Tire Rebuilding and Tire Storage) 2509.1 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 33 (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 33 (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 33 (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 3404.2.9.6.1 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. 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 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Lodi hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the 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, 2011, a date which is at least 30 days after passage of this ordinance.

Approved this ____ day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

Randi Johl
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November _____, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

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

RANDI JOHL
City Clerk

Approved as to Form:
D. Stephen Schwabauer
City Attorney, City of Lodi

JANICE D. MAGDICH
Deputy City Attorney

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 15 – BUILDINGS AND CONSTRUCTION – BY ADDING CHAPTER 15.22, “ATC-20 SAFETY ASSESSMENT PLACARDS” USED TO DENOTE CONDITIONS RELATING TO CONTINUED OCCUPANCY OF BUILDINGS.

=====

WHEREAS, one of the functions of the Applied Technology Council ATC-20 publication entitled *Post-Disaster Safety Assessment Program*, was the development of placards that clearly identify the condition of buildings to owners and occupants during a disaster; and

WHEREAS, these placards were first used after the Loma Prieta earthquake in 1989; and

WHEREAS, a panel was convened by the Applied Technology Council to review ATC-20 and update the publication and placards based on the Loma Prieta experience that recommended revisions to the placards; and

WHEREAS, placards have been widely used in past earthquakes to denote the condition of buildings and structures, and in many cases, the placards have been those recommended in the ATC-20 publication; and-

WHEREAS, in past events, there have been a number of reports of placards being removed from buildings by owners or tenants or an unauthorized change of placards, usually from UNSAFE to one of the other categories, compromising the protection of the public; and

WHEREAS, adopting the ATC-20 recommended placards by ordinance makes them the City’s official placards and their use enforceable under this Code and the misuse or removal of the placards punishable under this Code; and

WHEREAS, only authorized representatives of a jurisdiction may place official placards, and for this reason, the *Post-Disaster Safety Assessment Program* recommends that safety assessment evaluators be deputized. If evaluators are not deputized, the jurisdiction must send out its own personnel to post the buildings. In accordance with Article 17, Section 8657(b) of the *California Emergency Services Act*, local government is not financially responsible for providing disaster volunteers with worker's compensation coverage if the jurisdiction deputizes and registers the volunteers. Volunteering safety assessment evaluators registered with OES as Disaster Service Worker Volunteers are provided worker's compensation coverage by the State of California; safety assessment evaluators who are State or local government employees are covered by their respective jurisdiction and respond to disasters under the terms of mutual aid agreements.

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

SECTION 1. Lodi Municipal Code Title 15 – Buildings and Construction – is hereby amended by adding Chapter 15.22, ““ATC-20 Safety Assessment Placards” to read as follows:

CHAPTER 15.22

ATC-20 SAFETY ASSESSMENT PLACARDS

Sections:

15.22.010	Intent
15.22.020	Application of Provisions
15.22.030	Definitions
15.22.040	Placards

Section 15.22.010 Intent

This Chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. This Chapter further authorizes the Building Official and his/her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

Section 15.22.020 Application of Provisions.

- (a) The provisions of this Chapter are applicable to all buildings and structures of all occupancies regulated by the City of Lodi. The Council may extend the provisions as necessary.

Section 15.22.030 Definitions.

- (a) Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

Section 15.22.040 Placards.

- (a) The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.
 - (1) **INSPECTED - Lawful Occupancy Permitted** is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
 - (2) **RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note on the placard in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
 - (3) **UNSAFE - Do Not Enter or Occupy** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by

the Building Official, or his/her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note on the placard in general terms the type of damage encountered.

- (b) The number of the ordinance adopting this Chapter, along with the address and phone number of the Building Division of the City's Community Development Department, shall be permanently affixed to each placard.
- (c) Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official, including deputized safety assessment evaluators. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a posted placard unless authorized to do so pursuant to this section.
- (d) Placards Shall Read as Follows:



**INSPECTED
LAWFUL OCCUPANCY PERMITTED**

Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714

City of Lodi Ordinance No. _____ Adopted: _____

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

- Inspected Exterior Only
- Inspected Exterior and Interior

Report any unsafe condition to local authorities; Re-inspection may be required.

Inspector Comments:

Inspector ID/Agency:

Facility Name & Address:

Date: _____

Time: _____

(Caution: Aftershocks Since Inspection May Increase Damage and Risk)

This Facility was inspected under emergency conditions by:

Jurisdiction: _____

Address: _____

Telephone: _____

DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)



**LIMITED ENTRY
OFF LIMITS TO UNAUTHORIZED PERSONNEL
DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)**

Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714

City of Lodi Ordinance No. _____ Adopted: _____

This Structure has been Inspected, Found to be Seriously Damaged and is Unsafe to Occupy, as Described Below:

DO NOT ENTER, EXCEPT AS SPECIFICALLY AUTHORIZED IN WRITING BY JURISDICTION. ENTRY MAY RESULT IN DEATH OR INJURY.

Facility Name & Address:

This Facility was Inspected Under Emergency Conditions By:

Jurisdiction: _____

Address: _____

Telephone: _____

Inspector ID/Agency:

Date: _____

Time: _____

DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)



UNSAFE

Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714

City of Lodi Ordinance No. _____ Adopted: _____

CAUTION: This Structure Has Been Inspected and Found to be Damaged as Described Below:

Entry, Occupancy and Lawful Use are Restricted as Indicated Below:

Facility Name & Address:

Date: _____

Time: _____

(Caution: Aftershocks Since Inspection may Increase Damage and Risk)

This Facility was inspected under emergency conditions by:

Jurisdiction: _____

Address: _____

Telephone: _____

Inspector

ID/Agency: _____

DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)

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

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this ____ day of _____, 2010.

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL, City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2010, 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 of the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:
D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By _____
JANICE D. MAGDICH
Deputy 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 2010 CALIFORNIA BUILDING, MECHANICAL, ELECTRICAL, PLUMBING, RESIDENTIAL, GREEN BUILDING STANDARD, AND FIRE CODES WITH LOCAL AMENDMENTS INCLUDING A FEE SCHEDULE FOR OPERATIONAL PERMITS AND ATC 20 PLACARDS

PUBLISH DATE: SATURDAY, OCTOBER 23, 2010

LEGAL AD

TEAR SHEETS WANTED: One (1) please

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

DATED: THURSDAY, OCTOBER 21, 2010

ORDERED BY: RANDI JOHL
CITY CLERK

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

MARIA BECERRA
ADMINISTRATIVE CLERK

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

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



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2010 CALIFORNIA BUILDING, MECHANICAL, ELECTRICAL, PLUMBING, RESIDENTIAL, GREEN BUILDING STANDARD, AND FIRE CODES WITH LOCAL AMENDMENTS INCLUDING A FEE SCHEDULE FOR OPERATIONAL PERMITS AND ATC 20 PLACARDS

On Friday, October 22, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of the 2010 California Building, Mechanical, Electrical, Plumbing, Residential, Green Building Standard, and Fire Codes with local amendments including a fee schedule for operational permits and ATC 20 Placards (attached and marked as Exhibit A) was posted at the following locations:

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

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

Executed on October 22, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2010 CALIFORNIA BUILDING, MECHANICAL, ELECTRICAL, PLUMBING, RESIDENTIAL, GREEN BUILDING STANDARD, AND FIRE CODES WITH LOCAL AMENDMENTS INCLUDING A FEE SCHEDULE FOR OPERATIONAL PERMITS AND ATC 20 PLACARDS

On Friday, October 22, 2010, 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 adoption of the 2010 California Building, Mechanical, Electrical, Plumbing, Residential, Green Building Standard, and Fire Codes with local amendments including a fee schedule for operational permits and ATC 20 Placards, 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 22, 2010, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 3, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl
City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 3, 2010**, 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 approval of the following item:

- a) **Adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code with local amendments including a fee schedule for operational permits and ATC 20 Placards.**

Information regarding the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, and Green Building Standard Code may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. Information pertaining to the Fire Code may be obtained in the Fire Department, 25 E. Pine Street, (209) 333-6735. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

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

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: **October 20, 2010**

Approved as to form:

D. Stephen Schwabauer
City Attorney

Kari Chadwick

Distribution List Name: Building Contractor Meeting List

Members:

Brad Hammon	Hammon44@rocketmail.com
Chuck Vecchiarelli	chuck@theglassguru.com
Clint O'Connor	okuuipo@att.net
Crystal Kirst	ckirst@gmail.com
Dale Foletta	famesestimator@sbcglobal.net
Dale Orth	dalebuff@juno.com
Daniel Hoag	hoagconstruction@sbcglobal.net
Dave Lagorio	dlagorio@diedeconstruction.com
David Mirafior	David12d@yahoo.com
Doug Forshey	dougf@winerose.com
George Rodriguez	gar-architect@sbcglobal.net
Greg Harris	lodiservices@sbcglobal.net
Greg Koehler	gjkmt@aol.com
Hector Ramos	ramosconsulting@comcast.net
Jamie McConnell	jamie@hendersonslodi.com
Jarome Jacob	jjacob@quicksglass.com
Jeff Kirst	jjkirst@gmail.com
Jeff Simpson	tullscw@comcast.net
Jim Brandt	jimbrandt75@yahoo.com
John Beckman	johnb@biadelta.org
John DellaMonica & Tom Snyder	dsarchitects@sbcglobal.net
Juan Herrera	jfhdesign@clearwire.net
Kevin Bertsch	kevinbertsch@softcom.net
Lance Trammell	trammellconst@sbcglobal.net
Larry Peters	Vasr1011@yahoo.com
Larry Wennell	lw@wmbarchitects.com
Laura Stengel	laura.stengel@gmail.com
Lee Purdue	Lee4streamline@comcast.net
Lisa Jennings	ljennings@live.com
Lonnie Hall	lockefordroofing@gmail.com
Mike Henninger	michaeldh@comcast.net
Mike Smith	mse5@clearwire.net
Pablo Jaramillo	p.jaramillohomedesigns@gmail.com
Paul Gomes	paulgomes@clearwire.net
Pedro Duran	pedro@duranhomes.net
Peter Friis	peter@pciconst.net
Peter Gruettner	Gruet@sbcglobal.net
RAy Lilley	californiaglaslodi@sbcglobal.net
Reggie Katzakian	rkatzakian@aol.com
Renewable Technologies	info@renewable.com
Rick Schultz	allair@comcast.net
Robert Jackson	Rlj1908@comcast.net
Roger Stafford	Staf4ds@comcast.net
Russ Always	Henderson_bros@yahoo.com
Sean Ray	seandonna@sbcglobal.net
Stan Evans	sjunlimitedinc@yahoo.com
Steve Pechin	spechin@bpengineers.net
Tim Katzakian	tim2265@att.net
Tim Munson	tmunz3@yahoo.com
Tom Bailey	tbailey@kimmelconstruction.com
Tom Baker	tbaker9314@comcast.net
Troy Krause	takrause@clearwire.net
Y Acosta	Ac99@clearwire.net

2011 Building Code Adoption Public Hearing Notice Fax/Mailing List
(November 3, 2010 City Council Meeting)

FAX LIST

NAME	COMPANY	FAX/E-MAIL
Duane Bechthold		334-0607
Matt McCarty		339-8093
Richard Entzi		368-2126
Dave Olson		366-2487
Steve Faszler		365-1827
Lodi Assoc of Realtors		368-8289
Daryl Lee		369-1396
	Lesovsky/Donaldson	943-0415

MAILING LIST

Company	FirstName	LastName	Address1	City	State	Postal Code
Lodi District Chamber of Commerce			24 S. School St.	Lodi	CA	95240
	Wendel	Kiser	930 Ehrhardt	Lodi	CA	95240



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Chapter 2.44 – Personnel System by Repealing and Reenacting Sections 2.44.070 "Composition of Board - Vacancies" and 2.44.100 "Hearing of Appeals."

MEETING DATE: November 3, 2010

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Introduce Ordinance Amending Lodi Municipal Code Chapter 2.44 – Personnel System by Repealing and Reenacting Sections 2.44.070 "Composition of Board - Vacancies" and 2.44.100 "Hearing of Appeals."

BACKGROUND INFORMATION: The Personnel system Ordinance establishes a Board to hear and determine employee appeals. In recent action, the City Council revised the Rules for Personnel Administration to make the Personnel Review Board's decisions advisory to the City Manager rather than the City Council. This amendment will make a parallel change to Lodi Municipal Code Section 2.44 by making Board decisions advisory to the City Manager and expanding Board membership from three to five.

As currently configured, these changes have no effect because the City's Memoranda of Understanding provide for binding arbitration, which bypasses the Personnel Board.

FISCAL IMPACT: None.

FUNDING: None.

Stephen Schwabauer
City Attorney

APPROVED:

Konradt Bartlam, Interim City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE CHAPTER 2.44 – PERSONNEL SYSTEM BY REPEALING AND REENACTING SECTIONS 2.44.070 COMPOSITION OF BOARD-VACANCIES AND 2.44.100 HEARING OF APPEALS - RELATING TO EXPANDING BOARD MEMBERSHIP FROM THREE TO FIVE AND MAKING BOARD DECISIONS ADVISORY TO THE CITY MANAGER

=====

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

Section 1. Lodi Municipal Code Section 2.44.070 Composition of Board – Vacancies - is hereby repealed and reenacted, and shall read as follows:

2.44.070 Composition of Board – Vacancies

The personnel board of review created under this article shall consist of ~~three~~ **five** members to be appointed by the City Council. Vacancies on the personnel board, from whatsoever cause, shall be filled by appointment by the City Council. ~~Two~~ **Three** of the ~~three~~ **five** members shall constitute a quorum and may conduct business.

Section 2. Lodi Municipal Code Section 2.44.100 Hearing of Appeals - is hereby repealed and reenacted, and shall read as follows:

2.44.100 Hearing of Appeals

A. As provided in this article, by rule adopted hereunder or by memoranda of understanding between the city and employees' bargaining units, the board shall hear appeals by any person in the classified service relative to any situation involving the employees' status or conditions of employment, including disciplinary matters.

B. Unless provisions to the contrary contained in any memoranda of understanding or pertinent law require otherwise, the findings and actions of the board are deemed advisory only to the ~~appointing authority~~ **City Manager**. If memoranda of understanding or law provide differently, then such findings or actions shall be deemed final action by the City, and reviewable under administrative mandamus provisions of state law.

Section 3. 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. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

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

Approved this ____ day of November, 2010.

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2010, 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 of the date of its passage and the same has been published pursuant to law.

Randi Johl
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1833 Entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.225, 'Schedule NEM – Net Energy Metering Rider,' and Section 13.20.227, 'Schedule CEM – Co-Energy Metering Rider'"

MEETING DATE: November 3, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1833.

BACKGROUND INFORMATION: Ordinance No. 1833 entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.225, 'Schedule NEM – Net Energy Metering Rider,' and Section 13.20.227, 'Schedule CEM – Co-Energy Metering Rider,'" was introduced at the regular City Council meeting of October 20, 2010.

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

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmr

Attachment

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1833

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
CHAPTER 13.20, "ELECTRICAL SERVICE," BY REPEALING
AND REENACTING SECTION 13.20.225, "SCHEDULE NEM –
NET ENERGY METERING RIDER," AND SECTION 13.20.227,
"SCHEDULE CEM – CO-ENERGY METERING RIDER"

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 13.20.225, "Schedule NEM – Net Energy Metering Rider," is hereby repealed and reenacted to read as follows:

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 10kW 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 two and one-half percent (2.5%) of the City of Lodi aggregate customer annual peak demand.

The solar or wind generation source must: 1) have a capacity of 10kW 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 (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.
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 12-month period.

In the event that the electricity supplied by the City during the 12-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 12-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 12-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.

SECTION 2. Lodi Municipal Code Section 13.20.227, "Schedule CEM – Co-Energy Metering Rider," is hereby repealed and reenacted to read as follows:

- A. **PURPOSE:** The purpose of this rider is to establish rates, terms, and conditions for providing co-energy metering service to customers generating electricity using solar and wind facilities greater than 10 kW and not more than 1 MW in size. This rider complies with California State legislation allowing municipally owned utilities to develop a standard contract or tariff providing for co-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-generator). 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 two and one-half percent (2.5%) of the City of Lodi aggregate customer annual peak demand.

The solar or wind generation source must: 1) be rated not more than 1 MW and not be eligible for Schedule NEM – Net Energy Metering Rider, 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 Co-Energy Metering Payment Agreement.

- C. **RATES:** Charges for electricity supplied by the City will be based on the co-metered usage in accordance with Special Conditions (3), (4), and (6) below. Rates charged under this schedule will be in accordance with the eligible customer-generator's otherwise applicable rate schedule.

1. Energy Supplied Charges: The metered electricity supplied by the City to the customer-generator over the applicable billing period will be billed at the applicable service rate in effect when the service was rendered. All conditions, charges, adjustments and taxes under the applicable rate schedule shall be in effect. None of the charges of the applicable rate schedule shall be by-passable.
2. Energy Transmitted Credit: The metered solar and wind electricity generated by the customer-generator and supplied to the City over the applicable billing period will be credited at the Baseline Energy Cost rate specified in Schedule ECA plus the Energy Cost Adjustment rate for the applicable billing period.

D. SPECIAL CONDITIONS:

1. Other Agreements: A signed Electrical Interconnection and Co-Energy Metering Payment Agreement between the customer-generator and the City is required for service under this schedule.
2. Metering Equipment: Co-Energy metering shall be accomplished using two meters – the customer revenue meter of record and a separate generation meter. The customer-generator shall be responsible for all expenses involved in purchasing and installing required meters.
3. Co-Energy Metering: Co-Energy metering is defined as the separate measurement of (i) the electricity supplied by the City through the electric grid to the eligible customer-generator and (ii) the electricity generated by an eligible customer-generator from the customer-owned solar or wind source.
4. Co-Energy Billing: The customer-generator shall receive a “net bill” from the City for each billing period. The co-energy metering net billing calculation shall be composed of the Energy Supplied Charges less the Energy Transmitted Credit.

All net charges are due at the time of billing. Electric generation production may result in a dollar credit carrying forward to the next billing period, subject to Special Condition (6) below.

5. 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.
6. Excess Energy: Co-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 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.

7. Rules and Regulations: Other conditions as specified in the City of Lodi Electric Utility Department's Rules, Regulations and Engineering Standards shall apply to this electric rate schedule.

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. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

SECTION 7. The amended Schedules referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after February 1, 2010, or the first date allowable under State law.

Approved this 3rd day of November, 2010

PHIL KATZAKIAN
MAYOR

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1833 was introduced at a regular meeting of the City Council of the City of Lodi held October 20, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 3, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1833 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER
City Attorney