



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Authorize staff to release Request for Proposals (RFP) for professional consulting services to: **1)** update Lodi's **1991** General Plan, **2)** complete a new Traffic Model, and **3)** update the existing Parks and Recreation Master Plan.

MEETING DATE: January **4,2006**

PREPARED BY: Community Development Director, Randy Hatch

RECOMMENDED ACTION: Authorize staff to release a proposal to solicit bids for General Plan Update Consulting Services (RFP)

BACKGROUND INFORMATION: The current City of Lodi General Plan (GP) adopted by the City Council on June 12, 1991 has eight (8) elements (the required elements identified in bold). They include Land Use and Growth Management, Circulation, Housing, Noise, Conservation, Parks, Recreation, and Open Space, Health and Safety, Urban Design and Cultural Resources.

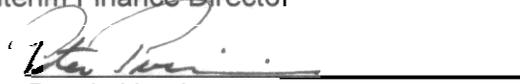
In considering the 20-year projection period of the existing General Plan, which began in 1987 and ends in 2007, now would be the ideal time to begin the process of updating the General Plan for another cycle period. The cycle period would dictate the period of time that the General Plan would project out to. Typically the general plan period is 20 years, but it may be longer. The process of updating a General Plan is largely up to the City Council, therefore, depending on the amount of available funding and expectations it can range significantly in the time and cost.

At the December 20, 2005 "Shirtsleeve" session staff presented an outline for a General Plan Update and alternatives related to public participation that would be available to the City Council. From the direction received during that discussion, staff has prepared this RFP to solicit bids for specialized services for a General Plan Update and ancillary Master Plan Studies.

FISCAL IMPACT: Staff is asking that proposals for the General Plan not exceed **\$1** Million. Depending on the qualifications of the consultants, scope of the proposals, and anticipated completion date that target budget may be adequate.

FUNDING AVAILABLE: The City has \$1.55 Million earmarked for the preparation of an updated General Plan and ancillary Master Plan studies as part of the 2005-06 fiscal year budget and proposed 2006-07 fiscal year budget.


for Ruby Paiste, Interim Finance Director


For Randy Hatch
Community Development Director

Attachment: Request For Proposal
RH/pp/kc

APPROVED: 
Blair King, City Manager

CITY COUNCIL

SUSAN HITCHCOCK, Mayor

BOB JOHNSON Mayor Pro
Tempore

LARRY D. HANSEN

JOHNBECKMAN

JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 333-6711

Community Development Department

BLAIR KING

City Manager

SUSAN J. BLACKSTON

City Clerk

D. STEPHEN SCHWABAUER

City Attorney

REQUEST FOR PROFESSIONAL SERVICES

January, 2006

The City of Lodi invites you to respond to a Request For Proposal (RFP) to update the City's 1991 General Plan. In addition to this RFP you are welcome to attend an informational meeting to discuss an overview of the project and ask any questions you may have on the project. **The** following is a general description of the project background, parameters, and proposed budget.

BACKGROUND

The City of Lodi current General Plan (GP) was begun in 1987 and adopted on June 12, 1991. The GP had the following elements:

- Land Use and Growth Management
- Circulation
- Housing
- Noise
- Conservation
- Parks, Recreation, and Open Space
- Health and Safety
- Urban Design and Cultural Resources

The GP was designed with a 20-year projection period ending in 2007. The City has met the life expectancy of the current GP and therefore has begun the updating process.

The City of Lodi has an existing policy in its current GP that calls for a population-based 2.0 percent (compounded) limit on growth to be implemented through a residential development allocation system whereby a specific number of units of single family and multifamily development is allocated each year.

The following infrastructure studies have been prepared and are available as reference materials for the GP Update:

- City is in the process of finalizing its 2005 Urban Water Management Plan
- 2001 Waster Water Master Plan
- 1990 Potable Water Master Plan
- 1964 Storm Drainage Master Plan

The City is also in the process of updating its Zoning Ordinance, which includes a series of design standards. As progress is made on the adoption of this Ordinance all relevant data will be available for the GP Update.

PROJECT DESCRIPTION

The City is seeking professional consulting service to assist in a comprehensive General Plan Update for a 20-30 year horizon of all the required elements (**except housing which was adopted and certified in 2004**). In addition to the proposal for the General Plan Update the City of Lodi is also seeking proposals to:

- Complete a new Traffic Model
- Update the existing Park and Recreation Master Plan

These proposals shall be included as part of the bid package but at a separate cost not included in the sum total for the GP Update.

GEOGRAPHIC SCOPE

Lodi anticipates a large study area in order to preserve a greenbelt and community separators between it and neighboring City and County development. Therefore, the study area shall stretch beyond the City's existing corporate limits and GP Area. The approximate boundaries have been provided in the attached map. However, the City expects to refine the study area during the initial stages of the GP Update.

PUBLIC PARTICIPATION

The City of Lodi has an involved citizenry and desires to include them in an effort to solicit their concerns and feedback during the entire GP Update process. The City anticipates a holding series of workshops before the entire Planning Commission and Council representatives (the exact number to be determined). The City also anticipates having a kick off press release followed by various survey methods to solicit public input during the information gathering stage of the GP Update. The City will look to the consultant to provide further assistance and refinement in the creation of the survey instruments and public outreach efforts with respect to the City's budgetary and timing constraints. The City anticipates having the workshops in an open, noticed form that welcomes public input and involvement.

EXPECTATIONS OF CONSULTING SERVICES

The City expects the selected consultant to be highly involved as an extension of staff. This would involve the preparation of public notices, agendas, staff reports, and potentially minutes of the meetings. Further, the City is looking for the selected consultant to formulate an updated GP, which includes the best current professional practice and takes in account Lodi's compact existing development and distinct quality of life. The City feels Lodi represents an ideal setting to incorporate New Urbanist principles and develop walkable new neighborhoods. There is a concern by some citizens of Lodi that the East side of the City has not received its fair share of new development and services. Therefore, environmental justice principles will need to be addressed.

BUDGET AND TIMING

The City is seeking a **firm** that can involve the public in a form and manner that accurately reflects the community concerns and desires while respecting the City's fiscal

constraints and project schedule. The City is anticipating spending \$1 Million on the GP Update and having the project complete in two (2) years.

OPTIONAL PRE-BID INFORMATION MEETING

In an effort to provide clear guidance and expectations, as part of this RFP the City will be holding an optional Pre-bid information meeting on February 13, 2006 from 2:00-5:00 PM in the Council Chambers at Camigie Hall.

SUBMITAL DUE DATE

The deadline for submittal will be no later than 5:00 pm on February 27, 2006.

Please submit six (6) complete bid packages each containing the following materials:

- Proposal
- Bid
- Company/Team Bio
- Staff Resumes
- Relevant Prior Projects/Experience

If you have any questions regarding the project, City or organization, please do not hesitate to call me at (209) 333-6711.

Sincerely,

Randy Hatch
Community Development Director

RH/pp

K-7



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Resolution Approving the Extension of an Amended Memorandum of Understanding between the City of Lodi and Local 1245 International Brotherhood of Electrical Workers (IBEW)

MEETING DATE: January 4, 2006

PREPARED BY: City Manager

RECOMMENDED ACTION: Adopt Resolution approving the extension of an amended Memorandum of Understanding (MOU) between the City of Lodi and Local 1245 International Brotherhood of Electrical Workers (IBEW).

BACKGROUND INFORMATION: The proposed resolution ratifies an amended extended MOU between the City and IBEW for a two-year period. The termination date of the MOU is extended from December 31, 2006 to December 31, 2007. Working condition provisions remain unchanged. No salary adjustment or cost of living adjustment (COLA) will be provided for a frozen 12 month term from January 1, 2006 to December 31, 2006. A COLA between 3 to 5 percent, depending upon Consumer Price Index, will be granted January 1, 2007. No other changes to pay and benefits are proposed.

The amended MOU also includes new language that binds any potential assignees of the MOU to the terms of the MOU. There is no financial impact to this provision.

The extension also reaffirms the City's commitment to implementation of a Lineperson apprentice program.

Attached is a copy of the proposed MOU. It is not ratified until approved by the City Council.

FISCAL IMPACT: No additional expenditures beyond current salary needs will be required for the remainder of Fiscal Year 2005-06. The impact of a COLA in the second half of FY 06-07 will range from \$47,900 to \$79,700. The annual average CPI for all U.S. cities for wage earners and clerical workers over the past two years has been 2.45 percent. (US Department of Labor, Bureau of Labor Statistics, CPI, all items, 1982-84=100, National or US City Average, for urban wage earners & clerical workers)

No outside expenditures will be incurred in extension of the MOU to December 31, 2007.

FUNDING AVAILABLE: Not applicable.

Ruby Paiste, Interim Finance Director

Blair King, City Manager

Attachment

APPROVED:
Blair King, City Manager

RESOLUTION NO. 2006-10

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE EXTENSION OF AN AMENDED
MEMORANDUM OF UNDERSTANDING FOR THE
LOCAL 1245 INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the extension of an amended Memorandum of Understanding (MOU) between the City of Lodi and Local 1245 International Brotherhood of Electrical Workers for a period of two years, as shown on Exhibit A attached and made a part of this Resolution; and

BE IT FURTHER RESOLVED that the termination date of the MOU is extended from December 31, 2006 to December 31, 2007.

Dated: January 4, 2006

=====

I hereby certify that Resolution No. 2006-10 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 4, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Mounce, and
Mayor Hitchcock

NOES: COUNCIL MEMBERS – Johnson

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO

IBEW



LOCAL UNION 1245

30 ORANGE TREE CIRCLE
VACAVILLE, CA 95687
P.O. BOX 2547, VACAVILLE, CA 95691

PERRY ZIMMERMAN, BUSINESS MANAGER
EDWARD MALLORY, PRESIDENT

(707) 452-2700
FAX (707) 452-2701

PROPOSED

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF LODI

AND

LOCAL 1245

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
ELECTRICAL UTILITY UNIT

JANUARY 1, 2006 -- DECEMBER 31, 2007

Effective January 1, 2006, and except as provided herein, the January 2003 - December 2005 Memorandum of Understanding ("MOU") between Local 1245, International Brotherhood of Electrical Workers, Electrical Utility Unit ("IBEW") and the City of Lodi ("City") shall extend for two years to December 31, 2007, and it shall continue thereafter from year to year unless either party shall give notice in writing to the other party at least sixty (60) days prior to any such anniversary date of its desire to amend or terminate same. The notice of modification or termination shall be accompanied by the proposed changes and negotiations thereof shall commence within thirty (30) days thereafter.

Salary Adjustments - No Cost of Living Adjustment (COLA) will be provided to IBEW members during the first year of this MOU. Effective January 1, 2007 IBEW members shall receive a salary adjustment of 3-5% COLA based on the CPI-W US city average index for the twelve (12) month period ending in March of 2006.

Successor Language - The City agrees to the following addition to the MOU:

Article 36.7: This Agreement shall be binding upon the successors, purchasers, conveyees, transferees, leasees, and assignees (hereinafter "successors") of the City. In consideration of the IBEW's execution of this agreement, the City promises that its operations covered by this Agreement, or any portion thereof, shall not be sold, conveyed, transferred, leased or assigned to, or consolidated, or merged with, any successor without first securing an enforceable agreement of the successor to assume the City's obligations under this agreement.

The City agrees to notify the IBEW of any proposed sale, conveyance, transfer, lease, assignment, consolidation or merger and to provide, and continue to provide any and all information about the sale, conveyance, transfer, lease, assignment, consolidation or merger, including a copy of the proposed legal document setting forth the transaction in request. Such notification and information shall be provided at the earliest time possible, but in any event, at least sixty (60) days prior to the effective date of any agreement between the City and the proposed successor.

If the City: 1) Fails to timely notify the IBEW and provide the required information; 2) Fails to allow a IBEW representative to be present at negotiations involving the transaction in question; or 3) Fails to secure an enforceable agreement of the successor to assume the City's obligations under this Agreement, the City shall be liable to the IBEW and to the bargaining unit employees covered by this Agreement for any and all damages sustained by the IBEW and the bargaining unit employees for such failure.

Apprentice Program - The City agrees to meet with the IBEW, and implement an apprentice program by July 1, 2007.

I.B.E.W. - LOCAL 1245
ELECTRIC UTILITY UNIT

CITY OF LODI
A MUNICIPAL CORPORATION

Perry Zimmerman
Business Manager, IBEW

Blair King

Blair King
City Manager

Date: _____

Date: 12/15/05

Sa. Glerio

Sa. Glerio

Business Agent, IBEW

Date: 12/13/05

Edward Fitzpatrick

Edward Fitzpatrick
Electrical Estimator

Date: 12/13/05

David Comer

David Comer
Electrical Estimator

Date: 12/13/05

Robert Aadland

Robert Aadland
Electrician

Date: 12-13-05

James Findley

James Findley
Lineman

Date: 12.13.05

Kevin Riedinger

Kevin Riedinger
Relief Operator

Date: 12-13-05



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1767 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 15, "Buildings and Construction," of the Lodi Municipal Code by Adding Chapter 15.65 Relating to the Establishment of the San Joaquin County Regional Transportation Impact Fee Program"

MEETING DATE: January 4, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1767.

BACKGROUND INFORMATION: Ordinance No. 1767 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 15, "Buildings and Construction," of the Lodi Municipal Code by Adding Chapter 15.65 Relating to the Establishment of the San Joaquin County Regional Transportation Impact Fee Program" was introduced at the regular City Council meeting of December 21, 2005.

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 § 36932**

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.


Susan J. Blackston
City Clerk

SJB
Attachment

APPROVED: 
Blair King, City Manager

ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 15, "BUILDINGS AND CONSTRUCTION," OF THE
LODI MUNICIPAL CODE BY ADDING CHAPTER 15.65 RELATING TO
THE ESTABLISHMENT OF THE SAN JOAQUIN COUNTY REGIONAL
TRANSPORTATION IMPACT FEE PROGRAM

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Title 15, "Buildings and Construction," of the Lodi Municipal Code is hereby amended by adding thereto Chapter 15.65 relating to the establishment of the San Joaquin County Regional Transportation Impact Fee Program and shall read as follows:

CHAPTER 15.65

SAN JOAQUIN COUNTY REGIONAL TRANSPORTATION IMPACT FEE

SECTIONS:

- 15.65.010 Purpose, Findings, and Declaration of Intent
- 15.65.020 Definitions
- 15.65.030 Authority for Adoption
- 15.65.040 Collection of RTIF Program Fees
- 15.65.050 Fee Rate and Calculation
- 15.65.060 Administration of the RTIF Program
- 15.65.070 Existing City of Lodi Development Impact Mitigation Fee Program

15.65.010 Purpose, Findings, and Declaration of Intent

- A. In order to implement the goals and objectives of the general plan and to mitigate impacts caused by new development with the County of San Joaquin, a Regional Transportation Impact Fee Program is necessary. The program is needed to finance regional-serving transportation and transit improvements.
- B. Substantial population and employment growth is expected in San Joaquin County through 2025 and beyond. This growth will cause impacts on the Regional Transportation Network ("Regional Transportation Network" or "RTIF Network") including increased congestion and related impacts unless substantial improvements are completed. The Regional Transportation Impact Fee Program ("RTIF Program") is intended to impose a fee to provide funding for transportation and transit improvements that help mitigate these impacts.
- C. New development throughout the County will be subject to the fee which will be proportional to the impact caused on the Regional Transportation Network by such new development.
- D. The funding derived from the RTIF Program shall be used in combination with other funding available to complete the needed transportation and transit improvements. In the absence of an RTIF Program, existing funding sources, including federal, State, and local sources, will be inadequate to construct the Regional Transportation Network required to avoid the unacceptable levels of traffic congestion and related adverse impacts.

15.65.020 Definitions

- A. "Development Project" or "Project" means any project undertaken for the purpose of development including the issuance of a permit for construction or reconstruction, but not a permit to operate.
- B. "Industrial Project" means any Development Project that proposes manufacturing, transportation, logistics, or warehousing as identified in the RTIF Land Use Fee Category Summary.
- C. "Measure K" means the San Joaquin County Transportation Authority Local Transportation improvement Plan: Air Quality, Mandatory Developer Fees and Growth Management Ordinance, which establishes and implements a retail transactions and use tax, as may be extended from time to time.
- D. "Multi-Family Residential Unit" means a Development Project that uses a single parcel for two or more dwelling units within one or more buildings, including duplexes, townhouses, condominiums, and apartments as identified in the RTIF Land Use Fee Category Summary.
- E. "Office Project" means any Development Project that involves business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices, personal and laundry services, **or** similar uses, and religious centers as identified in the RTIF Land Use Fee Category Summary.
- F. "participating Agencies" means the County of San Joaquin and each of the cities situated in San Joaquin County if such agencies have (1) adopted the RTIF Program Fee by ordinance and/or resolution and (2) entered into the Operating Agreement.
- G. "Regional Transportation Impact Fee Program" or "RTIF Program" is the regional program established by the Operating Agreement by the Participating Agencies and SJCOG to impose, collect, and distribute a RTIF Program Fee to assist in the funding of transportation improvements to the Regional Transportation Network.
- H. "Regional Transportation Impact Program Fee" or "RTIF Program Fee" or "RTIF Fee" means the fee established by each Participating Agency consistent with the RTIF Program and the Operating Agreement.
- I. "Regional Transportation Network" means the regional network of highways and arterials as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG.
- J. "RTIF Capital Projects" or "Capital Projects" or "RTIF Project List" is the RTIF Program improvements and projects as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG's adoption and amendment of a "RTIF Capital Projects Report."
- K. "RTIF Capital Projects Report" means the report adopted by SJCOG annually which identifies the RTIF Capital Projects as amended from time to time by SJCOG.
- L. "RTIF Operating Agreement" or "Operating Agreement" is the Regional Transportation Impact Fee Program Operating Agreement establishing the administration of the RTIF Program as adopted by each Participating Agencies and SJCOG which may be amended from time to time by the parties thereto.

- M. "RTIF Technical Report" means the San Joaquin County Regional Transportation Impact Fee RTIF Technical Report dated October 27, 2005, and prepared pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.
- N. "Residential Dwelling Unit" means a building or portion thereof which is designed primarily for residential occupancy by one family including single-family and multi-family dwellings. "Residential Dwelling Unit" shall not include hotels or motels.
- O. "Retail Project" means any Development Project that retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise at a fixed point of sale as identified in the RTIF Land Use Fee Category Summary.
- P. "Single-Family Residential Unit" means the use of a parcel for only one residential dwelling unit as identified in the RTIF Land Use Fee Category Summary.

15.65.030 Authority for Adoption

This chapter is adopted under the authority of Title 7, Division 1, Chapter 5 of the California Government Code Sections 66000 et seq. (Ord. 1758 § 1 (part), 2005).

15.65.040 Collection of RTIF Program Fees

- A. Authority of the Public Works Director. The Public Works Director, or his/her designee, is hereby authorized to levy and collect the RTIF Program Fee and make all determinations required by this Ordinance.
- B. Pavment of RTIF Proaram Fees. Payment of the RTIF Program Fees shall be as follows:
 - 1. The RTIF Program Fees shall be paid at the time of issuance of a building permit for the Development Project, or as otherwise required or permitted pursuant to Government Code section 66007.
 - 2. The amount of the RTIF Program Fees shall be the fee amounts in effect at the time of payment.
 - 3. RTIF Program Fees shall not be waived.
- C. Pavment by all Development Proiects. Except as otherwise expressly provided by this Ordinance, the RTIF Program Fee required hereunder shall be payable by:
 - 1. All Development Projects within the City for which building permits or other entitlements for Development Projects are issued on or after the effective date of this Ordinance, and
 - 2. All Development Projects within the City for which building permits or other entitlements for Development Projects were issued prior to the effective date of this Ordinance and which permits or entitlements were issued subject to a condition requiring the developer to pay a RTIF Program Fee to be imposed upon such Development Project within the City.

D. Exemptions from the RTIF Program Fee. The following Development Projects shall not be subject to the RTIF Program Fee:

1. **The** rehabilitation and/or reconstruction of any legal, residential structure and/or the replacement of a previously existing legal dwelling unit, including an expansion of an existing dwelling unit that does not create an additional dwelling unit.
2. **The** rehabilitation and/or reconstruction of any non-residential structure where there is no net increase in square footage. Any increase in square footage shall **pay the** established applicable fee rate for that portion of square footage that is **new**.
3. Development Projects for which an application for a vesting tentative map authorized by Government Code Section **66498.1** was deemed complete on or prior to the effective date of the introduction of this Ordinance.
4. Development Projects which are the subject of a development agreement entered into pursuant to Government Code section **65864** et seq. prior to the effective date of the adoption of this Ordinance, wherein the imposition of new fees are expressly prohibited by the development agreement, provided, however, that if the term of such a development agreement is extended after the effective date of this Ordinance, the RTIF Program Fee shall be imposed.

E. Future Development Aareements. All future development agreements entered into after the effective date of this Ordinance shall require the full payment of the RTIF Program Fee.

1. Payments for non-residential projects. For non-residential projects the amount of the fee imposed on the entire Development Project shall be determined based upon:
 - (a) The gross floor area; and
 - (b) The predominant use of the building or structure as identified in the building permit.
2. Payment for mixed use projects. For mixed land use projects, which are projects that have both residential and non-residential uses, the amount of the fee imposed on the entire Development Project shall be proportionally determined based on the following:
 - (a) The fee associated with the type of residence; and
 - (b) The predominant use of the non-residential portion of the project

F. Previously Paid RTIF Program Fees. In the event that RTIF Program Fees have previously been paid for an existing building which is a new Development Project with a new or different RTIF Fee category, the previously paid RTIF Program Fees for that existing building shall be credited against the amount of the RTIF Program Fee attributable to the new Development Project, up to the amount of the previously paid RTIF Program Fee. A rebate will not be granted if the change in land use represents a lower fee.

G. Reimbursements and Credits. In the event that RTIF Capital Projects are constructed by a developer in excess of the Development Project's RTIF Program Fee obligation or in lieu of

payment of RTIF Program Fees by a developer pursuant to an agreement between **the** developer and the City, the developer may be reimbursed or credited for future **application** for any costs based on the actual costs of construction of the RTIF Capital Project **incurred** by the developer in excess of the amount the RTIF Program Fees that apply to **the** Development Project.

15.65.050 Fee Rate and Calculation

- A. Establishing the RTIF program fee. The amount of the RTIF program fee for development projects shall be consistent with the provisions of this ordinance and the RTIF technical report and shall be established by a resolution of the City Council.
- B. Annual adjustment. The RTIF Program Fee shall be automatically adjusted on an **annual** basis at the beginning of each fiscal year (July 1) based on the Engineering News Record 20 Cities Construction Cost Index.

15.65.060 Administration of the RTIF Program

- A. RTIF account or RTIF funds. All fees collected pursuant to the RTIF Program Fee shall be deposited in a RTIF account or RTIF fund and shall not be commingled with other funds. The contents of this RTIF fund shall be designated solely for the purpose of contributing to the financing of the RTIF Capital Projects included in the RTIF Capital Projects Report and for the funding of incidental administrative costs. Any interest income earned on the RTIF fund shall also be deposited therein and shall only be expended for the purposes as set forth in this Ordinance.
- B. Prohibition on Interfund Transfers or Loans. Notwithstanding subsection **(b)(1)(G)** of section 66006 of the Government Code there shall be no interfund transfer, grant, or loan of the RTIF Program Fees or RTIF fund or RTIF account to other City accounts, funds, programs, or fees. However, the City may provide loans, grants, or transfers of RTIF Program Fees to other Participating Agencies or SJCOG provided that such funds are consistent with the RTIF Program and used for the development or construction of RTIF Capital Projects.

15.65.070 Existing City of Lodi Development Impact Mitigation Fee Program

- A. The City of Lodi Development Impact Mitigation Fee program pursuant to Municipal Code Title 15 Chapter 15.64 shall be adjusted on any future projects that are identified in the approved RTIF Project List to ensure continued compliance with the Fee Mitigation Act (Gov. Code §§ 66000 et seq.).

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 one or more of the terms, provisions, or sections of this Ordinance shall to any extent be judged invalid, unenforceable, and/or avoidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions, and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

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 with the names of the members voting for and against same and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 4th day of January, 2006.



SUSAN HITCHCOCK
Mayor

Attest:


SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1767 was introduced at a regular meeting of the City Council of the City of Lodi held December 21, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held January 4, 2006, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and Mayor Hitchcock
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – Beckman

I further certify that Ordinance No. 1767 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


SUSAN J. BLACKSTON
City Clerk

Approved as to Form:


D. STEPHEN SCHWABAUER
City Attorney