



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: April 7, 2004

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

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

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

C-3 Adjourn to Closed Session

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

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Paul Zimmerman, St. Peter Lutheran Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards

- a) Presentation of the Bob Hildreth 2004 Library Volunteer of the Year Award to Patricia Pischalnikoff (LIB)

D-2 Proclamations

- a) National Library Week (LIB)
- b) National Youth Service Day (LIB)
- c) Sexual Assault Awareness Month

D-3 Presentations – None

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$6,779,601.43 (FIN)
- E-2 Approve minutes (CLK)
 - a) March 3, 2004 (Regular Meeting)
 - b) March 9, 2004 (Shirtsleeve Session)
 - c) March 9, 2004 (Special Meeting)
 - d) March 12, 2004 (Special Meeting)
 - e) March 16, 2004 (Shirtsleeve Session)
 - f) March 16, 2004 (Special Meeting)
 - g) March 22, 2004 (Special Meeting)
 - h) March 23, 2004 (Shirtsleeve Session)
 - i) March 23, 2004 (Adjourned Special Meeting)
 - j) March 25, 2004 (Special Meeting)
 - k) March 31, 2004 (Special Joint Meeting with the East Side Improvement Committee)

- E-3 Report of the sale of scrap metal (EUD)
- E-4 Approve specifications and authorize advertisement for bids for steel streetlight standards (EUD)
- E-5 Approve specifications and authorize advertisement for bids for wood utility poles as required during calendar year 2004 (EUD)

- Res. E-6 Adopt resolution awarding contracts for City-wide janitorial services to Korean Professional Building Maintenance, of Stockton; ServiceMaster Commercial Building Maintenance, of Sacramento; and Cleaning Concepts, of Lodi (PW)
- Res. E-7 Adopt resolution accepting the improvements for Harney Lane Sanitary Sewer Lift Station (PW)
- Res. E-8 Adopt resolution accepting the public improvements of the public alley north of Oak Street, west of Central Avenue at the Joe Serna, Jr., Charter School Site (PW)
- Res. E-9 Adopt resolution to approve the improvement agreement for the public improvements of 620 South Cherokee Lane (APN 047-450-36) and appropriate funds for applicable reimbursements (\$85,000) (PW)
- Res. E-10 Adopt resolution authorizing the City Manager to execute a contract with the Lodi-Tokay Rotary Club for the 13th Annual Oooh Ahhh Festival to be held on July 4, 2004 (\$18,000) (CM)
- Res. E-11 Adopt resolution authorizing the City Manager to allocate \$14,675 to fund a City of Lodi Parks and Recreation lighting retrofit project and to execute a contract with Eagle Energy Management to conduct the project work (PR)
- Pulled** Res. E-12 Adopt resolution approving Memorandum of Understanding between the City of Lodi and Lodi Professional Firefighters (HR)
- Pulled** Res. E-13 Adopt resolution approving Memorandum of Understanding between City of Lodi and Association of Lodi City Employees (General Services) (HR)
- Pulled** Res. E-14 Adopt resolution approving the renewal of the renegotiated Fire Emergency Services Dispatch agreement with the Stockton Fire Department (FD)
- E-15 Adopt resolution authorizing the City Manager to execute a one-year on-site catering agreement at Hutchins Street Square with Wine Valley Catering, Inc. (COM)
- Res. E-16 Adopt resolution authorizing the City Manager to appropriate \$25,000 in Public Benefit Program funds for the Lodi Residential Swimming Pool Pump & Motor Rebate Program for City of Lodi Electric Utility customers (EUD)
- Res. E-17 Adopt resolution supporting the continuous operation of the Defense Distribution Center San Joaquin (CD)
- Res. E-18 Adopt resolution to revise the current abatement fee schedule for rotating contractor list (CD)

F. Comments by the public on non-agenda items

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

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

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

G. Public Hearings

- G-1 Continue public hearing to April 21, 2004, to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road (CD)
- G-2 Re-continue public hearing to April 21, 2004, to consider redesign concept for C-Basin (Pixley Park) and the exchange of properties with GREM, Inc., to allow the relocation of C-Basin (PW)

H. Communications

- H-1 Claims filed against the City of Lodi
a) Magellan Environmental, Inc., date of loss 11/03 through 2/04
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments – None
- H-4 Miscellaneous – None

I. Regular Calendar

- I-1 Updates from Mayor Larry Hansen regarding the following issues: (CC)
- Barger & Wolen audit of Envision Law Group's billings
 - status of recruitment process for new City Attorney
 - progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation
 - legal proceedings relative to the Environmental Abatement Program litigation
- I-2 Approve Special Allocation for expenses incurred for moving and storing Environmental Abatement Program (EAP) litigation files (\$17,005); and Kronick Moskovitz Tiedemann & Girard bill for services in the EAP litigation for February 2004 (\$100,936.58) (CA)

Res. I-3 Adopt resolution approving an agreement between City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pool at Twin Arbor Athletic Club facilities for the period of May 31, 2004 to July 25, 2004 (PR)

Pulled Res. (I-4) Adopt resolution approving the Joint Venture Agreement between the City of Lodi, City of Stockton, American Medical Response, and A-1 Ambulance (FD)

I-5 Discussion and appropriate action regarding 1) placing a ballot measure establishing "Big-Box" size limits on the November 2, 2004, ballot; 2) establishing a "Big-Box" size limit for the ballot measure; and 3) placing a moratorium on "Big-Box" retail pending the results of a November 2, 2004, ballot measure (CD)

Pulled Res. (I-6) Adopt resolution approving the job specification and salary range for the position of Fire Administrative Captain and provide authorization to fill the position (HR)

J. Ordinances

- Ord. J-1 Ordinance No. 1745 entitled, "An Ordinance of the Lodi City Council Amending the Official
(Adopt) Map of the City of Lodi and Thereby Rezoning the Parcel Located at 5952 East Pine Street
(APN 049-090-13) from San Joaquin County A-U, Agricultural Urban Reserve, to M-2, Heavy
Industrial"
- Ord. J-2 Ordinance No. 1746 entitled, "An Ordinance of the City Council of the City of Lodi Amending
(Adopt) Lodi Municipal Code Title 17, Zoning, by Adding Chapter 17.58, Design Standards for Large
Retail Establishments"

K. Comments by the City Council Members on non-agenda items

L. Comments by the City Manager on non-agenda items

M. Adjournment

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

Susan J. Blackston
City Clerk