



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: July 21, 2004

Time: Closed Session 5:00 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
- f) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- g) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- h) Review of Council Appointee – City Clerk (Government Code §54957)
- i) Conference with labor negotiators, Mayor Hansen and Mayor Pro Tempore Beckman, regarding unrepresented employee, City Attorney (Government Code §54957.6)

C-3 Adjourn to Closed Session

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

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Reverend Michael Voytek, Providence Reformed Church

C. Pledge of Allegiance

D. Presentations

- D-1 Awards – None
- D-2 Proclamations
 - a) Lodi Boys and Girls Club – National Kids Day
 - b) National Night Out (PD)
- D-3 Presentations
 - a) Presentation by the Greater Lodi Area Youth Commission regarding Honoring Teens Program (COM)
 - b) Presentation of the Lodi Energy Smart Workshop (EUD)

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

- E-1 Receive Register of Claims in the amount of \$8,568,497.97 (FIN)
- E-2 Approve minutes (CLK)
 - a) June 16, 2004 (Regular Meeting)
 - b) July 6, 2004 (Shirtsleeve Session)
 - c) July 7, 2004 (Regular Meeting)
 - d) July 12, 2004 (Special Meeting)
- E-3 Report of sale of surplus equipment (PW)
- E-4 Authorize advertisement for transportation services for the Junior Giants and authorize use of buses should no alternate provider be willing to perform the service (PW)
- Res. E-5 Adopt resolution approving specifications and authorizing advertisement for bids for low-voltage fuses, fuse holders, and wire and authorizing the City Manager to award the bid up to \$40,000 (EUD)
- Res. E-6 Adopt resolution authorizing the purchase of software for the Public Works Fleet Services Division from Ron Turley Associates, Inc., of Phoenix, Arizona (\$14,535) (PW)
- E-7 Accept improvements under contract for Well 10C Site Improvements, 790 North Guild Avenue (PW)
- E-8 Accept improvements under contract for Main Street Storm Drain Improvement Project (Lodi Avenue to Flora Street) (PW)
- Res. E-9 Adopt resolution authorizing the City Manager to allocate Public Benefit Program funds to extend for one year the Lodi Small Business Energy Services Partnership (\$25,000) (EUD)
- E-10 Set public hearing for August 4, 2004, to consider the Planning Commission's recommendation of approval of the request of KB Home for a rezone from R-MD, Residential Medium Density, to PD(36), Planned Development Number 36, for The Villas, an 80-lot medium-density, single-family residential subdivision located at 449 East Harney Lane (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 Re-continue public hearing to September 15, 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)
- Res. G-2 Public hearing to consider resolution adopting the amended Impact Mitigation Fee for Streets and Roads and amended Exhibits I and J of the Development Impact Fee Update Study, October 2001 (PW)
- G-3 Public hearing to consider adoption of the Transit Division's fiscal year 2002-03 program of projects (PW)

H. Communications

- H-1 Claims filed against the City of Lodi – None
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments
 - a) Appointments/Reappointments to the Greater Lodi Area Youth Commission (CLK)
- H-4 Miscellaneous – None

I. Regular Calendar

- Res. I-1 Adopt resolution approving the 2004-05 Financial Plan and Budget and the 2004-05 Appropriations Spending Limit (CM)
- I-2 Report on impacts of Large-Scale Retail Initiative (CD/FIN)
- Res. I-3 Adopt 1) resolution accepting Certificate of Sufficiency of Petition for the Large-Scale Retail Initiative submitted by the Small City Preservation Committee; 2) resolution to place the measure on the ballot for the November 2, 2004, General Municipal Election; or adopt the ordinance as presented; and 3) resolution setting priorities for filing written arguments (CLK)
- Res. I-4 Approve Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$200,280.57) (CA)
- Pulled** Res. I-5 Council discussion and appropriate action regarding a proposed amended and restated contract for legal document services (docket clerk) with Kronick, Moskovitz, Tiedemann & Girard to assist with the Environmental Abatement Program litigation and/or proposed alternatives (CA)
- Res. I-6 Discussion of Council Appointee compensation and benefits – City Clerk (Government Code §54957)
- Res. I-7 Adopt resolution approving employment contract with D. Stephen Schwabauer, City Attorney (HR)

J. Ordinances – None

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