



**LODI CITY COUNCIL**  
**Carnegie Forum**  
305 West Pine Street, Lodi

**AGENDA - REGULAR MEETING**

**Date:** August 18, 2004

**Time:** Closed Session 6:00 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) Prospective sale of real property located adjacent to 2028 Edgewood Drive (APN #039-10-18); negotiating parties are City of Lodi and existing owner, Steve Kikuchi, and prospective buyer Bruce Sasaki; Government Code §54956.8

**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 Chris Chavez, Heartland Community Church
- C. Pledge of Allegiance**

**D. Presentations**

- D-1 Awards – None
- D-2 Proclamations – None
- D-3 Presentations
  - a) 2004 California Water Environment Association Presidents Special Recognition Award presentation to T. Brett Moroz (PW)

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

- E-1 Receive Register of Claims in the amount of \$6,058,793.46 (FIN)
- E-2 Approve minutes (CLK)
  - a) July 6, 2004 (Special Meeting)
  - b) July 13, 2004 (Shirtsleeve Session)
  - c) July 13, 2004 (Special Meeting)
  - d) August 10, 2004 (Shirtsleeve Session)
  - e) August 10, 2004 (Special Meeting)
- E-3 Report of the sale of scrap metal (EUD)
- E-4 Approve plans and specifications and authorize advertisement for bids for Hale Park Playground Improvements, 209 East Locust Street (PR)

- Pulled** Res. **E-5** Adopt resolution approving plans and specifications, authorizing advertisement for bids for Elm Street Storm Drain, Lee Avenue to Hutchins Street, and authorizing the City Manager to award or reject the contract up to \$100,000 and appropriate funds (PW)
- Res. E-6 Adopt resolution approving specifications and authorizing advertisement for bids for power utility conduit and fittings and further authorizing the City Manager to award or reject bids in an aggregate amount up to \$50,000 as required during fiscal year 2004-05 (EUD)
  - Res. E-7 Adopt resolution awarding the purchase of polemount and padmount transformers (\$63,522.95) (EUD)
  - Res. E-8 Adopt resolution authorizing the City Manager to allocate Public Benefit Program funds to extend for one year the Lodi House-As-A-System Inspection Program and authorizing the City Manager to execute a contract with the Energy Doctor, Inc., to provide inspection services for this program (\$90,000) (EUD)
  - Res. E-9 Adopt resolution authorizing the City Manager to allocate Public Benefit Program funds for the Lodi Residential Refrigerator/Freezer Recycling Program and authorizing the City Manager to execute a contract with JACO Environmental, Inc., to provide removal and recycling services for this program (\$40,000) (EUD)
  - Res. E-10 Adopt resolution authorizing the City Manager to enter into a Letter of Agreement between the City of Lodi and Northern California Power Agency for developing a wholesale electric delivery interconnection location at the White Slough Water Pollution Control Facility not to exceed \$70,000 (EUD)
  - Res. E-11 Adopt resolution authorizing destruction of certain Human Resources records (HR)
  - E-12 Set public hearing for September 1, 2004, to consider the Technical Equipment Purchase Proposal for Local Law Enforcement Block Grant Program (PD)
  - E-13 Set public hearing for September 1, 2004, to consider the certification of FINAL program Environmental Impact Report for the White Slough Water Pollution Control Facility and direct staff to make application to the San Joaquin Local Agency Formation Commission to designate the sphere of influence (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 Public hearing to receive comments on and consider accepting the City of Lodi's Public Health Goals Report (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 – None

H-4 Miscellaneous

a) Monthly Protocol Account Report (CLK)

**I. Regular Calendar**

- Res. I-1 Adopt resolution authorizing City Manager to sign Memorandum of Understanding between Sacramento Area Council of Governments and San Joaquin Council of Governments, City of Galt, City of Lodi, and County of Sacramento regarding the coordination of ongoing transit planning for programming federal funds that support the ongoing and future deployment of transit services affecting the Lodi/Galt urbanized area (PW)
- I-2 Authorize the City Manager to terminate lease agreement for Lodi Station North Annex with Cheryl Lafebre, dba Lodi Greyhound and Western Union (PW)
- I-3 Approve comments on High-Speed Rail Environmental Impact Report (PW)
- Res. I-4 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)
- I-5 Update on process of recruitment for new City Manager, authorize Mayor Hansen to execute an agreement with CPS Executive Search, and appropriate funds up to \$25,500

**J. Ordinances**

- Pulled** Ord. (Adopt) (J-1) Ordinance No. 1750 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 13.04 of the Lodi Municipal Code by Repealing and Reenacting Section 13.04.130, Relating to Low-Income Adjustments" (CLK)
- Ord. (Adopt) J-2 Ordinance No. 1751 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 449 East Harney Lane (APN 062-290-17) from R-MD, Residential Medium Density, to PD(36), Planned Development Number 36, for The Villas" (CLK)

**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.

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Susan J. Blackston, City Clerk