



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: September 1, 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) Conference with labor negotiator, Human Resources Director Joanne Narloch and Rick Bolanos, regarding Police Officers Association of Lodi and Lodi Police Dispatchers Association pursuant to Government Code §54957.6
- b) Labor relations – Lodi Professional Firefighters: give direction to negotiators, Human Resources Director Joanne Narloch and Rick Bolanos, in preparation for Grievance Arbitrations (Government Code §54957.6)
- c) Prospective lease of City property at 2 E. Elm Street in association with the Downtown Park & Ride Structure; the negotiating parties are Atlas Properties, aka Anthony and Edward Barkett, and the City of Lodi; price and terms of the lease are under negotiation; Government Code §54956.8.
- d) 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
- e) 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
- f) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- g) 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
- h) 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
- i) 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
- i) 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

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 David S. Hill, Grace Presbyterian Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

a) International Literacy Day (LIB)

D-3 Presentations

a) Presentation to Lieutenant Gary Benincasa for his years of service on the Lodi Police SWAT Team (PD)

b) Presentation to Animal Services Supervisor Terri Arbuckle for her years of service to the City of Lodi Animal Shelter (PD)

c) Presentation of Certificate of Recognition to Boy Scout Joshua David Halecky for obtaining the rank of Eagle Scout

d) Presentation regarding the Pakistani and Mexican Independence Day Celebrations, sponsored by the Community Partnership for Families (CM)

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

E-1 Receive Register of Claims in the amount of \$3,651,945.17 (FIN)

E-2 Approve minutes (CLK)

a) July 21, 2004 (Regular Meeting)

b) August 17, 2004 (Shirtsleeve Session)

c) August 17, 2004 (Special Meeting)

d) August 17, 2004 (Joint Special Meeting with the East Side Improvement Committee)

Res. E-3 Adopt resolution authorizing the purchase of a replacement rapid response equipment vehicle for the SWAT Team from El Dorado Bus Sales, of Hayward (Asset Seizure \$82,000; State COPS \$850) (PD)

Res. E-4 Adopt resolution accepting improvements at 1115 East Lockeford Street (PW)

Res. E-5 Adopt resolution accepting improvements in Millsbridge II, Tract No. 3343, and amending Traffic Resolution 97-148 by approving stop control on Tienda Drive at Lakeshore Drive (PW)

Res. E-6 Adopt resolution approving the addendum to the Improvement Agreement for the Public Improvements of Almondwood Estates, Tract No. 3273, and accepting Stockton Street and Almond Drive street frontage improvements in Almondwood Estates, Tract No. 3273, and appropriate funds (\$20,300) (PW)

Res. E-7 Adopt resolution approving the final map, Improvement Agreement, and Water Rights Agreement for Legacy Estates, Unit 2, Tract No. 3382, and amending Traffic Resolution 97-148 by approving stop control on Goehring Drive at Wyndham Way and appropriate funds for the required reimbursements (\$5,500) (PW)

Res. E-8 Adopt resolution to approve the Water Rights Agreement for APN 031-040-10 (formerly known as 1219 Bezug Lane) and for APN 031-040-11 and APN 031-040-12 (formerly known as 1239 and 1251 Bezug Lane) and authorize the City Manager to execute future Water Rights Agreements without separate Council action (PW)

Res. E-9 Adopt resolution authorizing the City Manager to execute Amendment No. 4 to Contract 96-SNR-00110 between the Bureau of Reclamation and the United States of America Department of Energy Western Area Power Administration with the City of Lodi for the funding of power operation and maintenance for Central Valley Project power facilities (EUD)

Res. E-10 Adopt resolution appointing Tiffani M. Fink, Transportation Manager, as the City of Lodi Director and Kirk J. Evans, Risk Manager, as Alternate for the California Transit Insurance Pool (CalTIP) (PW)

Res. E-11 Adopt resolution authorizing transit services outside of regular service operations for certain annual events and authorize the Transportation Manager to advertise to determine if a willing and/or able provider exists for these events (PW)

Pulled Res. E-12 Adopt resolution authorizing the Greater Lodi Area Youth Commission to increase the number of student appointees from nine to eleven and direct the City Clerk to post for two vacancies (COM)

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

Res. G-1 Public hearing to consider resolution adopting Engineer's Report, confirming the assessments, overruling protests and declaring Assessment Ballot results and annexing territory to a Maintenance Assessment District and forming Zone 5 and Zone 6 (Legacy Estates I, Legacy Estates II, and Kirst Estates Zone 5 and The Villas Zone 6 Lodi Consolidated Landscape Maintenance District No. 2003-1) (PW)

Res. G-2 Public hearing to consider the Technical Equipment Purchase Proposal for the Local Law Enforcement Block Grant Program (PD)

Res. G-3 Public hearing 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)

H. Communications

H-1 Claims filed against the City of Lodi

- a) Sherry Klein Successor in Interest to Agnus Klein, date of loss 2/5/04
- b) Sherry Klein Wrongful Death of Father Howard C. Klein, date of loss 2/5/04
- c) Sherry Klein Wrongful Death of Mother Agnus B. Klein, date of loss 2/5/04
- d) Sherry Klein, Executor of Estate of Howard C. Klein, Successor in Interest to Agnus Klein, date of loss 2/5/04
- e) Sherry Klein Wrongful Death of Brother Howard Blair Klein, date of loss 2/5/04
- f) Tim Vallem, date of loss 7/94 to current

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 Appointments – None

H-4 Miscellaneous – None

I. Regular Calendar

I-1 Approve removal of left-turn restriction on Lilac Street at Eilers Lane (PW)

Res. I-2 1) Adopt resolution waiving \$10,500 reimbursement from Lodi-Tokay Rotary for costs incurred by the City during the Oooh Ahhh Festival and approving special allocation from the Fund Balance to cover unbudgeted overtime costs and 2) discussion and appropriate action regarding restructuring the agreement between the City of Lodi and the Lodi-Tokay Rotary for the production of the July 4, 2005, Oooh Ahhh Festival (CM)

I-3 Discussion and appropriate action regarding termination or restructuring of the New Year's Eve Kids' Night Out event (CM)

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)

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