



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: October 20, 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

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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) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi v. City of Stockton, et al., San Joaquin County Superior Court, Stockton Branch, Case No. CV024720
- i) Actual Litigation: Government Code §54956.9(a); one case; City of Stockton v. City of Lodi, San Joaquin County Superior Court, Stockton Branch, Case No. CV024859
- j) Actual Litigation: Government Code §54956.9(a); one case; Stockton Family Farmers Coalition v. City of Lodi, et al., San Joaquin County Superior Court, Stockton Branch, Case No. CV024860

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 Matt Duerr, Zion Reformed Church**
- C. Pledge of Allegiance**

D. Presentations

- D-1 Awards – None
- D-2 Proclamations – None
- D-3 Presentations
 - a) Presentation recognizing Firefighter Jeremy Quaglia for life saving actions and further recognizing Captain Pete Iturraran, Acting Captain Aimee Dalrymple, and Engineer Rick Gerlack (FD)

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

- E-1 Receive Register of Claims in the amount of \$4,553,952.86 (FIN)
- E-2 Approve minutes (CLK)
 - a) September 14, 2004 (Shirtsleeve Session)
 - b) September 14, 2004 (Special Meeting)
 - c) September 15, 2004 (Regular Meeting)
 - d) September 28, 2004 (Shirtsleeve Session)
 - e) September 28, 2004 (Special Meeting)
 - f) October 5, 2004 (Shirtsleeve Session)
 - g) October 11, 2004 (Special Meeting)
- Res. E-3 Adopt resolution approving plans and specifications for White Slough Water Pollution Control Facility Standby Power Improvements and authorizing City Manager to solicit bids for equipment, negotiate a Contract Change Order for installation of equipment not to exceed a total of \$1,000,000 and appropriate funds (PW)
- Res. E-4 Adopt resolution approving plans and specifications, authorizing advertisement for bids for Lighted Crosswalk System Project at Lockeford Street and Calaveras Street, and authorizing the City Manager to execute all necessary agreements to implement the project, award or reject the contract up to \$29,000, and appropriate funds (PW)
- Res. E-5 Adopt resolution approving specifications, authorizing advertisement for bids, and further authorizing the City Manager to award or reject all bids for the purchase of high-density polyethylene electric utility service boxes, up to \$11,000 (EUD)
- Res. E-6 Adopt resolution accepting improvements in Almond North, Tract No. 3396, including the traffic signage at Ravenwood Way and Cherrywood Way traffic circle (PW)
- Res. E-7 Adopt resolution accepting \$100,000 from the State Citizens Option for Public Safety Grant offered through AB 1584 State Supplemental Law Enforcement Service Fund (PD)
- Res. E-8 Adopt Resolution of Preliminary Determination and Resolution of Intention to Annex Woodlake Meadow Zone 7 to Lodi Consolidated Landscape Maintenance District No. 2003-1; set public hearing and deadline for receipt of ballots for December 15, 2004; and adopt resolutions authorizing the City Manager to execute professional services agreement task orders with Timothy J. Hachman, Attorney at Law (\$6,500), and Thompson-Hysell Engineers, a Division of The Keith Companies, Inc. (\$6,000), for services required in support of the annexation (PW)

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 adopting resolution establishing area of benefit and reimbursable costs for Kettleman Lane Improvements (PW)
- Res. G-2 Public hearing to consider adopting resolution approving fare increases for GrapeLine fixed route and Dial-A-Ride services (PW)
- Res. G-3 Public hearing to consider Planning Commission's recommendation to certify the Environmental Impact Report and approve the 2003-09 Housing Element (CD)

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) Appoint Council Member to serve on San Joaquin Council of Governments' Regional Transportation Impact Fee Policy Committee (CLK)
 - b) Post for vacancy on the Senior Citizens Commission (CLK)
- H-4 Miscellaneous
- a) Monthly Protocol Account Report (CLK)
 - b) Communication from the Secretary of State's Office regarding Lodi's incorporation date (CLK)

I. Regular Calendar

- I-1 Consider options regarding the reopening and operation of Lodi Skate Park and take appropriate action (PR)
- Res. I-2 Adopt resolution approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2003-04 (PW)
- I-3 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$537,239.23) (CA)
- I-4 Approve Special Allocation for expenses incurred for general counsel work previously approved at the October 6, 2004, Council Meeting (CA)

J. Ordinances

- Ord. J-1 Ordinance No. 1753 entitled, "An Ordinance of the City Council of the City of Lodi Amending (Adopt) Title 12, 'Streets, Sidewalks, and Public Places,' of the Lodi Municipal Code by adding Chapter 12.07 Relating to Establishing the Lodi Tourism Business Improvement District (LTBID)" (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