



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: November 3, 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 Negotiators, 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) 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
- c) 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
- d) 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
- e) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- f) 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
- g) 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
- h) 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
- j) 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
- k) 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
- l) 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 Steve Newman, First Baptist Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) Proclaim November 18 as Feed Lodi Thursday, to be held in conjunction with the Feed America Thursday program

D-3 Presentations

- a) Presentation of transit services for Holiday season (PW)

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

E-1 Receive Register of Claims in the amount of \$3,764,748.80 (FIN)

E-2 Approve minutes (CLK)

- a) October 12, 2004 (Shirtsleeve Session)
- b) October 12, 2004 (Special Meeting)
- c) October 19, 2004 (Shirtsleeve Session)
- d) October 19, 2004 (Special Meeting)
- e) October 26, 2004 (Shirtsleeve Session)
- f) October 26, 2004 (Special Meeting)

Res. E-3 Adopt resolution approving the City of Lodi annual investment policy and internal control guidelines (FIN)

Res. E-4 Adopt resolution approving specifications, authorizing advertisement for bids for Maintenance of Landscape Areas for 2005, and authorizing the City Manager to award or reject the contracts up to \$150,000 (PW)

Res. E-5 Adopt resolution awarding the purchase of 20,000 feet of #1/0 and 40,000 feet of #350 kcmil 600-volt underground triplex to the low bidder, Pirelli Power Cables and Systems, of Lexington, SC (\$92,263.96) (EUD)

Res. E-6 Adopt resolution awarding the purchase of 40,000 feet of #1/0 medium-voltage EPR-insulated underground conductor to the low bidder, The Okonite Company, of San Ramon, CA (\$57,064.40) (EUD)

Res. E-7 Adopt resolution awarding the purchase of 288 watt-hour meters to the low bidder, Sensus Metering Systems, of Raleigh, NC (\$8,921.70) (EUD)

Res. E-8 Adopt resolution awarding the design and construction contract for the Municipal Service Center Public Works Locker Room Expansion Project to Diede Construction and appropriate funds (\$155,000) (PW)

Res. E-9 Adopt resolution approving final map and Improvement Agreement for Mills Avenue Single-Family Homes, Tract No. 3441 (PW)

Res. E-10 Adopt resolution approving final map and Improvement Agreement for Century Meadows One, Unit No. 3, Tract No. 3289, approving no-parking zone installation on Harney Lane, and appropriating funds for applicable reimbursements (\$22,000) (PW)

Res. E-11 Adopt Resolution of Vacation of a surplus portion of Woodhaven Lane at 1245 Woodhaven Lane frontage (PW)

Res. E-12 Adopt resolution authorizing the City Manager to execute a professional services agreement with Robert E. Lamb, Inc., of Valley Forge, PA, for architectural/engineering services for the Operations Center and appropriate funds in an amount not to exceed \$24,000 by a transfer from the Distribution System Improvement business unit to the business unit (EUD)

- Res. E-13 Adopt resolution authorizing the City Manager to enter into a professional services agreement with Power Engineers, Inc., of Hailey, ID, for performing the "Arc Flash Study" at Henning, Industrial, Killelea, and McLane Substations (\$11,330) (EUD)
- E-14 Set public hearing for November 17, 2004, to consider a development agreement between the City of Lodi and GFLIP III, L.P., relating to the development known as Electronic Display Sign to be located at 1251 South Beckman Road, Lodi (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

- Res. G-1 Public hearing to consider adopting Resolution/Order to Vacate a surplus portion of Maxell Street (PW)
- G-2 Public hearing to consider unmet transit needs in Lodi (PW)
- Res. G-3 Public hearing to consider resolution adopting amended Impact Mitigation Fees for Storm Drainage, Streets and Road, and Parks and Recreation (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) Post for one vacancy and expiring terms on the Lodi Senior Citizens Commission and Parks and Recreation Commission (CLK)
- H-4 Miscellaneous – None

I. Regular Calendar

- Res. I-1 Adopt resolution approving Impact Mitigation Fee Program Annual Report for fiscal year 2003-04 (PW)
- Res. I-2 Adopt resolution authorizing the City Manager to execute park purchase and construction agreement with FCB Building Partners I, L.P., for the acquisition of the park site and construction of the park improvements for Century Meadows Park and appropriate funds (\$24,000) (PW)
- Pulled** I-3 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$313,455.17) and approval of Special Allocation covering general litigation matter expenses (\$4,413.66) (CA)
- I-4 Discussion and update regarding fiscal year 2005-06 budget process (FIN)

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