



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: November 17, 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 Lodi Police Dispatchers Association pursuant to Government Code §54957.6
- b) 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
- c) 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
- d) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- e) 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
- f) 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
- g) 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
- h) 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
- i) 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
- j) 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
- k) 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 Bill Sherrill, Lodi Police Chaplains

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

a) Presentation by the Greater Lodi Area Youth Commission regarding Honoring Teens Program (COM)

b) Presentation regarding the 2004 Hospice Tree Lighting and 9th Annual Parade of Lights (CM)

c) Presentation by Dennis Lewis regarding Lodi Adopt-A-Child Christmas Program

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

E-1 Receive Register of Claims in the amount of \$5,466,031.07 (FIN)

E-2 Approve minutes (CLK)

a) October 6, 2004 (Regular Meeting)

b) November 2, 2004 (Shirtsleeve Session)

c) November 2, 2004 (Special Meeting)

d) November 9, 2004 (Shirtsleeve Session)

e) November 10, 2004 (Special Meeting)

Res. E-3 Approve plans and specifications and authorize advertisement for bids for Lower Sacramento Road Widening, Harney Lane to Kettleman Lane, and adopt resolutions authorizing the City Manager to sign project agreements (PW)

Res. E-4 Adopt resolution approving plans and specifications, authorizing advertisement for bids, and further authorizing the City Manager to award or reject all bids for Blakely Park/Enze Pool plastering, 1050 S. Stockton Street (not to exceed \$45,000) (PR)

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 a heavy-duty electric floor scrubber (not to exceed \$12,000) (PR)

Res. E-6 Adopt resolution awarding the purchase of ten self-supporting direct imbedded steel poles to the low bidder, Thomas & Betts, Corp., of Memphis, TN (\$160,523.80) (EUD)

Res. E-7 Adopt resolution authorizing the City Manager to authorize payment for City of Lodi/Lodi Unified School District Wash Bay Engineering to T. Mitchell Engineers and Associates, of Oakland (\$20,000), and appropriate funds (PW)

E-8 Accept improvements under contract for City of Lodi/Lodi Unified School District Compressed Natural Gas Fueling Station Equipment for facility at 820 South Cluff Avenue (PW)

E-9 Accept improvements under contract for City of Lodi/Lodi Unified School District Compressed Natural Gas Fueling Station Construction for facility at 820 South Cluff Avenue (PW)

Res. E-10 Adopt resolution accepting improvements at 250 North Cherokee Lane and appropriating funds for required reimbursements (\$15,000) (PW)

Res. E-11 Adopt resolution accepting improvements at 847 North Cluff Avenue (PW)

Res. E-12 Adopt resolution accepting improvements at 233 and 267 North Mills Avenue (PW)

Res. E-13 Adopt resolution approving Pixley Park Land Exchange Agreement and authorizing related improvement agreements (PW)

Res. E-14 Adopt resolution approving improvement agreement for public improvements for 1175 South Guild Avenue and appropriating funds for required reimbursements (\$89,410) (PW)

Res. E-15 Adopt resolution approving improvement agreement for public improvements of Harney Lane Canal Crossing and appropriating funds for applicable reimbursements (\$832,000) (PW)

- Res. E-16 Adopt resolution approving application for a Congestion Mitigation and Air Quality Grant to the San Joaquin Council of Governments (\$800,000) (PW)
- Res. E-17 Adopt resolution authorizing the City Manager to increase the appropriation on the professional services agreement with Power Engineers, Inc. for engineering services associated with the Killelea Substation reconstruction project (\$51,000) (EUD)
- Res. E-18 Adopt resolution authorizing the City Manager to execute the electric service base resource percentage agreement 00-SNR-00327 for Western Area Power Administration between Northern California Power Agency and the City of Lodi (EUD)
- Res. E-19 Approve service agreement with Innovative Claims Solutions, Inc. for the administration of worker's compensation claims for the period of October 1, 2004 through September 30, 2005, with an increase of 2.0% over the current annual fee (\$82,154.40) (HR)

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 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 (CD)
- G-2 Public hearing 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)

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 – None

I. Regular Calendar

- Res. I-1 Adopt resolution approving addendum #3 to Lodi Boys and Girls Club City lease to accommodate F&M Bank financing (CM)
- Res. I-2 Adopt resolution approving encroachment agreement and reimbursable costs and accepting improvements for Woolworth Place Alley, 115 South School Street (\$50,000) (PW)
- I-3 Authorize temporary modular building to be moved to the Lodi Animal Shelter and authorize the City Manager to approve a Memorandum of Understanding with People Assisting Lodi Shelter (PD)
- Res. I-4 Adopt resolution approving Treadwell and Rollo Task Order for additional groundwater monitoring wells (cost to be determined) (PW)
- I-5 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$310,934.17, less amount TBD) and approval of Special Allocation covering general litigation matter expenses (\$4,413) (CA)

- 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