



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: January 4, 2006

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

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) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Francisco Superior Court, Case No. CGC-05-441976
- 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)(B) regarding exposure to San Joaquin County for alleged non-compliance with underground storage tank regulations at Municipal Service Center and the old Public Safety Building
- e) Conference with City Manager Blair King (Acting Labor Negotiator) regarding International Brotherhood of Electrical Workers, pursuant to Government Code §54957.6
- f) Public Employment – Regarding One Position – Title: Electric Utility Director, pursuant to Government Code §54957

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 – Father Rick Matters, St. John the Baptist Episcopal Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) Martin Luther King, Jr. Day

D-3 Presentations

- a) Presentations regarding Lodi's Centennial:
- Proclamation(s)
 - Police Centennial Badge
 - Tree Lodi introduction and "Growing the Next 100 Years" Project
 - Lodi Centennial Task Force introduction
 - "Wall Dogs" Mural Project
 - Unveiling of the Centennial banner
 - 100th Year "birthday" cake

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

E-1 Receive Register of Claims in the amount of \$2,251,289.10 (FIN)

E-2 Approve minutes (CLK)

- a) December 7, 2005 (Regular Meeting)
b) December 13, 2005 (Shirtsleeve Session)
c) December 20, 2005 (Shirtsleeve Session)
d) December 20, 2005 (Special Meeting)

E-3 Authorize the sale of scrap wire and metal during 2006 (EU)

Res. E-4 Adopt resolution approving an extension of the existing contract for Maintenance of Landscape Areas for 2006 for Groups A and C, and adding Irrigation Maintenance for Group C to Odyssey Landscape Companies for a total of \$89,866.12 (PW)

Res. E-5 Adopt resolution approving specifications, authorizing advertisement for bids for Maintenance of Landscape Areas for 2006 Group B – Lower Sacramento Road and Adjacent Landscape Areas, and authorizing City Manager to award or reject the contract up to \$90,000 (PW)

Res. E-6 Adopt resolution accepting improvements at 2111 W. Kettleman Lane (PW)

Res. E-7 Adopt resolution awarding contract for Water Meter Installation Project to Arrow Construction of Modesto, and authorize the City Manager to execute the contract (project est. \$85,000) (PW)

Res. E-8 Adopt resolution awarding contract for Water Meter Purchase to Hersey Water Meter Company of Elk Grove (project est. \$70,000) (PW)

E-9 Approve plans and specifications and authorize advertisement for bids for Elevated Water Tank Recoating Project (PW)

E-10 Re-set public hearing for February 1, 2006 to consider resolution adopting the San Joaquin County Regional Transportation Impact Fee (RTIF) and authorize City Manager to execute Fee Program Operating Agreement (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. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

- I-1 Public hearing to consider: a) adoption of ordinance establishing wastewater development impact fees, and b) resolution approving Wastewater Capacity Impact Fee and "High Strength Users" service fees: (PW)
- Ord. a) Ordinance No. 1768 entitled, "An Ordinance of the City Council of the City of Lodi amending Lodi Municipal Code relating to the establishment of wastewater development impact fees by amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, "Sewer Service," by repealing and reenacting Sections 13.12.020 (5) and (45), 13.12.180 (A), and 13.12.190; and further amending Title 15 – Buildings and Construction – Chapter 15.64, "Development Impact Mitigation Fees," by amending Section 15.64.10 – adding new paragraph "F" and relettering paragraphs (G) and (H) – repealing and reenacting Sections 15.64.030 (A) and 15.64.040, amending Section 15.64.060 – adding paragraph "C" – and repealing and reenacting Section 15.64.070 (B)" (CLK)
- (Adopt)
- Res. b) Adopt resolution approving Wastewater Capacity Impact Fee and "High Strength Users" service fees
- Res. I-2 Public hearing to consider adoption of resolution levying annual (2006) assessment for Downtown Lodi Business Improvement Area No.1 and confirming the Downtown Lodi Business Partnership 2005-06 Annual Report (CM)

J. Communications

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
- a) Appointments to Senior Citizens Commission, Site Plan and Architectural Review Committee, and San Joaquin County Mosquito and Vector Control (CLK)
- b) Post for vacancy on Lodi Animal Shelter Task Force (CLK)
- J-3 Miscellaneous – None

K. Regular Calendar

- K-1 Discuss and select project nominations for San Joaquin Council of Government's One Voice trip (PW)
- Res. K-2 Adopt resolution ratifying employment agreement entered into between City Manager Blair King and Electric Utility Director (CM)
- K-3 Receive update on status of the Community Separator/Greenbelt Task Force and provide input to staff regarding future direction of the Task Force (CD)
- K-4 Authorize staff to release Request for Proposal (RFP) for professional consulting services to: 1) update Lodi's 1991 General Plan, 2) complete a new Traffic Model, and 3) update the existing Parks and Recreation Master Plan (CD)
- Ord. (Introduce) **K-5** Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, by adding Chapter 12.03, "Sidewalks" to place sidewalk maintenance responsibilities and liability on the adjoining property owner as permitted under state law (CA)
- Ord. (Introduce) **K-6** Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, by adding Article VI, "Waterfowl and Migratory Birds" to prohibit the feeding of any waterfowl or migratory birds in any public park or on any public lake (PR/CA)
- Res. K-7 Adopt resolution approving the extension of an amended Memorandum of Understanding between the City of Lodi and Local 1245 International Brotherhood of Electrical Workers (IBEW), AFL-CIO (CM)

Pulled

Pulled

Pulled

- K-8** Provide preliminary and non-binding policy direction regarding electric rate design/structure for future adjustment to base rates by transferring rates from Market Cost Adjustment charges to Base Rate charges, i.e. "Truing up the Electric Rates" (EUD)

L. Ordinances

Ord. L-1 Ordinance No. 1767 entitled, "An Ordinance of the City Council of the City of Lodi amending
(Adopt) Title 15, "Buildings and Construction," of the Lodi Municipal Code by Adding Chapter 15.65
Relating to the Establishment of the San Joaquin County Regional Transportation Impact Fee
Program" (CLK)

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