



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: January 5, 2005

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) Actual litigation: Government Code §54956.9(a); one case; Quesada v. City of Lodi et al., Superior Court of California, County of San Joaquin, Stockton Branch; Case No. CV 016631
- b) Prospective acquisition of real property located at 14320 N. Lower Sacramento Road, Lodi, California (APN #058-140-13); the negotiating parties are City of Lodi and M. Bill Peterson; Government Code §54956.8
- c) Prospective acquisition of real property located at 232 N. Washington Street (APN #043-087-17) and 242 Rush Street (APN #043-090-13), Lodi, California; the negotiating parties are City of Lodi and Union Pacific Railroad Company; 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
- j) 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 – Pastor Paul Zimmerman, St. Peter’s Lutheran Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

a) Martin Luther King, Jr. Day

D-3 Presentations

a) Presentation by Downtown Lodi Business Partnership to winners of the 2004 Parade of Lights (CM)

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

E-1 Receive Register of Claims in the amount of \$8,363,593.70 (FIN)

E-2 Approve minutes (CLK)

a) November 3, 2004 (Regular Meeting)

b) November 17, 2004 (Regular Meeting)

c) December 10, 2004 (Special Meeting)

d) December 11, 2004 (Special Meeting)

e) December 14, 2004 (Shirtsleeve Session)

f) December 14, 2004 (Special Meeting)

g) December 21, 2004 (Shirtsleeve Session)

h) December 21, 2004 (Special Meeting)

i) December 28, 2004 (Shirtsleeve Session)

Res. E-3 Adopt resolution awarding the purchase of 37.5kVA polemount transformers (\$7,962.73) (EUD)

Res. E-4 Adopt resolution awarding contract for Lighted Crosswalk System Project at Lockeford Street and Calaveras Street to Collins Electrical Company, of Stockton (\$41,380); and appropriate funds (\$45,500) (PW)

Res. E-5 Adopt resolution awarding the contract for Blakely Park/Enze Pool Plastering Project, 1050 S. Stockton Street, to Burkett Pool Plastering, of Salida (\$50,148) (PR)

Res. E-6 Adopt resolution approving Improvement Agreement for Public Improvements of 1745 West Kettleman Lane subject to Council direction regarding reimbursable costs; appropriating funds for applicable reimbursements (\$75,000); and authorizing City Manager to execute associated landscape maintenance agreements with Caltrans and the developer (PW)

Pulled Res. **E-7** Adopt resolution approving Improvement Agreement for Public Improvements for 1020 South Beckman Road and appropriating funds for required reimbursements (\$4,385) (PW)

Res. E-8 Adopt resolution approving final map for Kirst Estates No. 5, Tract No. 3459 (PW)

Res. E-9 Adopt resolution approving final map and Improvement Agreement for Woodlake Meadow, Tract No. 3451 (PW)

Res. E-10 Adopt resolution approving a rental agreement between the City of Lodi and Sherry Beltz and Emily Wolfe, dba Jazzerise Fitness Center, for use of 111 N. Stockton Street, Unit B, Lodi (PR)

Res. E-11 Adopt resolution approving the job specification and salary range for the position of Manager, Customer Service and Programs (HR)

E-12 Approve annual membership dues to the League of California Cities (\$16,043) (CM)

E-13 Set public hearing for January 19, 2005, to consider two appeals of the Planning Commission's decision regarding the Lodi Shopping Center project (Wal-Mart Supercenter) located at 2640 West Kettleman Lane (CD)

E-14 Set public hearing for February 2, 2005, to consider resolution establishing an area of benefit and reimbursable costs for design and construction required to underground aerial facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40) (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 – None

H. Communications

H-1 Claims filed against the City of Lodi

- a) Frederick Nicholas Dohring, Sr., date of loss 6/14/04
- b) Frederick Nicholas Dohring, Jr., date of loss 6/14/04
- c) Katherine Ann Dohring, date of loss 6/14/04

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

H-3 Appointments

- a) Appointments to the Senior Citizens Commission and the Site Plan and Architectural Review Committee (CLK)
- b) Post for vacancy on the Lodi Arts Commission (CLK)

H-4 Miscellaneous – None

I. Regular Calendar

I-1 Fiscal year 2005-06 budget strategy update and discussion (FIN)

I-2 Approve California Statewide Communities Development Authority Vehicle License Fee Gap Loan Financing Program Application (FIN)

Res. I-3 Adopt resolution authorizing the reallocation of six Firefighter positions to three Fire Captains and three Fire Engineers (HR)

I-4 Authorize \$5,000 payment to the San Joaquin Partnership for an Economic Development Strategic Plan through AngelouEconomics (CM)

I-5 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$209,994.80) and State oversight costs (\$7,530.56) (CA)

J. Ordinances

Ord. (Adopt) J-1 Ordinance No. 1754 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 12.12 of the Lodi Municipal Code by Repealing and Reenacting Section 12.12.420, Relating to Skate Park Regulations"

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