



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: January 19, 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) Conference with Labor Negotiators, Human Resources Director Joanne Narloch and Rick Bolanos, regarding Police Officers Association of Lodi, Lodi Police Dispatchers Association, Lodi Mid-Management Association, Lodi Police Mid-Management Organization, Association of Lodi City Employees (General Services and Maintenance & Operators), International Brotherhood of Electrical Workers, and Lodi Professional Firefighters pursuant to Government Code §54957.6.
- b) 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.
- c) Prospective acquisition of real property located at 420 E. Lockeford Street (APN #043-202-29), 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; Smalley v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV010730
- e) 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
- f) 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
- g) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- h) 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
- i) 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
- j) 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
- k) 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 Rod Suess, Vinewood Community Church

**C. Pledge of Allegiance**

**D. Presentations**

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

- a) Presentation by the Lodi Area All Veterans Plaza Foundation of quarterly payment on loan from City of Lodi

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

E-1 Receive Register of Claims in the amount of \$2,474,023.97 (FIN)

E-2 Approve minutes (CLK)

- a) December 15, 2004 (Special Meeting)
- b) December 15, 2004 (Regular Meeting)
- c) January 4, 2005 (Shirtsleeve Session)
- d) January 4, 2005 (Special Meeting)

E-3 Approve specifications and authorize advertisement for bids for wood utility poles as required during calendar year 2005 (EUD)

Res. E-4 Adopt resolution awarding contract for Hale Park Playground Improvements, 209 East Locust Street, to Hobbs Construction, of Fresno (\$147,070) (PR)

E-5 Accept improvements under contract for Pine Street Sidewalk Replacement Project (School Street to Alley West of Sacramento Street) (PW)

Res. E-6 Adopt resolution approving additional technical services with Treadwell & Rollo, Inc., and appropriating funds (\$270,000) (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 and Improvement Agreement for 1349 East Kettleman Lane (PW)

E-9 Authorize the Treasurer and Revenue Manager to enter into agreements with the Farmers and Merchants Bank of Central California for the issuance of a City credit card for City Manager, Blair King (FIN)

Res. E-10 Adopt resolution authorizing the City Manager to allocate a Public Benefits Program grant in the amount of \$24,180 to Scientific Specialties, Inc., for a demand-side management project (EUD)

Res. E-11 Adopt resolution approving Memorandum of Understanding between City of Lodi and Lodi Police Dispatchers Association (HR)

Res. E-12 Adopt resolution approving Memorandum of Understanding between City of Lodi and Police Officers' Association of Lodi (HR)

E-13 Accept the Quarterly Investment Account report as required by law SB 564 (FIN)

**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 two appeals of the Planning Commission's decision regarding the Lodi Shopping Center project (Wal-Mart Supercenter) located at 2640 West Kettleman Lane (CD)

Res. a) Appeal filed on 12/10/04, by Natalie Weber of the firm Herum, Crabtree, Brown to the Planning Commission decision on 12/08/04 certifying Final EIR 03-01, approving Use Permit U-02-12, and Tentative Parcel Map 03-P-001

Res. b) Appeal filed on 12/13/04, by Timothy Cremin of the firm Steefel, Levitt & Weiss to the Planning Commission decision on 12/08/04 regarding two conditions: 1) Condition R of the use permit and tentative map approval resolution requiring signed leases for 50% of the existing Wal-Mart store before a building permit is issued for the new Supercenter and prohibits tenant restrictions; and 2) Condition requiring the project developer to fund the commercial linkage fee nexus study under Program 11 of the Housing Element and pay any adopted fees

**J. Communications**

J-1 Claims filed against the City of Lodi – None

J-2 Appointments

a) Post for expiring terms on the Eastside Improvement Committee (CLK)

J-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

**K. Regular Calendar**

K-1 Discuss and take appropriate action regarding the proposed \$18,000 City contribution to the July 4, 2005, Oooh Ahhh Festival

K-2 Approve expenses incurred by JAMS Mediation Service relative to the Environmental Abatement Program litigation (\$47,840.07) (CA)

**L. Ordinances – None**

**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.

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Susan J. Blackston  
City Clerk