



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: February 2, 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; 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) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- 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)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) 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
- f) 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
- g) 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 Dale Edwards, Century Assembly
- C. Pledge of Allegiance

D. Presentations

- D-1 Awards – None
- D-2 Proclamations
 - a) Rotary International ~ 100th Anniversary
- D-3 Presentations
 - a) Presentation of Resolution of Appreciation to Janet Keeter for serving as Interim City Manager
 - b) Presentation of Certificate of Appreciation to outgoing Arts Commissioner, Reverend William Crabtree (COM)
 - c) Presentation of Certificate of Appreciation to Peter Westbrook for his years of service to and participation in the Downtown Lodi Business Partnership
 - d) Presentation of Certificate of Recognition to Boy Scout Kyle Kreig Williams for obtaining the rank of Eagle Scout
 - e) Presentation of check by Soroptimist International of Lodi Sunrise as donation toward the purchase of Blakely Park playground equipment (PR)
 - f) Presentation regarding Lodi's 2nd annual Electronic Waste Clean-up Day (EUD)

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

- E-1 Receive Register of Claims in the amount of \$7,399,365.19 (FIN)
- E-2 Approve minutes (CLK)
 - a) January 5, 2005 (Regular Meeting)
 - b) January 11, 2005 (Shirtsleeve Session)
 - c) January 11, 2005 (Special Meeting)
 - d) January 18, 2005 (Shirtsleeve Session)
 - e) January 18, 2005 (Special Meeting)
- Res. E-3 Adopt resolution awarding contracts for Maintenance of Landscape Areas for Calendar Year 2005 to Odyssey Landscape Company, Inc., of Stockton, and Greenline Landscaping Company, Inc., of Stockton (\$129,000) (PW)
- Res. E-4 Adopt resolution approving Improvement Agreement for Public Improvements for 1020 South Beckman Road and appropriating funds for required reimbursements (\$4,385) (PW)
- Res. E-5 Adopt resolution amending Resolution 2003-213 to allow acceptance of public improvements for Legacy Estates, Unit 1, Tract No. 3260, prior to completion of Harney Lane Improvements and approving Improvement Agreement for Harney Lane executed by DSS Company covering completion of Harney Lane improvements (PW)
- Res. E-6 Adopt resolution approving services agreement with ABD Insurance and Financial Services for benefits administration consulting services for the period of March 1, 2005 to February 28, 2006 (\$28,500) (HR)
- Res. E-7 Adopt resolution authorizing the City Manager to execute a one-year contract for telephone switch maintenance service and repair with NextiraOne LLC (\$21,203.51) (ISD)
- Res. E-8 Adopt resolution authorizing the purchase of retired police canine "Tosca" from Officer Brian Freeman (Police Canine Trust Fund \$2,000) (PD)
- E-9 Accept memorial plaque donation from MaryAnn Porterfield (PR)
- E-10 Accept donation of three Japanese lanterns for Lodi Lake from Hugo and Earlene Wiessner (PR)
- Res. E-11 Adopt resolution supporting legislation amending the Americans with Disabilities Act to require notice prior to filing legal action (CA)

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

- Res. I-1 Public hearing 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)

J. Communications

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

J-2 Appointments

- a) Appointment of Delegate and Alternate to the San Joaquin County Flood Control and Water Conservation District – Water Advisory Commission (CLK)

J-3 Miscellaneous – None

K. Regular Calendar

- Res. K-1 Adopt resolution approving the reallocation of one Administrative Clerk to Administrative Secretary in the Library (HR)
- K-2 Approve addendum to Lower Sacramento Road Project plans and specifications (PW)
- K-3 Mid-year budget adjustments and financial review as of December 31, 2004 (FIN)
- Res. K-4 Adopt resolution approving the California Statewide Communities Development Authority Vehicle License Fee Gap Loan Financing Program Application (FIN)
- K-5 Discussion and appropriate action regarding authority of the City Manager relating to salary adjustments (HR)

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.

Susan J. Blackston
City Clerk