



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: February 16, 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; Rogers v. City of Lodi et al., U.S. District Court, Eastern District, Case No. CIV. S-02-1961 DFL JFM
- 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; Environmental Forensic Investigations, Inc., v. City of Lodi, San Joaquin County Superior Court, Case No. CV-024899
- j) Actual Litigation: Government Code §54956.9(a); one case; Farr Associates v. City of Lodi, San Joaquin County Superior Court, Case No. CV-025075
- k) Actual Litigation: Government Code §54956.9(a); one case; Magellan Environmental, Inc., v. City of Lodi, San Joaquin County Superior Court, Case No. CV-024898
- l) 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

- m) 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
- n) 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 Dave Garner, Grace Community Fellowship

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) Prevent a Litter Month

D-3 Presentations

- a) Presentation to Ed Wall for his 2004 Parks and Recreation Commission Chairmanship (PR)
- b) Presentation by Greater Lodi Area Youth Commission regarding Teen of the Month Program (COM)

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

E-1 Receive Register of Claims in the amount of \$7,620,389.59 (FIN)

E-2 Approve minutes (CLK)

- a) January 19, 2005 (Regular Meeting)
- b) January 25, 2005 (Shirtsleeve Session)
- c) January 25, 2005 (Special Meeting)
- d) January 31, 2005 (Special Meeting)
- e) February 1, 2005 (Shirtsleeve Session)
- f) February 1, 2005 (Special Meeting)
- g) February 8, 2005 (Shirtsleeve Session)
- h) February 8, 2005 (Special Meeting)

- Res. E-3 Adopt resolution approving plans and specifications, authorizing advertisement for bids for Pine Street Overlay Project – Ham Lane to Church Street, authorizing City Manager to award or reject the contract, and appropriating funds (\$260,000) (PW)
- Res. E-4 Adopt resolution awarding purchase of wood utility poles (\$43,056.90) (EUD)
- Res. E-5 Adopt resolution accepting Harney Lane street frontage improvements in Century Meadows Two, Unit 4, Tract No. 3272, and appropriating funds (\$57,990) for applicable reimbursements (PW)
- Res. E-6 Adopt resolution accepting improvements in Legacy Estates, Unit 1, Tract No. 3260 (PW)
- Res. E-7 Adopt Resolution of Vacation of five-foot public utility easement at 1451 South Mills Avenue (PW)
- E-8 Water and Wastewater Main Replacement Program – Project No. 2 Contract Change Order (PW)
- Res. E-9 Adopt resolution authorizing the City Manager to execute a professional services agreement with ATEEM Electrical Engineers, Inc., of Sacramento, for a Supervisory Control and Data Acquisition system at the White Slough Water Pollution Control Facility (\$310,000) (PW)
- Res. E-10 Adopt resolution affirming the agreement with Liebert, Cassidy, Whitmore for legal services; authorize payment of outstanding bills incurred by the City for services rendered by Liebert, Cassidy, Whitmore; and appropriate funds to the City Attorney's budget for the past bills and prospectively for anticipated services (\$12,979) (CM)

- Res. E-11 Adopt resolution approving employee assistance program agreement with the Employee Assistance Program of San Joaquin (Options) for the period of March 1, 2005 through February 28, 2007 (\$11,280 annually) (HR)
- Res. E-12 Adopt resolution authorizing the City Manager to enter into a professional services agreement with Power Engineers, Inc., of Hailey, ID, for oil Spill Prevention, Control, and Countermeasure (SPCC) evaluation and development of SPCC plans for Henning, Industrial, Killelea, and McLane Substations and the service yard; and appropriate funds in the amount not to exceed \$12,000 by a transfer from Distribution System Improvement business to the business unit (EUD)
- E-13 Report on the City's Supervisory Control and Data Acquisition system located at Electric Utility that monitors and controls the electric, water, wastewater, and storm systems and affirmation of the City Manager's action regarding necessary emergency repairs (\$8,000) (EUD)
- E-14 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$53,321.78) and approve Special Allocation covering general litigation matter expenses (\$18,462.03) (CA)
- Res. E-15 Adopt resolution approving the proposed amendments to the bylaws for the Eastside Improvement Committee (CD)
- E-16 Set public hearing for March 2, 2005, to consider resolution approving new rates for solid waste collection (PW)
- E-17 Set public hearing for March 2, 2005, to consider and approve community input and proposals for uses of the City's 2005-06 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years (CD)
- E-18 Set public hearing for March 16, 2005, to consider approving the Countywide Master Annexation Agreement with San Joaquin County and adoption of the County Facility Fee Program (CD)
- Res. E-19 Adopt resolution declaring intention to amend Ordinance No. 1753, which establishes the Lodi Tourism Business Improvement District (LTBID) and method of levying and collecting assessments within the LTBID boundaries, and setting public hearing for March 16, 2005 (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

- Res. I-1 Continued public hearing to consider 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 EE requiring the project developer to fund the commercial linkage fee nexus study under Program 11 of the Housing Element and pay any adopted fees (CD)

J. Communications

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

J-2 Appointments

a) Appointments to the Lodi Arts Commission and Parks and Recreation Commission (CLK)

b) Appointments to the San Joaquin Partnership (CLK)

J-3 Miscellaneous – None

K. Regular Calendar – None

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