



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: March 2, 2005

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

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***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 Phil Orosco, Lodi Police Chaplains
- C. Pledge of Allegiance**
- D. Presentations**

- D-1 Awards – None
- D-2 Proclamations
 - a) Arbor Day (PW)
- D-3 Presentations – None

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

- E-1 Receive Register of Claims in the amount of \$1,869,964.10 (FIN)
- E-2 Approve minutes (CLK)
 - a) February 2, 2005 (Regular Meeting)
 - b) February 15, 2005 (Shirtsleeve Session)
 - c) February 15, 2005 (Special Meeting)
 - d) February 16, 2005 (Regular Meeting)
- Res. E-3 Adopt resolution appropriating funds for emergency removal of underground fuel storage tanks at 230 West Elm Street (\$25,000) and affirming the City Manager's emergency authority (PW)
- E-4 Approve an amendment to the scope of work for the Blakely Park Playground Project to include the adjacent Enze/Field Swim Complex (\$6,500) (CD)
- E-5 Accept memorial bench and plaque donation from Joanne Katanic and Janice Katayama in honor of Bonnie Meyer (PR)
- E-6 Accept donations from Lodi-Tokay Rotary for the Ron Williamson Youth Area sign project; the Lodi Association of Realtors, Inc. for new park name signs for Blakely Park and Legion Park; the Lodi Lions Club for the purchase of new trash receptacles for Legion Park and the purchase of engineered wood fiber for Emerson Park, Henry Graves Park, and Legion Park; and appropriate the donated funds toward the various park projects (PR)
- E-7 Approve Improvement Deferral Agreement for 214 Kelly Street (PW)
- Res. E-8 Adopt resolution approving operation and maintenance agreement for water main abandonment at 104 East Turner Road (PW)
- Res. E-9 Adopt resolution approving an agreement between the City of Lodi and Spare Time Inc., dba Twin Arbors Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the period of May 31, 2005 to July 24, 2005 (PR)
- E-10 Authorize the City Manager to execute the cooperative agreement for the provision of incident command system staff with the San Joaquin County Office of Emergency Services (FD)
- Res. E-11 Adopt resolution authorizing the City Manager to allocate \$25,000 in Public Benefit Program funds for the Lodi Power Shift Initiative pilot project and authorizing the City Manager to execute a contract with the WorldLink Foundation to assist in managing and implementing this pilot project (EUD)
- Res. E-12 Adopt resolution authorizing the City Manager to allocate a Public Benefits Program grant in the amount of \$25,000 to Kubota Tractor Corporation for a demand-side management project (EUD)
- E-13 Report on repairs to a turbine pump at the White Slough Water Pollution Control Facility and affirmation of the City Manager's actions regarding emergency repairs (\$11,780) (PW)
- E-14 Set public hearing for March 16, 2005, to consider the Planning Commission's recommendation to amend various sections of the Lodi Zoning Ordinance that deal with the appeal process for planning decisions (proposed amendment will establish a standard time period to file all planning appeals and will also add language to clarify the appeal process) (CD)

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 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)
- Res. I-2 Public hearing to consider resolution approving new rates for solid waste collection (PW)

J. Communications

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments – None
- J-3 Miscellaneous – None

K. Regular Calendar

- K-1 Review of City of Lodi Comprehensive Annual Financial Report for the year ended June 30, 2004, by the Certified Public Accounting firm of Macias Gini & Company (FIN)
- K-2 Receive report and provide direction regarding the Downtown Lodi Business Partnership's request for eliminating parking between 3:00 a.m. and 6:00 a.m. (School, Sacramento, and Church Streets between Lodi Avenue and Locust Street) (PW)
- K-3 Approve policy regarding "Outside City" Water Rates (PW)
- Ord. (Introduce) K-4 Introduce ordinance repealing Lodi Municipal Code Title 8, Health and Safety, Chapter 8.24 in its entirety relating to Comprehensive Municipal Environmental Response and Liability (MERLO) (CA)
- K-5 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$24,952.91) and approve Special Allocation covering general litigation matter expenses (\$11,553.61) (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.

Susan J. Blackston
City Clerk