



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: April 20, 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

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); two cases; Citizens for Open Government v. City of Lodi et al., San Joaquin County Superior Court Case No. CV 026002; and Lodi First v. City of Lodi et al., San Joaquin County Superior Court Case No. CV 025999
- b) Pursuant to Government Code §54956.9(c); conference with legal counsel; anticipated litigation/initiation of litigation regarding George Miers & Associates relating to design services; one potential case
- c) Actual litigation: Government Code §54956.9(a); one case; Timothy Thalken v. City of Lodi, U.S. District Court, Eastern District Case No. CV-00514-EJG-KJM
- d) Actual Litigation: Government Code §54956.9(a); one case; Lodi Professional Firefighters v. City of Lodi, California (PERB Case No. SA-CE-293-M)
- e) 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
- f) 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
- g) 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
- h) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- i) 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
- 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
- k) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Joaquin County Superior Court, Case No. CV025569
- l) 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
- m) Actual litigation: Government Code §54956.9(a); one case; Farr Associates v. City of Lodi, San Joaquin County Superior Court, Case No. CV-025075
- n) 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

**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** – Reverend Michael Voytek, Providence Reformed Church

**C. Pledge of Allegiance**

**D. Presentations**

D-1 Awards

- a) Presentation of 2005 Bob Hildreth Library Volunteer of the Year Award to Janet Berreth (LIB)
- b) Presentation of the Community Improvement Award (CD)

D-2 Proclamations

- a) Youth Temperance Education Week
- b) Financial Literacy Month
- c) Sexual Assault Awareness Month
- d) Firefighter Muscular Dystrophy Association "Fill the Boot" Fundraiser

D-3 Presentations – None

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

E-1 Receive Register of Claims in the amount of \$5,484,846.65 (FIN)

E-2 Approve minutes (CLK)

- a) March 15, 2005 (Shirtsleeve Session)
- b) March 30, 2005 (Special Meeting)
- c) April 6, 2005 (Regular Meeting)

Res. E-3 Adopt resolution approving specifications, authorizing advertisement for bids for White Slough Water Pollution Control Facility purchase of fiberglass effluent troughs and authorizing the City Manager to approve the purchase (\$15,000) (PW)

Res. E-4 Adopt resolution rejecting all bids for the purchase of Fire Department radio base station emergency alerting system (FD)

E-5 Approve Task Order with West Yost & Associates for study and recommendation for full implementation of Woodbridge Irrigation District surface water supply and appropriate funds (\$30,000) (PW)

Res. E-6 Adopt resolution authorizing the City Manager to enter into contracts to purchase and/or reactivate replacement granular activated carbon for DBCP treatment systems at City drinking water wells (\$230,000) (PW)

E-7 Authorize repair of the submersible pump and motor for Well No. 9, 358 Shady Acres Drive (PW)

Res. E-8 Adopt resolution accepting improvements at 715 South Guild Avenue (PW)

E-9 Accept improvements under contract for White Slough Water Pollution Control Facility Year 2003 Interim Improvements Project, and notification of Contract Change Order (PW)

E-10 Authorize City Manager, or his designee, to execute a Memorandum of Understanding between the Mokelumne River Forum and the California Department of Water Resources (PW)

Res. E-11 Adopt resolution authorizing the termination of an existing rental/lease agreement for the After School Lodi LOOK building between Mee-Lease Portable Buildings, of Lodi, and the City of Lodi and approve the purchase of the building from Mee-Lease Portable Buildings with previously approved Community Development Block Grant funding (\$26,944) (PR)

Res. E-12 Adopt resolution authorizing the City Manager to execute support services contract assignment from PeopleSoft to Oracle Corporation (ISD)

- Res. E-13 Adopt resolution authorizing staff to solicit proposals for a one-year floral and event-planning service contract for Hutchins Street Square facilities and authorizing the City Manager to award or reject the contract (COM)
- Res. E-14 Adopt Resolution of Vacation to abandon portions of ten-foot public utility easement at 1901, 1927, and 1930 South Mills Avenue (PW)
- Res. E-15 Adopt Resolution of Intention to abandon five-foot public utility easement at 2024 Kettleman Lane; refer the matter to the Planning Commission; and set public hearing for June 1, 2005 (PW)
- E-16 Set public hearing for May 4, 2005, to review and adopt revised Community Development Department fees (CD)
- E-17 Set public hearing for May 18, 2005, to consider objections or protests to the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive and to confirm Report as submitted by the Superintendent of Streets (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. 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 adopting water rate increase (PW)

**J. Communications**

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

J-2 Appointments

- a) Post for vacancy on the Lodi Improvement Committee and expiring terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission (CLK)

J-3 Miscellaneous – None

**K. Regular Calendar**

- Res. K-1 Adopt resolution authorizing the City Manager to allocate \$51,000 in Public Benefit Program funds for the *Lodi Solar Rooftops Pilot Project* (EUD)

K-2 Adopt the following ordinance AND resolution:

- Ord. (Adopt) **a)** Adopt Ordinance No. 1759 entitled, "An Ordinance Adopting that Portion of the State Building Standards Code that Imposes Substantially the Same Requirements as are Contained in the Uniform Fire Code, 2000 Edition, Published by the Western Fire Chiefs Association and the California Building Standards Commission with Errata, Together with those Portions of the 'Uniform Fire Code, 2000 Edition' and the Appendixes, the Uniform Fire Code Standards, '1997 Edition,' as Amended by the 'Uniform Fire Code Standards, 2000 Edition,' Published by the Western Fire Chiefs Association, Not Included in the State Building Standards Code, as Modified and Amended by this Chapter, are Adopted by this Reference into this Chapter and are Hereby Collectively Declared to be the City of Lodi Fire Code; Thereto, Which Code Provides Regulations Governing the Conditions Hazardous to Life and Property from Fire or Explosion; Repealing and Reenacting Sections 15.20.010 Through 15.20.460 Inclusive and Section 9.12.010 of the Code of the City of Lodi and All Other Ordinances and Parts of Ordinances in Conflict Therewith, as well as Errors and Inconsistencies within Chapter 15.40 – On Site Fire Protection Sections 15.40.020, 15.40.100, and 15.40.110" (CLK); and

- Res.           **b)** Adopt resolution establishing a master fee schedule for cost recovery of services provided by the Lodi Fire Department (FD)
- Res.    K-3     Adopt resolution approving plans and specifications; authorizing advertisement for bids for Lighted Crosswalk/Flashing Beacon Project; Elm Street at Loma Drive and at Mills Avenue, and on Mills Avenue (various locations); and authorizing the City Manager to execute agreements to implement the project (PW)
- K-4     Review and discuss revised fiscal year 2005-06 Budget Calendar and schedule a Special Council meeting on Wednesday, May 11 at 6:30 p.m. for budget presentation (FIN)
- K-5     Receive quarterly financial report with results of operations through March 31, 2005 (FIN)
- Res.    K-6     Adopt resolution establishing the Lodi Budget/Finance Committee (FIN)
- K-7     Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$269,714.26) and approve Special Allocation covering general litigation matter expenses (\$4,783.97) (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