



**LODI CITY COUNCIL**  
**Carnegie Forum**  
305 West Pine Street, Lodi

**AGENDA – REGULAR MEETING**

**Date: May 4, 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) Prospective acquisition of real property located at 13786 N. Lower Sacramento Road (APN 058-230-04), Lodi, California, for right-of-way; the negotiating parties are Tokay Development, Greg Kubota, and City of Lodi; Government Code §54956.8
- 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; 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
- g) 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
- h) 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
- i) Actual litigation: Government Code §54956.9(a); one case; Farr Associates v. City of Lodi, San Joaquin County Superior Court, Case No. CV-025075
- j) 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 – Pastor Michael Malone, Ebenezer Congregational Church**

**C. Pledge of Allegiance**

**D. Presentations**

D-1 Awards – None

D-2 Proclamations

- a) Zinfandel Month
- b) Veteran Appreciation Month
- c) National Public Works Week (PW)
- d) Peace Officer Memorial Month (PD)

D-3 Presentations

- a) Presentation of donation from Lodi High Senior, Francesca Stonum, to People Assisting Lodi Shelter for purchase of animal services equipment (PD)
- b) Presentation regarding the 2005 Celebration on Central event to be held on Sunday, May 15, 2005 (CM)

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

E-1 Receive Register of Claims in the amount of \$2,655,445.08 (FIN)

E-2 Approve minutes (CLK)

- a) March 8, 2005 (Shirtsleeve Session)
- b) March 8, 2005 (Special Meeting)
- c) April 5, 2005 (Shirtsleeve Session)
- d) April 5, 2005 (Special Meeting)
- e) April 12, 2005 (Shirtsleeve Session)
- f) April 12, 2005 (Special Meeting)

E-3 Report of the sale of scrap metal (FIN)

E-4 Approve plans and specifications and authorize advertisement for bids for one digital micro-ohm meter (\$12,000) (EUD)

E-5 Approve specifications and authorize advertisement for bids for Maintenance of Lodi Consolidated Landscape Assessment District 2003-1 for Fiscal Year 2005-06 (PW)

Res. E-6 Adopt resolution approving specifications, authorizing advertisement for bids for sodium hydroxide for the White Slough Water Pollution Control Facility, Fiscal Year 2005-06, and authorizing the City Manager to award or reject bids (PW)

Res. E-7 Adopt resolution authorizing the City Manager to purchase solid-state meters from Itron, Inc., of Spokane, Washington (\$32,500) (EUD)

Res. E-8 Adopt resolution awarding the sole-source bid for the purchase and installation of Fire Department radio base station emergency alerting system to Delta Wireless, Inc., of Stockton (\$31,929.24) (FD)

Res. E-9 Adopt resolution authorizing MapGuide and AutoCad Software Subscription Renewals for Public Works Engineering Division from DLT Solutions, Inc., and appropriating funds (\$6,350) (PW)

E-10 Accept improvements under contract for Blakely Park/Enze Pool Plastering Project, 1050 S. Stockton Street (PR)

Res. E-11 Adopt resolution approving the encroachment/maintenance agreement for public walkway at Ellerth E. Larson Elementary School, 2375 Giannoni Way (PW)

E-12 Authorize the City Manager to execute agreement with Lodi Unified School District for School Resource Officers (PD)

Res. E-13 Adopt resolution approving consulting services agreement with Borismetrics, Inc. to provide professional services to the Electric Utility Department through June 30, 2006 (\$40,000) (EUD)

E-14 Authorize the City Manager to execute a contract transferring responsibility for the Viacom Outdoor (highway billboard) lease agreement from the City of Lodi to the Lodi-Woodbridge Winegrape Commission (CM)

- Res. E-15 Adopt resolution approving professional services agreement with LSA Associates, Inc. for planning services for various planning functions in the Community Development Department and authorize the City Manager to sign the agreement in the amount of \$8,100 per month for 90 hours of guaranteed service and, if required, time and material costs of additional service (CM)
- Res. E-16 Adopt resolution approving Traffic Signal and Lighting Agreement amendment for maintenance and electrical energy cost sharing at Westgate Drive and Highway 12 and Cherokee Lane and Harney Lane and authorizing the City Manager to execute the amendment and future amendments (PW)
- Res. E-17 Adopt resolution approving pedestrian safety improvements on Tokay Street at Virginia Avenue and appropriating funds (\$3,000) (PW)
- Res. E-18 Adopt resolution approving agreement for Property Tax Allocation Upon Annexation with County of San Joaquin and agreement for the Administration of the County Facilities Fee Program with County of San Joaquin and authorizing the Mayor and the City Manager to execute the agreements on behalf of the City (CA / CD)
- E-19 Set public hearing for May 18, 2005, to consider the appeal from Lowe's HIW, Inc., regarding the Planning Commission's decision of April 13, 2005, pertaining to the application of design standards for Large Retail Establishments to its Lodi store (CD)
- E-20 Set public hearing for June 1, 2005, to consider adopting the 2004 California Electrical Code (CD)
- E-21 Set public hearing for June 1, 2005, to consider resolution establishing an area of benefit and reimbursable costs (\$30,000) for acquisition of property located at 14320 North Lower Sacramento Road (APN 058-140-13) (PW)
- E-22 Set public hearing for June 1, 2005, to adopt by resolution the 2005-06 Financial Plan and Budget and the 2005-06 Appropriations Spending Limit (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 Public hearing to consider and adopt resolution revising Community Development Department fees (CD)

**J. Communications**

J-1 Claims filed against the City of Lodi

- a) Catherine Conrado, date of loss 12/2/04
- b) Sanborn Chevrolet, date of loss 3/11/05

J-2 Appointments

- a) Post for expiring terms on the Greater Lodi Area Youth Commission (CLK)
- b) Appointment to Lodi Arts Commission (CLK)

J-3 Miscellaneous – None

**K. Regular Calendar**

- Res. K-1 Adopt resolution authorizing the City Manager to enter into a retainer fee agreement with Wilcox, Miller & Nelson for the recruitment of a Community Development Director (\$9,200) (CM)
- Res. K-2 Adopt resolution authorizing the City Manager to execute a reimbursement agreement with Frontier Community Builders for outside planning services related to the Westside and Southwest Gateway Annexation projects and associated development applications (CM)
- Res. K-3 Adopt resolution approving professional services agreement with LSA Associates, Inc. for processing Frontiers Community Builders Development land use applications and related annexations and authorize the City Manager to sign the agreement (\$84,348) (CM)
- K-4 Presentation of the City Manager's Recommended Draft Fiscal Year 2005-06 Budget and Financial Plan (FIN)
- K-5 Approve expenses incurred by outside counsel relative to the Environmental Abatement Program litigation (\$223,644.83) (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