



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: June 1, 2005

Time: Closed Session 6:00 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 – 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
- d) 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
- e) 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

### 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 David Hill, Grace Presbyterian Church

#### C. Pledge of Allegiance

#### D. Presentations

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

- a) Accept donation of a Kubota Utility Tractor Model Number B-7510HST from Kubota Tractor Corporation and present a Certificate of Appreciation to Kubota Tractor representatives in gratitude for their donation (CM)

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

- E-1 Receive Register of Claims in the amount of \$5,547,911.50 (FIN)
- E-2 Approve minutes (CLK)
  - a) May 9, 2005 (Special Meeting)
  - b) May 16, 2005 (Special Meeting)
- E-3 Approve specifications and authorize advertisement for bids for curb, gutter, and sidewalk annual contract (PW)
- Res. E-4 Adopt resolution approving specifications, authorizing advertisement for bids for 3,000 tons of asphalt materials for fiscal year 2005-06, and authorizing City Manager to award the contract or reject the bids (\$122,300) (PW)
- Res. E-5 Adopt resolution awarding contract for Lighted Crosswalk/Flashing Beacon Project on Elm Street at Loma Drive and at Mills Avenue and on Mills Avenue at Various Locations to W. Bradley Electric, Inc., of Novato (\$108,680) and appropriating funds (\$130,000) (PW)
- Res. E-6 Adopt resolution accepting improvements at 1333 East Kettleman Lane (PW)
- Res. E-7 Adopt resolution accepting improvements at 1175 South Guild Avenue (PW)
- Res. E-8 Adopt Resolution of Vacation to abandon ten-foot public utility easement at 416 South Sacramento Street (PW)
- E-9 Authorize the City Manager to execute Task Order with West Yost & Associates for groundwater investigation at the White Slough Water Pollution Control Facility and appropriate funds (\$310,000) (PW)
- Res. E-10 Adopt resolution authorizing the City Manager to execute an agreement between San Joaquin County Data Processing and the City of Lodi Police Department (estimated annual cost \$11,857.51) (PD)
- Res. E-11 Adopt resolution authorizing continuation of the City's computer purchasing program for desktop and notebook computers (ISD)
- Ord. E-12 Introduce ordinance repealing Lodi Municipal Code Chapter 2.44.030 in its entirety relating to the (Introduce) maximum age of City employees (CA)
- Res. E-13 Adopt resolution terminating the Voluntary Time Off Program, effective July 1, 2005 (CM)
- Res. E-14 Adopt resolution of preliminary approval of Engineer's Annual Levy Report and resolution Res. declaring its intention for the levy and collection of assessment for the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1; and set public hearing for June 15, 2005 (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**

- I-1 Continued public hearing to consider objections or protests to the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive, confirm Report as submitted by the Superintendent of Streets, and authorize the City Manager to file a Notice of Lien with the Assessor and Tax Collector if the amount is not paid (PW)
- Res. I-2 Public hearing to consider adopting a resolution to abandon five-foot public utility easement at 2024 Kettleman Lane (PW)
- Res. I-3 Public hearing 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)
- I-4 Public hearing for the Transit Division's fiscal years 2003-04 and 2004-05 Program of Projects (PW)
- Ord. I-5 Public hearing to consider adopting the 2004 California Electrical Code (CD)  
(Introduce)
- Res. I-6 Public hearing to adopt by resolution the 2005-06 Financial Plan and Budget and the 2005-06 Appropriations Spending Limit (FIN)

**J. Communications**

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
  - a) Post for vacancy on the Lodi Animal Shelter Task Force (CLK)
- J-3 Miscellaneous – None

Pulled

**K. Regular Calendar**

- Res. K-1 Adopt resolution approving installation of no-parking zones for left-turn lanes on Lodi Avenue at Mills Avenue and Pacific Avenue extension (PW)
- K-2 Authorize the City Manager to execute a contract for professional services to develop alternative water or wastewater rate structures to fund PCE/TCE remediation (PW)
- Pulled K-3 Authorize additional Task Orders with Treadwell & Rollo regarding PCE/TCE contamination and appropriate funds (\$280,000) (PW)
- Pulled K-4 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$199,915.09), and approve Special Allocation covering general litigation matter expenses (\$5,559.70) (CA)
- Pulled Res. K-5 Adopt resolution approving Indemnification and Access Agreement for a portion of the New Shanghai Building from Lodi Adopt-A-Child to E2CR, the remediation contractor for the Busy Bee plume, and authorize the City Manager to execute the agreement (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