



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: August 17, 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; two applications; Kristine Wisecarver v. City of Lodi; WCAB case numbers WCK 0071616 and WCK 0071617
- 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 – 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; 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
- f) 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 – Senior Pastor Matt Duerr, Zion Reformed Church

#### C. Pledge of Allegiance

#### D. Presentations

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

- a) Greater Lodi Area Youth Commission 2004-05 review (COM)
- b) Presentation of Resolutions of Appreciation to outgoing members of the Greater Lodi Area Youth Commission (COM)

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

- E-1 Receive Register of Claims in the amount of \$5,775,583.50 (FIN)
- E-2 Approve minutes (CLK)
  - a) June 1, 2005 (Regular Meeting)
  - b) July 26, 2005 (Shirtsleeve Session)
  - c) July 26, 2005 (Special Meeting)
  - d) August 2, 2005 (Shirtsleeve Session)
  - e) August 2, 2005 (Special Meeting)
- Res. E-3 Adopt resolution approving specifications, authorizing advertisement for bids for sign-making software and related equipment and materials, and authorizing the City Manager to accept or reject bids and award contracts up to \$30,000 (PW)
- Res. E-4 Adopt resolution authorizing the purchase of an additional 20,000 feet of #1/0 medium-voltage ethylene propylene rubber insulated underground conductor from the July 20, 2005, low bidder, The Okonite Company, of San Ramon, CA (\$32,109.50) (EUD)
- E-5 Accept improvements under contract for Municipal Service Center Public Works Locker Room Expansion Project (PW)
- Res. E-6 Adopt resolution accepting improvements for Woodlake Meadow, Tract No. 3451 (PW)
- Res. E-7 Adopt resolution accepting a portion of the improvements in The Villas, Tract No. 3400 (PW)
- Res. E-8 Adopt resolution approving final map and improvement agreement for Mills Avenue Single Family Homes, Unit 2, Tract No. 3499 (PW)
- Res. E-9 Adopt resolution authorizing transit services outside of regular service operations for the listed annual events and authorizing Transportation Manager to advertise to determine if a willing and/or able provider exists for these events (PW)
- Res. E-10 Adopt resolution amending Traffic Resolution 97-148 by approving installation of stop control on Giannoni Way at Legacy Way (PW)
- Res. E-11 Adopt Resolution of Preliminary Approval, Resolution of Intention, and Resolution Initiating Proceedings to annex five territories into the Lodi Consolidated Landscape Maintenance District 2003-1 and forming zones 8, 9, 10, 11, and 12; set public meeting for September 21, 2005; and set public hearing and deadline for receipt of ballots for October 5, 2005 (PW)
- Res. E-12 Adopt resolution authorizing the City Manager to amend the existing electric utility rate contract between the City of Lodi and Constellation Wines (formerly the Robert Mondavi Corporation) for the Electric Fork Lift Charging Station Pilot Project (EUD)
- Res. E-13 Adopt resolution authorizing the City Manager to allocate \$15,844.64 in Public Benefit Program funds to Cottage Bakery for a demand-side management project (EUD)
- E-14 Approve "change order" for Geomatrix, Inc.'s proposal for waste management services for the Lodi Northern Plume Area Work Plan (\$5,504.88) (CA)
- Res. E-15 Adopt resolution in support of Assembly Bill 438 (Parra) to protect families living in rental communities from serious and high-risk sex offenders (PD)
- E-16 Set public hearing for September 7, 2005, to consider unmet transit needs in Lodi (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 – None**

**J. Communications**

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

J-2 Appointments

- a) Appointment to the San Joaquin County Emergency Food and Shelter Program (CLK)
- b) Adjust term (month) expiration date for all Greater Lodi Area Youth Commission representatives and make appointments to the Commission (Student Appointees) (CLK)

J-3 Miscellaneous

- a) Monthly Protocol Account Report (CLK)

**K. Regular Calendar**

Res. K-1 Adopt resolution authorizing the City Manager to amend the existing Lodi Solar Rooftops Pilot Project (EUD)

Res. K-2 Adopt resolution approving proposed sidewalk installation, repair, and liability policies and provide direction to staff as needed (PW)

Ord. K-3 Introduce ordinance amending Lodi Municipal Code, Title 2, Administration and Personnel, by (Introduce) repealing and reenacting Chapter 2.12.060(T) relating to the contract authority of the City Manager and Title 3, Revenue and Finance, by repealing and reenacting Chapter 3.20 relating to the purchasing system (FIN)

K-4 Receive report on requests for proposals for emergency ambulance services and take appropriate action (FD)

K-5 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$193,543.56) and approve Special Allocation covering general litigation matter expenses (\$7,391.76) (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