



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

**AGENDA – REGULAR MEETING**

**Date:** September 7, 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) Conference with Blair King, City Manager, and/or Jere Kersnar, Interim Deputy City Manager (Acting Labor Negotiators), regarding International Brotherhood of Electrical Workers and Mid-Management Employees pursuant to Government Code §54957.6.
- 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** – Reverend Kevin Suess, Lodi Community Church

**C. Pledge of Allegiance**

**D. Presentations**

- D-1 Awards – None
- D-2 Proclamations
  - a) Employ the Older Worker Week
  - b) International Literacy Day
  - c) Lodi Week of the Rose
  - d) California Coastal Cleanup Day

D-3 Presentations

- a) Presentation of Certificate of Recognition to Lodi Extreme, the 16 and under softball team, for placing 6<sup>th</sup> in the Babe Ruth World Series
- b) Presentation of National Night Out awards (PD)

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

- E-1 Receive Register of Claims in the amount of \$4,303,716.25 (FIN)
- E-2 Approve minutes (CLK)
  - a) July 6, 2005 (Regular Meeting)
  - b) July 20, 2005 (Regular Meeting)
  - c) August 23, 2005 (Shirtsleeve Session)
- E-3 Accept the Quarterly Investment Account report as required by law SB 564 (FIN)
- E-4 Report of the sale of scrap metal (EUD)
- Res. E-5 Adopt resolution approving plans and specifications; authorizing advertisement for bids for Elm Street Paving Stone Replacement Project, School Street to Sacramento Street; authorizing the City Manager to award or reject the contract up to \$65,000; and appropriating \$75,000 (PW)
- Res. E-6 Adopt resolution approving specifications, authorizing advertisement for bids for Lane Line Striping for Various City Streets 2005, and authorizing the City Manager to award or reject the contract up to \$35,000 (PW)
- E-7 Specifications and advertisement for bids for 22,000 feet of 600V insulated aluminum cable (EUD)
- Res. E-8 Adopt resolution awarding purchase of wood utility poles to North Pacific Lumber, of Portland, OR (\$9,083.33) (EUD)
- Res. E-9 Adopt resolution authorizing renewal of IBM hardware maintenance contract from Logical Design, Inc., of Rancho Cordova, CA (\$14,615) (ISD)
- Res. E-10 Adopt resolution awarding contract for Lower Sacramento Road Median Landscaping and Irrigation Project, Kettleman Lane to Harney Lane, to Odyssey Landscape, of Stockton (\$186,100) (PW)
- Res. E-11 Adopt resolution awarding contract for Traffic Signal Preventive Maintenance and Repair Program 2005 to Republic Electric, of Novato (\$9,570) (PW)
- Res. E-12 Adopt resolution accepting improvements under contract for the Furnish and Install Bus Wash System Project and appropriating funds (\$25,000) (PW)
- Res. E-13 Adopt resolution authorizing the City Manager to sign the annual service/license agreement with Data 911 and authorize payment using funds previously approved in the 2005-06 police budget (\$65,547.51) (PD)
- Res. E-14 Adopt resolution authorizing the City Manager to execute a professional engineering services contract with Mark Thomas & Company, Inc., appropriating \$60,000 for conceptual design work for State Route 12 and 99 Interchange Reconstruction Project, and authorizing the City Manager to execute San Joaquin Council of Governments Cooperative Agreement (PW)
- Res. E-15 Adopt resolution authorizing the City Manager to execute professional engineering services contracts with RMC Water and Environment and West Yost Associates for water supply services and appropriating \$60,000 (PW)
- E-16 Approve Phase 3 improvements design task order for West Yost & Associates for White Slough Facility (\$1,600,000) (PW)
- Res. E-17 Adopt resolution approving technical services task order with Treadwell & Rollo, Inc. for Central Plume Soil Vapor Extraction, Phase 1, and appropriating funds (\$380,000) (PW)
- E-18 Receive Impact Mitigation Fee Program Annual Report for Fiscal Year 2004-05 (PW)
- Res. E-19 Adopt resolution authorizing the City Manager to allocate \$24,986 in Public Benefit Program funds to extend for one year the Lodi LivingWise Program; and authorizing the City Manager to execute a contract with Resource Action Programs to assist in coordinating this educational project (EUD)

- E-20 Ratification of settlement agreement with former Electric Utility Director Alan Vallow and appropriate funds therefor (CM)
- E-21 Authorize professional services agreement with Northern California Power Agency for Interim Electric Utility Director services (\$40,000) (CM)
- Res. E-22 Adopt resolution ratifying employment agreement entered into between City Manager Blair King and Community Development Director Randall Hatch (CM)

**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 Public hearing to consider unmet transit needs in Lodi (PW)
- Res. I-2 Public hearing to consider adopting resolutions accepting Short Range Transit Plan and  
Res. approving service enhancements and reductions (PW)

**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)
  - b) Appointments to the Greater Lodi Area Youth Commission (Adult Advisors) (CLK)
- J-3 Miscellaneous – None

**K. Regular Calendar**

- Res. K-1 Adopt two resolutions authorizing the City Manager to allocate Public Benefit Program rebates to  
Res. the following commercial/industrial customers for demand-side management projects: Design Select (\$6,621.19) and Lustre-Cal (\$25,000) (EUD)
- Res. K-2 Adopt resolution authorizing the City Manager to allocate a \$21,807 Public Benefits Program grant to the LOEL Foundation/Senior Center for the purchase and installation of a 3kW photovoltaic system (EUD)
- Res. K-3 Adopt resolution authorizing the City Manager to allocate \$90,000 from three funds to extend for one year the Lodi C.A.R.E. Package Program; and authorizing the City Manager to execute a contract with the Lodi Salvation Army to assist in coordinating this program (EUD)
- Res. K-4 Adopt resolution approving Negative Declaration and introduce ordinance amending Lodi  
Ord. Municipal Code Title 13 – Public Services – Chapter 13.12 “Sewer Service,” by repealing  
(Introduce) and reenacting Section 13.12.020 (20) relating to definition of industrial system; and further repealing and reenacting Section 13.12.150 relating to “Connections Outside City” (CA)
- Res. **K-5** Adopt resolution approving proposed Sidewalk Maintenance Policy and provide direction to staff as needed (PW)
- Res. **K-6** Adopt resolution approving proposed Sidewalk Installation Policy and provide direction to staff as needed (PW)

Pulled

Pulled

**L. Ordinances**

Ord. L-1 Ordinance No. 1763 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 2 – Administration and Personnel – Chapter 2.12, 'City Manager,' by Repealing and Reenacting Section 2.12.060(T) Relating to Contract Authority of the City Manager; and Further Amending Lodi Municipal Code, Title 3 – Revenue and Finance – by Repealing and Reenacting Chapter 3.20 in its Entirety Relating to the Purchasing System"

**M. Adjourn to Special Joint Meeting of the Lodi City Council and Redevelopment Agency**

*(RE: ITEM M-1; See September 7, 2005, agenda for Special Joint Meeting of the Lodi City Council and Redevelopment Agency)*

**M-1** JOINT MEETING of the Lodi City Council and Redevelopment Agency to discuss and provide direction to staff regarding potential ordinance to limit Lodi's use of eminent domain to acquisition property that will be put to a municipal use (CA)

**N. 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



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

**AGENDA – SPECIAL MEETING**  
Lodi City Council / Redevelopment Agency  
**Date: September 7, 2005**  
**Time: 7:00 p.m.**

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## **SPECIAL JOINT MEETING**

### **Lodi City Council / Redevelopment Agency**

**A. Roll call**

**B. Regular Calendar**

*(RE: ITEM B-1; See September 7, 2005, Lodi City Council Regular Meeting agenda)*

- B-1 JOINT MEETING of the Lodi City Council and Redevelopment Agency to discuss and provide direction to staff regarding potential ordinance to limit Lodi's use of eminent domain to acquisition property that will be put to a municipal use (CA)

**C. Adjournment**

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this agenda was posted at a place freely accessible to the public 24 hours in advance of the scheduled meeting.

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Susan J. Blackston  
City Clerk/Secretary

**\*\*NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item. \*\*