



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: September 21, 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 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)(B) regarding former Electric Utility Director
- 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 – Pastor Alan Kimber, First United Methodist Church

#### C. Pledge of Allegiance

#### D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) Retired and Senior Volunteer Program Day
- b) American Pharmacists Month

D-3 Presentations

- a) Presentation of Certificate of Recognition in celebration of the 100<sup>th</sup> anniversary of First Baptist Church
- b) Presentation regarding the "Wall Dogs" Mural Project, scheduled for Memorial Day weekend 2006

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

E-1 Receive Register of Claims in the amount of \$5,146,348.78 (FIN)

E-2 Approve minutes (CLK)

- a) August 3, 2005 (Regular Meeting)
- b) August 9, 2005 (Shirtsleeve Session)
- c) August 16, 2005 (Shirtsleeve Session)
- d) September 6, 2005 (Shirtsleeve Session)

E-3 Approve plans and specifications and authorize advertisement for bids for playground improvements at Van Buskirk Park, 600 N. Pleasant Street, and Hale Park, 209 E. Locust Street (PR)

Res. E-4 Adopt resolution approving the purchase of a self-contained breathing apparatus acquired through the FIRE Act and Homeland Security grant programs and appropriating funds (\$30,000) (FD)

Res. E-5 Adopt resolution awarding contract for Henning Substation Driveway and Parking Lot Expansion, 1345 West Kettleman Lane, to A.M. Stephens Construction Company, Inc., of Lodi (\$60,440) (PW)

**Pulled** Res. E-6 Adopt resolution awarding contract for Elevator Services for City Facilities to ThyssenKrupp Elevator Corporation, of West Sacramento (\$30,360) (PW)

Res. E-7 Adopt resolution accepting improvements in Wine and Roses Residences, Tract No. 3409 (PW)

Res. E-8 Adopt resolution approving Final Map and Improvement Agreement for Vintage Oaks, Tract No. 3482, and appropriating funds (\$4,700) for required reimbursements (PW)

Res. E-9 Adopt resolution approving Final Map and Improvement Agreement for Lakeshore Properties, Tract No. 3515 (PW)

Res. E-10 Adopt resolution authorizing the City Manager to execute property owner agreement for "Wall Dogs" Mural Project at Lodi Station Parking Structure (PW)

Res. E-11 Adopt resolution authorizing the City Manager to execute San Joaquin Council of Governments Cooperative Agreements for Grapeline and Dial-A-Ride capital purchases (PW)

Res. E-12 Adopt resolution approving renewal of existing Downtown parking lot cleaning contract with United Cerebral Palsy of San Joaquin and Amador Counties, of Stockton, for fiscal year 2005-06 (\$36,100) (PW)

Res. E-13 Adopt resolution accepting funds in the amount of \$46,045 from the Bureau of Justice Assistance to support technology program activities within the Lodi Police Department (PD)

**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 hear protests on the proposed water rate increase for PCE/TCE remediation and to consider adoption of resolution establishing water rates (PW)

**J. Communications**

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
- a) Appointment to the Lodi Animal Shelter Task Force (CLK)
  - b) Post for vacancy on the Lodi Arts Commission (CLK)
- J-3 Miscellaneous
- a) Monthly Protocol Account Report (CLK)

**K. Regular Calendar**

- Pulled** Res. **K-2** Adopt resolution ratifying settlement agreement with former Electric Utility Director Alan Vallow and appropriate funds therefor (CM)

**L. Ordinances**

- Ord. L-1 Ordinance No. 1764 entitled, "An Ordinance of the City Council of the City of Lodi Amending (Adopt) Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, 'Sewer Service,' by Repealing 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'"

**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