

**LODI CITY COUNCIL
ADJOURNED SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
FRIDAY, MAY 21, 2004**

*Re-adjourned from Wednesday, May 19, 2004
(Original meeting date was May 18, 2004)*

A. CALL TO ORDER / ROLL CALL

The Adjourned Special City Council meeting of May 21, 2004 (*re-adjourned from Wednesday, May 19, 2004*), was called to order by Mayor Hansen at 7:00 a.m.

Present: Council Members – Beckman, Howard, Land, and Mayor Hansen

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

B. REGULAR CALENDAR

B-1 “Approve Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$313,529.16)”

MOTION #1 / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, approved Barger & Wolen invoice #200028.25 in the amount of \$61,499.75 and invoice #198068.25 in the amount of \$64,342.76. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, and Mayor Hansen

Noes: Council Members – Land

Absent: Council Members – Hitchcock

MOTION #2 / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, approved Treadwell & Rollo invoice #0099687 in the amount of \$37,526.50; Kronick, Moskovitz, Tiedemann & Girard invoice #213150 in the amount of \$91,609.68 and invoice #213604 in the amount of \$53,509.47; and the Downey Brand invoice in the amount of \$414. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Hitchcock

C. CLOSED SESSION

At 7:00 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- 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 – initiation of litigation: Government Code §54956.9(c); two cases
- 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; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

Continued May 19, 2004

- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

The Closed Session adjourned at 7:45 a.m.

D. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:46 a.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed that the City Council voted 40 to file a petition for review by the State Water Resources Control Board of the Central Valley Regional Water Quality Control Board Cleanup and Abatement Order No. R5-204-004. No other reportable action was taken in Closed Session.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:46 a.m.

ATTEST:

Susan J. Blackston
City Clerk