

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 6, 2004**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of October 6, 2004, was called to order by Mayor Pro Tempore Beckman at 6:34 p.m.

Present: Council Members – Beckman, Hitchcock, and Howard

Absent: Council Members – Land and Mayor Hansen

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

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 – 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
- f) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- g) 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

C-3 ADJOURN TO CLOSED SESSION

At 6:34 p.m., Mayor Pro Tempore Beckman adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:03 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:09 p.m., Mayor Pro Tempore Beckman reconvened the City Council meeting, and City Attorney Schwabauer disclosed that there was no reportable action taken in Closed Session.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of October 6, 2004, was called to order by Mayor Pro Tempore Beckman at 7:09 p.m.

Present: Council Members – Beckman, Hitchcock, and Howard

Absent: Council Members – Land and Mayor Hansen

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

B. INVOCATION

The invocation was given by Reverend Fred Chacon, Loving Hymn Ministries.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tempore Beckman.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Following introductory comments by East Side Improvement Committee Chair Bertha Castro, Mayor Pro Tempore Beckman presented a Community Improvement Award to Gary and Nancy Herd, owners of the property at 322-334 E. Lockeford Street, for their improvements to the light-industrial property.

D-2 (a) Mayor Pro Tempore Beckman presented a proclamation to Paula Grech, representing the Women's Center of San Joaquin County, proclaiming the month of October 2004 as "Domestic Violence Awareness Month" in the City of Lodi.

D-2 (b) Mayor Pro Tempore Beckman presented a proclamation to Diane Amaral, Arts Education Assistant, proclaiming the month of October 2004 as "Arts and Humanities Month" in the City of Lodi.

D-2 (c) Mayor Pro Tempore Beckman presented a proclamation to Behjat Kerdegari, Reference Librarian, proclaiming the week of October 17 – 23, 2004, as "Teen Read Week" in the City of Lodi.

D-3 Presentations – None

Mayor Pro Tempore Beckman announced that Mayor Hansen's grandson, Riley Curtis Purdue, was born on October 3.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Howard, Hitchcock second, approved the following items hereinafter set forth **except those otherwise noted** by the vote shown below:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

E-1 Claims were approved in the amount of \$6,002,563.33.

E-2 The minutes of August 18, 2004 (Special Meeting), August 18, 2004 (Regular Meeting), September 1, 2004 (Regular Meeting), and September 21, 2004 (Shirtsleeve Session) were approved as written.

E-3 Approved the plans and specifications and authorized advertisement for bids for nine self-supporting steel poles.

E-4 Adopted Resolution No. 2004-194 approving the plans and specifications for Well 27 Improvements, authorizing advertisement for bids, and authorizing the City Manager to award or reject the contracts up to \$325,000 and to appropriate funds.

E-5 Adopted Resolution No. 2004-195 approving the specifications, authorizing advertisement for bids, and further authorizing the City Manager to award or reject all bids up to \$14,000 for the following concrete underground utility vaults, extension risers, vault covers, and sealant:

8 each 4'8" x 4'8" x 3'8" concrete vault, Lodi Spec 922 5679

8 each 4'8" x 4'8" x 6" extension ring (riser), Lodi Spec 922 5680

8 each hinged cover for 4'8" x 4'8" vault, Lodi Spec 922 5681

24 rolls butyl sealant for precast structures

- E-6 Adopted Resolution No. 2004-196 authorizing the non-competitive purchase of 23 fiberglass mounting pads for transformers, module enclosures, and switchgear boxes from ProGlass, Inc., of Wauna, Washington, in the amount of \$12,064.98.
 - E-7 Adopted Resolution No. 2004-197 authorizing the City Manager to award the long distance telephone service contract to SBC-Long Distance, under the terms of the Merced County FOCUS contract, for one year at an estimated value of \$5,400 per year.
 - E-8 Adopted Resolution No. 2004-198 amending Traffic Resolution 97-148 by approving installation of stop signs on Wellswood Avenue at Mission Street.
 - E-9 Adopted Resolution No. 2004-199 approving the established overall annual Disadvantaged Business Enterprise goal of 9% for Federal Highway Administration-assisted projects for federal fiscal year 2004-05 to facilitate timely submission to the California Department of Transportation for funding authority approval on behalf of the City of Lodi.
 - E-10 Adopted Resolution No. 2004-200 authorizing the City Manager to file claim for 2004-05 Transportation Development Act funds in the amount of \$2,229,362 (including \$122,000 in unexpended carryover) from the Local Transportation Fund and \$6,482 from State Transit Assistance.
 - E-11 Adopted Resolution No. 2004-201 authorizing application to San Joaquin Council of Governments for Measure K Cooperative Agreement for construction and construction management of Lower Sacramento Road Project (Harney Lane to Kettleman Lane) and authorizing the City Manager to execute the Cooperative Agreement.
 - E-12 "Adopt resolutions approving applications for two transportation planning grants from the California Department of Transportation" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
 - E-13 "Adopt resolution authorizing the acceptance and execution of an Environmental Justice Transportation Planning grant from the State of California Department of Transportation" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
 - E-14 Adopted Resolution No. 2004-202 authorizing the City Manager to allocate a Public Benefits Program grant in the amount of \$13,225.06 to Quashnick Tool Corporation for a demand-side management project.
 - E-15 Adopted Resolution No. 2004-203 amending the Lodi Appliance Rebate Program by adding Lowe's Companies Inc., as a qualified Lodi retailer.
 - E-16 Accepted filing of year 2004 draft resolution amending list of boards, commissions, City employees, and officers subject to Conflict of Interest reporting requirements for publication and public comment.
 - E-17 Set public hearing for October 20, 2004, to consider Planning Commission's recommendation to certify the Environmental Impact Report and approve the 2003-09 Housing Element.
 - E-18 Set public hearing for November 3, 2004, to consider unmet transit needs in Lodi.
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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-12 “Adopt resolutions approving applications for two transportation planning grants from the California Department of Transportation” AND “Adopt resolution authorizing the acceptance and execution of an Environmental Justice Transportation Planning grant from the State of California Department of Transportation”
- E-13

Council Member Hitchcock asked whether the additional work associated with these projects should be taken on in light of possible upcoming budget cuts.

Community Development Director Bartlam replied that a commitment was made for in-kind staff services in combination with a consultant that would work with the Eastside Improvement Committee (EIC) and Community Partnership for Families to accomplish public works improvements on the east side. The workload would be shifted to Public Works staff and the EIC and the Partnership would take on some additional work as well.

Public Works Director Prima felt that it would be advantageous to accept the grant under Item E-13. In reference to Item E-12, he believed that it was unlikely the grants would be awarded, but they should be pursued, as it would help to accomplish the street work needed on Lodi Avenue.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Howard second, took the following actions:

- Adopted Resolution Nos. 2004-204 (Lodi Avenue Community Enhancement Project) and 2004-205 (Central Avenue/Tokay Street Corridor Bike and Pedestrian Circulation Enhancement Project) approving applications for two transportation planning grants from the California Department of Transportation; and
- Adopted Resolution No. 2004-206 authorizing the acceptance and execution of an Environmental Justice Transportation Planning grant from the State of California Department of Transportation in the amount of \$80,000.

The motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Arthur Price thanked the following individuals for their assistance in the summer of 2003 in getting the large openings on the sewer catch basins in his neighborhood retrofitted to a smaller/safer version: Keith Land, Wally Sandelin, George Bradley, and Richard Prima.
- Elizabeth Crothers, speaking on behalf of a coalition of education and law enforcement groups, urged opposition to Proposition 68 (Commercial Gambling Expansion) on the November 2 ballot.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Beckman called for the public hearing to consider resolution confirming the 2005 Annual Report and levy of assessment for Downtown Lodi Business Improvement Area 1.

Interim City Manager Keeter recalled that on September 15 Council was presented with the 2005 annual report for the Downtown Lodi Business Improvement Area (DLBIA). She

explained the public hearing process as outlined in the staff report. Staff recommended that Council reduce the \$47,000 City contribution to \$44,650, as was previously decided during budget discussions, and eliminate the \$5,000 Kids' Night Out sponsorship. She pointed out that, in the staff report, a recommendation was made to impose a 5% administrative fee; however, it was subsequently determined that this could not be accomplished without an amendment to the Lodi Municipal Code. If Council desired staff to pursue the 5% administrative fee, it would have to be brought back at a future meeting.

City Attorney Schwabauer referenced the "blue sheet" (filed) on this item from Tim Vallem of Old Town Antiques and acknowledged that he was correct regarding the need to amend the Municipal Code if the City were to charge an administrative fee. He disagreed, however, with Mr. Vallem's conclusion regarding Streets and Highways Code 36000. Mr. Schwabauer stated that part of the cost of promoting the events in the downtown area was raising money, and the cost of raising that money was a cost of promoting the events.

Hearing Opened to the Public

- Peter Westbrook, President of the Downtown Lodi Business Partnership (DLBP), recalled that the City had billed the DLBP for staff's assistance at last year's Parade of Lights and intimated that it should waive this fee, as it did for the Lodi-Tokay Rotary on September 1. He asked Council to increase its investment to the DLBP and consider the sales tax revenue it generates.

Council Member Hitchcock asked what the status was regarding changing the DLBIA boundaries to address inequities, as had been discussed previously.

Mr. Westbrook replied that DLBP members were not interested in serving on a committee to change the fee structure at this time. He believed that restructuring the assessment district would take a concerted effort by leadership of the DLBP and the City Council. He stated that unless there was a strong likelihood of being successful in getting a majority vote on redistricting and changing the fee structure, it would be detrimental to attempt it.

In response to Council Member Howard, Mr. Westbrook explained that one of the DLBP's future goals is to ask large retail establishments to pay a voluntary annual fee and as a non-voting member, participate on DLBP committees, provide recommendations, and donate products and services.

Public Portion of Hearing Closed

City Clerk Blackston reported that no written protests were received regarding the 2005 Annual Report and levy of assessment for the DLBIA. She noted that Tim Vallem's written protest was related only to staff's proposed 5% administrative fee.

MOTION:

Council Member Howard made a motion, Hitchcock second, to adopt Resolution No. 2004-207 confirming the 2005 Annual Report for the Downtown Lodi Business Improvement Area No. 1 as submitted (with the exception of reducing the \$47,000 contribution from the City to \$44,650 and eliminating the \$5,000 Kids' Night Out sponsorship) and levy of assessment.

DISCUSSION:

Mayor Pro Tempore Beckman stated that the City ought to have a policy regarding administrative fees, to which Council Member Hitchcock agreed and suggested that staff bring a recommendation to Council during upcoming budget discussions.

Interim City Manager Keeter stated that staff would present options for an administrative fee policy in January 2005 during mid-year budget adjustment discussions.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

- G-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Beckman called for the public hearing to consider testimony of all interested persons for or against the establishment of the Lodi Tourism Business Improvement District (LTBID) and the levy of proposed new assessments and to introduce an ordinance establishing the LTBID.

Finance Director Krueger reported that the concept of the Lodi Tourism Business Improvement District (LTBID) is for a 3% assessment to be charged by hotels/motels upon their customers. The revenue garnered from the assessment would be used for the promotion of tourism. The Finance Department would collect the 3% assessment from the gross revenue amount of the hotels/motels within the District. The assessments would be levied on an annual basis, but collected quarterly based on actual operations, and delinquent 20 days following the quarter upon which the revenues were received.

Hearing Opened to the Public

- Sunil Yadav, owner of the Modern Motor Lodge, asked whether the LTBID assessment would be handled similarly to the Transient Occupancy Tax, i.e. applying only to stays less than 30 days, to which Mr. Krueger confirmed that it would.
- Nancy Beckman, Executive Director of the Lodi Conference and Visitors Bureau, recalled that Council previously voted to assess a 5% administrative fee against the LTBID and asked that it not be done until a policy is established. She did not believe that the City would expend much effort in collecting the LTBID assessment because it is only a matter of adding another line item to a bill that is already being sent out to these businesses.
- Mark Chandler, Executive Director of the Lodi-Woodbridge Winegrape Commission, expressed his support of the LTBID and asked Council to consider not charging a fee to collect the assessments.

Public Portion of Hearing Closed

City Clerk Blackston reported that there were no written protests received regarding the establishment of the LTBID or levy of proposed new assessments.

MOTION:

Council Member Hitchcock made a motion, Howard second, to introduce Ordinance No. 1753 amending Title 12, "Streets, Sidewalks, and Public Places," of the Lodi Municipal Code by adding Chapter 12.07 relating to establishing the Lodi Tourism Business Improvement District (LTBID).

DISCUSSION:

City Attorney Schwabauer confirmed that the 5% administrative fee was included in Resolution No. 2004-191, adopted by Council on September 15.

Mayor Pro Tempore Beckman felt that business improvement districts and areas should be charged a fee that is commensurate with the amount of money the City has to spend to collect the fees.

Council Member Howard commented that she would be opposed to a fee reimbursement to the LTBID at a later time when the policy is considered.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

H. COMMUNICATIONS

H-1 On recommendation of the City's contract administrator and Human Resources staff, the City Council, on motion of Council Member Hitchcock, Beckman second, rejected the following claims by the vote shown below:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

- a) Estate of Sukhdeep Kaur, date of loss 3/04/04
- b) Dalwinder Kaur, a minor, date of loss 3/04/04
- c) Jaswant Kaur, date of loss 3/04/04
- d) Satwinder Singh, Jaswant Kaur, Dalwinder Kaur: Estate of Sukhdeep Kaur, date of loss 3/04/04
- e) Sharnjit K. Dhillon, date of loss 3/04/04

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Beckman, Howard second, directed the City Clerk to post for the following vacancy on the Site Plan and Architectural Review Committee by the vote shown below:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

Site Plan and Architectural Review Committee

Janis Birch Term to expire January 1, 2006

- b) City Clerk Blackston reported that Council Member Land had been serving as a member of the Local Agency Formation Commission (LAFCO). Because his term on the City Council would be ending in December, Mr. Land had submitted a letter of resignation from LAFCO effective October 16.

MOTION / VOTE:

Following discussion, the City Council, on motion of Council Member Hitchcock, Beckman second, adopted Resolution No. 2004-208 appointing Council Member Larry Hansen to serve as a City (Voting) Member on the Local Agency Formation Commission for a term beginning October 16, 2004 and ending May 2, 2005. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

Council Member Howard expressed hope that new Council Members would be considered to fill vacancies on other boards and commissions on which she and Council Member Land have been serving.

H-4 Miscellaneous – None

I. REGULAR CALENDAR

- I-1 "Adopt resolution supporting Proposition 1A limiting the State's ability to reallocate local revenues in order to achieve State policy goals and requiring the State to reimburse local governments for mandated programs and services on a timely basis"

Debbie Olson, Regional Representative for the League of California Cities, reported that three years ago a coalition of local governments was formed against State funding takeaways. The coalition decided it was time for constitutional protection for local tax dollars. Proposition 65 qualified for the November ballot, subsequent to which Proposition 1A (backed by the Governor and legislature) was placed on the ballot. Ms. Olson explained that Proposition 1A prevents the State from taking local tax dollars unless an emergency is declared, voted on by two-thirds of the legislature, and agreed that it is a loan. This situation could only occur twice during a ten-year period and not without paying back previous monies. Proposition 1A does not contain a retroactive clause as did Proposition 65. Ms. Olson stated that the League of California Cities has removed its support for Proposition 65 and urged a favorable vote on Proposition 1A.

MOTION/ VOTE:

The City Council, on motion of Council Member Hitchcock, Beckman second, adopted Resolution No. 2004-209 supporting Proposition 1A limiting the State's ability to reallocate local revenues in order to achieve State policy goals and requiring the State to reimburse local governments for mandated programs and services on a timely basis. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

- I-2 "Discuss and set public hearing for October 20, 2004, to consider adopting resolution approving fare increases for Grapeline fixed route and Dial-A-Ride services"

Tiffani Fink, Transportation Manager, reported that a public meeting was held yesterday at Hutchins Street Square regarding fare increases, at which five people were in attendance. Today, a presentation was made at the San Joaquin Council of Governments Social Services Advisory Committee meeting. With the aid of overheads (filed), Ms. Fink reviewed charts and graphs showing that ridership has increased, as have costs in both the Grapeline fixed route, Dial-A-Ride services, and administration. Fare recovery has been decreasing since a peak of 14% in 1998. She reviewed current and proposed fares, as well as comparisons of fees charged in other cities. Ms. Fink noted that fares in Lodi have not been increased since inception of the program in 1994.

Council Member Howard commented that current fees cover only 9% of operating costs and the proposed fees would cover just 13%.

Ms. Fink replied that the Transportation Development Act target for areas similar to Lodi is 20% fare recovery and noted that San Joaquin County has an exception. She believed that, with the proposed fares, the City would be able to accomplish a vehicle replacement program and make necessary improvements in a reasonable period of time.

Public Works Director Prima reported that some capital projects have been postponed such as expansion of the vehicle maintenance shop and bus shelter program.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Beckman second, set public hearing for October 20, 2004, to consider adopting resolution approving fare increases for Grapeline fixed route and Dial-A-Ride services. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

- I-3 "Adopt resolution approving the proposed amendments to the bylaws for the Eastside Improvement Committee"

Community Development Director Bartlam reported that proposed amendments to the bylaws of the Eastside Improvement Committee (EIC) included expanding the area from Hutchins Street to Guild Avenue and Turner Road to Harney Lane. The EIC will act as an advocate of eastside residents in dealing with upgrades and improvements to infrastructure. The proposed bylaws also formalize the Community Improvement Award program. Council Member Howard pointed out some typographical errors, to which Mr. Bartlam replied that they would be corrected in the final amended version of the bylaws.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Beckman second, adopted Resolution No. 2004-210 approving the proposed amendments to the bylaws for the Eastside Improvement Committee. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard
 Noes: Council Members – None
 Absent: Council Members – Land and Mayor Hansen

- I-4 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program Litigation (\$199,732.17)"

City Attorney Schwabauer recommended changes to the staff report figures for Kronick, Moskovitz, Tiedemann & Girard's invoices 214605 and 215583. He withdrew his request to approve expenses incurred by Kennedy/Jenks consultants and recommended that Council approve all nine air filter units for St. Anne's School.

In reply to Council Member Hitchcock, Mr. Schwabauer acknowledged that there were instances where USF&G paid Envision Law Firm for certain services; however, Envision did not remit the payment to the firm who actually performed the work. In addition, there were cases of duplicate billing by Envision, from which the City mistakenly paid twice.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Beckman second, approved expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program Litigation in the amount of \$138,909.05, as outlined below:

Kronick, Moskovitz, Tiedemann & Girard

Invoice #214132 for Litigation Support (Docket Clerk) for the Period April 26 – May 21, 2004.	\$ 2,352.00
Invoice #214866 for Litigation Support (Docket Clerk) for the Period May 24 – June 26, 2004.	\$ 1,920.00
Invoice #214605 for Professional Services for the Period May 26 – June 25, 2004.	\$ 38,702.61
Invoice #215074 for Litigation Support (Docket Clerk) for the Period June 28 – July 25, 2004.	\$ 2,112.00
Invoice #215075 for Professional Services for the Period July 1 – July 25, 2004.	\$ 54,892.53
Invoice #215583 for Professional Services for the Period August 2 – August 25, 2004.	<u>\$ 11,951.55</u>
Total	<u>\$111,930.69</u>

JAMS (Mediation Service)	<u>\$ 20,892.69</u>
St. Anne's School For nine air filter units purchased by St. Anne's School in June 2004	<u>\$ 4,500.00</u>
Malcolm Pirnie – City's share of costs incurred by court expert	<u>\$ 1,585.67</u>
GRAND TOTAL OF ALL INVOICES	<u>\$138,909.05</u>

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

J. ORDINANCES

J-1 Following reading of the title of Ordinance No. 1752 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 10.04, 'Words and Phrases Defined,' by Adding Section 10.04.010 C (9) Defining Utility Trailer and Amending Chapter 10.52, 'Regulation of Commercial Vehicle Travel and Parking,' by Repealing and Re-Enacting Section 10.52.060 (C) Relating to Utility Trailers," having been introduced at a regular meeting of the Lodi City Council held September 15, 2004, the City Council, on motion of Mayor Pro Tempore Beckman, Hitchcock second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hitchcock, and Howard

Noes: Council Members – None

Absent: Council Members – Land and Mayor Hansen

Abstain: Council Members – None

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Howard announced that she would not be able to attend the October 28 Council of Governments meeting and hoped that another Council Member could attend in her absence.
- Council Member Hitchcock requested that an item be placed on a future agenda to discuss the authorities of the city manager, specifically monetary type authorities, e.g. salary increases, approval of contracts and purchases, etc.
- Mayor Pro Tempore Beckman supported Ms. Hitchcock's request and asked that it be placed under the regular calendar on a future Council agenda.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- Interim City Manager Keeter announced that Keith Land's birthday is October 13.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:53 p.m., in memory of:

1. Staff Sergeant Guy Hagy, Jr. (31 years old), first Lodi resident to be killed in the Iraq War, who died in Baghdad on September 13;
2. Beatrice Garibaldi, Lodi's City Clerk from 1957 through 1968, who passed away on September 15; and
3. Karen DeJong, lifelong resident of Lodi, elementary school teacher, and president of the Lodi Republican Women, who passed away on October 2.

ATTEST:
Susan J. Blackston
City Clerk