



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: July 18, 2007

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl

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(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) 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 Francisco Superior Court, Case No. CGC-05-441976
- d) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Police Mid-Managers Pursuant to Government Code §54957.6

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 Tracy Baerg, Fairmont Seventh Day Adventist Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) Parks and Recreation Month (PR)

D-3 Presentations

- a) Quarterly Update from 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 \$9,003,184.65 (FIN)

- E-2 Approve Minutes (CLK)
 - a) June 19, 2007 (Shirtsleeve Session)
 - b) June 20, 2007 (Regular Meeting)
 - c) June 26, 2007 (Shirtsleeve Session)
 - d) June 26, 2007 (Special Meeting)
 - e) June 29, 2007 (Special Meeting)
 - f) July 3, 2007 (Shirtsleeve Session)
 - g) July 4, 2007 (Regular Meeting)
 - h) July 10, 2007 (Shirtsleeve Session)

- Res. E-3 Adopt Resolution Approving Plans and Specifications, Authorizing Advertisement for Bids, and Authorizing the City Manager to Award or Reject Contract for Turner Road Overlay and Lower Sacramento Road Widening (PW)

- E-4 Approve Request for Proposals to Provide Professional Services for Preliminary Engineering Work on the Westside Substation (EUD)

- Res. E-5 Adopt Resolution Authorizing the Procurement of Remote Terminal Unit and Accessories from Geo Honn Company, Inc., of Vacaville, CA, for the McLane Substation (Not to Exceed \$21,000) (EUD)

- Res. E-6 Adopt Resolution Authorizing the Purchase of Replacement for AS400 Mid-Range Computer from Logical Design Inc., of Rancho Cordova, CA (\$142,765) (ISD)

- Res. E-7 Adopt Resolution Authorizing the Replacement of Damaged Street Sweeper and Authorizing the City Manager to Execute Contract and Possible Grant Agreements and Appropriate Funds (\$248,000) (PW)

- Res. E-8 Adopt Resolution Approving the Purchase of Nine Copy Machines and Contract for Maintenance Services for Various Departments from IKON Office Solutions and Appropriating Funds (\$131,077) (CM)

- Res. E-9 Adopt Resolution Acknowledging Award of Air Resources Board Reimbursement Grant (\$69,606); Approving Backhoe Purchase from Papé Machinery, Inc., of French Camp (\$73,313); Approving Purchase and Installation of Cleaire Emissions Reduction Device in Accordance with Grant Funding Requirements (\$14,770); and Appropriating Funds (\$88,083) (PW)

- Res. E-10 Adopt Resolution Awarding the Contract for Asphalt Rubber Cape Seal, Various Streets, 2007 Project to International Surfacing Systems, Inc., of Modesto (\$399,432.68), and Appropriating Additional Funds (\$75,000) (PW)

- E-11 Accept Improvements under Contract for Lockeford Street and Sacramento Street Signal and Lighting Project (PW)

- E-12 Accept Improvements under Contract for Well 28 Pump and Motor and Site Improvements Project, 2800 West Kettleman Lane (PW)

- E-13 Accept Improvements under Contract for the Church Street and Sacramento Street Overlays 2006 Project (PW)

- Res. E-14 Adopt Resolution Authorizing the City Manager to Execute Extensions of Janitorial Services Contracts with Korean Professional Building Maintenance (\$11,323 Per Month) and Advanced Property Services (\$2,171 Per Month) and to Negotiate and Execute Future Extensions and Additions as Needed (PW)

- Res. E-15 Adopt Resolution Authorizing the City Manager to Execute Contract for Downtown Parking Lot Cleaning with United Cerebral Palsy of San Joaquin and Amador Counties, of Stockton, for Fiscal Year 2007-08 (\$38,874) (PW)

- Res. E-16 Adopt Resolution Authorizing the City Manager to Execute Addendum to the Improvement Agreement for Public Improvements at 495 North Guild Avenue to Provide One-Year Time Extension (PW)

- Res. E-17 Adopt Resolution Authorizing the City Manager to Enter into a Fee Payment Agreement for Sewer Capacity Fees for a Groundwater Cleanup Project Located at Flame Mini Mart, 1301 West Kettleman Lane (PW)
- Res. E-18 Adopt Resolution Approving Contract in the Amount of \$425,822 with Lodi Unified School District and the City of Lodi Parks and Recreation Department to Provide After School Education and Safety Program at Eight Locations During Fiscal Year 2007-08 (PR)
- Res. E-19 Adopt Resolution Amending Memorandums of Understanding with Maintenance and Operators and General Services Bargaining Units of the Association of Lodi City Employees to Provide Additional Pay for State Required Certifications of Distribution Operators I and II (CM)
- E-20 Receive Corrected Pages to the Fiscal Year 2007-08 Budget Document (CM)
- Res. E-21 Adopt Resolution Declaring that any Person While Performing Voluntary Service(s) for the City of Lodi Shall be Deemed an Employee of the City of Lodi for Purposes of Workers' Compensation Benefits Pursuant to Division 4 of the California Labor Code (HR)
- Res. E-22 Adopt Resolutions Amending the City of Lodi Drug Free Workplace Policy, Drug Free
Res. Workplace Procedure, Drug and Alcohol Policy, and Drug and Alcohol Procedures to Meet Department of Transportation Requirements (PW)
- Res. E-23 Adopt Resolution Amending Transit Policy and Procedure for Use of Transit Service Outside of Regular Operations (PW)
- Res. E-24 Adopt Resolution Authorizing Transit Services Outside of Regular Service Operations for the Listed Annual Events and Authorize the Transportation Manager to Advertise to Determine if a Willing and/or Able Provider Exists for These Events (PW)
- Res. E-25 Adopt Resolution Amending Traffic Resolution 97-148 Establishing Loma Drive between Lockeford Street and Turner Road as a Through Street (PW)
- Res. E-26 Adopt Resolution Approving the People Assisting Lodi Shelter (PALS) Public Art Project, as Approved by the Lodi Art Advisory Board, and Appropriate \$58,000 from Art in Public Places Fund (COM)
- Res. E-27 Adopt Resolution Approving the Execution by the City Manager of a \$245,000 Promissory Note Payable to James E. Dean as Surviving Trustee of the James E. Dean Family Trust with Interest of 6% and Interest Only Payments to be Made on a Quarterly Basis (CM)
- E-28 Consent to Continued Representation of the City of Lodi and Northern California Power Agency – CT1 Project Sale from Lodi to Roseville (CA)
- E-29 Accept Dedication of Agricultural Easement as Required by Exhibit K to the Development Agreements between the City of Lodi and Frontiers Community Builders, Inc., for the FCB Southwest Gateway Project and the FCB Westside Project (CA)
- E-30 Authorize the City Manager to Execute Indemnity Agreement with GREM and Caltrans in Connection with the Lowes Project on Kettleman Lane (CA)
- Res. E-31 Adopt Resolution Approving the City of Lodi Internet Website Policy (CM)
- E-32 Set Public Hearing for August 1, 2007, to Consider the Planning Commission's Recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan (CD)

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

Ord. I-1 Public Hearing to Consider Introduction of an Ordinance Amending the Lodi Municipal Code
(Introduce) Title 9 – Public Peace, Morals, and Welfare – Repealing Chapter 9.18, “Selling on Streets and Sidewalks,” in Its Entirety and Reenacting Chapter 9.18 as “Vending on Streets, Sidewalks, and Private Property” to Create Comprehensive Regulations for Mobile Food Vendors and Itinerant Merchants (CD)

Res. I-2 Public Hearing to Consider Resolutions Adopting Final Engineer's Annual Levy Report for Lodi
Res. Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2007-08, and Ordering the Levy and Collection of Assessments (PW)

J. Communications

J-1 Claims Filed Against the City of Lodi – None

J-2 Appointments

a) Appointment to the Lodi Improvement Committee and Post for One Vacancy on the Lodi Improvement Committee (CLK)

J-3 Miscellaneous – None

K. Regular Calendar

Res. K-1 Adopt Resolution Authorizing the City Manager to Execute a Downtown Hotel Exclusive Exploration Period Agreement with Russ Munson (CM)

Res. K-2 Approve Downtown Lodi Business Partnership 2007-08 Annual Report, Adopt Resolution of Intent to Levy Annual Assessment, and Set Public Hearing for August 1, 2007 (CM)

K-3 Approve Six-Month Budgets for PCE/TCE Related Litigation Cases (CA)

K-4 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases Being Handled by Outside Counsel (\$374,859.03) (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.

Randi Johl
City Clerk