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# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Minutes  
a) September 4, 2007 (Shirtsleeve Session)  
b) September 5, 2007 (Regular Meeting)  
c) September 11, 2007 (Special Joint Shirtsleeve Session w/Lodi Improvement Committee)

**MEETING DATE:** September 19, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) September 4, 2007 (Shirtsleeve Session)  
b) September 5, 2007 (Regular Meeting)  
c) September 11, 2007 (Special Joint Shirtsleeve Session w/Lodi Improvement Committee)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes, marked Exhibits A through C.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMP

Attachments

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, SEPTEMBER 4, 2007**

The September 4, 2007, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 5, 2007**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of September 5, 2007, was called to order by Mayor Johnson at 6:45 p.m.

Present: Council Members – Hansen, Hitchcock, Mounce, and Mayor Johnson

Absent: Council Members – Katzakian

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) 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-3 ADJOURN TO CLOSED SESSION

At 6:45 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matter.

The Closed Session adjourned at 6:50 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following action.

In regard to Item C-2 (a), settlement direction was given.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of September 5, 2007, was called to order by Mayor Johnson at 7:00 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. INVOCATION

The invocation was given by Pastor Basil Matthews, St. Paul the Baptist Episcopal Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Johnson presented a proclamation to Stephanie Allen, Literacy Services Coordinator, proclaiming Saturday, September 8 2007, as “International Literacy Day” in the City of Lodi.

D-2 (b) Mayor Johnson presented a proclamation to Eleanor Ackerman, representing the Lodi/Woodbridge Rose Society, proclaiming the week of September 9 – 15, 2007, as “Lodi Week of the Rose” in the City of Lodi.

D-3 (a) Mayor Johnson presented a Certificate of Recognition to Bob Wheeler, Plant Manager of General Mills, who was retiring after 31 years of service, 23 years of which were devoted to this community.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Johnson, Hansen second, unanimously approved the following items hereinafter set forth **except those otherwise noted:**

- E-1 Claims were approved in the amount of \$5,074,935.33.
- E-2 The minutes of August 14, 2007 (Shirtsleeve Session), August 15, 2007 (Regular Meeting), August 21, 2007 (Shirtsleeve Session), and August 28, 2007 (Shirtsleeve Session) were approved as written.
- E-3 Approved the plans and specifications and authorized advertisement for bids for Wastewater Main Replacement Program (Project No. 4).
- E-4 "Approve Request for Proposals for Roget Park Joint Development Project" was ***pulled from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-5 Accepted the memorial bench and plaque donation from John Jr. and Erica Teresi in honor of the Teresi Family.
- E-6 "Accept Anonymous Bequest to the Parks and Recreation Department of \$156,000 for Lodi Lake and Playgrounds Throughout the City" was ***pulled from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-7 Adopted Resolution No. 2007-174 approving the purchase of polemount transformers to GEXPRO (GE Supply), of North Highlands, CA, in the amount of \$27,567.86.
- E-8 Adopted Resolution No. 2007-175 authorizing the sole-source purchase of a Jacobsen Model T628 Turfcut 4WD 72" rotary mower from H.V. Carter Company, Inc., of Sacramento, CA, in the amount of \$22,538.07.
- E-9 "Adopt Resolution Authorizing the Purchase, Installation, and Maintenance of a Video Surveillance System at the Lodi Public Library to Alamo Alarm, of Lodi (\$11,731.56), and Appropriate \$11,731" was ***pulled from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-10 Adopted Resolution No. 2007-176 awarding the contract for Restroom Replacement Improvements at Henry Graves Park, 2206 Oxford Way, and Beckman Park, 1426 West Century Boulevard, to Diede Construction, of Woodbridge, CA, in the amount of \$347,994.08, and appropriated \$363,000.
- E-11 Received report on Contract Change Orders for White Slough Water Pollution Control Facility Phase 3 Improvements Project 2007.
- E-12 "Adopt Resolution Authorizing the City Manager to Approve a Three-Year Contract with ATT for T3 Internet Service (\$33,048 per year)" was ***pulled from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-13 "Adopt Resolution Authorizing the City Manager to Execute a Master Energy Purchase and Sale Agreement with PPM Energy, Inc., of Portland, Oregon" was ***pulled from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-14 Adopted Resolution No. 2007-177 authorizing the City Manager to sign agreement forms with the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, accepting grant funding in the amount of \$28,450.

- E-15 Adopted Resolution No. 2007-178 vacating a ten-foot public utility easement located at Lodi Memorial Hospital (975 South Fairmont Avenue and 1200 West Vine Street).
- E-16 Adopted Resolution No. 2007-179 amending Traffic Resolution No. 97-148 to modify street parking restrictions for permit parking area adjacent to Zone A (near Pacific Coast Producers).
- E-17 Adopted Resolution No. 2007-180 in support of the City of Lodi Electric Utility's energy efficiency program targets, as mandated by State law.
- E-18 "Set Public Hearing for September 19, 2007, to Introduce the Lodi Solar Rebate Program to Become Effective January 1, 2008" was ***pulled from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-19 Set public hearing for September 19, 2007, to introduce ordinance amending Chapter 13.20, "Electrical Service," by adding new Schedule CSS (California Solar Initiative Surcharge) to become effective December 1, 2007.
- E-20 Set public hearing for September 19, 2007, to consider unmet transit needs in Lodi.

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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

NOTE: The following item was discussed and acted upon out of order.

- E-12 "Adopt Resolution Authorizing the City Manager to Approve a Three-Year Contract with ATT for T3 Internet Service (\$33,048 per year)"

Robin Rushing requested the item be pulled. In response to Mr. Rushing, Deputy City Manager Krueger replied the cost is related to the pipeline that allows enhanced access for bandwidth service and not actual Internet service. City Manager King concurred.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, unanimously adopted Resolution No. 2007-181 authorizing the City Manager to approve a three-year contract with ATT for T3 Internet service in the amount of \$33,048 per year.

- E-4 "Approve Request for Proposals for Roget Park Joint Development Project"

Council Member Hitchcock pulled this item and requested a presentation.

City Manager King provided a brief overview of the history of the proposed project, discussing staff effort, previous Council direction, and the request for proposals.

Public Works Director Prima provided an overview of the request for proposals, process, and schedule.

In response to Council Member Hitchcock, City Manager King stated the strategy was to offer to give the property to a developer and let the potential developers present various designs and use options, which would include park development and housing elements.

In response to Council Member Hitchcock, Mr. Prima stated the cost of developing the park outright was upwards of a half million dollars. He stated the request for proposals included a two-year requirement for park maintenance. City Manager King stated the original park estimate was \$1.78 million before the proposal was narrowed to the vanilla park option. Mr. King provided an overview of the various proposals, maintenance options, and housing options the Council had previously discussed.

Discussion ensued between Council Member Hitchcock, Council Member Hansen, and City Manager King regarding Century Meadows Park, the expectation of refined specifications for park requirements, separation between housing and park elements, and the need to entice potential developers with the land in order to develop the housing and park elements.

In response to Council Member Hitchcock, Community Development Director Hatch stated the growth management allocation process will be applicable and subject to Council approval. Mr. King stated the development agreement will be used as a tool for park requirements.

In response to Mayor Johnson, Mr. Prima stated the developer standards are subject to Council approval and the flexibility is for design purposes only.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, approved the request for proposals for Roget Park Joint Development Project. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

- E-6 “Accept Anonymous Bequest to the Parks and Recreation Department of \$156,000 for Lodi Lake and Playgrounds Throughout the City”

This item was pulled for further discussion by Council Member Hansen.

Council Member Hansen and Mayor Johnson publicly thanked the anonymous donor for the contribution.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously accepted the anonymous bequest to the Parks and Recreation Department of \$156,000 for Lodi Lake and playgrounds throughout the City.

- E-9 “Adopt Resolution Authorizing the Purchase, Installation, and Maintenance of a Video Surveillance System at the Lodi Public Library to Alamo Alarm, of Lodi (\$11,731.56), and Appropriate \$11,731”

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

In response to Mayor Pro Tempore Mounce, Library Services Director Martinez stated the four companies were selected based on research of companies that provided the needed services and that the methodology was consistent with the City’s bid process.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, unanimously adopted Resolution No. 2007-182 authorizing the purchase, installation, and maintenance of a video surveillance system at the Lodi Public Library to Alamo Alarm, of Lodi, in the amount of \$11,731.56, and appropriated \$11,731.

- E-13 “Adopt Resolution Authorizing the City Manager to Execute a Master Energy Purchase and Sale Agreement with PPM Energy, Inc., of Portland, Oregon”

Council Member Hitchcock pulled this item and requested a presentation.

Electric Utility Director Morrow provided an overview of the proposed action including the process associated with energy purchase and execution of the agreement regarding the same.

In response to Council Member Hitchcock, Mr. Morrow stated the action falls within the umbrella agreement and is more of a housekeeping measure.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Hansen second, unanimously adopted Resolution No. 2007-183 authorizing the City Manager to execute a Master Energy Purchase and Sale Agreement with PPM Energy, Inc., of Portland, Oregon.

- E-18 “Set Public Hearing for September 19, 2007, to Introduce the Lodi Solar Rebate Program to Become Effective January 1, 2008”

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

In response to Mayor Pro Tempore Mounce, Mr. Morrow stated an exact surcharge may be necessary because utilizing existing reserves does not help increase cash reserves and improve financial standing. Mr. Morrow also discussed similar surcharges by other cities for public benefit programs, requirements of Senate Bill 1, fixed number to earn \$600,000 per year for three years, and the public hearing process regarding the same.

In response to Council Member Hitchcock, Mr. Morrow confirmed that the program is state mandated without a funding mechanism.

In response to Council Member Katzakian, Mr. Morrow stated the application to residential is approximately \$2.80.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Johnson second, set public hearing for September 19, 2007, to introduce the Lodi Solar Rebate Program to become effective January 1, 2008. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Robin Rushing spoke of his concerns regarding increases in his monthly utility bill for City services.
- Dianne Nantt spoke of her concerns regarding interactions with City staff regarding opening businesses within City limits, grease traps, sign requirements, theater company inspection, and Head Start rented space. She suggested guidelines be provided to new businesses.
- Barbara Flockhart spoke of her concerns regarding redevelopment and suggested attendance at a conference regarding redevelopment abuse.
- Donna Phillips spoke of her concerns regarding noise, safety, and security around Lodi Lake and requested improvements regarding the same. In response to Mayor Johnson, Ms. Phillips stated continuing police patrol presence is limited because of the number of parks and enforcement is minimal. City Manager King stated staff will review status of the same.
- Jerry Glenn spoke in support of the Lodi Adopt-A-Child program and urged City Council participation in the Shopping Spree event to be held on October 13, 2007.

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

- Mayor Pro Tempore Mounce wished Council Member Katzakian and City Manager King a Happy Birthday.
- Council Member Hansen reported on his attendance at the San Joaquin Council of Governments and Northern California Power Agency meetings. He specifically discussed the Measure K strategic plan, high speed rail meeting scheduled for September 18, 2007, and status of the CT-1 Roseville project.

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

- City Manager King stated staff will follow up on the comments made by the public and provided some general information regarding redevelopment.

RECESS

At 8:38 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:45 p.m.

I. PUBLIC HEARINGS

- I-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 Johnson called for the public hearing to consider the introduction of an ordinance amending Chapter 13.20, "Electrical Service," Section 13.20.210, Schedule EM (Mobile Home Park Service), to become effective November 1, 2007.

City Manager King briefly introduced the subject matter. Electric Utility Director Morrow stated the ordinance is a housekeeping measure to clarify language and there are no substantive changes.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously introduced Ordinance No. 1801 amending Chapter 13.20, "Electrical Service," Section 13.20.210, Schedule EM (Mobile Home Park Service), to become effective November 1, 2007.

- I-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 Johnson called for the public hearing to receive comments on and consider adopting resolution accepting the City of Lodi's Report on Water Quality Relative to Public Health Goals.

City Manager King briefly introduced the subject matter.

Water/Wastewater Superintendent Frank Beeler provided an overview of the report on water quality and specifically discussed health goals, State mandates, treatment, contaminants, and staff recommendations.

In response to Council Member Hitchcock, Mr. Beeler stated Well No. 26 has never reached an enforceable level. He stated the appropriate options, including sampling, would be reviewed if that were to ever occur. Mr. Beeler stated the well has consistently been around nine and change is due to natural occurrences.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously adopted Resolution No. 2007-184 accepting the City of Lodi's Report on Water Quality Relative to Public Health Goals.

J. COMMUNICATIONS

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

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Johnson, Hitchcock second, unanimously made the following appointment:

San Joaquin County Solid Waste Management Task Force  
JoAnne Mounce, Alternate                      Unspecified term limit

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 "Approve Site Recommendation for Preferred Site Selection for the Lodi Surface Water Treatment Facilities"

City Manager King briefly introduced the subject matter.

Public Works Director Prima summarized previously reviewed options and discussed the site review, samples of what a plant might look like, benefits of using the Lodi Lake site, consideration by General Mills, configuration possibilities, and scheduling.

In response to Council Member Hitchcock, Mr. Prima stated staff has not received a reply from General Mills to date. City Manager King stated, while General Mills may be open to the idea, it will take some time for them to receive the necessary information, conduct site visits, and receive direction from corporate.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated the pump can be placed inside a structure to address noise concerns.

Council Member Hitchcock requested the item be brought back after additional information regarding Site B is obtained.

In response to Mayor Johnson, Mr. King stated General Mills is in the process of gathering and reviewing information and they have not specifically said anything about leasing the property, as the first step is to ascertain general interest.

Discussion ensued between Council Member Hitchcock, Council Member Hansen, Mayor Johnson, City Clerk Johl, and City Attorney Schwabauer regarding the options associated with reconsidering a previous motion, which failed on a 2 to 2 vote.

Discussion ensued between Council Member Hitchcock, Council Member Hansen, Mayor Pro Tempore Mounce, and Mayor Johnson regarding the history of water usage in the City, Woodbridge Irrigation District, timing of the project, and possible drop dead date of three months for reviewing Site B options.

David Aiken spoke of his concerns regarding giving up public land, noise, and aesthetics.

Jay Bell spoke of his concerns regarding egress and ingress into his neighborhood association if the facility goes into the General Mills site.

Donna Phillips spoke of her concerns regarding utilizing specific areas of the park along the railroad tracks, which may benefit various organizations and the park itself.

Discussion ensued between Council Member Hitchcock, Council Member Hansen, and City Manager King regarding fatal flaws in particular sites, presentation of all sites to show the analytical process, and viable site options.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously directed staff to continue working with General Mills and reviewing options associated with Site B for a three-month period and, thereafter, to bring back the results of the same to the City Council.

- K-2 "Receive White Slough Water Pollution Control Facility Capital Improvement Project Update and Authorize the City Manager to Effectuate the Financing Plan for the Project"

City Manager King briefly introduced the subject matter.

Public Works Director Prima provided a presentation regarding the project. Specific topics of discussion included an overview of treatment facility projects, history since 2000, changes, July 2007 construction, Phase 3 project budget, discharge permit issues, salinity data, nitrate data, chloride data, United States Geological Survey salinity study, pipeline background, pipeline evaluation/assessment history, pictures of corrosion, rehabilitation project, project plan, division structure, sliplining, and anticipated schedule and costs.

In response to Mayor Johnson, Mr. Prima stated there could be a different reading if the monitoring wells were elevated at different levels.

In response to Council Member Hansen, Mr. King stated the take down fee is related to the sales commission for individuals selling bonds and all three components of the anticipated \$30 to \$35 million financing.

In response to Council Member Hitchcock, Mr. Prima stated the current plant flow is 6.3 per day, it is permitted for 7, and designed to handle 8.5 with the new improvements and regulations.

In response to Council Member Hitchcock, Mr. King stated at this time there is no expectation of a rate increase to fund improvements as the current rate structure and impact fees may suffice.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, unanimously received the White Slough Water Pollution Control Facility Capital Improvement Project update and authorized the City Manager to effectuate the financing plan for the project.

- K-3 "Update of Lodi's Request to the San Joaquin Council of Governments to Appoint a Member of the Lodi City Council to the San Joaquin Regional Rail Commission"

City Manager King provided an overview of the status and history associated with the City's request to appoint a representative to the Rail Commission.

Discussion ensued between Mayor Johnson, Council Member Hitchcock, Council Member Hansen, and Mayor Pro Tempore Mounce regarding reaching out to the Rail Commission directly, the need for City representation on the Commission, and possibility of representation through Supervisor Vogel. The consensus was to continue pursuing a seat on the Commission with the members of the Commission itself.

MOTION / VOTE:

There was no Council action taken on this matter.

RECESS

At 10:35 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 10:40 p.m.

K. REGULAR CALENDAR (Continued)

K-4 "Direct Staff to Prepare a Draft Amendment to the Lodi Municipal Code that Will Add a Freeway Commercial Overlay Zone Classification"

Community Development Director Hatch provided a brief presentation regarding the proposed action as described in detail at the relevant Shirtsleeve Session.

In response to Council Member Hitchcock, Mr. Hatch stated housing in the blue area would need to be rezoned.

In response to Council Member Hitchcock, Mr. Hatch concurred that review of any development would include an assessment of infrastructure needs as a condition of approval.

In response to Council Member Hitchcock, Mr. Hatch confirmed that anyone in the subject area owning property of an acre or more can request a four-story building subject to certain reviews.

Council Member Hitchcock stated she will vote against the matter because she believes the process should be a part of the General Plan amendment.

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated the Academy site frontage piece is currently zoned C-2 and identified as the same.

In response to Council Member Hansen, Mr. Hatch stated any owner with a parcel of land that is an acre or more could request to build a four-story building, but approval would be subject to review of various factors, including surrounding properties and the public hearing process will take place.

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated the overlay is for commercial purposes only and four-story apartments will not be permitted.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, directed staff to prepare a draft amendment to the Lodi Municipal Code that will add a Freeway Commercial Overlay Zone classification. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

- K-5 “Authorize Response to San Joaquin County Grand Jury Regarding its Investigation of the Request for Proposal Process Used by San Joaquin County Emergency Medical Services”

City Manager King provided a brief history of the interaction with the County regarding emergency medical services and the pending litigation.

City Attorney Schwabauer summarized the recommendations provided by the Grand Jury and stated the primary response was that the City is awaiting resolution of the pending litigation and will move forward accordingly.

In response to Council Member Hansen, Mr. Schwabauer stated the Grand Jury is recommending American Medical Response (AMR).

Council Member Hitchcock provided an overview of the grand jury selection process, the means by which recommendations are formulated, and the weight of the recommendations.

In response to Mayor Johnson, Fire Chief Pretz stated the original radio user group disbanded and reformed once it joined AMR and the maintenance fee is \$5 per call.

Discussion ensued between Mayor Johnson and Chief Pretz regarding an equity partnership with the group, the cost associated with the same, maintenance of equipment and funds, and the ability to join as was the case previously.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Hitchcock second, unanimously authorized response to San Joaquin County Grand Jury regarding its investigation of the request for proposal process used by San Joaquin County Emergency Medical Services.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Pro Tempore Mounce, Hitchcock second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

K. REGULAR CALENDAR (Continued)

- K-6 “Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$131,276.78)”

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, unanimously approved the expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$131,276.78, as detailed below:

<b>Folger Levin &amp; Kahn - Invoices Distribution</b>				Water Acct.
<u>Matter No.</u>	<u>Invoice No.</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
8002	103583	Jul-07	People v M&P Investments	4,773.99
8003	103591	Jul-07	Hartford Insurance Coverage Litigation	213,894.04
			Credit for June Client Charges for overpayment of Costs on Inv.#102108	(1,730.09)
			Contingency Fee Amount Savings	(162,163.95)
8008	103584	Jul-07	City of Lodi v. Envision Law Group	26,447.67
	270707a	7/27/07	Dr. Jim A. Field, Expert	11,775.00
		8/3/07	George Tchobanoglous, Ph.D.	9,312.30
	6934	5/31/07	West Environmental Services(Krasnoff)	5,440.76
	7117	7/31/07	West Environmental Services(Krasnoff)	2,827.50
	278302	8/2/07	GeoTrans, Inc. (Jim Mercer)	1,861.00
			<b>Total</b>	<b>\$112,438.22</b>

**Kronick Moskowitz Tiedemann & Girard - Invoices Distribution**

Matter No.	Invoice No.	Date	Description	100351.7323	1211.182	Water Acct.
11233.026	234152	07/25/07	Lodi First v. City of Lodi	758.00		
11233.027	234152	07/25/07	Citizens for Open Government v.	58.10		
11233.029	234152	07/25/07	AT&T v. City of Lodi	663.35		
11233.030	234152	07/25/07	Water Supply Issues-Not Pce Related			1,457.00
11233.032	234152	07/25/07	CFD Formation		95.70	
			Credit/Overpayment Applied	(168.00)		
Total				1,311.45	\$95.70	\$1,457.00

**MISCELLANEOUS**

Invoice No.	Date	Description	Water Account Amount
875101	8/1/2007	Harry A. Cannon, Inc.	2,102.82
875801	8/6/2007	Harry A. Cannon, Inc.	1,597.93
876001	8/6/2007	Harry A. Cannon, Inc.	1,004.51
876301	8/10/2007	Harry A. Cannon, Inc.	2,457.23
1331004-100	8/13/2007	JAMS Mediation Services	2,210.42
2099	8/8/2007	Benchmark Video	6,601.50
			<u>\$15,974.41</u>

L. ORDINANCES

None.

M. MEETING OF THE LODI FINANCING CORPORATION

At 11:02 p.m., Mayor Johnson adjourned the Regular City Council meeting to the meeting of the Lodi Financing Corporation, and Secretary Johl recorded roll.

MOTION / VOTE:

The Corporation, on motion of President Johnson, Hansen second, unanimously adopted Resolution No. LFC-16 declaring the intent of the Lodi Financing Corporation to reimburse certain expenditures from proceeds of indebtedness for wastewater projects.

There being no further business to come before the Corporation, the meeting was adjourned at 11:03 p.m.

Mayor Johnson reconvened the City Council meeting at 11:03 p.m.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:03 p.m.

ATTEST:

Randi Johl  
City Clerk

**CITY OF LODI  
SPECIAL JOINT INFORMAL INFORMATIONAL  
MEETING "SHIRTSLEEVE" SESSION  
WITH THE LODI IMPROVEMENT COMMITTEE  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, SEPTEMBER 11, 2007**

A Special Joint Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council and Lodi Improvement Committee was held Tuesday, September 11, 2007, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Present: Lodi Improvement Committee Members – Forkas, Jarrett, Ortiz, Takeuchi,  
Yadav, and Chairperson St. Yves

Absent: Lodi Improvement Committee Members – Lesan and Spinelli

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. TOPIC(S)**

B-1 "Discussion of Items of Mutual Concern"

City Manager King briefly introduced the subject matter.

Lodi Improvement Committee Chairperson, Eileen St. Yves, provided some introductory remarks. General topics of discussion included homelessness, affordable housing, shopping carts, Cherokee Lane, and Census dress rehearsal.

In response to Mayor Johnson, Chairperson St. Yves stated Lawrence Park is more of a problem during the evening because there is a larger gathering of homeless individuals and the new bus shelter is being used for sleeping purposes.

In response to Mayor Johnson, Chairperson St. Yves stated the church contributes to the homeless problem on Tuesday evenings primarily.

In response to Council Member Hitchcock, Chairperson St. Yves stated she is not sure if the problem of homelessness would be fixed if the bridge problem was corrected and the Police Department and Caltrans are working in the area on an ongoing basis.

In response to Council Member Hitchcock, Chairperson St. Yves stated the hours of use might be adjusted to address some of the park concerns. City Attorney Schwabauer stated park hours vary from park to park, are generally from dusk to dawn, and are established as posted. Mr. Schwabauer also stated the hours may be changed if necessary.

Committee Member Jarrett suggested researching solutions for assisting the homeless population on a long-term basis rather than focusing on enforcement mechanisms only.

City Manager King provided an overview of the 2008 Census dress rehearsal to be held in San Joaquin County. Mr. King specifically discussed utilizing the expertise of the Lodi Improvement Committee in conjunction with the Census request for a committee to assist with public outreach efforts.

Census Bureau representative, Jaime Hernandez, provided an overview of the requested partnership with the City for the 2008 dress rehearsal. Specific topics of discussion included public outreach, space for training, and direction for the Lodi Improvement Committee regarding the same.

In response to Council Member Hansen, Mr. Hernandez stated there are a variety of ways the City can partner with the Census Bureau including efforts related to public outreach, training facilities, and media usage. City Manager King stated the Census Bureau to date has requested the City's assistance with a full count committee.

In response to Mayor Johnson, Chairperson St. Yves stated Barbara Fary of the Census Bureau will be attending the Lodi Improvement Committee meeting on October 2, 2007, to provide additional information. She urged the City Council and public to attend.

In response to Council Member Hitchcock, Committee Member Jarrett stated the St. Mary's dining room and adjacent building in Stockton are an example of potential solutions to homelessness. Mr. Jarrett stated the Salvation Army has changed its direction and now serves as more of a transitional facility rather than a homeless shelter. Discussion ensued between Mr. Jarrett, Mayor Johnson, and Mayor Pro Tempore Mounce regarding options to address the homelessness in the City and the City's obligation regarding the same.

In response to Committee Member Takeuchi, Mayor Johnson stated it would be beneficial for the Committee to be involved with the Census because the Committee already reviews some of the general subject matter and it would prevent the formation of another committee for the sole purpose of the Census. City Manager King concurred, stating that it is a good opportunity for the City to engage in meaningful work and be visible.

Chairperson St. Yves provided general comments regarding affordable housing options within the City. Discussion ensued between Chairperson St. Yves and Council Member Hansen regarding the location of the potential affordable housing project.

In response to Mayor Pro Tempore Mounce, City Manager King stated staff can arrange for a bus tour to the affordable housing site if it is so desired.

Council Member Hitchcock requested copies of all of the affordable housing proposals by Friday. Community Development Director Hatch stated staff was planning to present summaries of all the proposals and will provide copies of the proposals themselves as well.

In response to Mayor Johnson, Mr. Hatch stated the location for each of the proposals is the same.

Chairperson St. Yves provided some general comments regarding abandoned shopping carts. Discussion ensued between Chairperson St. Yves, Mayor Johnson, Mayor Pro Tempore Mounce, and Council Member Hitchcock regarding partnering options available with the businesses, contract services for City sweeping of shopping carts, and the obligations of individual stores to maintain shopping carts.

City Manager King provided an overview of varying policies and regulations associated with shopping carts, homelessness, and affordable housing. In response to Mayor Pro Tempore Mounce, Chairperson St. Yves stated Cherokee Lane should probably be a top priority and the Committee does a prioritizing and goal setting workshop every year in April.

In response to Mayor Johnson, City Attorney Schwabauer stated the homeless individuals do have a constitutional right to beg; although, ordinances addressing aggressive solicitation are permissible. Mr. Schwabauer also stated he would need to research staff's ability to retrieve shopping carts from private property, but common areas were likely permissible.

*Continued September 11, 2007*

Constance Zweifel spoke of her concerns regarding abandoned shopping carts and PG&E and City barricades being utilized by children in her neighborhood. She also requested a listing of bus stops.

Myrna Wetzel stated the poor will always be among the community and the issue is how to work with them.

Chairperson St. Yves thanked the Council for their consideration. Committee Member Yadav thanked the Council for attending the Committee's meetings.

Council Member Hansen requested the Lawrence Park postings be reviewed as necessary.

Council Member Hitchcock and Mayor Johnson suggested reviewing successful enforcement activity and centralized locations in other communities in regards to homelessness.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:25 a.m.

ATTEST:

Randi Johl  
City Clerk