

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JULY 18, 2007**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of July 18, 2007, was called to order by Mayor Johnson at 6:00 p.m.

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

Absent: Council Members – Hitchcock

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; 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

At 6:00 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:52 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:03 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a), C-2 (b), C-2 (c), and C-2 (d), only settlement discussion and direction was given.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of July 18, 2007, was called to order by Mayor Johnson at 7:03 p.m.

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

Absent: Council Members – Hitchcock

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

B. INVOCATION

The invocation was given by Pastor Tracy Baerg, Fairmont Seventh Day Adventist 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 David Akin, member of the Parks and Recreation Commission, proclaiming the month of July 2007 as “Parks and Recreation Month” in the City of Lodi.

D-3 (a) Corinne Casey and Jonathan Newman with the Greater Lodi Area Youth Commission gave a quarterly update on the Commission’s activities and accomplishments.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Mounce, Katzakian second, approved the following items hereinafter set forth by the vote shown below:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

E-1 Claims were approved in the amount of \$9,003,184.65.

E-2 The minutes of June 19, 2007 (Shirtsleeve Session), June 20, 2007 (Regular Meeting), June 26, 2007 (Shirtsleeve Session), June 26, 2007 (Special Meeting), June 29, 2007 (Special Meeting), July 3, 2007 (Shirtsleeve Session), July 4, 2007 (Regular Meeting), and July 10, 2007 (Shirtsleeve Session) were approved as written.

E-3 Adopted Resolution No. 2007-123 approving the 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.

E-4 “Approve Request for Proposals to Provide Professional Services for Preliminary Engineering Work on the Westside Substation” was **pulled from the agenda by the City Manager.**

E-5 Adopted Resolution No. 2007-124 authorizing the procurement of remote terminal unit and accessories from Geo Honn Company, Inc., of Vacaville, CA, for the McLane Substation in an amount not to exceed \$21,000.

E-6 Adopted Resolution No. 2007-125 authorizing the purchase of replacement for AS400 mid-range computer from Logical Design Inc., of Rancho Cordova, CA, in the amount of \$142,765.

E-7 Adopted Resolution No. 2007-126 authorizing the replacement of damaged street sweeper and authorizing the City Manager to execute contract and possible grant agreements and appropriate funds in the amount of \$248,000.

E-8 Adopted Resolution No. 2007-127 approving the purchase of nine copy machines and contract for maintenance services for various departments from IKON Office Solutions and appropriating funds in the amount of \$131,077 from the Streets, Wastewater, and Equipment Replacement Funds.

E-9 Adopted Resolution No. 2007-128 acknowledging award of Air Resources Board Reimbursement Grant in the amount of \$69,606; approving backhoe purchase from Papé Machinery, Inc., of French Camp, in the amount of \$73,313; approving purchase and installation of Cleaire Emissions Reduction Device in accordance with grant funding requirements in the amount of \$14,770; and appropriating funds in the amount of \$88,083.

- E-10 Adopted Resolution No. 2007-129 awarding the contract for Asphalt Rubber Cape Seal, Various Streets, 2007 Project to International Surfacing Systems, Inc., of Modesto, in the amount of \$399,432.68, and appropriating additional funds in the amount of \$75,000.
- E-11 Accepted improvements under the "Lockeford Street and Sacramento Street Signal and Lighting Project" contract.
- E-12 Accepted improvements under the "Well 28 Pump and Motor and Site Improvements Project, 2800 West Kettleman Lane" contract.
- E-13 Accepted improvements under the "Church Street and Sacramento Street Overlays 2006 Project" contract.
- E-14 Adopted Resolution No. 2007-130 authorizing the City Manager to execute extensions of janitorial services contracts with Korean Professional Building Maintenance in the amount of \$11,323 per month and Advanced Property Services in the amount of \$2,171 per month and to negotiate and execute future extensions and additions as needed.
- E-15 Adopted Resolution No. 2007-131 authorizing the City Manager to execute contract for downtown parking lot deaning with United Cerebral Palsy of San Joaquin and Amador Counties, of Stockton, for fiscal year 2007-08 in the amount of \$38,874.
- 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" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-17 Adopted Resolution No. 2007-132 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.
- E-18 Adopted Resolution No. 2007-133 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.
- E-19 Adopted Resolution No. 2007-134 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.
- E-20 Received corrected pages to the fiscal year 2007-08 budget document related to summary of positions and position changes.
- E-21 Adopted Resolution No. 2007-135 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.
- E-22 Adopted Resolution No. 2007-136 amending the City of Lodi Drug Free Workplace Policy and Procedure and adopted Resolution No. 2007-137 amending the Drug and Alcohol Policy and Procedures to meet Department of Transportation requirements.
- E-23 Adopted Resolution No. 2007-138 amending Transit Policy and Procedure for use of transit service outside of regular operations.

- E-24 Adopted Resolution No. 2007-139 authorizing transit services outside of regular service operations for the listed annual events and authorizing the Transportation Manager to advertise to determine if a willing and/or able provider exists for these events.
- E-25 Adopted Resolution No. 2007-140 amending Traffic Resolution 97-148 establishing Loma Drive between Lockeford Street and Turner Road as a through street.
- E-26 Adopted Resolution No. 2007-141 approving the People Assisting Lodi Shelter (PALS) public art project, as approved by the Lodi Art Advisory Board, and appropriating \$58,000 from the Art in Public Places Fund.
- 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” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-28 Consented to continued representation of the City of Lodi and Northern California Power Agency by Meyers Nave for the CT1 Project sale from Lodi to Roseville.
- E-29 Accepted dedication of agricultural easement as required by Exhibit K to the Development Agreements between the City of Lodi and Frontier Community Builders, Inc. (FCB) for the FCB Southwest Gateway Project and the FCB Westside Project.
- E-30 Authorized the City Manager to execute Indemnity Agreement with GREM and Caltrans in connection with the Lowe’s project on Kettleman Lane.
- E-31 “Adopt Resolution Approving the City of Lodi Internet Website Policy” was **pulled from the agenda by the City Manager.**
- 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” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- 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”

In response to Mayor Pro Tempore Mounce, Public Works Director Prima stated he is not sure of how many developers have not met the deadline other than one. Mr. Prima stated they are tracking the timeline a bit closer, the project is almost complete, it is not affecting the traveling public, and a year delay seems to be standard for operating purposes.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, adopted Resolution No. 2007-142 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 and authorizing the City Manager to execute the agreement on behalf of the City. The motion carried by the following vote:

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

Noes: Council Members – Mounce

Absent: Council Members – Hitchcock

- 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"

In response to Mayor Pro Tempore Mounce, Deputy City Manager Krueger stated the promissory note was carried for five years. Mayor Pro Tempore Mounce suggested the note be paid off as soon as practicable.

In response to Council Member Hansen, Mr. Krueger stated the trustee has requested the note be extended after the original five-year period expired. City Manager King stated the interest rate is competitive, cash flow is sufficient, and the arbitrage ability is good.

Mayor Pro Tempore Mounce requested the note be paid as quickly as possible or spread out equally over the course of several years.

In response to Council Member Hansen, Mr. Krueger stated, from a cash flow standpoint and the fact that the cost is negated by the arbitrage, staff is fine with the recommended extension.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Katzakian second, adopted Resolution No. 2007-143 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. The motion carried by the following vote:

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

Noes: Council Members – Mounce

Absent: Council Members – Hitchcock

- 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"

Kathy Haring requested the City Attorney review the language concerning competitive years in the ordinance prior to the public hearing.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, 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. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Jennelle Bechtold of Waste Management provided an overview of the hazardous waste drop-off event scheduled for the weekend.
- Ann Cerney commended the City on its action on Item No. E-29, stating it is the first time property has been received in the County under the given situation.

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

- Mayor Pro Tempore Mounce reported on her attendance at the Lodi Youth Commission and Affordable Housing Proposal Review Committee meetings. She also reported on the campaign to keep kids alive and the Lodi Historical Society ice cream social event.

- Council Member Hansen reported on the San Joaquin Partnership meeting with Ken Vogel, Northern California Power Agency meeting with Jim Polk regarding the Lodi Project, and concerns regarding Waste Management overflow on trucks.
- Mayor Johnson reminded the public of the special redevelopment meeting to be held on July 19, 2007, at the Lodi Boys & Girls Club.

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

- City Manager King stated the special redevelopment meeting will be replayed and staff will disseminate information regarding National Night Out. Mr. King also reviewed a utility rate comparison.

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 introduction of an ordinance amending the Lodi Municipal Code 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.

Mayor Johnson provided introductory comments regarding the process associated with the public hearing. City staff member Araseli Del Castillo translated the same in Spanish.

Community Improvement Manager Joseph Wood provided an overview of the proposed ordinance. Specific topics of discussion included the vendors affected, requirements for obtaining a permit, location regulations and restrictions, condition requirements and appearance of sites and food vending vehicles, and sanitation. This information was also translated into Spanish.

In response to Council Member Hansen, Mr. Wood stated the enforcement procedure for violations by itinerant merchants includes the administrative citation process and criminal enforcement for three or more violations.

Hearing Opened to the Public

- Attorney David LeBeouf, representing a group of mobile food vendor business owners in Lodi, spoke of his concerns regarding the proposed ordinance. He specifically discussed the perception of the owners, staff dealings, client operations on private rights-of-way, 200-foot buffer zone, need for additional information, hours of operation, guidelines for conditional use permits, client concerns, residential areas, and further clarifications of the proposed ordinance.

In response to Mayor Johnson, Mr. LeBeouf stated he is not sure if there is a group that would not agree with his previous comments because he represents a small group of individuals who operate on private property only.

In response to Council Member Hansen, Mr. Wood stated the site and issue specific portion of the use permit and ordinance will address various situations.

City Attorney Schwabauer suggested language could be added to Section 9, stating that the conditions applied to the use permit will not be imposed to prohibit the business from effectively operating at all.

- Gregory Chadit spoke in support of the mobile food vendors, stating he utilizes their services.
- Dennis Norton spoke in support of the mobile food vendors.

- Maria Lopez spoke in favor of the proposed ordinance and mobile food vendors, but questioned the requirement associated with paving a lot.
- Maria Burks spoke in support of the mobile food vendors and stated she had concerns with the hours of operation.
- Mirna Ruiz spoke of her concerns regarding the application fee and the timing for itinerant merchants, including those selling ice cream.
- Mia Rangel spoke in support of the mobile food vendors.
- Sergio Ruiz spoke in support of the mobile food vendors and stated his concerns regarding hours of operation.
- Bill Crow spoke in favor of the mobile food vendors and in opposition to the ordinance, stating there were too many existing ordinances.
- Norberto Perdinez spoke in opposition to the prohibition against chairs and covers, stating there is a need for shade.
- Rosa Gomez spoke of her concerns regarding moving every three hours.
- Esperanza Ortiz spoke of her concerns regarding moving periodically, stating it takes time to prepare, wash, and get the business ready for operation.

Public Portion of Hearing Closed

RECESS

At 8:54 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 9:07 p.m.

I. PUBLIC HEARINGS (Continued)

I-1 City Manager King stated the reference in the ordinance is for residential zoning and not a (Cont'd.) specific non-conforming residence. He also stated the lot can be paved as required with a variety of different surfaces and the application fee is anticipated to be between \$70 and \$100.

In response to Council Member Hansen, Mr. Wood confirmed that the three-hour moving requirement does not apply to vendors on private lots. Mr. Hansen stated he supports the tables and chairs for shade suggestion.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated mixed uses would be addressed on an individual basis by examining the conditions of the property. Community Development Director Hatch stated notices were provided to the subject vendors, interested parties, and residences within the 300-foot circle radius around each of the 11 locations.

City Attorney Schwabauer provided clarifying language and suggested wording for Section 9.18.050(b)(9) regarding vending on private property.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, Mr. Hatch, and Mr. Schwabauer regarding the possibility of allowing tables and chairs and awnings for shade on an individual basis through the use permit process. City Attorney Schwabauer suggested language under Section 9 that would allow for consideration of these requests through the use permit process.

In response to Council Member Katzakian, Mr. Wood confirmed that the ten-minute moving requirement does not apply to private property operations.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tem Mounce, Hansen second, introduced, with the amended language of Section 9, Ordinance No. 1800 amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.18, “Vending on Streets and Sidewalks,” by repealing and reenacting Chapter 9.18, “Vending on Streets, Sidewalks, and Private Property.” The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- 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 consider resolutions adopting Final Engineer’s Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2007-08, and ordering the levy and collection of assessments.

City Manager King provided a brief overview of the subject matter.

Sharon Welch provided a brief presentation regarding the final Engineer’s Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2007-08.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, adopted the following resolutions:

- Resolution No. 2007-144 amending and/or approving the Final Engineer’s Annual Levy Report for the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2007-08; and
- Resolution No. 2007-145 ordering the levy and collection of assessments within the Lodi Consolidated Landscape Maintenance District No. 2003-1, Fiscal Year 2007-08.

The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

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 Pro Tempore Mounce, Hansen second, made the following appointment and directed the City Clerk to post for the following vacancy by the vote shown below:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

APPOINTMENT:

Lodi Improvement Committee

Rosa (Rosie) M. Ortiz Term to expire March 1, 2008

POSTING:

Lodi Improvement Committee

Wade Heath

Term to expire March 1, 2008

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 “Adopt Resolution Authorizing the City Manager to Execute a Downtown Hotel Exclusive Exploration Period Agreement with Russ Munson”

City Manager King provided an overview of the proposed agreement. Specific topics of discussion included the nine-month period to evaluate properties, interim and final reports, potential negotiations after the exploratory period, no obligations other than that stated in the agreement, no commitments for selling or leasing any property, former PKF study, examples of other cities, downtown synergy, and Mr. Munson’s qualifications.

In response to Council Member Hansen, Mr. King stated the subject lots are on Church Street and Elm Street.

In response to Council Member Hansen, Mr. King stated the \$5,000 is not drawn down as it is a one-time, full amount cost for the services to be rendered.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, Mayor Johnson, City Manager King, and Mr. Munson regarding the possibilities associated with the old public safety building, including hotel and other commercial opportunities and parking. Council Member Hansen suggested not excluding the old public safety building site. Mayor Pro Tempore Mounce requested information about businesses in close proximity to police departments in other cities.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, adopted Resolution No. 2007-146 authorizing the City Manager to execute a Downtown Hotel Exclusive Exploration Period Agreement with Russ Munson. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

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”

City Manager King briefly introduced the subject matter and reviewed the process associated with the annual levy.

Jaime Watts, representative of the Downtown Lodi Business Partnership (DLBP), provided a brief presentation and specifically discussed the overview of the organization, functions, purpose, marketing events, the Farmers’ Market, Parade of Lights, community events, banners, report, and the proposed calendar for the upcoming year.

In response to Council Member Hansen, Ms. Watts stated the organization has resolved a lot of the outstanding issues from October. Council Member Hansen suggested continuing communication between the businesses and the DLBP.

In response to Mayor Pro Tempore Mounce, Ms. Watts stated the compilation is available to the public. Mayor Pro Tempore Mounce suggested providing copies or making the availability of the information well known to the members.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, approved the Downtown Lodi Business Partnership 2007-08 Annual Report, adopted Resolution No. 2007-147 of intent to levy annual assessment, and set Public Hearing for August 1, 2007. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

K-3 “Approve Six-Month Budgets for PCE/TCE Related Litigation Cases”

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, approved the six-month budgets for the following PCE/TCE related cases: Hartford (\$300,000), M&P Investments (\$513,000), and Envision (\$670,000). The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

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)”

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, 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 \$374,859.03, as detailed below. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct. Amount
8001	102105	Apr-07	General Advice/Environmental Contamination	\$ 402.22
8002	102106	Apr-07	People v. M&P Investments	\$ 10,606.64
8003	102108	Apr-07	Hartford Insurance Coverage Litigation	\$207,048.19
			Contingency Fee Amount Savings	(147,180.00)
8008	102107	Apr-07	City of Lodi v. Envision Law Group	\$ 61,969.23
8002	102725	May-07	People v. M&P Investments	\$ 8,768.58
8003	102831	May-07	Hartford Insurance Coverage Litigation	\$229,494.83
			Contingency Fee Amount Savings	(172,310.00)
8008	102830	May-07	City of Lodi v. Envision Law Group	\$ 83,972.63
			City Attorney Adjustment	(352.00)
	266427	May-07	GeoTrans, Inc. (Jim Mercer)	\$ 2,980.00
		May-07	Clinton E. Miller (Expert)	\$ 12,003.39
			CM Approved Payment to Expert 6-22-07	(12,003.39)
		Jun-07	Clinton E. Miller (Expert)	\$ 2,652.00
	14890	Apr-June 07	PES Environmental, Inc. (Keith O'Brien)	\$ 11,192.08
	272549	5/28-7/01 2007	GeoTrans, Inc. (Jim Mercer)	\$ 5,044.00
<b>Total</b>				<b>\$304,288.40</b>

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323	1211.182	Water Acct.
11233.001	232738	05/25/07	General Advice	\$ 105.50		
11233.026	232738	05/25/07	Lodi First v. City of Lodi	\$ 364.05		
11233.029	232738	05/25/07	AT&T v. City of Lodi	\$ 866.35		
11233.030	232738	05/25/07	Water Supply Issues- Not PCE Related			\$1,525.55
11233.032	232738	05/25/07	CFD Formation Credits/Overpayments Applied	(105.50)	\$ 566.24	
11233.029	233230	06/25/07	AT&T v. City of Lodi	\$1,375.13		
11233.030	233230	06/25/07	Water Supply Issues- Not PCE Related			\$ 587.50
11233.032	233230	06/25/07	CFD Formation		\$ 144.10	
11233.034	233230	06/25/07	Employment and Labor	\$ 245.00		
<b>Total</b>				<b>\$2,850.53</b>	<b>\$ 710.34</b>	<b>\$2,113.05</b>

JAMS Mediation Services

			WaterAcct.
0001302222-110	5/31/2007	People v. M&P Investments	<u>\$2,016.67</u>
<b>Total</b>			<b>\$2,016.67</b>

**MISCELLANEOUS**

Invoice No.	Date	Description	Water Account Amount
20065328	06/07/2007	Legalink, Inc.	\$ 284.25
20064828	05/24/2007	Legalink, Inc.	\$ 800.75
20064647	05/18/2007	Legalink, Inc.	\$ 906.00
20065305	05/25/2007	Legalink, Inc.	\$ 758.50
20064855	05/25/2007	Legalink, Inc.	\$ 970.50
20065211	06/05/2007	Legalink, Inc.	\$ 1,003.00
20065214	06/05/2007	Legalink, Inc.	\$ 1,093.00
07SF61474A	06/14/2007	Document Services Unlimited	\$ 2,191.50
07SF70508A	07/05/2007	Document Services Unlimited	<u>\$ 237.70</u>
<b>Total</b>			<b>\$ 8,245.20</b>

Folger Levin & Kahn – Invoices

Invoice No.	Date	Description	Water Acct. Amount
<b>Payment of Unpaid Costs re: Hartford v. City of Lodi Pursuant to Contingency Fee Agreement</b>			
100827	03/22/07	Costs for February 2007	\$ 5,762.50
101584	04/26/07	Costs for March 2007	\$ 6,112.90
102108	05/31/07	Costs for April 2007	<u>\$ 9,868.19</u>
<b>Total</b>			<b>\$ 21,743.59</b>

Folger Levin & Kahn

Matter No.	Invoice No.	Date	Water Acct. Amount
<b>Withheld Amounts from Previous Invoices</b>			
8008	10826	02/28/07	\$ 281.00
8002	100362	01/31/07	\$ 700.00
8003	100361	01/22/07	\$ 38.50
			\$ 220.00

*Continued July 18, 2007*

8002	100000	01/31/07	\$ 650.00
		01/31/07	\$ 650.00
		1/31/2007	\$ 650.00
8003	100001	01/31/07	\$ 1,623.50
8003	99380	02/28/07	\$ 8,000.00
8002	98563	11/16/06	\$ 487.50
			\$ 82.25
8003	98489	11/16/06	\$ 36.50
			\$ 235.00
8002	97985	10/19/06	\$ 3,440.00
8003	97988		\$ 470.00
			\$ 470.00
			\$ 240.00
8008			\$ 470.00
8002	97311	09/14/06	\$ 650.00
8003			\$ 5,000.00
8008	97312	08/31/06	\$ 560.00
8002		08/17/06	\$ 650.00
8003			\$ 500.00
			\$ 600.00
			\$ 150.00
			\$ 705.00
			\$ 235.00
8002		07/25/06	\$ 325.00
			\$ 650.00
			\$ 650.00
			\$ 325.00
			\$ 650.00
8003			\$ 325.00
			\$ 97.50
8002		06/27/06	\$ 97.50
8003		06/27/06	\$ 650.00
8002		05/11/06	\$ 975.00
			<u>\$ 975.00</u>
		<b>Total</b>	<b>\$ 32,539.25</b>

L. ORDINANCES

None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:22 p.m.

ATTEST:

Randi Johl  
City Clerk