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CITY COUNCIL MEETING

JULY 20, 1983

ORDINANCES

Ordinance No. 1289 - An Ordinance Amending Section 11-3 of the City Code of the City of Lodi, entitled "Collection Rates for Garbage Services" was introduced for adoption.

Mr. George Bruns, Sales Manager for Central Valley Disposal, 860 East Pine Street, Lodi, addressed the Council indicating that Sanitary City Disposal Company had reduced fees to its County customers. Mr. Bruns stated that it is interesting that Sanitary City Disposal can reduce its rates in the county and at the same time request an increase in the City and asked if the City is supporting the County services.

ORD. INCREASING COLLECTION RATES FOR GARBAGE SERVICES

Ordinance No. 1289 - An Ordinance Amending Section 11-3 of the City Code of the City of Lodi, entitled, "Collection Rates for Garbage Services" with an amendment to Page No. 4 of an addition of the last sentence which reads, "All of the above rates schedules shall be effective on all bills which are prepared on or after August 1, 1983" having been introduced at a regular meeting of the Lodi City Council

ORD. NO. 1289 ADOPTED

held July 6, 1983 was brought up for passage on motion of Council Member Pinkerton, Snider second. Second reading of the Ordinance was omitted after reading by title, and the Ordinance was then adopted as amended and ordered to print by the following vote:

Ayes: Council Members - Pinkerton, Snider, and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Murphy and Reid



ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 11-3 OF THE
CITY CODE OF THE CITY OF LODI, ENTITLED
"COLLECTION RATES FOR GARBAGE SERVICES".

The City Council of the City of Lodi does ordain as follows:

Section 1.. Section 11-3 of the City Code of the City of Lodi is hereby repealed and re-enacted to read in full as follows:

Section 11-3. Collection Rates.

The monthly rates to be charged for garbage collection service shall be as follows:

A. For any private dwelling house or residence, the rate for one weekly garbage collection shall be:

(1) For the first container of thirty gallons or less and not to exceed sixty pounds, Four Dollars and Forty Five Cents (\$4.45)

(2) For each additional container of thirty gallons or less and not to exceed sixty pounds, Two Dollars and Fifteen Cents (\$2.15)

B. Owners of flats, apartments or the tenants or lessees thereof shall pay an amount equal to Four Dollars and Forty Five Cents (\$4.45) times the number of apartment units owned or occupied.

C. For owners or tenants of business houses, the monthly rates shall be:



(I) Class A Commercial Collection service which exceeds the capacity of one 6 cubic yard container:

16 yds. to 40 yds. \$3.50 per yard
 Compacted Loads: Rate \$5.90 per yard

(II) Class B Commercial Collection service when requires either daily or weekly and the waste can be accommodated by a one to 6 cubic yard container service, the monthly rates shall be:

WEEKLY SERVICE

NO. OF							
YDS.	CONTAINERS	1	2	3	4	5	6
1	1	\$39.84	\$60.73	\$ 81.59	\$104.34	\$125.60	\$146.82
	2	51.25	83.50	115.75	150.70	183.53	216.41
	3	62.62	106.26	149.93	197.08	241.51	285.96
2	1	51.25	83.50	115.75	150.70	193.59	216.41
	2	74.02	129.04	184.07	243.43	299.48	355.51
	3	76.78	174.58	252.37	336.19	415.41	494.61
3	1	62.62	106.26	149.93	197.08	241.51	285.96
	2	96.78	174.58	252.37	336.19	415.41	494.61
	3	130.94	242.92	354.87	475.28	589.30	703.30



		NO. OF					
YDS.	CONTAINERS	1	2	3	4	5	6
4	1	86.77	151.29	215.82	285.43	351.12	416.83
	2	137.19	258.08	376.01	502.90	622.97	743.02
	3	193.56	364.88	536.18	720.36	874.80	1069.24
	4	246.95					
5	1	100.11	177.99	255.86	339.80	419.09	498.37
	2	166.86	311.48	456.10	611.63	758.57	906.14
	3	233.61	444.97	656.35	883.47	1098.68	1313.87
	4						1721.64
6	1	113.47	204.69	295.90	394.17	487.13	579.90
	2	193.56	364.88	536.18	720.36	894.80	1069.24
	3	273.66	525.08	776.48	1046.58	1302.55	1558.55

III. Class C Commercial Collection service when required either daily or weekly and the waste can be accommodated by one to six - thirty gallon cans not exceeding sixty pounds per can. The monthly rates shall be:



NO. OF CONTAINERS	1	2	3	4	5	6
1	\$ 6.24	\$12.01	\$17.79	\$23.57	\$41.24	\$49.36
2	10.25	20.02	41.87	55.62	69.38	83.12
3	14.22	39.38	58.73	78.11	97.49	116.85
4	21.36	59.37	88.72	118.10	144.94	176.84
5	39.96	79.34	118.72	158.09	197.46	236.81
6	49.98	99.34	148.72	198.08	247.87	296.81

All of the above rate schedules shall be effective
on all bills which are prepared on or after August 1, 1983.

ORDINANCE NO. 1289

AN ORDINANCE AMENDING SECTION 11-3 OF THE CITY CODE OF THE CITY OF LODI, ENTITLED "COLLECTION RATES FOR GARBAGE SERVICES".

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(1) For the first container of thirty gallons or less and not to exceed sixty pounds, Four Dollars and Forty Five Cents (\$4.45)

(2) For each additional container of thirty gallons or less and not to exceed sixty pounds, Two Dollars and Fifteen Cents (\$2.15)

B. Owners of flats, apartments or the tenants or lessees thereof shall pay an amount equal to Four Dollars and Forty Five Cents (\$4.45) times the number of apartment units owned or occupied.

C. For owners or tenants of business houses, the monthly rates shall be:

(I) Class A Commercial Collection service which exceeds the capacity of one 6 cubic yard container:

16 yds. to 40 yds. \$3.50 per yard

Compacted Loads: Rate \$5.90 per yard

(II) Class B Commercial Collection service when requires either daily or weekly and the waste can be accommodated by a one to 6 cubic yard container service, the monthly rates shall be:

WEEKLY SERVICE

NO. OF							
YDS.	CONTAINERS	1	2	3	4	5	6
1	1	\$39.84	\$60.73	\$ 81.59	\$104.34	\$125.60	\$146.82
	2	51.25	83.50	115.75	150.70	183.53	216.41
	3	62.62	106.26	149.93	197.08	241.51	285.96
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	1	300.11	177.99	255.86	339.80	419.09	498.37
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	1	113.47	204.69	295.90	394.17	487.13	579.90
6	2	193.56	364.88	536.18	720.36	894.80	1069.24
	3	273.66	525.08	776.48	1046.58	1302.55	1558.55

III. Class C Commercial Collection service when required either daily or weekly and the waste can be accommodated by one to six - thirty gallon cans not exceeding sixty pounds per can. The monthly rates shall be:

NO. OF

CONTAINERS

1

2

3

4

5

6

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5	39.96	79.34	118.72	158.09	197.46	236.81
6	49.98	99.34	148.72	198.08	247.87	296.81

All of the above rate schedules shall be effective

on all bills which are prepared on or after August 1, 1983.

Section 2. All ordinances and parts of ordinances in

conflict herewith are repealed insofar as such conflict may exist.

Section 3. This ordinance shall be published one time

in the "Lodi News Sentinel", a daily newspaper of general

circulation printed and published in the City of Lodi and shall
be in force and take effect thirty days from and after its
passage and approval.

Approved this 20th day of July, 1983

Evelyn Olsson

Mayor

Attest:

Alice M. Reimche
Alice M. Reimche
City Clerk

State of California

County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do
hereby certify that Ordinance No. 1289 was introduced at
a regular meeting of the City Council of the City of Lodi

held July 6, 1983 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held July 20, 1983 by the following vote:

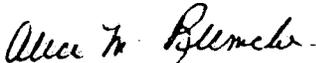
Ayes: Council Members - Pinkerton, Snider & Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Murphy & Reid

Abstain: Council Members - None

I further certify that Ordinance No. 1289 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


Alice M. Reimche
City Clerk

Approved as to form



Ronald M. Stein

City Attorney

ORDINANCE NO. 1289

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CITY CODE OF THE CITY OF LODI, ENTITLED
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C. For owners or tenants of business houses, the monthly rates shall be:

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passage and approval.

Approved this 20th day of July, 1983

Evelyn O'Sullivan

Mayor

Attest:

Alice M. Reimche
Alice M. Reimche

City Clerk

State of California

County of San Joaquin, ss.

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held July 6, 1983 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held July 20, 1983 by the following vote:

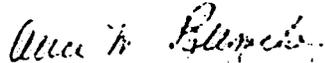
Ayes: Council Members - Pinkerton, Snider & Olson (Mayor)

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Alice M. Reimche
City Clerk

Approved as to form



Ronald M. Stein

City Attorney

ALBERT BIANCHI
W. CONRAD HOSKINS
MICHAEL T. STONE
JAY L. PAXTON
W. GREGORY ENGEL
STAFFORD W. KEEGIN
THOMAS M. SHERWOOD
MICHAEL J. BURTON
SUSAN LONDON MARKS
CAROL L. WOODWARD
DAVID E. STUMBOS
MARGARET G. FAWCETT

LAW OFFICES OF
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STONE, PAXTON & ENGEL
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TELEPHONE (415) 456-8020

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SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 777-1300
CABLE ADDRESS: BHSF
OF COUNSEL
WILLIAM F. KARTOZIAN
DANIEL L. SIMMONS

13 MAR 29 11 03 AM '83
ALICE M. F. [unclear]
CITY CLERK
CITY OF LODI

March 25, 1983

Lodi City Council
Lodi City Hall
221 West Pine Street
Lodi, California 95240

Re: Garbage Service

Honorable Mayor and Members of the City Council:

This office has been retained to represent Central Valley Disposal Service in connection with its operations in Lodi.

It is my understanding that the City Council is considering the possibility of enforcing, adopting or amending ordinances which would have the effect of excluding my client from competing for factory and industrial waste and refuse collection within the City of Lodi. Such action would violate the law and would constitute an unlawful interference with the present and prospective contract rights of my client.

The principles behind all cases of interference with contract rights are that one has the right to pursue his contractual relations and employ the agencies necessary and usual in the conduct thereof, free from the interference of others, and that no person has the right to interfere in the valid contract relations of another. (Imperial Ice Co. vs. Rossier (1941) 18 Cal.2d 33; Scott vs. McDonnell Douglas Corp. (1974) 37 Cal.App.3d 277.) Even where the contract is terminable at will, intentional and unjustifiable interference therewith is actionable. (Skelly vs. Richman (1970) 10 Cal.App.3d 814; Mallard vs. Boring (1960) 182 Cal.App.2d 390; Freed vs. Manchester Service, Inc. (1958) 165 Cal.App.2d 186.)

Actionable interference with a contractual relationship is not limited to inducing the breach of an existing contract, but may consist also of the inducing of a third person not to enter into a contractual relationship with another. (Masoni vs. Board of Trade (1953) 119 Cal.App.2d 738; Baker vs. Kale (1947) 83 Cal.App.2d 89.) Suits based on interference with economic advantages which are merely prospective

BIANCHI, HOSKINS,
STONE, PAXTON & ENGEL

Lodi City Council
March 25, 1983
Page Two

are governed by the same rules as are applicable to interference with an existing contract. (Gold vs. Los Angeles Democratic League (1975) 49 Cal.App.3d 365.)

Please be assured that my client is not anxious to become involved in litigation with the City of Lodi or anyone else. Nevertheless, the fact is that the legal rights of Central Valley Disposal Service are in jeopardy here, and it is our intention to do what we can to protect them. I am sure that you share this view, and, for that reason, I trust that nothing will be done which will infringe upon those rights.

We would appreciate meeting with the City Manager and/or a committee of the City Council in the very near future for the purpose of defining specifically what businesses are not included in the exclusive franchise granted by the City of Lodi to another company, so that Central may proceed with its proper activities without further interference. I will call the City Manager about this in a few days.

Thank you for your consideration of this matter.

Respectfully,


Albert Bianchi

AB/dln

cc: Central Valley Disposal Service