

CITY COUNCIL MEETING

November 18, 1981

**PROPOSED WOOCK
REORGANIZATION
INCLUDING
ANNEXATION AND
DETACHMENT**

Mr. C. M. Sullivan, Attorney at Law, 1111 West Tokay Street, Lodi, was present and asked the City Council to withdraw its request that the Local Agency Formation Commission (LAFCO) reconsider the proposed Woock Reorganization, a proposed 210.7 acre annexation proposed for Southwest Lodi. He gave a brief history of the proposed annexation and described its relationship to Measure "A", known as the "Greenbelt Initiative" approved by the Lodi Electorate on August 25, 1981. Mr. Sullivan felt the initiative ordinance should be interpreted by the Court and that a return to LAFCO would be premature.

Mr. Robert Mullen, Attorney at Law, 1111 West Tokay Street was present and stated that neither the City Council nor staff could interpret Measure "A" and he felt it was to everyones best interest to find out if the initiative was constitutional.

City Attorney Stein outlined the various alternatives available to the City Council.

After lengthy discussion it was moved by Councilman Hughes, Kataich second, that Council direct the Deputy City Clerk to correspond with the Local Agency Formation Commission and withdraw the Citys request for the reconsideration of the Woock Reorganization.

Mr. Sullivan then asked the Council to determine if it had the power to prezone the Woock Reorganization without a vote of the people on the General Plan Amendment.

On motion of Councilman Hughes, Murphy second, Council determined that it would be inappropriate to submit the Woock Reorganization to the people for a General Plan Amendment Election and therefore the Council could not prezone the area.

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 120
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. GLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

November 5, 1981

Mr. Gerald Scott
Executive Director
San Joaquin County
Local Agency Formation Commission
222 East Weber Avenue
Stockton, California 95202

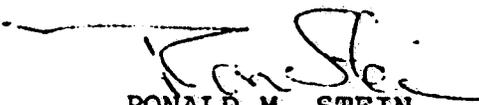
RE: WOOCK REORGANIZATION (LAFC 30-81)

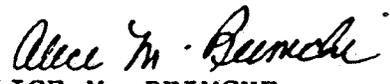
Dear Mr. Scott:

The Lodi City Council at its regular meeting held November 4, 1981, by motion action directed that the Local Agency Formation Commission of San Joaquin County be contacted by Staff with the request that the Woock Reorganization and detachment, which LAFCO disapproved without prejudice pursuant to LAFCO Resolution 531 (copy attached) be reconsidered by LAFCO pursuant to Government Code Section 54799.1.

It is the request of the Lodi City Council that LAFCO delete the condition of rezoning and either approve or disapprove the Woock Reorganization.

Sincerely yours,


RONALD M. STEIN
CITY ATTORNEY


ALICE M. REIMCHE
CITY CLERK

RMS:vc

attachment

RESOLUTION NO. 531
BEFORE THE LOCAL AGENCY FORMATION COMMISSION OF SAN JOAQUIN COUNTY
RESOLUTION DISAPPROVING THE WOOCK REORGANIZATION (LAFD 30-81),
INCLUDING ANNEXATION TO THE CITY OF LODI AND DETACHMENT FROM THE
WOODBIDGE RURAL COUNTY FIRE PROTECTION DISTRICT
AND WOODBRIDGE IRRIGATION DISTRICT

WHEREAS, the above entitled proposal was initiated by
Resolution of the City of Lodi, and on September 14, 1981, the
Executive Officer certified the application filed for processing
in accordance with the District Reorganization Act; and,

WHEREAS, the Commission held a public hearing on the proposed
reorganization on October 16, 1981, in the Board of Supervisors
Chambers, County Courthouse, pursuant to notice of hearing which
was published, posted and mailed in accordance with State law; and,

WHEREAS, at said hearing the Commission heard and received
evidence, both oral and documentary, submitted in favor of and in
opposition to the proposed annexation and all persons present were
given an opportunity to hear and be heard in respect to any matter
relating to said proposal;

NOW, THEREFORE, the Local Agency Formation Commission of San
Joaquin County DOES HEREBY RESOLVE, AND ORDER as follows:

Section 1. The proposed Woock Reorganization is hereby
disapproved, without prejudice, including the stipulation that the
* affected territory shall be rezoned by the City prior to refileing
of the same or similar proposal.

Section 2. The Executive Officer is hereby authorized and
directed to mail and file certified copies of this resolution as
required by Section 56272 of the Government Code.

PASSED AND ADOPTED this 16th day of October, 1981, by the
following vote of the Local Agency Formation Commission of San
Joaquin County, to wit:

AYES: Commissioners Barber, Yoshikawa and Rue

NOES: Commissioners Nelson and Snyder

THE FOREGOING IS A CORRECT COPY OF
THE ORIGINAL ON FILE IN THIS OFFICE

GERALD F. SCOTT
EXECUTIVE OFFICER

By: L. Decker
COMMISSION CLERK

Date: Oct. 21, 1981

for Gerald F. Scott
ARNOLD I. RUE, Vice Chairman
Local Agency Formation Commission
of San Joaquin County

ROBERT C. LITTS
ROBERT H. MULLEN
C. M. SULLIVAN, JR.
THOMAS J. NEWTON

LAW OFFICES
LITTS, MULLEN, PEROVICH, SULLIVAN & NEWTON

ATTORNEYS AT LAW
P. O. BOX 517
1111 WEST TOKAY STREET
LODI, CALIFORNIA 95240
(209) 334-5144

CRAIG RASMUSSEN
THOMAS J. DRISCOLL, JR.

ANTHONY N. PEROVICH
OF COUNSEL

November 10, 1981

Mr. Henry Graves, Jr.
City Manager
City of Lodi
City Hall
221 W. Pine Street
Lodi, California 95240

Re: Proposed Woock Reorganization, Including Annexation to
the City of Lodi and Detachment From the Woodbridge
Rural Fire Protection District and Woodbridge Irriga-
tion District

Dear Hank:

This letter is intended to confirm our telephone conversa-
tion of November 9, 1981, in regard to the above matter.

We noted from action taken by the Council on November 4,
1981, that the above annexation had been referred back to
the Local Agency Formation Commission. LAFCO had set as a
condition of resubmittal a requirement that the property be
first rezoned. This, LAFCO is permitted to do under the
provisions of the Government Code. The reason that we re-
quested a reconsideration by the Council at your meeting of
Wednesday, November 18, is because there seems little to be
gained by being passed back and forth between LAFCO and the
City of Lodi. The inability of the Lodi City Council to
rezone the property (although originally in the general
plan) is due to the Initiative Ordinance. It is my under-
standing that the Staff has concluded that the only way the
property can be rezoned is to hold an election, and in or-
der to complete the annexation, two elections may be neces-
sary at taxpayers' expense. On the other hand, it is not
fair to the property owners to send it back to LAFCO with-
out having met the conditions that LAFCO can legally require.
Rather than to spend money on special elections, it would
seem far better to have a Court interpret the Initiative Or-
dinance.

We suggest such a test suit in declaratory relief (where the
Court declares the rights and obligations of the parties) on
a friendly basis. Such a suit could be brought on an agreed

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Mr. Henry Glaves, Jr.
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statement of facts, since the facts in this instance are not in dispute. Thereafter, the City Council, the Planning Commission, and the Community Development Department could all be guided by the Court decision as to all future annexations and general plan amendments. The Court decision could also benefit the City of Lodi in its future dealings with the Local Agency Formation Commission.

We respectfully request that this matter be placed on the Council agenda for Wednesday, November 18, 1981. Both Bob Mullen and I will be present.

Best regards,

LITTS, MULLEN, PEROVICH,
SULLIVAN & NEWTON

By
C. M. SULLIVAN, JR.

CMS:dm

cc: Mrs. Alice Reimche
Mr. James Schroeder
Mr. Robert L. Lee
Mr. John H. Johnson
Mr. Harry Wilder
Mr. Glen Baumbach
Mr. Ben Schaffer

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
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HENRY A. GLAVES, Jr
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

November 19, 1981

Mr. Gerald Scott
Executive Officer
San Joaquin County
Local Agency Formation Commission
222 E. Weber St.
Stockton, CA 95202

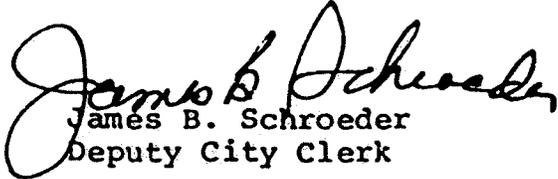
Re: Woock Reorganization (LAFC 30-81)

Dear Mr. Scott:

At its meeting of Wednesday, November 18, 1981 the Lodi City Council, by motion action, rescinded its motion of November 4, 1981 asking LAFCO to delete the condition of rezoning for the proposed Woock Reorganization and either approve or disapprove the request.

It is the City Council's wish at this time that the action taken by LAFCO at its October 16, 1981 meeting stand.

Sincerely,


James B. Schroeder
Deputy City Clerk

JS:dg