

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
WEDNESDAY, APRIL 20, 1983

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, April 20, 1983 in the City Hall Council Chambers.

ROLL CALL Present: Council Members - Pinkerton, Snider, Murphy, Reid & Olson (Mayor)  
Absent: Council Members - None  
Also Present: City Manager Glaves, Assistant City Manager Glenn, Public Works Director Ronsko, Community Development Director/Deputy City Clerk Schroeder, and City Attorney Stein

INVOCATION The invocation was given by Reverend R. L. Weishoff, Emanuel American Lutheran Church

PLEDGE The Pledge of Allegiance was led by Mayor Olson

PRESENTATIONS Mayor Olson presented the following Proclamations:

- a) "Federation Day"
- b) "Victim's Rights Week"

Mayor Olson, with the tacit concurrence of the Council, presented a Resolution of Appreciation to retiring City Employee - Elmer Mason.

REPORTS OF THE CITY MANAGER

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Murphy, Reid second, approved the following actions hereinafter set forth.

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CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$815,380.81

MINUTES THERE WERE NO MINUTES PRESENTED FOR COUNCIL APPROVAL

PLANS AND SPECS FOR KOFU PARK TENNIS COURT RESURFACING APPROVED  
COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "KOFU PARK TENNIS COURT RESURFACING" AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON. IN GENERAL, THE WORK CONSISTS OF REMOVING THE EXISTING SURFACE, APPLYING FILLED COATS AND A COLOR COAT AND REPAINTING THE COURT LINES.

ORDER OF VACATION SOUTH HAM LANE  
RES. 83-25  
COUNCIL ADOPTED RESOLUTION NO. 83-25 APPROVING AN ORDER OF VACATION OF AN EASEMENT LOCATED ON SOUTH HAM LANE IN AN AREA NEAR LODI AVENUE. COUNCIL WAS APPRISED THAT THE EASEMENT WAS ACQUIRED IN 1954 AND FROM THE CITY'S RECORDS, IT APPEARS THAT IT WAS NEVER USED. THE CITY HAS CHECKED IN ALL UTILITIES AND NONE ARE USING IT OR HAVE ANY PROSPECTIVE USE FOR IT.

Continued April 20, 1983

AWARD - CONTRACT City Manager Graves presented the following bids which had  
FOR LAWRENCE been presented for the "Lawrence Park Restrooms":  
PARK

<u>BIDDER</u>	<u>AMOUNT</u>
Fanos Construction	\$62,052.00
C.E. Jones Construction Co.	\$65,879.00
Neth Construction	\$66,406.00
Hildebrand Construction	\$68,880.00
Clappis Construction	\$69,235.00
Roek Construction	\$72,400.00
Town & Country Contractors	\$85,795.00

On recommendation of the City Manager, Council adopted the following Resolution:

RES.NO. 83-26

RESOLUTION NO. 83-26

RESOLUTION AWARDING THE CONTRACT FOR "LAWRENCE PARK RESTROOMS" TO FANOS CONSTRUCTION, THE LOW BIDDER, IN THE AMOUNT OF \$62,052.00

116  
3-11-83  
90-220  
AGREEMENT WITH COUNTY OF SAN JOAQUIN TO PROVIDE CERTAIN DATA PROCESSING SERVICES APPVD.

RES. NO. 83-27

COUNCIL ADOPTED RESOLUTION NO. 83-27 APPROVING AN AGREEMENT WITH THE COUNTY OF SAN JOAQUIN TO PROVIDE DATA PROCESSING SERVICES TO THE LODI POLICE DEPARTMENT FOR FISCAL YEAR 1983-84 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

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PUBLIC HEARINGS

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider:

PLAN LINES ON STOCKTON STREET AMENDED

The existing and proposed plan lines on South Stockton Street between Lodi Avenue and Kettleman Lane, Lodi.

The matter was introduced by Public Works Director Ronsko who presented diagrams for Council's perusal. Mr. Ronsko responded to questions regarding the matter as were posed by the Council.

There were no persons wishing to speak in favor of the matter.

The following persons addressed the Council speaking in opposition:

- a) Mabel Mangrum, 200 Hilborn Street, Lodi, California
- b) Hattie Allen, 422 South Stockton St., Lodi, California
- c) Fred Rudolf, 920 South Stockton St., Lodi, California
- d) Mr. Huggins, 1232 Stockton Street, Lodi, California
- e) Sam Teresi, 901 Holly Drive, Lodi, California

There being no other persons wishing to speak on the matter, the public portion of the hearing was closed.

ORD. NO. 1286 INTRODUCED

Following a lengthy discussion, with questions being directed to Staff, Council Member Reid moved for introduction of Ordinance No. 1286 - An Ordinance amending the plan lines on South Stockton Street from Lodi Avenue to Watson Street. The motion was seconded by Council Member Murphy and carried by unanimous vote.

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PLANNING  
COMMISSION

(C) City Manager Graves gave the following report of the Planning Commission meeting of April 11, 1983:

The Planning Commission -

ITEMS OF  
INTEREST

1. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of Dennis Bennett and Walter Howen, M. D. to divide Assessor Parcel No. 035-175-10 into Parcels "A", "B", "C", and "D" located in the 1400 block of West Lockeford Street and Graffigna Avenue in an area zoned R-2, Single-Family Residential and R-GA, Garden Apartment Residential.

2. Conditionally approved the request of Surenda F. Patel for a Tentative Parcel Map to join the lots at 607 South Cherokee Lane and 530 Eden Street in an area zoned C-2, General Commercial and R-HD, High Density Multiple Family Residential.

3. Determined that The Ashley Place, a lodging and boarding facility for senior citizens, was a lodging house rather than a hospital or convalescent home. This determination modifies the off-street parking requirements for the facility and eliminates the need to consider a Variance request to reduce the off-street parking for a convalescent home.

4. Determined that a Zoning Hardship did not exist and denied the request of Baumbach and Piazza, Consulting Engineers, on behalf of Consolidated Investors to reduce the front-yard setback requirements from 20' to 18' on the west side of South Ham Lane between West Lodi Avenue and West Tokay Street in an area zoned R-C-P, Residential-Commercial-Professional.

5. Recommended that the San Joaquin County Planning Commission approve the request of Baumbach and Piazza, Consulting Engineers, on behalf of K. K. Sakoda to vary the required 40 acre minimum lot size to 1 acre to permit a Tentative Parcel Map application and to subdivide a 9.4 acre parcel into two parts with Parcel "A" containing 1 acre, and Parcel "B" 8.4 acres at 5260 East Kettleman Lane.

6. Took no action on the referral by the San Joaquin County Board of Zoning Adjustment of the request of David Christy for a Use Permit to establish a used auto sales business at 1010 Augusta Street, Town of Woodbridge, in an area zoned C-2, Commercial.

7. Recommended that the San Joaquin County Planning Commission approve the request of Baumbach and Piazza, Consulting Engineers, on behalf of Tokay Development for the Tentative Parcel Map of Country View Estates, a 134 lot residential subdivision on the west side of the Town of Woodbridge.

RECESS

Mayor Olson called for a five minute recess, and the Council reconvened at approximately 9:27 p.m.

COMMUNICATIONS  
CITY CLERK

The Deputy City Clerk, James Schroeder, presented the following applications for Alcoholic Beverage License(s):

ABC LICENSE(S)

- a) Okazaki's  
20 South Main Street  
Lodi, California  
Okazaki, Agnes/Tokuo  
Off Sale Beer and Wine

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- b) Playboy  
7 South Sacramento Street  
Lodi, California  
Ehrlich, Elmer E.  
On Sale General Public Premises
- c) Asami's Japanese Restaurant & Drive In  
410 West Kettleman Lane  
Lodi, California  
Kotaka, Asami/Edwin K.

PUC APPLICATIONS Deputy City Clerk Schroeder presented the following correspondence received regarding various PUC Applications:

1. Letter from Joseph E. Bodovitz, Executive Secretary, Public Utilities Commission concerning Insurance, safety, and route regulation of round-trip sightseeing tour services.
2. Letter from E. C. Fishel, Pacific Telephone, re amending its application for mobile telephone service rates.
3. Letter from Peter W. Hanschen, Pacific Gas and Electric Company, re Application No. 83 04 19 requesting authority from the California Public Utilities Commission to increase electric rates, effective August 1, 1983.
4. Letter from Peter W. Hanschen, Pacific Gas and Electric Company, re Application No. 82-03-85 with the California Public Utilities Commission requesting ex parte authority to establish immediately a gas and an electric expense accumulation account to record the additional expenses PG&E will accrue in 1983.
5. Letter from Peter W. Hanschen, Pacific Gas and Electric Company, re Application No. 83-03-84 with the California Public Utilities Commission requesting ex parte authority to increase its electric base rates by approximately \$22 million as of May 1, 1983.

COUNCIL SUPPORTS  
CONGRESSMAN  
SHUMWAY'S  
PROPOSED  
CONSTITUTIONAL  
AMENDMENT RE  
DESIGNATING  
ENGLISH AS THE  
OFFICIAL  
LANGUAGE OF THE  
UNITED STATES

Following presentation by Deputy City Clerk Schroeder of a letter from Congressman Norman D. Shumway regarding his efforts to have English designated the official language of the United States and a copy of the proposed Constitutional Amendment he is proposing, Council, on motion of Mayor Pro Tempore Snider, Pinkerton second, urged support of the subject Constitutional Amendment.

COUNCIL ADOPTS  
RESOLUTION  
OPPOSING AB187  
AND SB778 -  
COMPULSORY AND  
BINDING  
ARBITRATION

RES. NO. 83-29

Following introduction of the matter, Council, on motion of Mayor Pro Tempore Snider, Reid second, adopted Resolution No. 83-29 opposing AB 187 (Young) and SB 778 (Dills) which would enact a system of compulsory and binding arbitration to settle collective bargaining disputes.

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The following letter, which had been received from Sacramento Metropolitan Cable Television Commission, was presented for Council's information. No formal action was taken by the Council on the matter.

S.66 (GOLDWATER)  
CABLE TELEVISION

"Dear Cable Television Officer:

Pending federal legislation may threaten to erode the ability of your City Council to negotiate and enforce cable television franchises. The Board of Directors of the Sacramento Metropolitan Cable Television Commission has authorized its staff to actively work with other cities to defeat S.66, the Goldwater Bill, which seeks to usurp local authority over cable television.

The Board of the National League of Cities recently approved compromise language for S.66. Many cities feel as we do, that this compromise is not in the best interest of cable subscribers. Member cities of the NLC were not consulted prior to the approval of this compromise.

In a hastily called meeting in Washington, D.C., over 25 cities met to discuss the NLC compromise. A second meeting of cities is scheduled for April 20th in Washington, D.C.

It is critical that cities join together in opposition to the NLC compromise. If, after conducting your own analysis, you wish to express your opposition, the following steps are recommended:

1. Adopt a Resolution similar to the attached sample opposing the NLC compromise and articulating your specific concerns with S.66 and the compromise language. Send copies of this Resolution to the NLC, the League of California Cities, the Senate and House Communication Sub-Committees, and your congressional delegation. Please forward copies of your approved Resolutions to my office.

2. Attend a meeting in Los Angeles on April 22nd to discuss developments in Washington and further action California cities and the League of California Cities could take. This meeting is being coordinated by Michael Stover, Assistant City Manager for Lakewood, and will take place in the City of El Segundo. Directions are attached.

The Board of the League of California Cities is meeting on April 29th and will be discussing S.66 and the NLC compromise. It is important that the Board hear from member cities regarding the potential impact of federal cable deregulation.

If you have any questions or need more information, please call me at (916) 440-6661 or Michael Stover at (213) 866-9771 ext. 214.

Sincerely,

SPERANZA AVRAM, Cable Coordinator  
Sacramento Metropolitan Cable  
Television Commission"

CLAIMS

On recommendation of the City Attorney and R. L. Kautz and Company, Council, on motion of Council Member Reid, Murphy second, denied the following claim and referred it back to R. L. Kautz and Company:

Virginia Flores

DOL 11/2/82

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CITY CLERK  
DIRECTED TO POST  
FOR VACANCIES ON  
LODI ARTS  
COMMISSION

Following introduction of the matter, Council on motion of Council Member Murphy, Reid second, directed the City Clerk to make the necessary postings for vacancies recently announced on the Lodi Arts Commission.

COMMENTS BY  
CITY COUNCIL  
MEMBERS

APPOINTMENT TO  
LODI ARTS  
COMMISSION  
RATIFIED

On motion of Mayor Pro Tempore Snider, Reid second, Council concurred with Mayor Olson's appointment of Zelma Meeks to the Lodi Arts Commission to fill the unexpired term of Bill Chapman, which term expires May 5, 1985.

RES. SUPPORTING  
SB 575 - FORAN

Following introduction of the matter by Council Member Reid, and discussion, Council, on motion of Council Member Reid, Snider second, adopted Resolution No. 83-28 - Resolution supporting SB 575 - Foran, which would modify the joint and several rule for damages other than out-of-pocket expenses like medical bills and lost wages.

RE JOINT AND  
SEVERAL  
LIABILITY

RES. NO. 83-28

COMMENTS BY THE  
PUBLIC ON NON  
AGENDA ITEMS

There were no persons in the audience wishing to speak under this segment of the agenda.

REPORTS OF THE  
CITY MANAGER

REGULAR CALENDAR

AWARD-CONTRACT  
FOR HAM AND  
TOKAY TRAFFIC  
SIGNAL

City Manager Graves apprised the Council that the following bids had been received for the Ham Lane and Tokay Street Traffic Signal Installation:

<u>BIDDER</u>	<u>AMOUNT</u>
M & M Electric	\$29,229.00
Collins Electrical Co.	\$33,333.00
Steiny and Company, Inc.	\$33,631.00
Smith Electric Supply	\$36,733.00
Graffigna Electric	\$39,894.00
Engineer's Estimate	\$60,000.00

Council was further apprised that this project consists of the installation of a two-phase traffic actuated signal utilizing City furnished poles and controller equipment.

During the design of this project, City staff and the consultant (Nolte & Associates) investigated the possibility of interconnecting the signals on Ham Lane at Tokay and Vine. Interconnection will allow some degree of progression on Ham Lane at speeds between 30 and 35 mph depending on the final design. Until recently, the only way to do this was through the use of wire and hardware connecting the two controllers or special time base coordination units (wireless). Both techniques would have cost over \$10,000. This year some simplified, solid state timers have come on the market. They will allow the signals to coordinate sufficiently for the traffic needs on Ham Lane. It is recommended that this type of system be installed on Ham Lane at Tokay and Vine.

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RES. NO. 83-30 Following discussion, Council, on motion of Mayor Pro Tempore Snider, Reid second, adopted Resolution No. 83-30 awarding the contract for "Ham Lane and Tokay Street Traffic Signal Installation" to the low bidder, M & M Electric, and authorized the expenditure of up to \$4,000 to interconnect the signal with the existing signal at Ham Lane and Vine Street.

STATUS REPORT  
GIVEN RE THE  
LODI UNITED  
DOWNTOWN  
ASSESSMENT  
DISTRICT  
BEAUTIFICATION  
PROJECT

A status report regarding the Lodi United Downtown Assessment District Beautification Project was given by Council Member Pinkerton.

PROCEDURE  
ESTABLISHED  
REGARDING  
RECEIVING  
OF BIDS

At the request of Council Member Pinkerton, Council reviewed the City's present policy concerning the receiving of bids and particularly the sequence of events leading to the opening of bids for the "Howard Street Curb and Gutter Replacement, Lake Street to Holly Drive".

Council discussion followed with questions being directed to the City Attorney and to Staff.

Following discussion, on motion of Council Member Pinkerton, Murphy second, Council determined that the future policy of the City of Lodi as it relates to the receiving of bids is that no bid will be accepted unless it has been received by the City Clerk at or prior to the time and place set for the bid opening. The motion carried by unanimous vote.

Agenda item K-4 - "Report re G-Basin Staging" was introduced by Public Works Director Ronsko.

Mr. Ronsko presented an indepth report regarding the subject which included the following points:

STAGING  
CONSTRUCTION AT  
G-BASIN SITE

General Concept - Allow developer to use a portion of existing G-Basin site for construction of interim drainage Basin Facilities to serve their development.

Existing Lease

Terminates October 14, 1986

Rent - \$2,700/yr

City can use for basin purposes - 90 day notice

City to pay for any crops not harvested

Recommend meeting with lessee (Batch) to discuss:

1. Tentative timetable of construction and crop planting
2. Size and location of parcel to be removed for lease agreement.

County Approval

County staff indicates that since improvements are for a public purpose, that no Use Permit or County approval will be required.

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Interim Basin Improvements

Minimum improvements are recommended (i.e., no sprinklers, turfing, or off-site improvements)

System designed to work by gravity (i.e., no pumping facilities)

EIR will be required to cover interim improvements

A lengthy discussion followed with questions being directed to Staff.

Following discussion, on motion of Council Member Murphy, Reid second, Council approved the concept as outlined.

On motion of Council Member Pinkerton, Murphy second, Council determined that the City of Lodi and the developer will split the cost of the preparation of the E.I.R. equally.

AMENDED AGREEMENT  
FOR WELL 17 SITE  
APPROVED

Agenda item - k-5 - Approve Amended Agreement for Well 17 Site was introduced by City Attorney Stein. A copy of the subject agreement was presented for Council's approval and was highlighted by the City Attorney.

Following discussion, Council, on motion of Mayor Pro Tempore Snider, Reid second, approved the subject agreement and authorized the City Manager and the City Clerk to execute the agreement on behalf of the City.

SPECS FOR  
CONCESSIONS AT  
LODI LAKE PARK  
APPROVED

FOLLOWING INTRODUCTION OF THE MATTER BY CITY MANAGER, GLAVES, COUNCIL, ON MOTION OF COUNCIL MEMBER PINKERTON, MURPHY SECOND, APPROVED THE SPECIFICATIONS FOR THE CONCESSIONS AT LODI LAKE PARK AND AUTHORIZED THE ADVERTISING FOR BIDS THEREON.

REQUEST FOR  
PROPOSAL FOR  
WORKERS  
COMPENSATION  
CONTRACT  
ADMINISTRATORS  
APPROVED

Following introduction of the matter by the City Manager, Council, on motion of Council Member Pinkerton, Murphy second, authorized the firm of Barbara Akk and Associates to prepare request for proposal for Workers Compensation Contract Administrators.

DEFINITIONS  
REGARDING  
GARBAGE AND  
SOLID WASTE  
COLLECTION

City Attorney Stein presented the following report regarding definitions regarding Garbage and solid waste collection:

At the March 16, 1983 City Council meeting, Council referred the subject of the garbage and solid waste ordinance back to staff, to clarify what is meant by "industrial plants" under Lodi City Code Section 11-1.

It is to be noted that although the City has the authority under State law (Government Code Section 66757) to regulate all garbage and solid waste collections within this City (see also Lodi City Code Section 11-6), the City at present has regulated only for the collection of residential and commercial garbage and solid waste, but has not regulated the collection of garbage and solid waste from industrial plants.

In looking at the definition of "garbage" and "solid waste" under Lodi City Code Section 11-1, it is to be noted that there is an exception from the definition for factory waste and refuse from industrial plants.

I. DEFINITION OF INDUSTRIAL PLANTS

In order to determine what is meant by industrial plants, one must look at (1) the Lodi City Zoning Code Chapter 27; and (2) the activity that is going on at the industrial plant. Both criteria must be considered and joined in order to obtain an adequate clarification of the phrase "industrial plant".

To illustrate why both of these factors must be considered jointly in the definition of industrial plants, I would use as an example the Lodi Cable Television Company. If one were to ask if they were an industrial plant and only apply the Zoning Code, one could say that they are in an industrial zone and could only be allowed in same. The reason that the Lodi Cable TV is in an industrial zone is not because of their activity, but because of their towers and satellite receivers. They would not be considered an industrial plant under Lodi City Code Section 11-1.

It would be my recommendation that the City clarify the definition of the phrase "industrial plant" as it relates to the collection of garbage and solid waste, by adopting a Policy Statement as follows:

"A POLICY STATEMENT OF THE CITY OF LODI CLARIFYING THE DEFINITION OF THE PHRASE 'INDUSTRIAL PLANTS' AS IT RELATES TO THE COLLECTION OF GARBAGE AND SOLID WASTE WITHIN THE CITY OF LODI"

"As it relates to the collection of garbage and solid waste within the City of Lodi, the following shall be the definition for the phrase 'Industrial Plants'":

"'Industrial Plants' means any person, firm, or corporation engaged in the business of processing or manufacturing agricultural products, animal, poultry, goods, wares, or other products or materials whose principal outlet for such products or wares is primarily wholesale, rather than retail, and whose business would not be permitted to be located in a General Commercial District (C-2) or higher (C-1, P-D, C-S, or any Residence District, R-C-P through R-1), as those districts are defined in Chapter 27 the Lodi City Code".

It is interesting to note that in practice over the past 15 years, the City staff has in fact followed the practice which is now being suggested be put into a Policy Statement, in determining which accounts were industrial plants and which accounts were commercial entities.

There could be certain grey areas which will require a judgment call on behalf of the staff and/or this Council on appeal.

II. REGULATION OF COLLECTION OF GARBAGE AND SOLID WASTE FROM INDUSTRIAL PLANTS.

This Council should be aware that in 1979 pursuant to Resolution No. 79-147, the City adopted the County's Solid Waste Management Plan (a review of said Plan is now taking place). On page 3-20 and 3-22 of said Plan, there are references to the franchise. On page 3-20, it states:

"City governments are responsible for solid waste storage and collection within their respective incorporated areas".

Page 3-22 states:

"Each city is responsible for the collection services within its incorporated areas, either through franchise, permits, or licenses to private companies, or use of its municipal employees."

It does appear, therefore, that the City has a requirement to put into effect the Solid Waste Management Plan by the regulation of all phases of collection of garbage and solid waste within the City of Lodi.

At present, the City has franchised to Sanitary City, the collection of garbage and solid waste in the residential and commercial areas, but there has been no regulation of the collection of garbage and solid waste from industrial plants. It is incumbent upon the Council to determine how the City is going to regulate the garbage and solid waste collection from industrial plants.

Of course, there are a number of questions that need to be answered in determining how to regulate the collection of garbage and solid waste from industrial plants. Some of the questions are as follows:

- a) Does the City want to have franchises, permits, or licenses to private companies, or use of its municipal employees?
- b) What would be the qualifications for being an industrial hauler?
- c) Would we require a bond of same?
- d) Would the City be interested in billing the industrial customer?
- e) How would we monitor the industrial hauling for charging at the landfill?
- f) Would we have a scale for same?
- g) Does the City want to charge a fee based on tonnage?

Mr. Stein recommended that Council direct Staff to review methods to regulate the industrial plants and have staff report back to Council at the earliest possible time with a report.

Council discussion followed with questions being directed to the City Attorney.

No formal action was taken by the Council on the matter.

ADJOURNMENT

There being no further business to come before the Council on motion of Council Member Pinkerton, Reid second, the meeting adjourned at approximately 10:40 p.m.

Attest:

  
James B. Schroeder  
Deputy City Clerk