

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
June 2, 1982

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, June 2, 1982 in the City Hall Council Chambers.

ROLL CALL Present: Council Members - Murphy, Olson, Pinkerton, Snider, and Reid (Mayor)

Absent: Council Members - None

Also Present: City Manager Glaves, Assistant City Manager Glenn, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche

INVOCATION The invocation was given by Reverend Darrell Thomas, First Methodist Church

PLEDGE The Pledge of Allegiance to the flag was led by Mayor Reid

PRESENTATIONS
02-27 Mayor Reid read a Proclamation proclaiming "Flag Day" in the City of Lodi

PLANNING COMMISSION
02-25(10) City Manager Glaves gave the following report of the Planning Commission meeting of May 24, 1982:

The Planning Commission -

- ITEMS OF INTEREST
1. Continued the Public Hearing on the proposed Ordinance recommending that the City Council amend Section 27-22 (Enforcement, Penalties, Legal Procedure) of Chapter 27 (Zoning) of the Lodi Municipal Code pending the preparation of certain changes by the City Attorney.
 2. Conditionally approved the request of Glen Baumbach, Baumbach and Piazza, Consulting Engineers, on behalf of Dr. Alonzo Proctor for the approval of the Tentative Subdivision Map of Fairmont Professional Center, a medical-dental condominium project to be located at 519, 525, and 531 South Fairmont Avenue in an area zoned R-C-P, Residential-Commercial-Professional and certified the filing of a Negative Declaration as adequate Environmental Documentation.
 3. Accepted the recommendation of the San Joaquin County Planning Department for the following meetings:
 - a. Woodbridge Area meeting to be held June 15, 1982 at Woodbridge School; and
 - b. Joint meeting and Public Hearing of the Lodi City Planning Commission and the San Joaquin County Planning Commission regarding the Woodbridge area to be held July 29, 1982 in Julia Harrison Auditorium at Micke Grove Park.

COMMUNICATIONS
(City Clerk)

RESPONSE RE
PROPOSED REDUCTION
IN STATE SUB-
VENTIONS TO CITIES
02-27

City Clerk Reimche presented a letter which had been received from Senator Kenneth Maddy in response to a letter written by the City Clerk on behalf of the Council expressing concerns regarding Governor Brown's proposal to reduce state subventions to cities by eliminating both the motor vehicle-in-lieu- fees and cigarette tax. Senator Maddy stated that "it appears the Governor's proposal will be rejected by the Legislature and that further discussions on this issue will continue during meetings of the Conference Committee on the Budget. As a member of the committee, please be assured I will be mindful of your views".

ABC LICENSES
02-27

City Clerk Reimche presented the following applications for Alcoholic Beverage License which had been received:

- a) Roger Fujita, Star Market, N.W. Corner of Harney Lane and West Lane, Lodi - Off Sale General.
- b) Stuart R. Bewley, Michael M. Crete, et al, Island Wine Cooler Co., 6161 East Highway 12, Room 1-A, Lodi, Wine Blender 20,000 to 100,000 gal.

Continued June 2, 1982

COUNCIL'S SUPPORT
REQUEST ON RE-
EVALUATION OF
EXPENDITURES BY
CALIFORNIA TRANSPOR-
TATION COMMISSION RE
PLANTINGS AND
BEAUTIFICATIONS OF
HIGHWAYS

City Clerk Reimche presented a letter which had been received from Bob Gray, President, Lodi District Chamber of Commerce, asking for Council's support on the re-evaluation of expenditures, by the California Transportation Commission, with regards to planting and beautification of highways.

"NO" VOTE URGED
ON PROPOSITION 9

The City Clerk presented for Council's perusal a copy of San Joaquin County Board of Supervisors' Resolution No. R-82-791, "Resolution Opposing the Authorization, Funding, and Construction of the proposed Peripheral Canal as authorized by Senate Bill No. 200 and urging a "No" vote on Proposition 9 at the June 8, 1982 election".

DISPOSAL SERVICE
RATES QUESTIONED

City Clerk Reimche presented a letter which had been received from Bill Parson's Central Valley Disposal Service, asking that Council compare Central Valley Disposal Service rates to those of Sanitary City and stating that Central Valley Disposal Service believes that they are being dealt with unfairly in their competition with Sanitary City in the County. City Clerk Reimche was directed to forward a copy of this letter to Sanitary City Disposal Company for their review and comment.

ORDINANCE REQUESTED
REQUIRING DOG
OWNERS TO REMOVE
THEIR ANIMAL'S
WASTE FROM
YARDS AND SIDEWALKS

City Clerk Reimche presented a letter which had been received from Mrs. Linda E. Mayo asking that Council adopt an ordinance requiring that while walking their dog, dog owners should be required to remove their animal's waste from yards and sidewalks. Sample ordinances from other Cities throughout the State were presented for Council's perusal by City Attorney Stein. No action was taken by the Council on the matter.

1/1/82 CITY
POPULATION FIGURE
CERTIFIED BY
STATE

City Clerk Reimche presented a letter which had been received from the State of California Department of Finance certifying the population of the City of Lodi at 36,928 as of January 1, 1982.

NAME OF "HUTCHINS
STREET SQUARE" AND
LOGO SELECTED
FOR OLD LODI HIGH
SCHOOL SITE

Naomi McCallum Carey, Chairman for the Old L.U.H.S. Site Foundation "New Look Contest" reported to the Council that the winning name and logo "Hutchins Street Square" was submitted by Denise L. Martin, of Irving, Texas.

On motion of Councilman Pinkerton, Murphy second, Council accepted the winning name and logo of "Hutchins Street Square" and expressed sincere appreciation to the foundation for their dedication, time, and effort.

COMMENTS BY CITY
COUNCIL MEMBERS

LODI LAKE PARK

Following receipt of a petition from residents in the area of Laurel Avenue requesting that the \$1.00 entrance fee to Lodi Lake Park be rescinded. The following persons addressed the Council on the matter and on problems being encountered in the area of Lodi Lake Park:

- a) Mr. A. M. Mellor, 1008 Laurel Avenue, Lodi
- b) Mr. Miles Cope, 1012 Laurel Avenue, Lodi
- c) Mr. Frank Alegre, 2000 Edgewood Drive, Lodi
- d) Mr. Leon Mitchell, 525 N. Sunset Drive, Lodi

A lengthy discussion followed with questions being directed to Staff and to members of the audience who had given testimony.

Mayor Fred Reid then appointed the following Task Force to study the matter, asking that the Task Force return to Council next month with their recommendations:

Chairman - John (Randy) Snider - Councilman
James Schroeder - Community Development Director
Marc Yates - Chief of Police

Continued June 2, 1982

David Hinchman - Parks and Recreation Commissioner

REQUEST RECEIVED TO EXTEND LODI DIAL-A-RIDE TO SERVE WOODBRIDGE AREA

Mr. Jack Navone, Deputy Director, San Joaquin County Public Works Department addressed the Council requesting that Council consider extending the City of Lodi Dial-a-ride program to serve the Woodbridge area. Mayor Reid referred the request to Staff for investigation, asking that a report be made back to Council shortly on its recommendations.

COMPLAINT RE SIGNING AT LODI RACQUETBALL CLUB

The following complaints were registered by citizen Frank Alegre, 2000 Edgewood Drive, Lodi:

The "No Parking" signing in the area of the Lodi Racquetball Club, 1900 S. Hutchins Street, Lodi, is installed at such an angle as to make it very difficult to see.

COMPLAINT REGISTERED REGARDING ELEVATIONS IN TURNER ROAD/CLUFF AVENUE ASSESSMENT DISTRICT

Mr. Alegre further lodged a complaint with the Council alleging incorrect elevations in the Turner Road/Cluff Avenue Assessment District. A lengthy discussion followed with Mr. Alegre detailing the points of his complaint. Questions were posed to Staff and to Mr. Alegre. City Manager Graves stated that he was meeting with Staff on 6/3/82 regarding this matter, and will contact Mr. Alegre following that meeting.

HARRASSMENT BY MEMBERS OF THE LODI POLICE DEPT. OF LOCAL TAVERN PATRONS ALLEGED

Mr. Leon Mitchell, 525 N. Sunset, Lodi, Mitchells' Loft, addressed the Council alleging harrassment by the Lodi Police Department of local tavern patrons. Mr. Mitchell accused the Police Department of having a "point system" for issuing citations and asked for a full scale investigation of the Lodi Police Department and of the City Manager. Mr. Mitchell asked about reward for the "Point System", asked about a program of roof-top surveillance of private businesses; and about vehicles being stopped "just because they are on the road". Mr. Mitchell indicated that he didn't feel that an internal investigation could be unbiased and asked for the procedure to initiate a Grand Jury Investigation.

Mr. Mitchell asked that any other citizens who wished to register similar complaints to call the Lodi Life and Times.

The following persons addressed the Council citing instances involving them personally, of alleged "harrassment" by members of the Lodi Police Department:

- a) B. Buet, 2432 Tejon, Lodi
- b) Lillian Honea, P. O. Box 743, Woodbridge
- c) Al Allmindinger, 23066 S. 99 Highway, Ripon
- d) Arthur Spillman, 360 East Lodi Avenue, Lodi
- e) Arthur Beaulieu, 406 N. Lincoln Avenue, Lodi
- f) Winifred Mitchell, 525 N. Sunset Drive, Lodi

Council discussion followed with questions being directed to City Manager Graves and to persons who had given testimony.

The discussion concluded with Mr. Leon Mitchell consenting to meet with City Manager Graves concerning the matter in the City Manager's Office on June 3, 1982 at 1:00 p.m.

RECESS

Mayor Reid declared a 5 minute recess and the Council reconvened at approximately 10:25 p.m.

REPORTS OF THE CITY MANAGER

In accordance with report and recommendation of the City Manager the following actions, hereby set forth between asterisks on motion of Councilman Pinkerton, Murphy second, were approved by the Council.

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,162,762.31.

Continued June 2, 1982

ITEMS REMOVED
TO REGULAR
CALENDAR

With the tacit concurrence of the Council, Agenda Item "c" "Award - Landscape Maintenance Contract" was removed to the Regular Calendar.

City Manager Graves presented the following bids which had been received for "City Hall Complex Janitorial Contract".

AWARD-CITY HALL
COMPLEX JANITORIAL
CONTRACT

Following recommendation of the City Manager, Council adopted the following resolution:

RESOLUTION NO. 82-53

RES. NO. 82-53
cc-12(a)
cc-90
cc-300

RESOLUTION AWARDING THE CONTRACT FOR THE CITY HALL COMPLEX JANITORIAL SERVICE TO A-1 JANITORIAL SERVICE, LODI, IN THE AMOUNT OF \$2,992.03 PER MONTH.

EASTERN SAN JOAQUIN
COUNTY GROUND WATER
STUDY ENDORSEED

City Manager Graves presented a letter from George Barber, County Supervisor and President, East San Joaquin County Water Users Association, asking the City of Lodi to formally endorse the County's proposed "eastern San Joaquin County Ground Water Study. It is estimated that the study will cost \$300,000 - \$350,000. It is proposed that these funds be raised through benefit assessments based on land areas within the study zone (352,000 acres). It is proposed that the total assessment be applied over a 2 - 3 year period and would amount to approximately \$0.50 for an average Lodi Lot. Council adopted the following resolution.

cc-12(a)
cc-300

RES. NO. 82-54

RESOLUTION NO. 82-54

RESOLUTION ENDORSING THE COUNTY'S PROPOSED "EASTERN SAN JOAQUIN COUNTY GROUND WATER STUDY".

AGREEMENT WITH
DEBCO TOWING
APPROVED cc-12(a)
cc-90

COUNCIL APPROVED AGREEMENT WITH DEBCO TOWING FOR TOWING OF ABANDONED VEHICLES AND AUTHORIZED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

AGREEMENT FOR
LODI LAKE CONCESSION
STAND APPROVED cc-12(a)
cc-90

COUNCIL APPROVED THE AGREEMENT WITH DOROTHY SEIBEL FOR THE LODI LAKE CONCESSION STAND, FOR A ONE YEAR PERIOD, AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

S. J. COUNTY DATA
PROCESSING
SERVICES AGREEMENT
RE PARKING
VIOLATION CITATION
INFORMATION
APPROVED cc-12(a)
cc-90

COUNCIL ADOPTED RESOLUTION NO. 82-55 APPROVING AN AGREEMENT WITH THE COUNTY FOR DATA PROCESSING SERVICES REGARDING PARKING VIOLATION CITATION INFORMATION AND AUTHORIZED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

RES. NO. 82-55 cc-12(a)
cc-90
cc-300

cc-12(a)

Agenda item "i" - "Hutchins Street Alley (between Lee and Hutchins and Walnut and Lodi Avenue) was introduced by City Attorney Stein. City Attorney Stein apprised the Council that in approximately September, 1978, Maurice Ray purchased the lot on the South side of the alley from the Lodi Unified School District and in January 1979, the City Council filed notice of intent to abandon the alley at Mr. Ray's behest. Mr. Ray intended to build an office building on his parcel. In February, 1979, the abandonment was denied by the Council because of Mr. Campbell's objections. In March 1979, Mr. Ray offered to rent a portion of the alley and the Council authorized a quiet title suit to obtain the property on the north side of the alley. Said quiet title action was to be paid for by Mr. Ray. Attached hereto are copies of the Council Minutes of March 21, 1979. Since March of 1979, the City Public Works Department and the City Attorney's office have attempted to work out an agreement between the property owners on the north side of the alley for the deeding of the alley as it was constructed. Unfortunately, the City has reached somewhat of an impasse and at this time is interested in direction from the Council as to the pursuing of the quiet title action.

Continued June 2, 1982

What would be pursued in the quiet title action would be a request for a court determination that the alley, where it was actually constructed, was in fact the true alley. The City will be claiming an prescriptive easement for the public over the alley that was actually constructed. This is pursuant to Civil Code Section 1009(3)(d) which reads to wit:

"Where a governmental entity is using private lands by an expenditure of public funds on visible improvements on or across such lands or on the cleaning or maintenance related to the public use of such lands in such a manner so that the owner knows or should know that the public is making such use of his land, such use, including any public use reasonably related to the purposes of such improvement, in the absence of either express permission by the owner to continue such use or the taking by the owner of reasonable steps to enjoin, remove or prohibit such use, shall after five years ripen to confer upon the governmental entity a vested right to continue such use."

Again, it is to be noted that the survey of 1939 shows that the alley was constructed 10 feet north in its present location, so obviously, the five-year period has long passed.

A copy of a map showing the Hutchins Street Alley as it was originally deeded to the City and as it was actually constructed was presented for Council's perusal. It was noted that the Hutchins Street Alley as deeded to the City, lies south of where the alley was actually constructed. It is to be noted that the City obtained a grant deed from the Hutchins family on October 16, 1908 for the alley, and a survey dated October 1939 shows that the alley was not constructed within the right-of-way, but approximately 10 feet north of the originally deeded alley.

Also addressing Council on the matter were:

- a) Mr. Don Campbell, 412 West Walnut Street, Lodi
- b) Mr. Justis Brand, 408 West Walnut Street, Lodi
- c) Mr. Maurice Ray, Jr. 801 South Fairmont Avenue, Lodi

A lengthy discussion followed with questions being directed to Staff and to those persons who had given testimony.

On motion of Councilman Pinkerton, Murphy second, Council deferred action on this matter to the regular Council meeting of June 16, 1982, and added to the agenda for the Special Meeting of Monday, June 7, 1982 at 7:30 a.m., an on-site inspection of the Hutchins Street alley site.

APPEAL OF OWNERS
OF PROPERTY IN
400 BLOCK OF
SOUTH SACRAMENTO
STREET RE
DEVELOPMENT
REQUIREMENTS
DEFERRED

As requested by Glen Baumbach of Baumbach and Piazza, Council, on motion of Mayor Pro Tempore Murphy, Snider second, deferred to the regular meeting of June 16, 1982 consideration of the appeal of owners of property in the 400 block of South Sacramento Street re development requirements.

LODI AMBULANCE
SERVICE REQUEST.
FOR TRANSFER OF
OWNERSHIP APPROVED

Following receipt of a request for Council approval of the transfer of ownership of the Lodi Ambulance Service, Inc. to Michael N. Nilssen, President, which included information as required by City of Lodi Code Section 2-A et seq, Council, on motion of Councilman Pinkerton, Murphy second, approved the transfer.

Continued June 2, 1982

CONTRACT - LAND-
SCAPE MAINTENANCE
OF VARIOUS AREAS
WITHIN THE CITY
OF LODI

ALL BIDS REJECTED

cc-149

City Manager Graves presented the following bids which had been received for "Landscape Maintenance of Various Areas within the City of Lodi" advising that the low bid of Ireland Landscape Co., of Stockton had been submitted unsigned. The City Attorney has recommended that the low bid, from Ireland Landscape Company, be rejected because of the omission of the signature and that the second low bidder, R & J Landscape Maintenance, Stockton, be awarded the contract.

Mr. John Harris, Attorney-at-law, 4545 Georgetown, Stockton, representing the Ireland Landscape Company, spoke on behalf of his client asking that Council accept the bid even in light of the fact that it was not signed.

A very lengthy Council discussion followed with questions being directed to Staff.

Mayor Reid then moved to adopt Resolution No. 82-53 awarding the Landscape Maintenance Contract for various areas within the City of Lodi to R & J Landscape Maintenance the second low bidder, in the amount of \$30,264.00

Ireland Landscape Co.	\$ 1,972.50	\$23,670.00
R & J Landscape Maintenance	\$ 2,522.00	\$30,264.00
Jim's Gardening Service	\$ 2,551.00	\$30,612.00
Craig Cosentino & Associate	\$ 2,625.00	\$31,500.00
Valley Landscaping & Maint.	\$3,370.00	\$40,440.00

The motion was seconded by Mayor Pro Tempore Murphy but failed to pass by the following vote:

Ayes: Council Members - Murphy and Reid

Noes: Council Members - Olson, Pinkerton & Snider

Following additional discussion, on motion of Councilman Pinkerton, Murphy second, Council rejected all bids received for "Landscape Maintenance of Various Areas within the City of Lodi", directed the City Clerk to readvertise for bids thereon, and extended the present contract for this service with Jim's Gardening Service for an additional 30 days.

ORDINANCES

ARTICLE V (STOPPING, STANDING, AND PARKING) OF CHAPTER 14 AMENDED

ORD. NO. 1262 ADOPTED

cc-149

Ordinance No. 1262 entitled, An Ordinance of the City Council of the City of Lodi amending Article V (Stopping, Standing and Parking) of Chapter 14 (Motor Vehicles and Traffic) of the Lodi City Code having been introduced at a regular meeting of the Council held May 19, 1982 was brought up for passage after reading by title. On motion of Councilman Pinkerton, Murphy second, the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Member - Murphy, Olson, Snider, Pinkerton, and Reid (Mayor)

Noes: Council Member - None

Absent: Council Member - None

ARTICLE I COUNCIL MEETINGS AND PROCEDURES SECTION 2-9 ORDER OF BUSINESS AMENDED

ORD. NO. 1263 ADOPTED

cc-149

Ordinance No. 1263 entitled, An Ordinance Amending Chapter 2 (Administration), Article I (Council Meetings and Procedure), Section 2-9 (Order of Business), Thereby Revising the Order of Business as set forth in Section 2-9 having been introduced at a regular meeting of the Council held May 19, 1982 was brought up for passage after reading by title. On Motion of Councilman Pinkerton, Murphy second, the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Member - Murphy, Olson, Snider, Pinkerton, and Reid (Mayor)

Noes: Council Member - None

Continued June 2, 1982

ADJOURNMENT

There being no further business to come before the Council,
Mayor Reid adjourned the meeting at 11:55 p.m.

Attest:

Alice M. Reimche
ALICE M. REIMCHE
City Clerk