

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
March 5, 1980

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, March 5, 1980 in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - Hughes, Katnich, McCarty
Pinkerton and Katzakian
(Mayor).

Absent: Councilmen - None

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

INVOCATION The invocation was given by Reverend Ernie Rogalski,
Temple Baptist Church.

PLEDGE Mayor Katzakian led the Pledge of Allegiance to the
flag.

MINUTES On motion of Councilman Hughes, Katnich second, the
Minutes of February 20, 1980 were approved as written
and mailed.

Mayor Katzakian asked to abstain from discussion
and voting on the following matter, because of a
possible conflict of interest.

PUBLIC HEARINGS

Notice thereof having been published and posted in
accordance with the law and affidavit of publications
and posting being on file in the office of the City
Clerk, Mayor Pro Tempore Katnich called for the
Public Hearing to consider the vacation of a Public
Utility Easement running through the parcel at
730 West Kettleman Lane, Lodi.

The matter was introduced by Public Works Director
Ronsko who presented a diagram of the subject ease-
ment and responded to questions regarding the matter
as were posed by members of the City Council.

Council was advised that the Planning Commission
at its February 11, 1980 meeting determined that
no public need existed and recommended that the City
Council abandon the subject easement.

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

EASEMENT On motion of Councilman Pinkerton, Hughes second,
VACATION 730 W. Council adopted an Order vacating a public utility
KETTLEMAN LANE easement running through the parcel at 730 West
Kettleman, Lodi. The motion carried by the fol-
lowing vote:

Ayes: Councilmen - Hughes, Katnich, McCarty
and Pinkerton

Noes: Councilmen - None

Absent: Councilmen - None

Abstain: Councilmen - Katzakian

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Notice thereof having been published and posted in accordance with the law and affidavits of publication and posting being on file in the office of the City Clerk, Mayor Katzakian called for the Public Hearing to consider abandoning a portion of the public street at 1902 South Hutchins Street, Lodi.

The matter was introduced by Public Works Director Ronsko who presented a diagram of the subject street and responded to questions regarding the matter as were posed by members of the City Council.

VACATION OF A PORTION OF THE PUBLIC STREET AT 1902 S. HUTCHINS STR. LODI

Council was apprised that the Planning Commission at its February 11, 1980 meeting determined that no public need existed and recommended that the City Council approve the request of Mr. Max Hittle to abandon a portion of South Hutchins Street in the area of 1902 South Hutchins Street.

It is Staff's recommendation that a 10 foot easement be retained therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said street.

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

On motion of Councilman Pinkerton, Hughes second, Council adopted an Order of Vacation of a portion of the public street at 1902 South Hutchins Street, Lodi save a 10 foot easement for the purpose heretofore set forth. The motion carried by unanimous vote.

Mayor Katzakian asked to abstain from discussion and voting on the following matter, because of a possible conflict of interest.

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Pro Tempore Katnich called for the Public Hearing to consider the proposed reorganization - Tandy Ranch Addition (LAFC 37-79) including annexation to the City of Lodi, and detachment of the affected territory from the Woodbridge Rural County Fire Protection District.

The matter was introduced by Community Development Director Schroeder who presented background information on the subject and diagrams of the subject area for Council's perusal. Provisions of the Government Code of the State of California pertaining to majority protest under the District Reorganization Act were detailed by City Attorney Stein.

City Clerk Reimche presented correspondence received from a number of property owners within the subject area proposed for annexation stating that they do not want to be annexed into the City of Lodi with the Tandy Ranch Reorganization (LAFC 37-79); that they want to remain in the county and further feel that this whole area should remain in agriculture zoning.

Both Fire Chief Cockayne and Police Chief Yates addressed the Council advising that their respective departments would be able to provide the necessary safety services to the area proposed for reorganization and detachment.

Speaking in favor of the proposed reorganization and detachment were the following persons:

- a) Mr. Wayne Craig, 23160 Davis Road, Lodi
- b) Mr. C. M. Sullivan, Attorney at Law, 1111 W. Tokay

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c) Mr. Scott Tandy, 2775 Utah, Napa, California

The following persons spoke in opposition to the proposed annexation and detachment:

a) Wilbert Ruhl, 3933 Almond Drive, Lodi

A petition was presented by Mr. Ruhl bearing approximately 26 signatures. City Attorney Stein apprised the Council that this petition should not have an affect on the Council actions in this matter as it bore names of persons who are not property owners of the subject parcel being considered for reorganization and detachment but rather of surrounding parcels.

Also speaking in opposition to the proposed reorganization and detachment were the following persons:

- a) Walter Shoup, 7200 E. Peltier Road, Acampo
- b) Bruce Kirby, 5573 E. Harney Lane, Lodi
- c) Pat Blodgett, 13050 N. Highway 99, Lodi
- d) Randy Lange, 1266 W. Jahant Road, Acampo
- e) Barbara J. Lea, 4266 Almond Drive, Lodi
- f) Fred C. Wilson, 4210 E. Almond Drive, Lodi
- g) Ann Johnston, 1132 Golden Oak Way, Stockton

At the invitation of Mayor Pro Tempore Katnich, the following persons spoke in rebuttal to testimony previously given:

- a) Mr. Scott Tandy, 2775 Utah, Napa, California
- b) C. M. Sullivan, 1111 W. Tokay Street, Lodi
- c) Wilbert Ruhl, 3933 Almond Drive, Lodi

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

Community Development Director recorded the protests received as followed:

NAME	LAND VALUE	FOR	AGAINST
Wilson	\$ 7,110.00		\$7,110.00
Tandy	35,300.00	\$35,300.00	
Lea	9,500.00		9,500.00
Nelson	8,300.00		8,300.00
Sabo	\$ 7,300.00		7,300.00
TOTAL		\$35,300.00	\$32,200.00

Total Land Value - \$67,510.00

% Land Value for - 52.3%

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Community Director Schroeder announced that according to the computations heretofore set forth, that a majority protest as provided under the District Reorganization Act had not been received.

A lengthy discussion followed with questions being directed to Staff and to persons in the audience giving testimony.

TANDY RANCH
DETACHMENT AND
REORGANIZATION

RES. NO. 80-36

On motion of Councilman Hughes, McCarty second, Council by the following vote, adopted Resolution No. 80-36 determining that pursuant to the Government Code a majority protest was not received and approved the Tandy Ranch Reorganization including annexation to the City of Lodi and detachment from the Woodbridge Rural County Fire Protection District.

Ayes: Councilmen - Hughes, Katnich, and McCarty

Noes: Councilmen - Pinkerton

Absent: Councilmen - None

Abstain: Councilmen - Katzakian

RECESS

Mayor Pro Tempore Katnich called for a five minute recess and the Council reconvened at approximately 10:30 p.m.

Mayor Katzakian resumed his seat at the Council table.

PLANNING
COMMISSION

City Manager Glaves gave the following report of the Planning Commission meeting of February 25, 1980:

The Planning Commission -

ITEMS OF
INTEREST

1. Conditionally approved the request of Genie Development, Inc. to reapprove the Tentative Sub-division Map of Beckman Ranch, a planned development bounded by West Kettleman Lane, South Hutchins Street, and Century Boulevard and the Woodbridge Irrigation District Canal.
2. Conditionally approved the request of Robert K. Elliot, Attorney at Law, on behalf of Dr. Thomas J. Carleton for the approval of a Tentative Parcel Map to create 2 lots from an existing parcel at 307-325 West Lockeford Street in an area zoned C-2, General Commercial.
3. Determined that a Zoning Hardship existed and approved the request of Dennis Bennett on behalf of Dr. Ivan M. Hayes for a Variance to reduce the required lot width from 50 feet to 48 feet to permit additional dwelling units on an existing lot at 611 North School Street in an area zoned R-HD, High Density Multiple Family Residential.
4. Certified as adequate the filing of a Negative Declaration by the Community Development Director for the East Area Storm Drain Line project.

FRED REID NAMED
VICE-CHAIRMAN
OF PLANNING
COMMISSION

Community Development Director Schroeder further advised the Council that following the resignation of Planning Commissioner Margaret Talbot, Fred Reid has been selected to serve as Vice-chairman of that body.

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COMMUNICATIONS Following introduction of the matter by City Attorney Stein, Council, on motion of Councilman Hughes, Katnich, second, authorized the expenditure of \$200.00 to be used by the City of Tiburon in its appeal before the Supreme Court of the United States in Re: Agins v. City of Tiburon. The California Supreme Court has struck down the remedy of awarding monetary damages against public entities to property owners claiming the land use regulation deprived them of the use of their property and the property owners have subsequently appealed the decision.

AGINS V. CITY OF TIBURON

WILLIAMSON ACT Council was apprised by City Clerk Reimche of receipt of LAFCO's resolution upholding the protest of the CONTRACT City of Lodi to the execution of a contract under INFORMATION REC'D the California Land Conservation Act of 1965 for property identified by Assessor's Parcel Nos. 049-070-20 and 063-132-01.

PLANNING City Clerk Reimche presented a letter addressed to COMMISSIONER Mayor Katzakian from Planning Commissioner Margaret TALBOT RESIGNS Reed Talbot advising of her resignation from the Commission effective March 1, 1980.

PUC City Clerk Reimche apprised the Council that PG & E APPLICATION has requested authorization in Application No. 59463 under its Energy Cost Adjustment Clause to increase, effective April 1, 1980, its electric rates and charges related to energy costs.

The City Clerk presented the following claims advising that the claims had been reviewed by both the City Attorney and the City's Contract Administrator and it is their recommendation that the Claims be denied:

- a) Robert Ross vs. City of Lodi, Loss Date: Dec. 19, 1979
- b) Vernice and Kenneth Mann vs. City of Lodi, Loss Date: Oct. 4, 1979 and Oct. 27, 1979
- c) Frank Furlott vs. City of Lodi, Loss Date: Sept. 19, 1979
- d) Teddy Parker vs. City of Lodi, Loss Date: Jan. 28, 1979

On motion of Mayor Pro Tempore Katnich, Hughes second, Council denied the aforementioned claims and referred them to R. L. Kautz and Co., the City's Contract Administrator.

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, Katnich second, were approved by the Council.

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,066,810.70

RES. OF APPREC- RESOLUTION NO. 80-37 - RESOLUTION OF APPRECIATION- IATION GEORGE GEORGE MELVIN, RETIREE' UTILITY DEPARTMENT WAS ADOPTED MELVIN RES. NO. BY THE COUNCIL. 80-37

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CONFLICT OF INTEREST FILING FOR 1979 FOR CITY MANAGER GLAVES.
 COUNCIL RECEIVED FOR FILING THE CONFLICT OF INTEREST FILING FOR 1979 FOR CITY MANAGER GLAVES.
 C.M. GLAVES

IT FOR YEAR ENDING 6/30/79
 COUNCIL accepted for filing Audit prepared by Ernst and Whinney for the year ending June 30, 1979. The City Clerk was directed to forward a letter to Ernst and Whinney requesting an explanation for the delay in receiving these financial statements.

PLANS AND SPECS FOR "DOWNTOWN UNDERGROUND 5" AND LOCUST: CHURCH STREET TO SACRAMENTO STREET," AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.
 COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "DOWNTOWN UNDERGROUND DISTRICT 5, ALLEY BETWEEN ELM AND LOCUST: CHURCH STREET TO SACRAMENTO STREET," AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

RD - NORTH-SANITARY SEWER LIFT STATION NO. 80-38
 COUNCIL ADOPTED RESOLUTION NO. 80-38 - RESOLUTION AWARDED THE CONTRACT FOR THE NORTHEAST SANITARY SEWER LIFT STATION WITH THE CONDITION THAT THE CITY FIRST RECEIVE FROM THE DEVELOPERS OF INDUSTRIAL LITE A GUARANTEE THAT FUNDS ARE AVAILABLE TO COVER THE COSTS OF THE SUBJECT LIFT STATION.

City Manager Glaves introduced Agenda item "g" - "Option Agreement to purchase "Old" Tokay High School Site". Information regarding the matter as requested by the City Council at its February 20, 1980 meeting was presented by City Manager Glaves as follows:

- a) Council was informed that should Council elect to purchase the site that the Capital Outlay Reserve Fund has adequate funds to advance for the purchase and that the Capital Outlay Reserve would be the appropriate place to charge these funds.
- b) A Supplemental Cost breakdown relating to the purchase of the subject site was presented which gave estimates for three utilization site alternatives as follows:

	INITIAL COST	ANNUAL COST
TOKAY HIGH SCHOOL SITE Alternate #1 - Securing all buildings and utilizing football & NE corner fields	\$55,000	\$ 3,000
Alternate #2 - Demolition of all bldgs. except the music and cafeteria bldgs. which would be secured. Site to be turfed & sprinklered for utilization of open area.	\$225,000	\$12,000
Alternate #3 - Using cafeteria area & securing workout & locker facilities. This alternate can be added to either Alternate #1 or #2 to obtain total cost.	\$ 12,000	Assume Paid by User

City Manager Glaves further reported that any building not utilized or demolished must be completely secured by boarding up windows and other possible entry points in order to reduce vandalism and liability. There should be no increase to the City's excess PL and PD insurance premium if buildings are secured and kept fenced. There will, however, be an increase in liability which the City would pick up under its self-insurance program.

Council was also advised that the School District has indicated that the City would have to purchase the existing fencing at the site which was constructed subsequent to the Option Agreement. The cost to the City for this fence would be \$7,500.00.

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The City Council at its Informal Information Meeting of March 4, 1980 had received a report by the Lodi Community Center Feasibility Study Committee. The Summary and Concluding Statements as formalized in a written report by the Committee and as set forth below were reviewed by the Council.

It is the committee's opinion from the statistics gathered during this study, that there is a clear need for a community center.

Lodi is an active community, unfortunately, much of this is being channeled out of town and that is Lodi's loss. A community center program could fill the void for this sector.

Although the city recreation department is doing a fine job with available facilities, there is a need for more. Persons polled in the general survey suggested that Lodi has a greater need for teen activities and recreation than the city is now providing.

There is an expressed desire for an auditorium for musical and drama events by a large percentage of the people surveyed. Several school groups indicated interest in an auditorium facility for some activities.

Not only could an auditorium fill the present need expressed, but has an extensive potential of raising revenue through the use of private enterprise.

Organizations polled stated that there was a lack of multi-purpose-banquet facilities. These facilities could be used for organization fundraisers, meetings or a wide variety of occasions. This type of facility would also be suitable for wedding receptions, reunions and other social functions by the general public.

In conclusion, the survey results were very impressive. It is the consensus of this committee that the populace of Lodi has expressed a very real need for a community center.

An updated report was given by Ben Schaffer on the on-going efforts to raise funds for the purchase of the site by the non-profit Foundation which he chairs. Mr. Schaffer asked for a minimum of six additional months to raise the balance of the funds needed for the purchase of the site and further stated that the "Foundation" had dedicated itself to raising the funds necessary for the purchase and then to continue its efforts to raise funds for the future development of the site.

Mr. Schaffer concluded his remarks by respectfully requesting that the Council vote to exercise the option to purchase the subject site.

Petitions bearing signatures of 904 persons were presented to the Council which stated, "We, the undersigned, residents of the City of Lodi request that you acquire the old Lodi Union High School site for the use of the residents of the City of Lodi".

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A letter which had been received from V. M. Ekstrom advising of possible alternate sources of funding and urging that the City change its attitude to a "positive can do" - and was presented for Council's perusal.

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

Mayor Pro Tempore Katnich stated that he feels that if the site was purchased by the City the City would be purchasing something that they could not afford.

RES. TO EXERCISE OPTION UNDER PROVISIONS OF OPTION AGREEMENT DATED 3/31/75 FOR THE PURCHASE OF THE "OLD" TOKAY HIGH SCHOOL CAMPUS

On motion of Councilman Pinkerton, Hughes second, Council adopted Resolution No. 80-39 - Resolution of the City Council of the City of Lodi to exercise its option under the provisions of the Option Agreement dated March 31, 1975 for the purchase of the "Old" Tokay High School Campus in the City of Lodi. The motion carried by the following vote:

Ayes: Councilmen - Hughes, McCarty, Pinkerton, and Katzakian

RES. NO. 80-39

Noes: Councilmen - Katnich

(See correction listed below.)

Absent: Councilmen - None

Mayor Katzakian on behalf of the City Council expressed appreciation to Ben Schaffer and his Committee and to Dr. Milton Bergantz and his Committee for their time and effort expended on behalf of their community on this matter.

RECESS

Mayor Katzakian called for a five-minute recess and reconvened the Council at approximately 11:15 p.m.

MAYOR PRO TEMPORE KATNICH EXCUSED FROM BALANCE OF MEETING

Mayor Pro Tempore Katnich asked to be excused and left the meeting.

AGENDA ITEM "h" REMOVED FROM AGENDA

With the tacit concurrence of the City Council, Agenda item "h" "Renew Agreement with 3-M Company for billboards at approaches to City" was removed from the Agenda.

APPROVE PLANS AND SPECS FOR STORM & SANITARY MONITORY FACILITY

The plans and specifications for "Storm and Sewer Pump Station Monitoring System" were presented for Council's approval. Council was apprised that the monitoring system for the storm drainage basin pumping facilities and sewer lift station pumping facilities was originally budgeted in the 1976-77 Capital Improvement Program. The plans and specifications were prepared and brought to the City Council in July, 1979. The Council tabled the approval of the plans and specifications to allow councilmen the opportunity to evaluate the electronic equipment.

This project is more critical now than it was last July, due to the addition of the Northeast Area Sewer Lift Station which will be under construction next month, and the East Area Storm Drain Lift Station which is included under the proposed EDA storm drainage project.

* Addition to the motion for passage of Res. No. 80-39 by Councilman Pinkerton, Hughes second - "and further that the non-profit foundation seeking funds to cover the cost of the "Old" Tokay High School Site be given an additional eight months to raise the funds at which time the matter will be brought back to Council for review."

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An Exhibit depicting the tributary storm drainage area and sanitary sewer tributary area which the proposed monitoring facility will control and monitoring was presented for Council's perusal.

In general, the following items will be monitored at each pumping facilities:

pump running, pump failed, pump on automatic, generator running, generator failed, and sump level. This information will be displayed on a graphic panel which will be located in the lobby of the Municipal Service Center. If there is a malfunction and the alarm is not acknowledged at the Municipal Service Center (during non-working hours), the alarm will automatically be transferred to the Henning Substation and the Utility Operator will make the necessary callout.

A lengthy discussion followed with questions being directed to Staff.

On motion of Councilman Pinkerton, McCarty second, Council approved the plans and specifications for "Storm and Sewer Pump Station Monitoring System", authorized the City Clerk to advertise for bids thereon, and directed special instructions to the Staff regarding the structuring of the subject specification.

Following introduction of the matter by City Manager Graves, a proposed Ordinance was presented for Council's approval. The Ordinance sets forth that the Northern California Power Agency (NCPA) organized under a Joint Powers Agreement dated July 19, 1968, to which the City of Lodi is a party, is authorized to issue revenue bonds under provisions of the State of California Government Code in an amount not to exceed \$28,000,000 for the following project:

The loaning of funds to Northern California Municipal Power Corporation No. Two, a non-profit corporation for the purpose of acting on behalf of NCPA in the acquisition, construction, maintenance and operation of a power plant (using geothermal steam produced from certain leasehold interests of Shell Oil Company in Sonoma County, California and provided to NCPA pursuant to a Geothermal Steam Sales Agreement dated as of June 27, 1977, as amended,) and other facilities and appurtenances necessary or convenient to such plant, including transmission lines.

Council was further advised that the ordinance is subject to the provisions for referendum as set forth in section 3551.7 of the Elections Code of the State of California.

Discussion followed with questions being directed to the City Manager and City Attorney.

Councilman Hughes moved for introduction of Ordinance No. 1190 - "An Ordinance of the City of Lodi Authorizing the Northern California Power Agency to Issue Revenue Bonds". The motion was seconded by Councilman Pinkerton and carried by the following vote:

Ayes: Councilmen - Hughes, McCarty, Pinkerton
and Katzakian

Noes: Councilmen - None

Absent: Councilmen - Katnich

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RES. PROVIDING FOR WORKMEN'S COMPENSATION INSURANCE BENEFITS TO VOLUNTEER WORKERS ENGAGED IN REHABILITATIVE WORK UNDER A COURT ORDER

Following introduction of the matter by City Manager Graves, Council, on motion of Councilman Pinkerton, McCarty second, adopted Resolution No. 80-40 - Resolution providing for Workmen's Compensation Insurance Benefits to Volunteer Workers Engaged in Rehabilitative Work Without Pay Under an Order of a Court of San Joaquin County Pursuant to State of California Labor Code Section 3363.5 et seq.

RES. NO. 80-40

Council was informed that on December 27, 1979, President Carter signed the Justice System Improvement Act of 1979. This Act reauthorized the Law Enforcement Assistance Administration for a four-year period. It also is intended to streamline the distribution of funds to local governments by reducing layers of duplicative paper work.

Under the new procedures at the State level, cities and counties of over one hundred thousand population can elect to part from the Regional concept and become their own entitlement jurisdictions. At this time Stanislaus County and San Joaquin County qualify in Region K and fall within this requirement. The Planning Board of Region K (Counties of San Joaquin, Stanislaus, Mariposa, Merced) believe they have a very effective and viable working program and neither Stanislaus or San Joaquin desires to form their own entitlement program. The situation in Region L (Counties of Alpine, Calaveras, Amador, Tuolumne) differs in that all four counties combined do not have sufficient population to retain themselves as an entitlement jurisdiction and thereby should be consolidated.

RES. APPROVING THE CONSOLIDATION OF REGION K & L PLANNING BOARDS INTO ONE ENTITLEMENT JURISDICTION

RES. NO. 80-41

On motion of Councilman Pinkerton, Hughes, second, Council adopted Resolution No. 80-41 - Resolution Approving the Consolidation of Region K and Region L Planning Boards into One Entitlement Jurisdiction.

PRESENTATION BY DR. CARLETON RE EASEMENT LOCATED ON HIS 325 W. LOCKEFORD STR. PROPERTY

Council took no formal action following a presentation by Dr. T. Carleton regarding an easement located on his property at 325 West Lockeford Street, Lodi. Council suggested that Staff and Dr. Carleton attempt to work out an amicable solution to the request of Dr. Carleton to construct on small storage building on the subject property.

ADJOURNMENT

There being no further business to come before the Council, Mayor Katakian adjourned the meeting to Tuesday, March 11, 1980 at 7:30 p.m. at the Lodi Library, 201 W. Locust Street, Lodi.

Alice M. Reimche
ALICE M. REIMCHE
CITY CLERK