

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
APRIL 23, 1980

An adjourned regular meeting of the City Council of the City of Lodi was held beginning at 7:30 p.m., Wednesday, April 23, 1980 in the City Hall Council Chambers.

ROLL CALL Present: Councilmen Hughes, (arrived 8:00 p.m.), McCarty, Murphy (arrived 7:50 p.m.), Pinkerton, and Katnich (Mayor)

Absent: Councilmen - None

Also present were: City Manager Graves, Assistant City Manager Glenn, City Attorney Stein, and City Clerk Reimche

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

PLANNING
COMMISSION

City Manager Graves gave the following report of the Planning Commission meeting of April 14, 1980 -

The Planning Commission -

ITEMS OF
INTEREST

1. Amended City Planning Commission Resolution No. 1 which establishes permitted and conditional uses in the C-1, Neighborhood Commercial District and C-2, General Commercial District by adding mini-storage as a use permitted with a Use Permit in the C-2 District.
2. Approved the consent calendar which included:
 - a. the request of Morris and Wenell, Architects for the approval of the Tentative Subdivision Map for the Pleasant Avenue Office Condominiums (i.e. 218 and 222 West Lockeford Street) in an area zoned C-2, General Commercial;
 - b. the request of Baumbach and Piazza, Consulting Engineers, on behalf of Mr. A. L. Lind for a Tentative Parcel Map to create three lots from the existing parcels at 115 East Pine Street and 21 North Stockton Street in an area zoned C-2, General Commercial;
 - c. the request of Baumbach and Piazza, Consulting Engineers, on behalf of Lodi Memorial Hospital and Fairmont Medical Center for a Tentative Parcel Map to create a 1.27 acre lot at the south-east corner of South Ham Lane and West Vine Street in an area zoned R-C-P, Residential-Commercial-Professional;
3. Approved the request of Mr. L. R. Davey, Civil Engineer, on behalf of Mr. Frank Alegre and Mr. David Vaccarezza, c/o Sanitary City Disposal Company for a Tentative Parcel Map to divide the parcel at 1004 North Cluff Road into Parcel "A" containing 4.91 gross acres in an area zoned M-2, Heavy Industrial.
4. Approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of Mr. Robert Griffin for the approval of the Tentative Subdivision Map of Griffin Industrial Park, a 19.56 acre, 14-lot industrial tract located on the south side of East Pine Street, west of the future extension of Myrtle Street in an area zoned M-2, Heavy Industrial.

April 23, 1980 continued

5. Approved the request of Mr. Weldon Moss for a Use Permit for mini-storage units on a 3.86 acre parcel at 450 North Cherokee Lane in an area zoned C-2, General Commercial.

6. Recommended approval of action initiated by the San Joaquin County Planning Commission to rezone the area generally bounded by Woodbridge Road on the north, City of Lodi and Town of Woodbridge on the east, State Route 12 (i.e. Kettleman Lane) on the south, and Interstate 5 on the west from I-PA, GA-1, GA-5 and GA-10 to GA-10, GA-20, GA-40 and/or GA-80 and to enlarge Agricultural Preserve R-69-C1.

COMMUNICATIONS

LODI GOLF RANGE LEASEHOLD ASSIGN- MENT APPROVED

Council was apprised that Virginia B. Word has negotiated a sale of her leasehold interest in the Lodi Golf Range to Mr. and Mrs. Bob J. Gasaway, subject to approval of assignment by the City of Lodi. On recommendation of the City Manager, Council took the following action:

On motion of Councilman Pinkerton, McCarty second, Council approved the assignment and consent of the Lodi Golf Range leasehold from Virginia B. Word to Bob and Doris Gasaway effective 4/6/80 and authorized the City Manager to execute the document on behalf of the City.

City Clerk Reimche presented a letter which had been received from John D. Pettine, P. E., Deputy District Director Transportation Planning, State of California acknowledging receipt of the City of Lodi Resolution No. 80-42 that concerned the Mokelumne River Bridge (North-bound) on State Route 99.

LETTER RE CITY'S RESOLUTION RE MOKELUMNE RIVER BRIDGE

Mr. Pettine's letter further stated that since the resolution concerns a competitive project for the State Transportation Improvement Program, they have forwarded a copy of the resolution to the Caltrans Deputy Director for Planning and Programming.

ABC LICENSE

City Clerk Reimche presented the following application for Alcoholic Beverage License issued to John Lewis Ruby, Delmona Pauline Ruby and the Southland Corporation - applicants for the 7-Eleven Store, 201-B West Lodi Avenue, Lodi.

CLAIMS

City Clerk Reimche presented the following Claims received by the City of Lodi, advising that it is the recommendation to R. L. Kautz and Company, the City's Contract Administrator, and the City Attorney that the Claims be denied:

a) Carl Heulton and Gerald Giddens vs. City of Lodi - Loss Date - January 3, 1980.

b) David Wright vs. City of Lodi - Loss Date - February 13, 1980

On motion of Councilman Pinkerton, Katnich second, the heretofore listed claims were rejected and referred to R. L. Kautz and Company, the City's Contract Administrator.

FORGOTTEN VICTIMS WEEK

Mayor Katnich addressed the Council regarding "Forgotten Victims' Week" and stressed the fact that over and over again victims are left with their memories and traumas, while the perpetrator of the crimes receive reduced sentences etc.

April 23, 1980 continued

Following introduction of the matter by Councilman Pinkerton and Councilman McCarty, Council discussed Transit Assistance Funds, which according to the County Council of Governments will soon be available. Concern was expressed as to the strings that may be attached to these funds.

TRANSIT ASSISTING FUNDING

It was requested that the Public Works Director be contacted for a report concerning Transit Assistance Funding, including the restrictions included with this type of funding etc.

REPORTS OF THE CITY MANAGER

City Manager Glaves presented a letter which had been received from Michael P. Kulick, Service Office Supervisor for the United States Department of Housing and Urban Development advising that they have received and are considering an Application to develop housing for the elderly and/or handicapped in "our" jurisdiction under the Section 202 Program for Housing for the Elderly and Handicapped. The proposal numbered CA30-T801-009 and consists of 70 units to be located at 216 E. Oak Street in Lodi and would include the following units:

BUILDING TYPE	ELDERLY, HANDICAPPED OR DISABLED	TOTAL DWELLING UNITS
Elevator	69 - One Bedroom 1 - Two Bedroom	70

The letter further states that "pursuant to Section 213 (a) of the Housing and Community Development Act of 1974, 'your' unit of government has the opportunity to object to our approval of any application on the grounds that the application is inconsistent with your Local Housing Assistance Plans as approved by HUD for your jurisdiction."

The review criteria to be considered by your unit of government are outlined in Subpart B, Applications for Housing Assistance in Areas With Housing Assistance Plans, of the regulations in 24 CFR Part 891, Review of Applications for Housing Assistance, published in the Federal Register.

The City of Lodi is required to submit any objection by our unit of government based on these grounds no later than 30 days after the date of this letter. If our unit of government does not intend to object, we are to notify the Department of Housing and Urban Development as soon as possible so that the Department of Housing and Urban Development can expedite the completion of their review.

COUNCIL SUPPORTS PROPOSAL TO DEVELOP HOUSING FOR ELDERLY AND/OR HANDICAPPED

The letter is concluded with the statement that "any other comments that our unit of government might have which are relevant to their determination concerning approval of this application for the housing assistance (e.g., site related comments; whether the proposed project is approvable under local codes and zoning ordinances) would be appreciated."

The following persons were in the audience and addressed the Council in support of the application.

- a) Mr. William G. Holz, President of the Loel Foundation
- b) Mr. Bozant Katakian, 503 W. Pine Street, Lodi

April 23, 1980 continued

Following Council discussion with questions being directed to Mr. Holz, on motion of Councilman Pinkerton, McCarty second, Council enthusiastically endorsed the proposed project to develop housing for the elderly and/or handicapped in Lodi under Section 202 Program for Housing for the Elderly and Handicapped. The proposal consists of 70 units to be located at 216 East Oak Street, Lodi. Further, the City Clerk was directed to forward a letter confirming the Council's action in this matter to the Department of Housing and Urban Development.

City Manager Graves advised the Council that a letter had been received from Super Pull, Inc., requesting the use of the stadium for a modified tractor and four wheel drive pulling event. According to the promoters, this would be part of a world championship series which will culminate at the Cow Palace. They are proposing that the event take place on May 31 and June 1, 1980 with each event lasting approximately two and one half to three hours. Highlights of the proposal were presented by City Manager Graves who then responded to questions regarding the subject as were posed by Council. Mr. Ron Whitehead a representative of Super Pull, Inc. addressed the Council regarding the proposal and also responded to questions as were posed by Council and Staff.

COUNCIL APPROVES
USE OF STADIUM
FOR SUPER PULL
EVENT

On motion of Councilman Pinkerton, Murphy second, Council approved the proposal for the use of the Stadium for a Super Pull event to be held May 31 and June 1, 1980 and directed the City Attorney to draw up the necessary agreement.

12-40

City Manager Graves introduced Agenda item "b" - "Approve Amended and Restated Member Agreement for Construction, Operation, and Financing of NCPA Geothermal Generating, Unit #2 Project," highlighting the various provisions of the subject Agreement. A very lengthy discussion followed with questions regarding the subject being directed to Staff and to the City Attorney.

AMENDED AND
RESTATED MEMBER
AGREEMENT FOR
CONSTRUCTION
OPERATION AND
FINANCING OF NCPA
GEOTHERMAL GENER-
ATING UNIT #2
PROJECT

City Attorney Stein was directed to correspond with the law offices of McDonough, Holland, Schwartz et al to confirm that under the subject agreement that a particular member could, pursuant to paragraph 6 (Page 14) and Paragraph 6 (i), lease to a public utility its electric distribution system and assign to said public utility its participative share of the power for the benefit of its (city's) customers without following the procedures set forth in 6 (a) through (h); and further, that the City could lease out the system to a public utility without going through the procedure set forth in Section 6 (i), (1) and (2), since Section 6 (i) does not prohibit the leasing of the electrical distribution system (leasing is not transferring of ownership).

RES. NO. 80-62

12-40

ELECTRIC SUPPLY
PROJECT CAPACITY
AGREEMENT SHELL
PROJECT
APPROVED
RES. NO. 80-61

Following additional discussion, on motion of Councilman Pinkerton, McCarty second, Council adopted Resolution No. 80-62 approving the Amended and Restated Member Agreement for Construction Operation and Financing of NCPA Geothermal Generating Unit No. 2 Project, and authorized the Mayor and City Clerk to execute the Agreement on behalf of the City.

April 23, 1980 continued

City Manager Glaves introduced Agenda item "a" - "Approve Electric Supply Project Capacity Agreement Shell Project," highlighting the provisions of the subject agreement and responding to questions regarding the matters as were posed by Council. A lengthy Council discussion followed with questions being directed to Staff and to the City Attorney.

ELECTRIC SUPPLY PROJECT CAPACITY AGREEMENT - SHELL PROJECT APPROVED

On motion of Councilman Pinkerton, Hughes second, Council adopted Resolution No. 80-61 approving the Electric Supply Project Capacity Agreement - Shell Project and authorizing the Mayor and City Clerk to execute the Agreement on behalf of the City.

RES. NO. 80-61

A request to transfer funds from the Utility Outlay Fund to fund the under-funded NCPA budget as follows was presented by City Manager Glaves:

TRANSFER OF FUNDS FROM UTILITY OUTLAY FUND TO FUND UNDER-FUNDED NCPA BUDGET APPROVED	<p>P.G. & E. Interconnection Agreement, NCPA Members Service Agreement, Stanislaus Nuclear Project and Helms Creek Project \$40,000</p> <p>Case E7777 (Incl. carry-over from 1978-79) 35,000</p> <p>P.G. & E. wholesale rate case (1980) 26,000</p> <p>Calaveras Project 20,000</p> <p>Alternate resource investment 10,000</p> <p>Power supply and operations planning (dispatch) 9,000</p> <p style="text-align: right;"><u>\$140,000</u></p>
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City Manager Glaves highlighted each segment of the request. Again, a very lengthy discussion followed with questions being directed to the City Manager regarding the request.

On motion of Councilman Hughes, McCarty second, Council approved a Special Allocation in the amt. of \$140,000 to cover NCPA Assessments over and above previously City budgeted amounts, as heretofore set forth. (Which funds are to be transferred from the Utility Outlay Fund to the under-funded NCPA budget.)

ORDINANCES

ORD. NO. 1196 ADOPTING "UNIFORM FIRE CODE," 1979 EDITION

ADOPTED

Ordinance No. 1196, entitled, "An Ordinance Adopting the "Uniform Fire Code," 1979 Edition, and the appendixes thereto, which code provides regulations governing the conditions hazardous to life and property from fire or explosion; repealing Section 10-1 of the code of the City of Lodi and all other Ordinances and parts of Ordinances in conflict therewith." having been introduced at an adjourned regular meeting held April 15, 1980, was brought up for passage on motion of Councilman Pinkerton, Murphy second. Second reading was omitted after reading by title and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, McCarty, Murphy Pinkerton, and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

April 23, 1980 continued

ORD. NO. 1197
ADOPTING "UNIFORM
BUILDING CODE",
1979 EDITION
ADOPTED

Ordinance No. 1197, entitled, "An Ordinance Adopting the 'Uniform Building Code,' 1979 Edition, and the Secondary Code Referred to Therein, namely the "Uniform Building Code Standards," 1979 Edition, which codes regulate the design, construction, quality of materials use and Occupancy, Location and Maintenance of Buildings or Structures in the City of Lodi, providing for the Issuance of Permits and Collection of Fees Therefor, providing penalties for the Violations thereof Repealing Section 5.1, 5.2, 5.4, 5.5, 5.6 and 5.7 inclusive of the Code of the City of Lodi, and all other Ordinances and parts of Ordinances in conflict therewith having been introduced at an adjourned regular meeting held April 15, 1980 was brought up for passage on motion of Councilman Pinkerton, Murphy second. Second reading was omitted after reading by title and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, McCarty, Murphy,
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

ORD. NO. 1198
ADOPTING "UNIFORM
PLUMBING CODE,"
1979 EDITION

ADOPTED

Ordinance No. 1198, entitled, "An Ordinance Adopting the 'Uniform Plumbing Code,' 1979 Edition, Providing For the Establishing of Minimum Regulations for the Installation, Alteration or Repair of Plumbing and Drainage Systems and the Inspection thereof; Providing Penalties for the Violations Thereof; and Repealing Sections 18.1, 18.2, 18.3, 18.4 and 18.5 inclusive of the Code of the City of Lodi and All Other Ordinance and Parts of Ordinances in Conflict Therewith," having been introduced at an adjourned regular meeting held April 15, 1980 was brought up for passage on motion of Councilman Pinkerton, Murphy second. Second reading was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, McCarty, Murphy,
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

ORD. NO. 1199
ADOPTING "UNIFORM
MECHANICAL CODE,"
1979 EDITION

ADOPTED

Ordinance No. 1199 entitled, "An Ordinance Adopting the 'Uniform Mechanical Code' 1979 Edition, which code provides Regulations Controlling the Design, Construction, Installation, Quality of Materials, Location, Operation, and Maintenance of Heating, Ventilating, Comfort Cooling, Refrigeration Systems, Incinerators and Other Heat Producing Appliances in the City of Lodi, providing for the Issuance of Permits and Collection of fees therefor; providing penalties for the Violations Thereof; and Repealing Sections 13A-1, 13A-2 and 13A-3 Inclusive of the Code of the City of Lodi, and all other Ordinances and Parts of Ordinances in Conflict Therewith" having been introduced at an adjourned regular meeting held April 15, 1980 was brought up for passage on motion of Councilman Pinkerton, Murphy second. Second reading was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote.

Ayes: Councilmen - Hughes, McCarty, Murphy,
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

April 23, 1980 continued

ORD. NO. 1200
ADOPTING "UNIFORM
HOUSING CODE,"
1979 EDITION

ADOPTED

Ordinance No. 1200 entitled, "An Ordinance adopting the 'Uniform Housing Code', 1979 Edition, which code provides for the Minimum Requirements for the Protection of Life, Limb, Health, Property, Safety and Welfare of the General Public and the Owners and Occupants of Residential Buildings; Providing Penalties for Violation Thereof; Repealing Sections 11A-1 through 11A-3 inclusive of the code of the City of Lodi and all other Ordinances and Parts of Ordinances in Conflict Therewith," having been introduced at an adjourned regular meeting held April 15, 1980, was brought up for passage on motion of Councilman Pinkerton, Murphy second. Second reading was omitted after reading by title and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, McCarty, Murphy
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

ORD. NO. 1201
ADOPTING THE
UNIFORM CODE FOR
THE ABATEMENT OF
DANGEROUS BUILD-
INGS," 1979
EDITION

ADOPTED

Ordinance No. 1201 entitled, "An Ordinance Adopting the "Uniform Code for the Abatement of Dangerous Buildings," 1979 Edition, which code provides regulations for the Repair, Vacation, and Demolition of Buildings or Structures Endangering the Life, Limb, Health, Property, Safety and Welfare of the General Public and Their Occupants; Providing Procedures and Penalties for the Violation Thereof; Repealing Section 5-50 through 5-52 inclusive of the code of the City of Lodi, and all other Ordinances and parts of Ordinances in Conflict Therewith," having been introduced at an adjourned regular meeting held April 15, 1980 was brought up for passage on motion of Councilman Pinkerton, Murphy second. Second reading was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, McCarty, Murphy
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

COUNCILMAN
PINKERTON
APPOINTED TO
SERVE ON COMMITTEE
RE SHARING OF
PROPERTY TAX
REVENUES, ETC.
UPON COMPLETION OF
ANNEXATIONS

Mayor Katnich appointed Councilman Pinkerton to serve on a Committee to develop a procedure for sharing of property tax revenues and appropriation limits with the County of San Joaquin upon the annexation of unincorporated areas into cities within the County.

INFORMATION
PRESENTED RE
NCPA CALAVERAS
PROJECT

Information concerning the NCPA Calaveras Project was presented by Councilman Hughes. Discussion followed with questions regarding the subject being directed to Councilman Hughes and Staff.

ADJOURNMENT

There being no further business to come before the Council, Mayor Katnich adjourned the meeting at approximately 9:20 p.m.

Attest:

Alice M. Reimche
ALICE M. REIMCHE
CITY CLERK