

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS

July 16, 1980

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, July 16, 1980 in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - Hughes, Murphy, Pinkerton,
and McCarty (Mayor Pro
Tempore)

Absent: Councilmen - Katnich (Mayor)

Also

Present: City Manager Glaves, Assistant
City Manager Glenn, Public Works
Director Ronsko, City Attorney Stein
and Community Development Director/
Deputy City Clerk James Schroeder.

INVOCATION The invocation was given by Pastor Jim Holm -
Vinewood Community Church.

PLEDGE Mayor Pro Tempore McCarty led the Pledge of
Allegiance to the flag.

PROCLAMATIONS Mayor Pro Tempore McCarty presented the follow-
ing Proclamations:

a) Proclamation proclaiming "Arm Wrestling
Day", August 9, 1980

b) Proclamation proclaiming "Lodi SUNDays",
July 31 - August 2, 1980

MINUTES On motion of Councilman Pinkerton, Hughes second,
the Minutes of June 24, 1980 were approved as
written and mailed.

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 Pro
Tempore McCarty called for the public hearing
to consider the abandonment of Community Drive
from Vine Street to Cochran Road.

COMMUNITY DRIVE
ABANDONMENT
PUBLIC HEARING
CONTINUED TO
AUGUST 6, 1980

Inasmuch as certain pertinent information had not
been received from the proponent of this abandon-
ment, Staff recommended that the matter be
held over until the regular Council meeting of
August 6, 1980.

On motion of Councilman Pinkerton, Murphy second,
the aforementioned Public Hearing was continued
to the regular Council meeting of August 6, 1980.
The motion carried by unanimous vote.

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 McCarty called for the public hearing to
consider the City Planning Commission's recom-
mendation that the City Council certify as
adequate the Lake Shore Village Final Environ-
mental Impact Report.

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Assistant Planner Morimoto reviewed the summary of the Final Environmental Impact Report and outlined the comments received from the following agencies: Office of Planning and Research; Air Resources Board; California Department of Transportation; Solid Wastes Management Board; and Department of Food and Agriculture.

The City Attorney reminded the Council that the EIR was an informational document and that a project could have unavoidable impacts which could not be mitigated.

A general discussion followed concerning the project, timing on utility extension and the extension of Century Boulevard.

The following persons were present and spoke in favor of certifying the Final Environmental Impact Report:

1. Mr. Douglas A. Unruh, c/o Grupe Communities, Inc., 2291 West March Lane, Stockton, California. He described the project and stated that the City Council had previously approved using the man-made lake for storm water retention until it could be pumped to Beckman Park-Basin.

He stated that the Homeowners Association would be responsible for the Maintenance of the lake and other recreation facilities. He said his company had formed 25 such associations with much success.

Mr. Unruh said that his company wanted to aid in solving the problem of over-crowding in the Lodi Unified School District, but felt it should be a combined effort amongst all concerned parties and not on an individual developer. He said that members of his firm had been in contact with LUSD staff persons and reviewed the proposal of using assessment districts for school needs. Mr. Unruh stated that that type of financing might constitute double taxation for the future property owner.

The proponent reviewed the proposed commercial-professional portion of the project and answered questions from Council members.

LAKE SHORE
VILLAGE
E.I.R.
CERTIFIED AS
ADEQUATE

The following persons were present and spoke in opposition to certifying the Final Environmental Impact Report:

1. Mrs. Ann Johnson - 1132 Golden Oaks Way, Stockton, California. She stated as a member of the Board of Trustees of the Lodi Unified School District, she was concerned about additional growth in the District without first solving the problem of over-crowding in the schools.

She reviewed the problem with the School District's "Bedroom Tax" and asked the

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Council to refuse certification until the District had a signed agreement with the Developer concerning the provision of additional classroom space.

As there was no one else wishing to be heard on this matter, Vice-Mayor McCarty declared the public portion of the hearing closed.

After further discussion on motion of Councilman Hughes, Pinkerton second, the Council certified the Final Environmental Impact Report of Lake Shore Village as adequate. The motion passed three to one with Councilman Murphy voting "no" because of the impact on Lodi Unified School District.

The City Attorney presented the findings as approved and recommended by the Planning Commission.

On motion of Councilman Pinkerton, Hughes second, the City Council adopted the following findings as a portion of the approval of the Final Environmental Impact Report for Lake Shore Village:

1. that the adverse impact of the loss of agricultural land is overridden by the following considerations:
 - the area has been designated for urban development in the Lodi General Plan;
 - all urban growth areas around Lodi are prime agricultural land;
 - there is sufficient need for this type of development to warrant the loss of this agricultural land.
2. that Kettleman Lane (Highway 12) and Mills Avenue adequately meet the traffic demands generated by this project.
3. that the impact of increased vehicle emissions will not significantly affect the overall air quality of the Lodi region.
4. that the impact of noise on residences built adjacent to Kettleman Lane will be mitigated by structural sound-proofing or site design.
5. that the impact of the addition of school-aged children on the L.U.S.D. will be mitigated by the developer through the payment of certain fees to the school district.

GENERAL PLAN LAND
USE ELEMENT
AMENDMENT
NO. GP-LU-80-2

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 McCarty called for the public hearing to consider the recommended approval of the General Plan Land-Use Element Amendment No. GP-LU-80-2, which includes (a) redesignating the southwest corner of Almond Drive and South Cherokee Lane as Medium Density Residential

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and (b) redesignating portions of the proposed Lake Shore Village Subdivision which is located on the south side of West Kettleman Lane (State Route 12) west of the Woodbridge Irrigation District right-of-way as Commercial and Medium Density Residential.

Vice Mayor McCarty stated that comments would be received on item (a) at this time.

The Community Development Director introduced the matter and reviewed the Planning Commission's recommendations:

The following persons were present and spoke in favor of approving the first portion of the General Plan Amendment:

1. Mr. Richard Young, 1200 Mt. Diablo Boulevard, Suite 311, Walnut Creek, California.- He stated that the project had been redesigned to encompass the Planning Commission's conditions and to keep any residential units a minimum of 80 feet from the existing single-family homes. He said that the units would be two bedroom - two bath designed for adults. He felt that to lower the density from the 16.5 per acre as recommended by the Commission would require the construction of larger units which would attract families with children.

Mr. Young pointed out that the subject property was a former pitch and putt golf course and that the site was not suitable for a standard single-family development.

2. Mr. Don Thompson, Attorney at Law, 1150 West Center Street, Manteca, California - He stated that he represented Lodi Associates and that his client would hold the City harmless if for some reason the Southeast Lodi Final Environmental Impact Report was to cause legal problems.

Mr. Thompson reminded the Council that by increasing residential density, more agricultural land was preserved.

The following persons were present and spoke in opposition to approving the first portion of the General Plan Amendment:

1. Mr. Barbara Lea, 4266 Almond Drive, Lodi - She stated that with her neighbors she had opposed a density increase on their parcel two years ago. She said the opposition was based on inadequate utilities and an increase in traffic.

It was pointed out to Mrs. Lea that the existing and proposed utilities would be more than adequate and that the major collector street system was designed to carry the traffic.

Mrs. Lea concluded her remarks by stating that this project should be reduced to the 55 units presently permitted by the General Plan and the amendment denied.

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2. Mrs. Ann Johnson, 1132 Golden Oaks Way, Stockton, California - She stated that she represented the Lodi Unified School District Board of Trustees and this project was categorically opposed because it would add children to the schools without providing adequate funding for classrooms.
3. Mrs. Mildred Bleak, 4330 Almond Drive, Lodi - She stated that she operated a home for retarded children on Almond Drive and that she was concerned about the children's safety as more traffic occurs on the street.

As there was no one else wishing to be heard, Vice-Mayor McCarty closed this portion of the hearing to the floor.

Vice-Mayor McCarty stated that comments would be heard on portion (b) of the General Plan Amendment at this time.

The following persons were present and spoke in favor of granting this portion of the General Plan Amendment:

1. Mr. Douglas Unruh, c/o Grupe Communities, 2291 West March Lane, Stockton, California - He described the project and stated it would take 5 years to complete.

As there was no one else to be heard, Vice-Mayor McCarty closed the entire public hearing to the floor.

After discussion on motion of Councilman Hughes, Pinkerton second, Council introduced an Ordinance amending the General Plan-Land Use Element by (a) redesignating the Southwest corner of Almond Drive and South Cherokee Lane as Medium Density Residential and (b) redesignating portions of the proposed Lake Shore Village Subdivision as Commercial and Medium Density Residential.

The Ordinances failed introduction by a vote of two to two with Councilman Murphy and Vice-Mayor McCarty voting "no". City Attorney Stein stated that the following public hearings could not be conducted because of the failure of the General Plan Amendment:

1. Consider the recommended approval of the request of Lodi Associates by Robert C. Evans and R.H. Young to rezone the 5.64 acre parcel at the southwest corner of Almond Drive and South Cherokee Lane from U-H, Unclassified Holding to P-D (20), (Planned Development District No. 20)
2. Consider the City Planning Commission's recommended approval of the request of Grupe Development Company to prezone the area encompassed by Lake Shore Village on the South Side of West Kettleman Lane (State Route 12) west of the Woodbridge Irrigation District right-of-way to P-D (21), Planned Development District No. 21 to provide for Single-Family Residential, Multiple Family Residential, Office Institutional and Commer-

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cial uses

STOCKTON REQUEST
COUNTY
RECREATION FUNDS
G. BARBER

Due to the lateness of the hour, Vice-Mayor McCarty stated that he would deviate from the regular Agenda procedure so that the Council could hear from County Supervisor George Barber concerning the City of Stockton's request for County funds for certain recreational programs.

Supervisor Barber described the procedure for allocating these funds amongst the cities and stated that the Board of Supervisor's order recommending the apportionment was permissive and not mandatory. He said that Lodi did not have to give the funds to Stockton under the Board's order.

After discussion it was moved by Councilman Pinkerton, Hughes second, and unanimously passed that the Council deny the City of Stockton's request for County funds for certain recreational programs.

RECESS

Vice-Mayor McCarty declared a recess at 10:50 p.m. The meeting reconvened at 11:05 p.m.

RECONSIDER
PUBLIC
HEARING

Based on a comment by Councilman Murphy, the Vice-Mayor asked the City Attorney to outline the alternatives available to the Council on the following items:

1. Consider the recommended approval of the General Plan-Land Use Element Amendment No. GP-LU-80-2, which includes (a) redesignating the southwest corner of Almond Drive and South Cherokee Lane as Medium Density Residential and (b) redesignating portions of the proposed Lake Shore Village Subdivision which is located on the south side of West Kettleman Lane (State Route 12) west of the Woodbridge Irrigation District right-of-way as Commercial and Medium Density Residential.
2. Consider the recommended approval of the request of Lodi Associates by Robert C. Evans and R.H. Young to rezone the 5.64 acre parcel at the southwest corner of Almond Drive and South Cherokee Lane from U-H, Unclassified Holding to P-D (20), (Planned Development District No. 20).
3. Consider the City Planning Commission's recommended approval of the request of Grupe Development Company to prezone the area encompassed by Lake Shore Village on the South Side of West Kettleman Lane (State Route 12) west of the Woodbridge Irrigation District right-of-way to P-D (21), Planned Development District No. 21 to provide for Single-Family Residential, Multiple Family Residential, Office Institutional and Commercial uses.

The City Attorney stated the Council could
(1) reset the items for future consideration;
(2) consider separate motions on the portions of the General Plan Amendment or (3) take no further action.

The following persons offered Comments:

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1. Mr. Don Thompson - He felt the two General Plan items should be separated and stated his clients preferred that procedure.
2. Mr. Douglas Unruh - He said he did not know of any specific concerns with the Lake Shore Village and asked for reconsideration at the next Council Meeting of August 6, 1980.

Councilman Pinkerton moved, Hughes second, that the three items listed above be reconsidered at Public Hearing at 8:00 p.m., Wednesday, August 6, 1980. The motion failed by a two to two vote with Councilman Murphy and Vice-Mayor McCarty voting "no".

Mr. Richard Young, c/o Lodi Associates stated that he and his associates had been carrying the Almond-Cherokee project for seven or eight months and any further delay would be a disaster. He asked the Council to vote on that portion of the General Plan Amendment and he would take his chances on passage or failure.

After discussion and review with the City Attorney, Councilman Pinkerton moved, Hughes second that a subsequent Ordinance approving General Plan-Land Use Element Amendment No. GP-LU-80-2 include the redesignation of the southwest corner of Almond Drive and South Cherokee Lane as Medium Density Residential. The motion passed unanimously.

Councilman Pinkerton moved, Hughes second that a subsequent Ordinance approving General Plan-Land Use Element Amendment No. GU-LU-80-2 include the redesignation of portions of the proposed Lake Shore Village Subdivision which is located on the south side of West Kettleman Lane (State Route 12) west of the Woodbridge Irrigation District right-of-way as Commercial and Medium Density Residential. The motion failed by a two to two vote with Councilman Murphy and Vice-Mayor McCarty voting "no".

Councilman Pinkerton moved, Murphy second, that the City Council reconsider the following items at its Regular Session of Wednesday, August 6, 1980 at 8:00 p.m.

1. that portion of the recommended General Plan-Land Use Element Amendment No. GP-LU-80-2 redesignating portions of the proposed Lake Shore Village Subdivision which is located on the south side of West Kettleman Lane (State Route 12) west of the Woodbridge Irrigation District right-of-way as Commercial and Medium Density Residential.
2. recommend approval of the request of Lodi Associates by Robert C. Evans and R.H. Young to rezone the 5.64 acre parcel at the southwest corner of Almond Drive and South Cherokee Lane from U-H, Unclassified Holding to P-D (20), (Planned Development District No. 20)
3. the City Planning Commission's recommended approval of the request of Grupe Development Company to prezone the area encompassed by Lake Shore Village on the South Side of West Kettleman Lane (State Route 12)

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of the Woodbridge Irrigation District right-of-way to P-D (21), Planned Development District No. 21 to provide for Single-Family Residential, Multiple Family Residential, Office Institutional and Commercial uses

COMMUNICATIONS

CITY BID FOR SECTION 8 HOUSING

Deputy City Clerk Schroeder apprised the Council of a letter which had been received from Congressman Norman Shumway acknowledging the City of Lodi's desire to seek authorization of a Section 8 Housing Program. Coungressman Shumway advises that he has contacted HUD officials in Washington stating his support for the City bid.

OLD LODI HIGH SCHOOL CAMPUS CLASS - 1971

The Council was in receipt of a letter from the Committee planning the 10th Class Reunion of the Lodi High School Class of 1971 asking permission to use the Old Lodi High School Campus on Hutchins Street for the class reunion in July 1981.

Mr. David Wright, 842 Wightman Drive, Lodi, was present and stated the committee needed an answer because other facilities were already being booked for next year and the Committee must select and alternative site if the campus is not available.

After discussion Councilman Pinkerton moved, Hughes second that the Lodi High Class of 1971 be permitted to use the Old Lodi High School Campus on South Hutchins Street for its class reunion in July 1981, with the details to be worked out later with the City Manager.

REPORTS OF THE CITY MANAGER

CONSENT CALENDAR

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 City Council.

* * * * *

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,329,229.61.

ACCEPTED IMPROVEMENTS TEMPLE BAPTIST CHURCH

Council was apprised that the improvements in Temple Baptist Development have been completed in substantial conformance with the requirements of the Development Agreement between the City of Lodi and Temple Baptist Church, dated June 15, 1979 and as specifically set forth in the plans and specifications approved by the City Council.

RES. NO. 80-90

On recommendation of City Manager Glaves, Council adopted the following Resolution No. 80-90.

RESOLUTION NO. 80-90

RESOLUTION ACCEPTING THE DEVELOPMENT IMPROVEMENTS AND STREETS INCLUDED IN THE TEMPLE BAPTIST DEVELOPMENT

Council was informed that Slurry Sealing of City

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CLASS II
SLURRY SEAL
SPECS
APPRVD.

streets is done by contract. Approval of the specifications would provide for sealing of approximately 60% of the streets proposed for slurry sealing in the 1980-81 fiscal year. The remaining 40% of the streets would be slurry sealed in 1980, and the alleys affected by the construction of Downtown Underground V.

COUNCIL APPROVED THE SPECIFICATIONS FOR CLASS II SLURRY SEAL AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON.

APPROVAL OF
DEVELOPMENT
AGREEMENT
1700 S. CHEROKEE
LANE

Council was informed that Robert R. and Paul C. Wondries, the developers of 1700 S. Cherokee Lane have furnished the City with the improvement plans as well as the necessary agreements, bonds and development fees for their proposed development. The development is the vacant parcel on the east side of South Cherokee Lane immediately north of Croce's Restaurant.

COUNCIL APPROVED THE IMPROVEMENT PLANS AND THE IMPROVEMENT SECURITIES FOR THE DEVELOPMENT LOCATED AT 1700 S. CHEROKEE LANE, LODI, AND DIRECTED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY.

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RELIEF OF
CITY
REQUIREMENTS
501 W.
KETTLEMAN LN. -
ARCO

The Public Works Director explained that Atlantic Richfield (i.e. ARCO) has submitted plans for the conversion of its service station at West Kettleman and South Hutchins Street to a Mini-Mart, with an estimated expenditure of \$39,000. The property is not owned by ARCO.

In conformance with City policies and ordinances, they were informed that it would be necessary to dedicate 5 feet on Hutchins Street and 4½ feet on Kettleman Lane, together with a corner cut off for a larger radius. They were sent copies of the applicable ordinances, and a sketch showing the "worst condition" based on that information, together with an estimated widening date of five years.

ARCO contented that it cannot justify the expenditure of these amounts of money unless they can be guaranteed that they will be allowed to use the facilities, as is, for a minimum of 10½ years in order to amortize their investment. This was a guarantee that staff could not make.

The following persons were present and reviewed ARCO's position:

1. Mr. Earl Stewart, 119 Clooney Drive, Sacramento, California
2. Mr. Richard Schmitz, 300 W. Glen Oaks, Glendale, California

After a lengthy discussion and with the common

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consent of the Council members, Vice-Mayor McCarty directed that this matter be returned to Atlantic Richfield because the Council could not allow the conditions proposed by the applicant.

LODI LAKE
PARK SHELTER
BUILDING
PLANS AND
SPECIFICATIONS

The City Manager presented the Plans and Specifications for the proposed Lodi Lake Park Shelter Building. He stated that this structure had been approved in the 1980-81 Capital Improvement Budget with an estimated expenditure of \$18,000.

Councilman Hughes stated that he never quite understood why a shade structure was needed with all of the trees already providing shade.

Vice-Mayor McCarty felt the money might be better spent at the Old Lodi High School Campus - the future Community Center.

Councilman Pinkerton moved, Murphy second that the Council disapprove the plans and specifications of the Lodi Lake Park Shelter Building and ordered work discontinued on the project.

RES. APPROVING
NCPA SHELL
MEMBER AGREEMENT
AMENDMENT RE
CITY OF BIGGS
WITHDRAWAL

City Manager Graves apprised the Council that the City had previously authorized the execution of an "Amended and Restated Member Agreement for the Construction Operation, and Financing of NCPA Geothermal Generating Unit No. 2 Project" as one of the participating members. The City of Biggs, which is also a participating member in this project now desires to transfer its rights in the project to other participating members.

RES. NO. 80-87

Following discussion, on motion of Councilman Hughes, Murphy second, Council adopted Resolution No. 80-87 - Resolution approving "Northern California Power Agency Shell Member Agreement Amendment Relative to the City of Biggs Withdrawal". The motion carried by unanimous vote of all those present.

RES. APPROVING
NCPA SHELL
MEMBER
AGREEMENT
AMENDMENT RE
PLUMAN-SIERRA
PARTICIPATION

City Manager Graves apprised the Council that the Administrator of REA was not willing to approve Plumas-Sierra participation in the Shell project without a modification of certain provisions of the Shell Member Agreement. A proposed resolution as approved by the Development Fund and the NCPA Executive Committee of NCPA was presented for Council's perusal. The resolution provides for a one paragraph addition to the Shell Member Agreement which provides the NCPA Commission or Executive Committee with a certain amount of leeway which may be necessary to satisfy the Administrator if certain changes in the language are subsequently required. Finally the resolution provides that if it is not possible to satisfy the REA Administrator within an appropriate amount of time, the interest of Plumas-Sierra in the project could be redistributed in accordance with the procedures used in the case of the City of Biggs. Council was further apprised that NCPA had been advised by Legal Counsel that passage of this resolution related to the Shell Member Agreement is not subject to referendum.

RES. NO. 80-88

Following discussion, with questions being directed to Staff, Council, on motion of Councilman Hughes, Pinkerton second, adopted Resolution No. 80-88 - Resolution Relative to Plumas-Sierra Participation. The motion carried by unanimous vote of all Council-

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men present.

AGREEMENT
BETWEEN
NCPA AND ITS
MEMBERS FOR
REIMBURSEMENT OF
CALAVERAS
PROJECT COSTS
APPROVED
RES. NO. 80-89

A proposed Agreement between NCPA and its members for reimbursement of the Calaveras Project Costs was presented for Council's perusal. Provisions of the Agreement were highlighted for the Council by City Manager Glaves.

Following discussion with questions being directed to Staff, Council, on motion of Councilman Hughes, Pinkerton second, adopted Resolution No. 80-89 - Resolution Approving Agreement Between NCPA and its Members for Reimbursement of Calaveras Project Costs and authorizing the Mayor and City Clerk to execute the Agreement on behalf of the City.

AGENDA ITEM
RE PARTICI-
PATION IN
NIMLO
FEDERAL WAGE AND
HOUR INTERPRETA-
TION
LITIGATION
TRUST CONTINUED
TO AUGUST 6,
1980

Agenda item "k" - "Participation in NIMLO Federal Wage and Hour Interpretation Litigation Trust" was introduced by City Attorney Stein. Because of the lateness of the hour, on motion of Councilman Murphy, Hughes second, Council continued the matter to the regular City Council meeting of August 6, 1980.

DIAL-A-RIDE

The Assistant City Manager reviewed a letter of May 13, 1980 from the City Cab Company asking for a fare increase and an increase in the City's participation in Dial-A-Ride for elderly and handicapped. He outlined the complete proposal.

Councilman Pinkerton stated that the hour was too late for elderly or handicapped people to be in the audience and suggested continuation.

Councilman Murphy moved, Pinkerton second, that the taxi company rate increase and the Dial-A-Ride discussion be continued to the regular session of August 6, 1980 with a discussion at an early morning work session before that meeting.

ADJOURNMENT

As there was no further business to be brought before the City Council, Vice-Mayor McCarty adjourned the session at 1:07 a.m., Thursday, July 17, 1980.

Attest:


JAMES B. SCHROEDER
DEPUTY CITY CLERK