

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
MARCH 1, 1978

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, March 1, 1978 in the City Hall Council Chambers.

## ROLL CALL

Present - Councilmen - Ehrhardt (arrived 10:10 p.m.), Hughes, Katzakian, Pinkerton, and Katnich (Mayor)

Absent: Councilmen - None

Also Present: City Manager Graves, Assistant City Manager Glenn, Public Works Director Ronsko, Community Development Director Schroeder, City Attorney Mullen, and City Clerk Reimche.

## INVOCATION

The invocation was given by Reverend Harve Wilkie, Temple Baptist Church.

## PLEDGE

Mayor Katnich led the Pledge of Allegiance to the flag.

## PUBLIC HEARINGS

ORD. AMENDING  
SEC. 27-12C OF  
THE CITY CODE  
REGULATING THE  
USE OF THE  
MOKELUMNE RIVER  
FLOODPLAIN

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Katnich called for the Public Hearing to consider text changes and boundary changes in the Flood Plain Zone in the City of Lodi to comply with regulations of the Federal Flood Insurance Administration.

Assistant Planner Gregory Freitas presented background information on the matter and presented diagrams of the subject area for Council's scrutiny.

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

Council discussion followed with questions regarding the subject being directed to Staff.

On motion of Councilman Katzakian, Pinkerton second, Council adopted Ordinance No. 1138, an urgency ordinance, entitled "An Ordinance amending Section 27-12C of the Lodi City Code Regulating the Use of the Mokelumne River Floodplain and Declaring the Same an Urgency Ordinance". The Ordinance after reading by title was passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, Katzakian, Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - Ehrhardt

Minutes of March 1, 1978, continued

PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of February 13, 1978:

The Planning Commission -

REQUEST TO  
AMEND P-D 15

1. Recommended approval of the request by Aladdin Real Estate by Mr. Ronald B. Thomas to amend P-D(15), Planned Development District #15 (i.e., Beckman Ranch Subdivision) by changing 3.2 acres of commercial-professional and 2.5 acres of multiple-family to commercial to expand a previously approved shopping center on the south side of West Kettleman Lane between South Hutchins Street and Cabernet Drive (a future street).

ITEMS OF  
INTEREST

The Planning Commission also -

1. Denied the request of Mr. LeRoy Meidinger on behalf of the property owners to rezone 15 and 17 Daisy Street from R-HD, High Density Multiple Family Residential, to C-M, Commercial-Light Industrial.
2. Determined that a zoning "Hardship" did not exist and denied the request of Mr. Daniel L. Heller for variances to increase the maximum fence height from 42 inches to six feet in the front yard, and over six feet on an interior side yard lot line to permit an existing fence to remain at 1525 Park Street in an area zoned R-2, Single-Family Residential.
3. Heard a report from the participants concerning the League of California Cities' sponsored Planning Commissioners Institute held in Oakland, February 1-3, 1978.

The City Manager gave the following report of the Planning Commission meeting of February 27, 1978:

The Planning Commission:

ADOPTION OF  
NEW SUBDIVISION  
ORDINANCE  
RECOMMENDED

1. Recommended the adoption of a New Subdivision Ordinance which has been forwarded to the City Council by the Public Works Director.

On motion of Councilman Katzakian, Pinkerton second, the matter was set for Public Hearing on April 5, 1978.

ADOPTION OF AN  
OFF-SITE IMPROVE-  
MENT ORDINANCE  
RECOMMENDED

The Planning Commission also -

2. Recommended the adoption of an Off-Site Improvement Ordinance which has been forwarded to the City Council by the Public Works Director.

On motion of Councilman Katzakian, Pinkerton second, the matter was set for Public Hearing on April 5, 1978.

PLANNING COMMISSION  
(Continued)

AMENDMENT OF THE  
FLOODPLAIN ZONE TO  
INCLUDE THE REQUIRE-  
MENTS FOR FEDERAL  
FLOOD INSURANCE  
RECOMMENDED

The Planning Commission also -

3. Recommended the amendment of the Flood-  
plain Zone to include the requirements for  
Federal Flood Insurance.

COMMUNICATIONS

PETITION REC'D RE  
TRAFFIC CONTROL  
MEASURES ON  
HIGHWAY 12 AT SO.  
STOCKTON STREET

City Clerk Reimche presented petitions bearing  
109 signatures which stated that those persons  
signing the petitions are customers, business  
people, and/or residents in the area of South  
Stockton Street and State Highway 12 (Kettleman  
Lane), advising of their concern about the traffic  
hazard of this intersection and requesting traffic  
control measures. The City Clerk stated that she  
would send copies of the correspondence received  
from the State Department of Transportation regard-  
ing this intersection to those persons circulating this  
petition.

PUC APPLICATION  
NO. 57502

The City Clerk presented a Notice that had been re-  
ceived regarding Application No. 57502 before the  
Public Utilities Commission, in the matter of  
Douglas Bus Lines, Inc., dba Commuter Bus Lines  
requesting authority to extend passenger stage com-  
muter service to include Sacramento and surrounding  
areas.

APPEAL - ZONING  
VARIANCES FENCE  
HEIGHTS

The City Clerk presented a letter which had been re-  
ceived from Mr. Daniel L. Heller, 1525 Park Street,  
Lodi appealing the Lodi City Planning Commission's  
denial of his request for Zoning Variances to increase  
the maximum fence height from 42 inches to six feet  
in the front yard, and over six feet on an interior side  
yard lot line to permit an existing fence to remain at  
1525 Park Street in an area zoned R-2, Single-Family  
Residential.

On motion of Councilman Katzakian, Pinkerton second,  
the matter was set for Public Hearing on April 5, 1978.

LETTER REC'D FROM  
CITIZEN RE UTILITY  
CHARGES

A letter was received from Mrs. Margaret M. Huber  
stating that she cannot understand fuel cost charges  
almost equaling electricity charges; nor can she  
understand sewer charges being the same for a single  
person as a large family. Mayor Katnich referred  
the letter to Director of Utilities William Lewis for  
reply.

VARIOUS PARCELS  
OF PERIPHERAL  
PROPERTY AT OLD  
TOKAY HIGH SCHOOL  
TO BE PLACED ON THE  
MARKET

The City Clerk presented a letter which had been re-  
ceived from Mr. Constantine I. Baranoff, Facilities  
and Planning Director of Lodi Unified School District  
stating that the Lodi Unified School District has placed  
on the market five parcels of peripheral property at the  
old Tokay High School. The letter states that pursuant  
to an earlier agreement, the City of Lodi may exercise  
the option and purchase the property at the appraised  
value.

Mayor Katnich requested that Councilman Katzakian,  
City Manager Graves and City Attorney Mullen meet  
with Lodi Unified School District representatives  
regarding this matter.

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ABC LICENSE

An Application for Alcoholic Beverage License for Lawrence Amerigo and Donald Bernard Lipscomb for the "Hole-In-The-Wall", 103 East Pine Street, for a new On Sale Beer and Wine License was presented to the Council.

The City Clerk presented the following Claims which had been presented to the City:

CLAIMS

- a) Heritage School - material damage to school sprinkling system
- b) Bernice T. Uhls for personal injury
- c) Mary Jane Ballatore for property damage
- d) John Terry for vehicular damage

On motion of Councilman Pinkerton, Katzakian second, the claims were rejected and referred to the City's Contract Administrator.

C.A.C. REQUESTS  
LETTER OF SUPPORT  
FOR ELDERLY,  
HANDICAPPED TRANSPORTATION

The City Clerk presented a letter which had been received from the Community Action Council of San Joaquin County, Inc. requesting a letter of support for elderly, handicapped transportation. Council discussion followed with no action being taken by the Council on the matter.

MATTERS RE  
MOKELUMNE  
VILLAGE SUBDIVISION  
SET FOR PUBLIC HEARING

Following a request by Mr. Terry Piazza, 221 W. Oak, Lodi speaking on behalf of his clients Sanguinetti and Arnaiz Development Company, Developers of the Mokelumne Village Subdivision, and with the approval of City Attorney Mullen, Council on motion of Councilman Pinkerton, Katnich second, set the following matters for Public Hearing Tuesday, March 14, 1978 at 8:00 p.m.:

- a) Consider the Planning Commission's recommendation that the City Council certify as adequate the Final Environmental Impact Report for Mokelumne Village General Plan and Zoning Study.
- b) Consider the City Planning Commission's recommendation that the upland portion of the Mokelumne Village Subdivision, which is located on the north side of East Turner Road between the Southern Pacific Railroad right-of-way and State Route 99, be rezoned from P-D(3), Planned Development District No. 3 as follows:
  1. Lots 1 through 33 and Lots 90 through 128 to the R-1, Single Family Residential, with the exception of those portions of Lots 16 through 27 which are below elevation 48, shall remain in the F-P, Floodplain District;
  2. Lots 34 through 89 to the R-LD, Low Density Multiple Family Residential District with Lots 41 through 57 and Lots 61 through 71 designated for duplexes and Lots 34 through 40, Lots 58 through 60, and Lots 72 through 89 designated for single-family residences;
  3. The 11 acre commercial area at the northwest intersection of State Route 99 and East Turner Road to the C-S, Commercial Shopping District.

MATTERS RE  
MOKELUMNE  
VILLAGE  
SUBDIVISION  
SET FOR PUBLIC  
HEARING(Contd.)

c) Consider the request of Baumbach and Piazza, Civii Engineers, on behalf of Sanguinetti and Arnaiz Development Company, Developers of the Mokelumne Village Subdivision appealing the condition that the Developer pay for 25% of the costs of installing traffic signal lights at the corner of Stockton Street and Turner Road.

CONSENT CALENDAR

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

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CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$972,704.56.

SPECS APPRVD FOR  
COMPACT TRUCK  
FOR FINANCE  
DEPT.

COUNCIL APPROVED SPECIFICATIONS FOR A COMPACT TRUCK FOR THE FINANCE DEPARTMENT AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON.

City Manager Glave's presented the following bids which had been received for mid-size automobiles for the Administration Department and the Fire Department:

<u>Bidder</u>	<u>A. Fire Department</u>	<u>B. Administration</u>
Sanborn Chevrolet 2 Nova	\$5091.57	\$5148.62
Weil Motors, Inc. 2 Aspen	\$5251.99	\$5276.98
Geweke Ford 2 Fairmont	\$5261.66	\$5280.13
Sanborn Chevrolet 2 Malibu	\$5312.22	\$5369.27
Courtesy-Lincoln Mercury 2 Monarch	\$5620.00	\$5620.00

AWARD-MID-SIZE  
AUTOS FOR  
ADMINISTRATION &  
FIRE DEPT.

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

RESOLUTION NO. 78-25

RES. NO. 78-25

RESOLUTION AWARDDING THE CONTRACT TO SANBORN CHEVROLET, THE LOW BIDDER, FOR ONE MID-SIZE AUTOMOBILE FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$5091.57 AND ONE MID-SIZE AUTOMOBILE FOR THE ADMINISTRATION DEPARTMENT IN THE AMOUNT OF \$5148.62.

ACCEPTANCE OF  
"CENTURY/  
STOCKTON WATER-  
MAIN, EDA PROJ.  
NO. 07-51"

Council was apprised that the contract for the "Century/Stockton Watermain, EDA Project No. 07-51: has been completed in substantial conformance with the plans and specifications approved by the City Council. The contract was awarded to Claude C. Wood Company of Lodi on November 16, 1977 in the amount of \$51,806.00 and the actual completion date was February 24, 1978.

COUNCIL ACCEPTED THE IMPROVEMENTS IN "CENTURY/STOCKTON WATERMAIN EDA PROJECT NO. 07-51", AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

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HOMESTEAD MANOR  
UNIT NO. 1  
ACCEPTED

City Manager Graves apprised the Council that the subdivision improvements in Homestead Manor, Unit No. 1 have been completed in substantial conformance with the requirements of the Subdivision Agreement between the City of Lodi and Hawaii and San Francisco Investment Co. dated April 8, 1977 and as specifically set forth in the plans and specifications approved by the City Council.

RES. NO. 78-26

RESOLUTION NO. 78-26

RESOLUTION ACCEPTING THE SUBDIVISION IMPROVEMENTS AND STREETS INCLUDED IN TRACT NO. 1202, HOMESTEAD MANOR, UNIT NO. 1.

LOT LINE ADJUSTMENT AT 1797 AND 1625 S. STOCKTON ST. APPROVED

Council was apprised that Mr. Maxwell, the owner of property located at 1797 S. Stockton Street and Ronald B. Thomas, et al, the owners of the property at 1625 S. Stockton Street, have worked out a property switch. This transfer will allow Ro Tile to expand at a future date. At the time the owners expand, street improvements will be constructed. Necessary dedications of rights-of-way and easements have been made. Diagrams of the subject parcels were presented for Council's scrutiny.

RES. NO. 78-27

RESOLUTION NO. 78-27

RESOLUTION APPROVING A LOT LINE ADJUSTMENT AT 1797 AND 1625 S. STOCKTON STREET.

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AGREEMENT WITH CCT APPROVED

City Manager Graves apprised the Council that some time ago the City Council authorized the extension of City water service to two residences at 6051 and 6093 East Pine Street. The owners of the above parcels have met all the conditions regarding funding, easements, and annexation as specified at that time, and it is in order for the City to proceed with the services requested. The first step is to acquire the right to cross the Central California Traction Company right-of-way with the services, and the agreement has been provided by the railroad.

Following Council discussion, with questions being directed to Staff, Council, on motion of Councilman Katzakian, Pinkerton second approved an agreement with the Central California Traction Company for the right to cross the CCT right-of-way with services and authorized the Mayor to execute the Agreement on behalf of the City.

RENEGOTIATION OF WHITE SLOUGH LEASE AGREEMENT WITH MR. AL BECHTHOLD

A letter has been received from Mr. Alfred B. Bechthold requesting an extension of or modification of the existing lease for City owned land at the White Slough Water Pollution Control Facility which terminates on November 1, 1978. Council was apprised that Mr. Bechthold has been an excellent lessee and has made many permanent improvements to the subject property.

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WHITE SLOUGH  
LEASE (Continued)

Council discussion followed with questions concerning the matter being directed to Staff.

On motion of Councilman Katzakian, Pinkerton second, Council authorized Staff to start renegotiation of the lease agreement on the White Slough property with the present lessee, Mr. Bechthold.

REFUSE  
COLLECTION &  
FEES

The subject of refuse collection and refuse fees which had been continued from the February 15, 1978 Council meeting was again discussed at length.

Questions concerning Sanitary City Disposal Company, Inc. operation and the Company's financial statements were posed by the Council to the Staff and to Mr. Dario DeBenedetti who was in the audience.

RECESS

Mayor Katnich declared a recess, and the Council reconvened at 9:40 p.m.

REFUSE  
(Continued)

Following lengthy discussion, on motion of Councilman Hughes, Katzakian second, the matter was continued to the adjourned City Council meeting of March 14, 1978. It was agreed that Mayor Katnich, Councilman Hughes and Assistant City Manager Glenn will be meeting with Mr. Dario DeBenedetti prior to the March 14, 1978 Council meeting to review areas where there are questions.

Councilman Ehrhardt arrived at approximately 10:10 p.m.

PROPOSED ORD. TO  
PROVIDE FOR  
DEDICATION OF  
LAND FEES OR BOTH  
AS A CONDITION TO  
THE APPROVAL OF  
NEW RESIDENTIAL  
DEVELOPMENTS FOR  
THE PURPOSE OF PRO-  
VIDING CLASSROOM  
FACILITIES WHERE  
CONDITIONS OF OVER-  
CROWDING EXIST IN  
A PUBLIC SCHOOL  
ATTENDANCE AREA

City Manager Graves introduced Agenda Item "j" entitled "Proposed Ordinance to provide for the dedication of land or fees or both as a condition to the approval of new residential developments, for the purpose of providing classroom facilities where conditions of overcrowding exist in a public school attendance area.

The following persons spoke in support of the proposed ordinance:

- a) Mr. Ellerth E. Larson, Superintendent of Schools, Lodi Unified School District
- b) Lodi Unified School District Governing Board President Mrs. Laurel Wisenor
- c) Mr. Mark Ornellas, Counselor, San Joaquin County Counsel's Office
- d) Mr. Walter Sanborn, 2019 Debbie Lane, Lodi

A very lengthy discussion followed with questions being directed to City Staff, Lodi Unified School District Staff and Governing Board members who were in the audience.

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DEDICATION OF  
LAND OR FEES  
(Continued)

On motion of Councilman Katzakian, Ehrhardt second, Council by unanimous vote concurred with the concept to provide for the dedication of land or fees or both as a condition to the approval of new residential developments, for the purpose of providing classroom facilities where conditions of overcrowding exist in a public school attendance area and indicated its willingness to work with the City of Stockton, San Joaquin County, and the Lodi Unified School District to put this project into being.

POPLAR STREET  
STREET LIGHTING  
DISTRICT

RES. NO. 78-28

RES. NO. 78-29

A petition was presented for the installation of street lights on Poplar Street bounded by Washington and Central Avenue. The City Clerk had examined and checked the signatures on the petition and had certified that said petition contained signatures of the owners of more than 60% of the property described in the petition. Council was apprised that the boundary of the district could be extended to include the block of Poplar Street bounded on the east by Stockton Street; however, there were no property owners in that block willing to sign the petition. The petitioners waived the investigation provided for by the "Special Assessment, Investigation, Limitation and Majority Protest Act of 1931" in connection with the installation. Plans and specifications for the proposed district (Poplar Street bounded by Washington Street and Central Avenue) were presented for Council approval by the City Manager.

Following discussion, on motion of Councilman Hughes, Ehrhardt second, Council adopted Resolution No. 78-28 adopting the plans and specifications for the Poplar Street Street Lighting District (Poplar Street bounded by Washington Street and Central Avenue.)

On motion of Councilman Katzakian, Ehrhardt second, Council adopted Resolution No. 78-29 stating the Council's intention to form the Poplar Street Street Lighting District (Poplar Street bounded by Washington Street and Central Avenue) and setting the hearing thereon for April 19, 1978 at 8:00 p. m.

COUNCILMAN  
EHRHARDT NAMED  
"MR. SAFETY".

Mayor Katnich announced that Councilman Ezra Ehrhardt had been named "Mr. Safety" for the year by the San Joaquin County Safety Council, which honor had been bestowed upon him at a meeting held this evening.

CITY TO RECEIVE  
\$416,000 IN 325  
FUNDS

Mayor Pro Tempore Pinkerton announced that the City of Lodi is to be the recipient this year of approximately \$416,000 in 325 Funds.

CONSULTANT  
TO REVIEW DIAL-  
A-RIDE OPERATION

Following introduction of the matter by City Manager Graves, Council tacitly agreed to have JHK and Associates review the City of Lodi Dial-A-Ride operation to date.

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ORD. ESTABLISHING  
RATES FOR THE  
SALE OF ELECTRIC  
ENERGY BY CITY OF  
LODI

ORD. NO. 1137  
ADOPTED

Ordinance No. 1137 entitled "An Ordinance Repealing Ordinance No. 1089 and No. 1121 of the City of Lodi and Enacting a New Ordinance Establishing Rates for the Sale of Electric Energy by the City of Lodi" having been introduced at a regular meeting of the Lodi City Council held February 15, 1978 was brought up for passage on motion of Councilman Ehrhardt, Hughes second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes,  
Katzakian, Pinkerton and  
Katnich

Noes: Councilmen - None

Absent: Councilmen - None

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned to Tuesday, March 14, 1978 at 8:00 p. m. by Mayor Katnich on motion of Councilman Pinkerton, Ehrhardt second at approximately 11:35 p. m.

Attest:

*Alice M. Reimche*  
ALICE M. REIMCHE  
CITY CLERK