

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MAY 3, 1978

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p. m., Wednesday, May 3, 1978 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes, Katnich, Katakian, McCarty and Pinkerton (Mayor)

Absent: Councilmen - None

Also

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

INVOCATION

The invocation was given by Reverend Rod Greenfield, Vinewood Community Church.

PLEDGE

Mayor Pinkerton led the Pledge of Allegiance to the flag.

PLANNING COMMISSION

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

The Planning Commission -

SCENIC HIGHWAY
ELEMENT FOR
GENERAL PLAN

Determined and recommended to the City Council that the City of Lodi has no need for a Scenic Highway Element to its General Plan pursuant to the provisions of Section 65302(h) of the Government Code of the State of California. On motion of Councilman Katnich, Katakian second, the matter was set for Public Hearing on May 17, 1978.

The City Manager gave the following report of the Planning Commission meeting of April 24, 1978:

The Planning Commission -

AMENDMENTS TO
C-P DISTRICT

Recommended amendments to the C-P, Commercial-Professional District.

On motion of Councilman Katnich, Katakian second, the matter was set for Public Hearing on May 17, 1978.

PLANNING COMMISSION
(Continued)

ITEMS OF INTEREST

The Planning Commission also -

1. Conditionally approved the request of Mr. Gary Koepplin and Mr. Milton Takahashi for a Use Permit to establish an automobile body, fender and paint shop at 500 East Kettleman Lane in an area zoned C-2, General Commercial.
2. Directed the staff to meet with the applicant's representative and work out a solution to the request of Mrs. Imelda Burke for a Variance to reduce the required lot width from 65 feet to 20 feet, and required 40 foot accessway to two flag lots to 25 feet to permit the creation of a second flag lot to the rear of 340 South Lower Sacramento Road in an area zoned R-1, Single-Family Residential.

COMMUNICATIONS

CITY OF LODI CONCERNS
RE GENERAL PLAN

11-53(a)

A statement was presented by Mayor Pinkerton apprising the citizens of Lodi of a serious problem affecting the economic growth and climate of the City of Lodi. The State of California mandates to local Governments, the preparation of General Plans for the growth and development of the City. This plan is to be used by the City Council and administrators as a reference and guideline in setting local policies; however, Mayor Pinkerton apprised that the present administration in Sacramento has usurped its authorities by setting forth guidelines and mandating that cities not only follow those guidelines but have an implementation plan included. Then, and only then, will the State give its approval to that General Plan. Mayor Pinkerton stated that he does not quarrel with the concept of a General Plan as a tool for local administrators, but to have the State determine what is acceptable is an erosion of local control.

Mayor Pinkerton further stated that the City of Lodi has endeavored to comply with these State-mandated programs within "our" budgetary limits and that the City now finds that because it has not completed certain sections of the City's General Plan, Lodi is being investigated by the State Attorney General and Grand Jury and that the City runs the risk of being in violation of the law if Council approves subdivisions or grants zoning changes until this plan is completed.

Further, Mayor Pinkerton stated that upon advice of the City Attorney, the Council declared a moratorium on all zoning changes and filing of tentative and final maps until the City receives an extension of the time limits to file the unfinished elements.

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CITY OF LODI
CONCERNS RE
GENERAL PLAN
(Continued)

cc-53(a)

Mayor Pinkerton stated that there are presently 17 separate construction projects which are being affected by this moratorium.

Mayor Pinkerton further advised that the City Council has directed the City Manager to make the completion of the General Plan the number one priority of the Planning Department.

In conclusion, the Mayor stated that he would introduce a Resolution outlining all of the other things that impacted upon the City's not meeting the mandated time-tables and urged his fellow Councilmen to approve his proposed resolution lifting the moratorium.

PUBLIC NUISANCE
ABATEMENT INITIATIVE

The City Clerk presented a letter which had been received from James J. Clancy, Attorney-at-Law, requesting support on an initiative measure which has been prepared and is being circulated in an effort to place amending legislation on the ballot which will increase the effectiveness of public nuisance abatement laws involving pornographic films, massage parlors, etc.

CLAIM

cc-53(a)

City Clerk Reimche presented a Claim filed on behalf of Bill Chase for vehicular damage.

On motion of Mayor Pro Tempore Katzakian, Hughes second, Council rejected the Claim and referred it to the City Contract Administrator.

The City Clerk presented the following application for Alcoholic Beverage License:

ABC LICENSE

cc-53(a)

a) Leonard L. Book, dba Len's Texaco Service, 801 E. Kettleman Lane, Lodi, new license, Off-Sale Beer and Wine.

PUC APPLICATIONS

cc-53(a)

The following correspondence pertaining to California Public Utilities Commission applications was presented for Council's perusal:

a) Notice of Greyhound Lines, Inc. Application 57966 with California PUC, Greyhound Lines, Inc. which requested approval of a proposal to increase its passenger bus fares and package express rates 3% in order to recover increased wage costs.

b) Before the PUC - Decision No. 88651, Case No. 9988 Phase II, Investigation on Commission's own motion into the determination of a lifeline volume of gas and a lifeline quantity of electricity and into gas and electric utility rate structures and the changes, if any, that should be made in presently constituted rate structures to provide a lifeline quantity of energy to the average residential user for specified end uses.

c) Application No. 57978 of Pacific Gas & Electric Co. giving Notice that in Application 57978 it has requested authorization to revise its gas rates and

PUC APPLICATIONS
(Continued)

tariffs under the Gas Cost Adjustment Clause, to change gas rate design, and to modify the Gas Cost Balance Account to reflect carrying costs of gas in storage.

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 Katnich, Katzakian second, were approved by Council.

CLAIMS *cc-21(2)*

CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,400,653.45.

ACCEPTANCE OF
"LOCUST ST. &
SACRAMENTO ST.
STORM DRAIN"

11-14(3)

COUNCIL ACCEPTED THE IMPROVEMENTS IN "LOCUST STREET STORM DRAIN, CHURCH TO SACRAMENTO; SACRAMENTO STREET STORM DRAIN, LOCUST STREET TO ALLEY NORTH;" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

ACCEPTANCE OF "CATCH
BASIN REPLACEMENT"

cc-14(2)

COUNCIL ACCEPTED THE IMPROVEMENTS IN "CATCH BASIN REPLACEMENT, TAMARACK AND CHURCH, LOCUST AND CENTRAL, HILBORN AND WASHINGTON, LOCUST & STOCKTON", AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

ACCEPTANCE OF WELL
4 AND WELL 7 PUMPS

cc-2

COUNCIL ACCEPTED THE IMPROVEMENTS IN "WELL 4 AND WELL 7 PUMPS" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

AWARD-WATER/SEWER
SERVICE MAINTENANCE
TRUCK

City Manager Graves presented the following bids which had been received for a Water/Sewer Service Maintenance Truck:

RES. NO. 78-44

cc-12

BIDDER	BID A	BID B
	Gasoline Engine	Diesel Engine
Geweke Ford	\$42,884.20	\$48,184.35
International	\$44,343.91	\$49,481.63

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

RESOLUTION NO. 78-44

RESOLUTION AWARDING THE CONTRACT FOR A WATER/SEWER SERVICE MAINTENANCE TRUCK FOR WHITE SLOUGH TO GEWEKE FORD IN THE AMOUNT OF \$48,184.35.

PLANS AND SPECS FOR
ALMOND DRIVE STORM
DRAIN APPROVED

The plans and specifications for Almond Drive Storm Drain were presented for Council's scrutiny. Council was apprised that in general the works consists of furnishing and installing approximately 2,000 lineal feet of 30-inch asbestos cement pipe, reinforced concrete pipe, or cast-in-place concrete pipe.

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "ALMOND DRIVE STORM DRAIN, STOCKTON STREET TO CHEROKEE LANE" AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

RENEWAL OF
COOPERATIVE
PERSONNEL SERVICES
AGREEMENT APPRVD.

City Manager Graves presented an agreement with Cooperative Personnel Services of the State Personnel Board covering a three year period for Council approval. Council was apprised that the Cooperative Personnel Services provides various personnel services to local governments of the State on a non-profit basis. The City has utilized the services for many years. The contract does not obligate the City to any costs, but does provide the conditions of their service when ordered by the City.

RES. NO. 78-45

RESOLUTION NO. 78-45

COUNCIL ADOPTED RESOLUTION NO. 78-45 AUTHORIZING RENEWAL OF THE CONTRACT WITH COOPERATIVE PERSONNEL SERVICES FOR A PERIOD OF THREE YEARS AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

AGENDA ITEM "h"
WITHDRAWN FROM
AGENDA

With Council's tacit concurrence, Agenda Item "h" - "Report by Mr. Sanguinetti re additional costs for billboards" was withdrawn from the Agenda.

CONCESSION
PRIVILEGES AT LODI
LAKE PARK

Council was apprised that the Recreation and Parks Department had distributed or mailed specs to possible concession operators for certain concession privileges at Lodi Lake Park. No bids were received at the bid opening, and it was the recommendation of the Commission for Recreation and Parks that Ed DeBenedetti, Director of Recreation and Parks, be authorized to negotiate with prospective bidders for these privileges.

Following Council discussion on the matter, Council, on motion of Councilman Katnich, Katzakian second, authorized Ed DeBenedetti to negotiate with prospective bidders for certain Lodi Lake Park concession privileges.

TDA NON-TRANSIT
CLAIM APPROVED

A proposed resolution authorizing the use of SB 325 Funds on projects depicted in exhibit entitled (1978-79 claims for Transportation Development Act Funds, SB 325), prepared by Staff was presented for Council's approval.

RES. NO. 78-46

TDA NON-TRANSIT CLAIM APPRVD.

RES. NO. 78-46

Council was apprised that the 1978-79 claims include all of those street projects which are being considered for construction during the next fiscal year. If all the projects are approved for SB 325 funding, the City will have greater flexibility when the actual funding for the 1978-79 Capital Improvement Program is finalized.

Following Council discussion, with questions being directed to Staff, Council on motion of Mayor Pro Tempore Katzakian, Katnich second, adopted Resolution No. 78-46 authorizing the use of SB 325 funds on any and all of the projects appearing on exhibit presented by Staff.

AGREEMENT WITH MARVIN MAYER COVERING LEASE OF CITY PROPERTY PLANTED IN WALNUTS AND VINEYARD APPROVED

A proposed agreement between Mr. Marvin Mayer and the City covering 13 acres of City land planted to walnut trees and vineyard was presented for Council's approval.

Councilman Hughes stated that he feels there may be others who would be interested in renting this land on a more competitive basis.

Council also expressed its concern about the proposed agreement in that it did not contain a termination clause and suggested other minor changes.

Following additional discussion, Councilman Hughes moved that Council approve the rental of this property to Mr. Mayer for this year at an annual rental of \$500; that the proposed agreement be modified as suggested; and that prior to the termination of this agreement, Staff investigate to determine if there are other persons who would be interested in leasing this land on a more competitive basis.

The motion was seconded by Mayor Pro Tempore Katzakian and carried by unanimous vote.

FEDERAL-AID FOR SAFER OFF-SYSTEMS ROADS PROGRAM DISTRIBUTION OF FUNDS AGREEMENT APPROVED

RES. NO. 78-47

Following introduction of the matter by City Manager Glaves, Council, on motion of Mayor Pro Tempore Katzakian, Katnich second, adopted Resolution No. 78-47 approving Agreement between the City and County of San Joaquin for the distribution of funds for Federal-Aid for Safer Off-Systems Roads Program and authorizing the Mayor and City Clerk to execute said Agreement.

SUPPLEMENTAL RESOLUTION REQUESTING A TIME EXTENSION TO DECEMBER 31, 1978 FOR COMPLETION OF THE HOUSING ELEMENT OF THE GENERAL PLAN BY THE CITY OF LODI APPRVD.

RES. NO. 78-48

A proposed resolution entitled "Supplemental Resolution Requesting a Time Extension to December 31, 1978 for Completion of the Housing Element of the General Plan by the City of Lodi" was presented for Council's scrutiny by City Manager Glaves.

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

On motion of Mayor Pro Tempore Katzakian, McCarty second, Council by unanimous vote adopted Resolution No. 78-48 entitled "Supplemental Resolution Requesting a Time Extension to December 31, 1978 for Completion of the Housing Element of the General Plan by the City of Lodi".

PROPOSED RESOLUTION
LIFTING MORATORIUM
ON ALL TENTATIVE
MAPS, FINAL MAPS, AND
REZONINGS

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Mayor Pinkerton then proposed adopting Resolution No. 78-49 lifting the moratorium which had been declared by motion action of the City Council on February 15, 1978 on the approval of all tentative maps, final maps, and rezonings until such time as the City's request for a time extension on the completion of the City's Housing, Safety, Seismic Safety, and Noise Elements of the General Plan has been accepted by the Director of the State Office of Planning and Research. The motion was seconded by Councilman McCarty.

Mayor Pro Tempore Katzakian asked to abstain from discussion and voting because of his direct interest in the matter.

A lengthy Council discussion followed.

Councilman Hughes stated that he was in sympathy with the intent of the proposed resolution; however, he felt that the legal alternatives should be investigated prior to the Council taking action.

Councilman Katnich also indicated that he would support deferring action on this proposal for two weeks proposing that a meeting be scheduled with the Council and Mr. Sternberg of the State Housing and Community Development Department.

Councilman Katnich also proposed that the League of California Cities put its "talents to task" in this matter.

Councilman McCarty pointed out that the City's request for an extension had not been denied by the State Office of Planning and Research, and further stated that in fact, Mrs. Vivian Kahn, District Director of that office indicated in a recent meeting with members of the City Council and the City Manager, that she had not yet reviewed the City's request.

Following additional discussion, the motion failed to pass by the following vote:

Ayes: Councilmen - Pinkerton and McCarty
Noes: Councilmen - Hughes and Katnich
Abstain: Councilmen - Katzakian
Absent: Councilmen - None

The City Clerk was directed by the Mayor to calendar this matter on the Agenda for the regular May 17, 1978 Council meeting.

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ACTION DEFERRED ON
ORD. NO. 1142

At the suggestion of Mayor Pinkerton and with Council's tacit concurrence, action was deferred on Ordinance No. 1142 entitled "Ordinance providing for installation of Public Improvements and Dedication of Rights-of-Way and Easements in conjunction with Building Construction or other Development and Repealing Section 5-19 through 5-21 of the Code of the City of Lodi" to allow time for further review of the ordinance at the Informal Informational Meeting of May 9, 1978.

ADJOURNMENT

On motion of Councilman Katnich, Mayor Pro Tempore Katzakian second, Mayor Pinkerton adjourned the meeting at approximately 8:50 p.m.

Attest:

Alice M. Reimche
ALICE M. REIMCHE
CITY CLERK