

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
AUGUST 18, 1976

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, August 18, 1976 in the City Hall Council Chambers.

ROLL CALL	<p>Present: Councilmen - KATZAKIAN, PINKERTON, and HUGHES (Mayor)</p> <p>Absent: Councilmen - EHRHARDT and KATNICH</p> <p>Also Present: City Manager Graves, Assistant City Manager Glenn, Assistant Planner Freitas, Associate Civil Engineer Giottonini, City Attorney Mullen, and City Clerk Reimche.</p>
INVOCATION	The invocation was given by Reverend Ernie Rogalski, Temple Baptist Church.
PLEDGE	Mayor Hughes led the Pledge of Allegiance to the flag.
MINUTES	<p>Councilman Pinkerton moved that the Minutes of July 21, 1976 be approved as written and mailed. The motion was seconded by Councilman Katzakian and carried.</p> <p>Councilman Katzakian then moved that the Minutes of August 4, 1976 be approved as written and mailed. The motion was seconded by Councilman Pinkerton and carried.</p>
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 Hughes called for the Public Hearing to consider the City Planning Commission's recommendation for approval of the request of Hawaii and San Francisco Development Company to rezone portions of a 47-acre site at the southwest corner of South Ham Lane and West Lodi Avenue from R-1, Single-Family Residential District to certain designated classifications.
PUBLIC HEARINGS SCHEDULED RE PROPERTY AT S/W CORNER OF S. HAM LANE & W. LODI AVE. CONT'D. TO 9/1/76	<p>City Clerk Reimche apprised the Council that a request had been received from Mr. Stewart Adams, Attorney-at-law, 121 W. Pine Street, Lodi to continue to September 1, 1976 at 8:00 p.m. the aforementioned public hearing and also the Public Hearing</p>

Minutes of August 18, 1976, continued

PUBLIC HEARINGS
SCHEDULED RE
PROPERTY AT S/W
CORNER OF S. HAM
LANE & W. LODI
AVE. CONT'D. TO
9/1/76 (continued)

scheduled for August 18, 1976 to consider the City Planning Commission's recommendation for approval of the request of Hawaii and San Francisco Development Company to amend the land use element of the Lodi General Plan by changing approximately 13.5 acres at the southwest corner of South Ham Lane and West Lodi Avenue from Low Density Residential Classification to Medium Density Residential Classification and by changing approximately 4.6 acres located at the southwest corner of South Ham Lane and the future extension of West Tokay Street from Low Density Residential Classification to the Commercial-Professional Classification, notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk.

Mr. Glen Baumbach, 221 W. Oak Street, Lodi addressed the City Council also requesting that the two aforementioned scheduled public hearings be continued to the regular Council meeting of September 1, 1976 at 8:00 p.m.

Following Council discussion, on motion of Councilman Katzakian, Pinkerton second, Council continued to the regular Council meeting of September 1, 1976 at 8:00 p.m. the public hearing to consider the City Planning Commission's recommendation for approval of the request of Hawaii and San Francisco Development Company to rezone portions of a 47-acre site at the southwest corner of South Ham Lane and West Lodi Avenue from R-1, Single-Family Residential District to certain designated classifications.

Councilman Katzakian then moved that the public hearing to consider the City Planning Commission's recommendation for approval of the request of Hawaii and San Francisco Development Company to amend the land use element of the Lodi General Plan by changing approximately 13.5 acres at the southwest corner of South Ham Lane and West Lodi Avenue from Low Density Residential Classification to Medium Density Residential Classification, and by changing approximately 4.6 acres located at the southwest corner of South Ham Lane and the future extension of West Tokay Street from Low Density Residential Classification to the Commercial-Professional Classification be continued to the regular City Council meeting of September 1, 1976 at 8:00 p.m. The motion was seconded by Councilman Pinkerton and carried.

CONFLICT OF
INTEREST CODE
APPLICABLE TO
MEMBERS OF
CITY COUNCIL
ADOPTED

RES. NO. 4243

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Hughes called for the Public Hearing for the purpose of discussion and receiving evidence, both oral and documentary, and for the hearing of proponents of and and opponents to the proposed Conflict of Interest Code for members of the City Council of the City of Lodi pursuant to the Political Reform Act of 1974.

Minutes of August 18, 1976, continued

CONFLICT OF
INTEREST CODE
APPLICABLE TO
MEMBERS OF
CITY COUNCIL
ADOPTED

There being no persons in the audience wishing to speak on the matter or desiring to present evidence either oral or documentary, the public portion of the hearing was closed. The City Clerk also advised the Council that no communications regarding the matter had been received by her office.

RES. NO. 4243
(Continued)

On motion of Councilman Pinkerton, Katzakian second, Council adopted Resolution No. 4243 thereby adopting a Conflict of Interest Code applicable to the members of the City Council pursuant to the Political Reform Act of 1974.

PLANNING
COMMISSION

The City Manager gave the following report of the Planning Commission meeting of August 9, 1976:

ITEMS OF INTEREST

The Planning Commission -

1. Conditionally approved the Tentative Map for Homestead Manor, a 47-acre subdivision at the southwest corner of South Ham Lane and West Lodi Avenue approved for 125 single-family lots, 22 duplex lots, 8 apartment sites (198 units) and four commercial-professional parcels.
2. Reviewed the first draft of a proposed Recreational Vehicle Ordinance which would prevent recreational vehicles from being stored in front yard and street side yard areas.
3. Recommended approval to the San Joaquin County Planning Commission of the request by Dorothy W. Tappan to rezone a 39-acre agricultural parcel 1900' west of Woodbridge Irrigation District Canal on Harney Lane from I-PA, Interim Protective Agriculture to GA-40, General Agriculture (40-acre minimum) and to enlarge an existing Agricultural Preserve (Williamson Act) with the rezoned property.

COMMUNICATIONS

ABC LICENSE

The City Clerk presented an application for Alcoholic Beverage License which had been received for Delmar Reimche, 9 N. Sacramento Street, Lodi, On Sale Beer and Wine Public Premises, Person to Person Transfer - dropping partner.

HEARING RE
PROPOSED FILING
FEE FOR LAFCO

City Clerk Reimche presented a notice that had been received from LAFCO of a hearing on the proposed Filing Fee Schedule for the San Joaquin County Local Agency Formation Commission. The hearing is to be held August 23, 1976 at 2:00 p. m. in the Chambers of the Board of Supervisors.

CLAIMS

A Claim for damages, filed on behalf of Mary Kertzman, 116 Spruce Street, Galt, California in the amount of \$50,000 was presented by the City Clerk.

On motion of Councilman Pinkerton, Katzakian second, the Claim was rejected and referred to the City's Agent of Record.

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COMMUNICATIONS
(continued)

CLAIMS(continued)

A Claim for personal injuries filed on behalf of Otilia Olavarrieta and Erasmo Olavarrieta, 629 Ana Street, Lodi in the amounts of \$20,000 and \$10,000 respectively was presented by City Clerk Reimche.

Councilman Katzakian moved that the Claim be rejected and referred to the City's Agent of Record. The motion was seconded by Councilman Pinkerton and carried.

NOTICES OF
MATTERS BEFORE
THE PUC

City Clerk Reimche presented for Council scrutiny the following notices pertaining to matters before the Public Utilities Commission:

- a) Applications Nos. 56073 and 55456 before the Public Utilities Commission of the State of California, of Greyhound Lines, Inc. for statewide increases in intrastate passenger fares and express rates.
- b) Notice of Proposed Tariff Changes - Notice that Western Union Telegraph Company has filed application with the California Public Utilities Commission to revise its rates applicable to telegram and money order services.
- c) Order Instituting Investigation before the Public Utilities Commission and Energy Resources Conservation and Development Commission, into the availability and potential use of solar energy in California.

S. J. CO. BD. OF
SUPERVISORS
MEETING RE PRO-
POSED REZONING
OF PROPERTY N.
OF THE MOKELUM-
NE RIVER

Mayor Hughes reminded the Council of a meeting of the San Joaquin County Board of Supervisors to be held August 19, 1976 at 10:00 a.m. at which a rezoning proposal will be considered for land situated north of the Mokelumne River and bounded by Lower Sacramento Road, Woodbridge Road, and the freeway. The proposal is to rezone this land to a General Agricultural zoning.

REQUEST FOR
4-WAY STOPS AND
COMPLAINT OF
SIGHT DISTANCE
PROBLEMS POSED
BY CITIZEN

Mr. Gottlieb Scharf, 316 E. Vine Street, Lodi addressed the City Council requesting 4-way stops be established at Stockton Street and Pine Street and at Stockton Street and Lockeford Street. Mr. Scharf also complained of a sight obstruction problem at the corner of Lodi Avenue and Washington Street. Mayor Hughes referred the matters to Staff.

CITIZEN URGES
SURTAX BE LEVIED
TO SWIMMING POOL
OWNERS

Mr. David A. Williamson, 1901 Colette Street, Lodi, addressed the Council regarding his previous recommendation that a surcharge be levied to owners of swimming pools as an added income source for the City.

Mayor Hughes commented that the City has not been able to substantiate that the use of water in swimming pools is appreciably more than is used for watering lawns and gardens over a period of time.

Minutes of August 18, 1976, continued

CITIZEN URGES
SURTAX BE
LEVIED TO
SWIMMING POOL
OWNERS(Cont'd)

Discussion followed with Mr. Williamson reiterating that he felt a reasonable surcharge for the privilege of a swimming pool would be in order.

Additional discussion followed with no action being taken by the Council on the matter.

COMPLAINT
RECEIVED RE
LODI POLICE
DEPT. INVOLVE-
MENT IN LODI
IRON WORKS
STRIKE

Mr. Ben Martinez, 846 Arthur Avenue, San Leandro, California, member of the International Molders and Allied Workers Union, Local 164, addressed the City Council expressing concern about strike breaking tactics he stated are being employed by the Lodi Police Department in the labor-management dispute presently underway at the Lodi Iron Works. Mr. Martinez stated that it is "Our" demand that the Lodi Police Department stop escorting non-union workers in and out of the Lodi Iron Works Plant.

Mayor Hughes responded by stating that it is the City's policy not to take sides in this dispute.

Mr. Martinez commented further that the City is protecting the non-union workers from "assumed" violence on the part of the strikers.

Mayor Hughes reiterated that the City's policy in this strike is one of complete neutrality and apprised Mr. Martinez that if there is anything that Mr. Martinez feels is taking place that would indicate a lack of neutrality, the City wants to hear about it.

REPORTS OF THE
CITY MANAGER

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.

CLAIMS

Claims were approved in the amount of \$1,153,044.75.

STOCKTON ST.
STORM DRAIN
ACCEPTED

The Council was advised by City Manager Glaves that the contract for the improvements in "Stockton Street Storm Drain, Kettleman Lane to Flora Street", which was awarded to McGuire and Hester of Oakland on May 5, 1976 has been completed in substantial conformance with the plans and specifications approved by the City Council.

THE CITY COUNCIL ACCEPTED THE IMPROVEMENTS IN "STOCKTON STREET STORM DRAIN, KETTLEMAN LANE TO FLORA STREET" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

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ACTION ON
PROPOSED CAPITAL
OUTLAY PROGRAM
FOR 1976-77
DEFERRED

City Manager Graves presented the proposed Capital Outlay Program for 1976-77. Discussion followed with Mayor Hughes requesting that Staff review options on the Mini Park Site.

Councilman Pinkerton moved that Council defer action on the matter to a date uncertain and also that the proposed Capital Outlay Program for 1976-77 be referred to the Planning Commission. The motion was seconded by Councilman Katzakian and carried.

ACTION ON FIXING
TAX RATE FOR
FISCAL YEAR
1976-77 DEFERRED

Following Council discussion, on motion of Councilman Katzakian, Pinkerton second, Council deferred action on Agenda Item "d" - "Fixing Tax Rate for Fiscal Year 1976-77" to an adjourned meeting of the City Council to be held Wednesday, August 25, 1976 at 8:00 p. m.

Councilman Pinkerton requested that Staff provide the Council with a list of state-mandated programs and their impact on the City's budget prior to the August 25, 1976 Council meeting.

Mayor Hughes also requested that Council be provided prior to the August 25, 1976 Council meeting with a 5-year projection of City revenues and expenditures.

ENERGY COSTS
DISCUSSED

Mayor Hughes then spoke to the subject of the high cost of energy; the July 25, 1976 filing by P.G.&E. for an additional rate increase, and the impact such an increase will have on the City of Lodi.

COUNCIL
AUTHORIZES
RETAINING FIRM
OF ERNST & ERNST
TO CONDUCT
ANNUAL AUDIT

Following introduction of the matter by Mayor Hughes, Council, on motion of Councilman Pinkerton, Katzakian second, authorized retaining the firm of Ernst and Ernst of Sacramento, California to conduct the audit of the financial statement of the City of Lodi for the fiscal year ended June 30, 1976 at a cost not to exceed \$8,000.00.

UPDATE ON
PENDING
LEGISLATION

The City Manager updated the Council on the following two pieces of pending State legislation:

- (a) AB 301 (Keysor) - Bill of Rights for Police
- (b) AB 3000 (Fenton) - Peace Officers "Life Tenure Act"

Council discussion followed with questions regarding the pending legislation being directed to the City Manager by the Council.

ORDINANCES

ORD. AMENDING
PD(10)

Ordinance No. 1084 entitled "An Ordinance Amending the Official District Map of the City of Lodi and Thereby Amending that Portion of Planned-Development District No. 10(P-D(10) which Encompasses the Area of the Vineyard Subdivision Unit No. 3 at the Northwest Corner of South Hutchins Street and West Harney Lane" having been introduced at a regular

ORD. NO. 1084
ADOPTED

Minutes of August 18, 1976, continued

ORD. AMENDING
PD(10)

ORD. NO. 1084
ADOPTED
(Continued)

meeting of the City Council on August 4, 1976 was brought up for passage on motion of Councilman Pinkerton, Katzakian 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 - KATZAKIAN,
PINKERTON and HUGHES

Noes: Councilmen - None

Absent: Councilmen - EHRHARDT and
KATNICH

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned by Mayor Hughes at approximately 9:25 p. m. to August 25, 1976 at 8:00 p. m. on motion of Councilman Pinkerton, Katzakian second.

Alice M. Reimche
Attest: ALICE M. REIMCHE
City Clerk