

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
DECEMBER 17, 1975

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, December 17, 1975 in the City Hall Council Chambers.

## ROLL CALL

Present: Councilmen EHRHARDT, HUGHES, KATNICH, PINKERTON and SCHAFFER (Mayor)

Absent: Councilmen - None

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

## INVOCATION

The invocation was given by Reverend Vernon Robertson, pastor of Grace Presbyterian Church.

## PLEDGE

Mayor Schaffer led the Pledge of Allegiance to the flag.

## PUBLIC HEARINGS

EDEN STREET  
STREET LIGHT  
DISTRICT

11-10-75

Notice thereof having been published and posted in accordance with law, Mayor Schaffer called for the Public Hearing on the proposed formation of the Eden Street Street Light District. City Manager Graves explained that under the 1911 Improvement Act, proceedings had been initiated by the property owners who had presented a petition for the lights signed by owners of more than sixty percent of the front footage in the proposed district.

Speaking in favor of the formation of the Eden Street Street Light District were:

- 1) Ella Mayer, 220 Eden Street, Lodi
- 2) Emanuel Mayer, 220 Eden Street, Lodi

The City Clerk presented a letter signed by Loyd D. Smith and Eula B. Smith, 521 South Washington Street, Lodi advising of their protest to the proposed installation of street lighting facilities in the proposed Eden Street Street Light District.

Both Mr. and Mrs. Smith were in the audience and addressed the Council stating that they felt it would be extremely inequitable, because of the way their lot is situated, to have the expenses of such facilities assessed against their property on the basis of benefit. Mr. and Mrs. Smith also

Minutes of December 17, 1975, continued

apprised the Council that they now have a mercury light at the intersection of Washington Street and Eden Street which they stated adequately and substantially illuminates not only the area of their property but several adjacent properties. Mr. and Mrs. Smith indicated that the proposed new standards appear to be excessive for the benefits the area would receive.

Council discussion followed with questions being directed to Staff, Mr. and Mrs. Mayer and Mr. and Mrs. Smith.

Councilman Katnich expressed his concern for property owners of corner lots and their possible double assessment in installations of this type. Councilman Katnich asked Staff to check into future proposed lighting districts to see if this could be averted.

There being no other persons present who wished to speak on the matter, the public portion of the hearing was closed.

RES. NO. 4137  
OVERRULING  
PROTESTS *11:45*

Councilman Katnich moved adoption of Resolution No. 4137 overruling protests in the Eden Street Street Light District. The motion was seconded by Councilman Ehrhardt and carried.

RES. NO. 4138  
ADOPTING WAGE  
RATES *11:50*

Councilman Katnich moved adoption of Resolution No. 4138 adopting the scale of prevailing wage rates in the Eden Street Street Light District. The motion was seconded by Councilman Ehrhardt and carried.

RES. NO. 4139  
ORDERING WORK *11:55*

On motion of Councilman Katnich, Ehrhardt second, the Council adopted Resolution 4139 ordering the work to be done on the Eden Street Street Light District.

RES. NO. 4140  
DIRECTING  
ASSESSMENT BE  
PREPARED *12:00*

Councilman Katnich then moved adoption of Resolution No. 4140 directing the assessment be prepared for the Eden Street Street Light District. The motion was seconded by Councilman Ehrhardt and carried.

PLANNING COMMISSION *12:05*

The City Manager gave the following report of the Planning Commission meeting of December 8, 1975:

SITE PLAN &  
ARCHITECTURAL  
REVIEW  
COMMITTEE *12:10*

The Planning Commission -  
1. Recommended the approval of the suggestions of the Site Plan and Architectural Review Committee (SPARC) to amend Section 27-18 of the Lodi Municipal Code (Zoning Ordinance) to ensure equal and fair review of all similar projects throughout the City.

Minutes of December 17, 1975, continued

Discussion by the Council followed on this item, with Mayor Schaffter directing Staff to prepare a review of the Ordinance providing for the Site Plan and Architectural Review Committee and its responsibilities for presentation to the Council at the earliest convenient Informal Informational Meeting.

ITEMS OF INTEREST      The Planning Commission at its meeting of  
 1975                      December 8, 1975 also -

1. Denied the request of Mr. Herbert Stunkart to reduce the parking at an existing duplex from two covered spaces to one to permit the conversion of the duplex to a care home for six ambulatory, elderly persons at 1335 West Walnut Street in an area zoned R-2, Single-Family Residential.

2. Recommended that the San Joaquin County Zoning Administrator approve the request of Guild Wineries and Distilleries for a Use Permit to erect a 97000-square-foot warehouse and relocate an employees' parking area at an existing winery complex at 18000 North Myrtle Street in an area zoned I-PA, Interim Protective Agricultural.

3. Recommended that the San Joaquin County Zoning Administrator approve the request of Mr. Felix Costa for a Variance to reduce the front yard setback from 30 feet to 0 feet and the street side yard setback from 10 feet to 0 feet to permit the erection of a six-foot, six-inch fence around an existing cherry orchard at the southeast corner of West Lane (South Hutchins Street) and Harney Lane in an area zoned GA-5, General Agricultural with the following conditions:

- a. that the fence be located so as to provide good site distance at the intersection of West Lane and Harney Lane; and
- b. that if the fence must be relocated at a later date to accomplish street widening or a similar public purpose, that it be moved at the owner's expense.

#### COMMUNICATIONS

#### COMPLETION OF I-5 URGED BEFORE CALIFORNIA HIGHWAY COMMISSION

Mayor Pro Tempore Hughes gave a report to the Council on the California Highway Commission meeting he attended on December 17, 1975 where a presentation was given urging the completion of I-5. Following Council discussion, on motion of Councilman Ehrhardt, Hughes second. Staff was directed to send letters of appreciation to Assemblyman John R. Garamendi, Assemblyman Carmen Petino, and Senator Clare Berryhill for their fine presentation on this matter before that body.

RES. SELLING  
\$960,000 MUNICIPAL  
IMPROVEMENT  
BONDS, SERIES C

11/17/75

Following introduction of the matter by City Manager Graves, Mr. Robert R. Powell, Assistant Vice President of Stone and Youngberg, Municipal Financing Consultants, Inc., addressed the Council apprising that bids had been received that day, December 17, 1975 in San Francisco for \$960,000 principal amount of "City of Lodi 1965 Municipal Improvement Bonds, Series C". Both City Treasurer Fred Watson and City Clerk Alice Reimche were in attendance in San Francisco for the bid opening. A total of 8 bids had been received, with all bidders bidding on Schedule "A" of maturities, which reflects a maturity date of November 1, 1988. The highest bidder was Crocker National Bank with a net interest cost of \$405,960.80, at a net interest rate of 5.36275%.

Council discussion followed with questions regarding the sale of these bonds being directed to Mr. Powell.

RES. NO. 4141

On motion of Councilman Katnich, Pinkerton second, Council adopted Resolution No. 4141 - Resolution selling \$960,000 principal amount of "City of Lodi 1965 Municipal Improvement Bonds, Series "C" to Crocker National Bank and prescribing the maturity schedule thereof and fixing the definitive rates of interest thereon. Adoption of this resolution was by unanimous vote of the Council.

Mr. Powell then advised that the bond closing will be held on January 6, 1976 in San Francisco.

REPORTS OF THE  
CITY MANAGER

REGULAR CALENDAR

CLAIMS

11/27/75

On motion of Councilman Ehrhardt, Pinkerton second, Claims were approved in the amount of \$421,525.84.

City Manager Graves advised the Council that only one bid had been received for the contract for "Salas Park Excavation, Grading and Fencing", which bid was received from Claude C. Wood Co. as follows:

MAIN BID - Payment to the City of Lodi for material excavated, including final grading. This payment will be made to the City on a monthly basis as the dirt is removed. \$30,000

FENCING BID - Payment to the contractor for required fencing. The fencing will be installed 90 days after the excavation is started and payment for the fencing will be made to the contractor upon its completion \$40,036

TOTAL COST TO CITY \$10,036

Council was apprised that on the fencing bid on this project, the project was bid with two fencing alternates. Alternate 1 was a 9 gauge galvanized chain link fence and Alternate 2 was 11 gauge chain link fence vinyl coated to 9 gauge similar to that installed at Beckman Park. The bids received were as follows:

AWARD - SALAS PARK EXCAVATION, GRADING & FENCING  
 Alternate 1 - Galvanized chain link fence \$39,650  
 Alternate 2 - Vinyl coated chain link fence \$40,036

RES. NO. 4142

City Manager Graves stated that the bid was a reasonable bid, and since the difference in the fencing alternate bids is less than \$400 and that in checking with staff, alternate 2 (with the vinyl coating) is preferred, he would recommend that award be made to Claude C. Wood Co., the only bidder, in the amount of the bid using Fencing bid Alternate 2.

Following Council discussion, on motion of Councilman Ehrhardt, Katnich second, Council adopted Resolution No. 4142 awarding the bid for "Salas Park Excavation, Grading and Fencing" (Alternate No. 2) to the only bidder, Claude C. Wood Co.

INSPECTION REPORT  
 OF CITY BUILDING  
 LOCATED AT  
 201 W. PINE STREET

An inspection report regarding the City building located at 201 W. Pine Street as prepared by Chief Building Inspector J. Paul McClure was presented for Council's perusal. The report reflected deficiencies in the following areas of this building:

201 W. PINE STREET

Roof Structure - Skylights, drainage from roof, parapets, roof vents, roof covering. Air conditioning cooler

Electric Wiring

Building Structure - Attic (repair to truss), Exterior loadbearing and curtain walls.

The recommendation of the Building Inspection Division was that if the building is to be occupied or leased, it would be necessary for the following repairs to be done:

1. The entire interior of the building should be removed including the ceilings and the old knob and tube wiring that is now existing.
2. The cracked walls should be replaced.
3. The marquee should be removed due to the hazardous condition that now exists with the structure suspended over the public sidewalk; it drains improperly and ponds water causing an extreme hazard whenever it rains.
4. The roof covering of the building should be completely removed down to the roof sheathing and

Minutes of December 17, 1975, continued

a new roof covering installed.

5. At the present time only one lavatory is operating and the fixtures are in bad shape. These should be replaced.

Questions on this matter were directed to Staff by Council. Staff was directed to provide Council with a full report and recommendation for the disposition of this building with a recommendation for the best future use of this property.

FINAL STORM DRAIN  
SOLUTION IN  
COMMUNITY  
HOSPITAL AREA

City Manager Graves advised the Council that approximately a year or so ago, Mr. John Capell had appeared before the City Council regarding his interest in developing a subdivision in the area of the Sunwest Tennis Club. A drainage problem existed; however, after a great deal of engineering exploration, particularly by Mr. Capell, a temporary solution was arrived at whereby water could be collected in a temporary pond within the subdivision and held until the Mills Avenue storm drain could receive the stored water via a temporary stormline under W.I.D. canal and a pumping station at Mills Avenue. The construction and future maintenance was all at Mr. Capell's expense. These conditions in fact were made part of the approved tentative map of that subdivision.

Other property owners in the area are now indicating interest in developing their property and the property owner to the south of Vine Street, Mr. Filley, has approached the City with the idea of possibly consolidating the existing temporary ponds and possible future ponds into one pond on his property on the south side of Vine Street, if part of the Filley property could then be developed. Staff has studied this proposal and has come to the conclusion that it was a feasible plan if the property was developed to roughly 300' to the south of Vine Street. Vine Street could then be expanded to its ultimate width and many private drainage ponds could be eliminated. This plan would however, take the cooperation of all property owners in the area.

A meeting was held with the involved property owners. Mr. Graves stated that he had addressed the group relating that the temporary drainage solution as proposed would have to be provided at no cost to the city; that the south line might have some flexibility, that the location of the pond could be somewhat flexible as to its exact location in the area to the south, and that the solution would have to be one that did not present the City with any unsolvable drainage problems.

Following Councilman Katnach's question as to whether there was any kind of concurrence amongst the property owners involved with the proposed plan:

Mr. Ron Thomas, 730 Maplewood Drive, Lodi replied to Councilman Katrich's inquiry by stating that there is a spirit of cooperation amongst the property owners, that all details have not been worked out but that the major stumbling blocks have been resolved.

Mr. Ed Filley, 1082 Dorsetshire, Santa Ana, owner of the property where the pond is proposed to be located stated that he and his brother are willing to cooperate in any way possible including contributing part of their property for the proposed ponding area. Mr. Filley stated that his only concerns are that an equitable plan be worked out so that costs are shared fairly by all concerned and that the plan be "monitored" by some central authority.

Mr. Filley also stressed that they would want the pond to be so situated so that their entire 300 foot depth parcel could be developed.

Council questioned Staff regarding the placement of the proposed pond to the area to the south of Vine Street as stressed by Mr. Filley.

Public Works Director Ronsko responded that by moving the pond to the south, you may not be able to make the pond quite as deep, therefore it might have to be a bit larger in area, but that there is no problem in this. Mr. Ronsko added that the City is going to have a north-south street coming up to Vine Street and if that basin is placed at the end of that north-south street, there could be no encroachment to the south until the basin was abandoned, which could not happen until everything was tied into the G Basin area.

Mr. John Capeli, 324 La Vida Drive, Lodi addressed the Council stating that since he had the concept of the Sunwest Subdivision that he has been trying to get a basin that would provide ponding for the entire area and that he has been trying for years to get it on the Filley property and therefore he is not against this idea at all.

City Manager Graves expressed his concern about the term "monitor", and stated that if there is concept approval on what these people want to do and how they are willing to participate, then possibly the City can play a role, but that he would be skeptical of the City getting involved in negotiations over the sharing of costs. These people have a common interest in needing drainage and are going to develop property varying in degrees of value. Mr. Graves added that it would be very difficult for the City to get involved and that he felt the best position the City could take is to let these people work these things out amongst themselves.

Council discussion followed regarding the City's role with Public Works Director Ronsko stating that we should be working with an engineer representing these people in determining where the best location for the north-south street, the proposed basin and the best ultimate development of that parcel south of Vine Street.

Additional Council discussion followed. On motion of Councilman Katnich, Pinkerton second, Council concurred with the concept presented regarding the determination of the final storm drainage solution to the area of Community Hospital, whereby ~~there would be established a drainage area to approximately 300 feet south of Vine Street, within approximate 5-acre drainage basin which could be placed outside the southerly boundary of the area and would have capacity for all of the undrained areas north of Vine Street at no cost to the City.~~ <sup>it</sup>

(Minutes of 1/7/76 -AR)

ADOPTION OF 1975 NATIONAL ELECTRIC CODE SET FOR PUBLIC HEARING

Council was advised by the City Manager that the City is presently operating under the 1971 National Electric Code and that a request has been received from the Building Division of the Community Development Department for the adoption of the 1975 National Electric Code. Council was apprised that the 1975 Edition of the National Electric Code is the most detailed and comprehensive revision in the history of the Electric Code and contains completely new articles on equipment never covered by the Code before.

Questions regarding the 1975 National Electric Code and its adoption were directed by Council to staff.

Councilman Pinkerton then moved that the matter be set for Public Hearing on January 7, 1976 and that notification of this public hearing be sent to all local contractors. The motion was seconded by Councilman Katnich and carried by unanimous vote.

RESOLUTIONS PROTESTING EXECUTION OF CALIFORNIA LAND CONSERVATION CONTRACTS

A notice had been received from the Clerk of the San Joaquin County Board of Supervisors advising of the Board of Supervisors intention to enter into California Land Conservation Contracts, which will include land within one mile of the exterior boundaries of the City of Lodi, which contracts were initiated by Edward C. Filley and Dwight W. Filley, Assessor's Parcel No. 027-040-09, and Robert F. Hunnell and Eloise B. Hunnell, Assessor's Parcels Nos. 027-050-07 and 027-050-14.

RES. NO. 4143

On motion of Councilman Pinkerton, Katnich second, Council adopted Resolution No. 4143 protesting execution of a California Land Conservation Contract initiated by Edward C. Filley and Dwight W. Filley, Assessor's Parcel No. 027-040-09.

RES. NO. 4144

Councilman Pinkerton then moved adoption of Resolution No. 4144 protesting execution of a California Land Conservation Contract initiated by Robert F. Hunnell and Eloise B. Hunnell, Assessor's Parcels Nos. 027-050-07 and 027-050-14. The motion was seconded by Councilman Ehrhardt and carried.

\*the City would permit annexation and development of an area of approximately 300 feet south of Vine Street containing approximately 11 acres plus an additional 5-acre area for a drainage basin, which would have the capacity to serve all

RESOLUTIONS AUTHORIZING  
& DIRECTING CONDEMNATION  
OF REAL PROPERTY FOR  
STREET WIDENING, STORM  
DRAINAGE, SEWER FACILITIES  
AND OTHER UTILITY SERVICES  
IN AREA OF SOUTH STOCKTON  
STREET.

RES. NO. 4145  
RES. NO. 4146  
RES. NO. 4147  
RES. NO. 4148

Following introduction of the matter by City Manager Graves, on motion of Councilman Pinkerton, Ehrhardt second, Council adopted Resolution No. 4145 authorizing and directing condemnation of real property belonging to Minoru Marimoto and Masako, his wife and K. Ann Marimoto, a single woman, for street widening, storm drainage, sewer facilities and other utility services in the area of South Stockton Street.

On motion of Councilman Pinkerton, Ehrhardt second, Council adopted Resolution No. 4146 authorizing and directing condemnation of real property belonging to Richard Neuharth and Edith Neuharth, his wife, for street widening, storm drainage, sewer facilities and other utility services in the area of South Stockton Street.

On motion of Councilman Pinkerton, Ehrhardt second, Council adopted Resolution No. 4147 authorizing and directing condemnation of real property belonging to Ruth I. Colvin for street widening, storm drainage, sewer facilities and other utility services in the area of South Stockton Street.

On motion of Councilman Pinkerton, Ehrhardt second, Council adopted Resolution No. 4148 authorizing and directing condemnation of real property belonging to Rebecca Bangs for street widening, storm drainage, sewer facilities and other utility services in the area of South Stockton Street.

COUNCIL CONCERN RE  
SENTENCING IN LODI  
POLICE CASE

Mayor Pro Tempore Hughes expressed his concern regarding the outcome and sentencing in the case of the People of the State of California vs. Reeder Gray, et al. A lengthy Council discussion followed with Council indicating its desire to receive information from the District Attorney and Judge as to what the basis was for determining sentencing in this case.

REPORT ON T.P.P.R.C.  
MEETING

Councilman Ehrhardt reported to the Council on a recent meeting of the Transportation Planning Project Review Committee.

#### ORDINANCES

AMENDING SPECIFIC PLAN  
OF S. HAM LANE BETWEEN  
NEWBURY CIRCLE AND W.  
HARNEY LANE

ORD. NO. 1068 ADOPTED

Ordinance No. 1068 - entitled - "AN ORDINANCE AMENDING THE PORTION OF THE SPECIFIC PLAN OF SOUTH HAM LANE BETWEEN NEWBURY CIRCLE AND WEST HARNEY LANE TO CONFORM WITH THE APPROVED REVISED TENTATIVE MAP OF ENGLISH OAKS MANOR",

Minutes of December 17, 1975, continued

having been introduced at the adjourned meeting of December 10, 1975 was brought up for passage on motion of Councilman Pinkerton, Ehrhardt 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,  
KATNICH, PINKERTON  
and SCHAFFER

Noes: Councilmen - None

Absent: Councilmen - None

AMENDING CHAPTER  
14-42 and 14-43 of CITY  
CODE RE PARKING OF  
VEHICLES FOR  
CONSECUTIVE PERIOD  
OF TIME.

ORD. NO. 1069 ADOPTED

Ordinance No. 1069 - entitled - "AN ORDINANCE AMENDING CHAPTER 14-42 and 14-43 OF THE LODI CITY CODE REGARDING TIME LIMIT FOR THE PARKING OF VEHICLES AND REMOVAL OF VEHICLES", having been introduced at the adjourned meeting of December 10, 1975 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,  
KATNICH, PINKERTON  
and SCHAFFER

Noes: Councilmen - None

Absent: Councilmen - None

CHRISTMAS GREETINGS  
EXTENDED TO CITIZENS  
OF LODI

ADJOURNMENT

Mayor Schaffer on behalf of the Council and Staff of the City wished all citizens of Lodi a very Merry Christmas.

There being no further business, the meeting was adjourned at approximately 10:20 p. m., on motion of Councilman Pinkerton, Hughes second.

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