

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
MARCH 1, 1972

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, March 1, 1972 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - EHRHARDT, HUGHES,  
KIRSTEN and KATNICH  
(Mayor)

Absent: Councilmen - SCHAFFER

Also present: City Manager Glaves, Assistant City Manager Peterson, City Attorney Mullen, Planning Director Schroeder and Public Works Director Shelley Jones.

PLEDGE

Mayor Katnich led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Ehrhardt, Hughes second, the City Council approved the Minutes of February 9, 1972 as written, corrected by the City Clerk, and mailed.

PUBLIC HEARINGS

APPEAL -  
K. REILLY RE  
GRAND AUTO  
USE PERMIT  
CONT'D

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, the Mayor called for the public hearing on Mr. Kevin Reilly's appeal of the Planning Commission's decision in granting a Use Permit to Grand Auto, Inc. to establish an automotive service center which includes the sale of gasoline and an automated car wash within an enclosed building at the southeast corner of West Lodi Avenue and South Hutchins Street, in an area zoned C-1, Neighborhood-Commercial District.

City Attorney Mullen explained to the Council that it had been brought to his attention on this date that the proposed automotive service center would be located in an area zoned C-1, Neighborhood-Commercial District. He pointed out that uses permitted in the C-1 District include "wash racks" but an automated car wash as proposed would not be permitted in this zone. He advised that it would be necessary for the Planning Commission to recommend a change of zoning for the property if it is to accommodate this type of an operation. Mr. Mullen also pointed out that the service station portion of the request would be permissible in the C-1 District. He suggested the matter could be discussed as two separate items, or the entire matter could be referred back to the Planning Commission.

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Mr. Donald Rombough, representing Grand Auto, Inc., 700 Independent Road, Oakland, stated he had not been made aware of the zoning problem mentioned by the City Attorney. Mr. Rombough said he would prefer the entire proposal be referred back to the Planning Commission rather than to have it discussed as two separate items.

Mr. Thomas J. Shephard, 906 Bank of America Building, Stockton, representing the appellant, said he saw no reason to take any action on the request at this time.

On motion of Councilman Kirsten, Ehrhardt second, the City Council then continued the public hearing and referred the matter back to the Planning Commission for further study and recommendation to the Council.

APPEAL -  
A. RUEB

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 on the appeal of Mr. Albert Rueb from the decision of the Planning Commission in denying his request for a Variance to increase the maximum permitted lot coverage from 40 to 51.5 per cent to allow construction of a second dwelling at 215 West Park Street in an area zoned R-2, Single-Family Residential District.

Planning Director Schroeder introduced the matter and presented a drawing of Mr. Rueb's proposal.

Mr. Albert Rueb, 215 West Park Street, spoke on behalf of his appeal.

There being no other persons in the audience wishing to speak either in favor of or in opposition to the appeal, the public portion of the hearing was closed.

The Council determined that a "hardship" as defined by the Zoning Ordinance did not exist and, on motion of Councilman Kirsten, Hughes second, denied the appeal of Mr. Rueb.

#### PLANNING COMMISSION

The City Manager reported that the Planning Commission, at its meeting of February 28, 1972, took the following actions of interest to the City Council:

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1. Approved the request of Peters Pontiac-Cadillac, Inc., for a Use Permit to add a new building for automobile body and fender repair at the rear of an existing automobile agency at 1011 South Cherokee Lane in an area zoned C-2, General Commercial with conditions.
2. Continued the following items until March 13, 1972 pending the determination by the Staff of the cost, the length of time needed and the availability of consultants to conduct an Environmental Impact Study:
  - a. Request of Mr. LeMoin Beckman by Mr. T. A. Molfino for the rezoning from the R-1, Single-Family Residential District and the F-P, Floodplain District to P-D(8), Planned Development District No. 8 for Parcel 18 and a portion of Parcel 19 as shown on Assessor's Map Book L-2, page 1, said tract of land located on the north side of Edgewood Drive at Lockeford Drive (i.e., between 1610 and 1808 Edgewood Drive).
  - b. Tentative Map of the River Oaks Subdivision, a 17.7-acre tract containing 13 standard single-family lots and 28 townhouse lots on the north side of Edgewood Drive at Lakewood Drive.
3. Denied the request of Mr. John Capell for the rezoning from the R-2, Single-Family Residential District to the R-LD, Low Density Multiple-Family Residential District, for a proposed nine-lot subdivision on the west side of Tahoe Drive between Modoc Way and Tejon Drive.
4. Approved the Tentative Map of Erick Park #2, a 1.69-acre tract containing 9 lots on the west side of Tahoe Drive between Modoc Way and Tejon Drive with certain conditions.
5. Denied the request of Mr. and Mrs. Carl Baker for a Variance to reduce the street side yard from 10 feet to 6 feet to permit the relocation of a 6-foot fence at 1140 Lake Home Drive in an area zoned R-1, Single-Family Residential.

#### COMMUNICATIONS

##### ABC LICENSE

Notices of application for alcoholic beverage license were received as follows:

1. Tony Romero and Frank M. Uribe, Flamingo, 122 North Sacramento Street, on-sale beer, new license.

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2. Robert A. and Arlene R. Mastro, The Southland Corporation, 7-Eleven, 401 North California Street, off-sale beer and wine, person-to-person transfer.

CLAIM -  
J. MC CLUNG

The City Clerk presented a Claim for Personal Injuries filed by Mertz, Adams, Horstmann and Funke, Attorneys at Law, on behalf of Jack T. McClung in the amount of \$4,000 plus amount of medical expenses and loss of earnings. On motion of Councilman Kirsten, Ehrhardt second, the claim was denied and referred to Mr. Max Elson, the City's Agent of Record.

STOCKTON AREA  
TRANSP. STUDY

A notice was received from Mr. E. J. Walker, Secretary of the Technical Committee of the Stockton Area Transportation Study stating the City of Lodi's resolution declaring its desire to participate in the Stockton Area Transportation Study had been received and Lodi would now be a part of that study.

APA

A letter was received from the Cities and County of San Joaquin Advisory Planning Association expressing appreciation for Councilman Schaffer's participation in the Environmental Quality Workshop recently held at San Joaquin Delta College.

#### REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$372,955.15 were approved on motion of Councilman Hughes, Ehrhardt second.

AUTHORIZE C.C.  
TO CANVASS  
ELECTION  
RESULTS

On motion of Councilman Kirsten, Ehrhardt second, the City Council adopted Resolution No. 3602 authorizing the City Clerk to canvass the results of the General Municipal Election to be held April 11, 1972.

RES. NO. 3602

SPECS -  
COMPACTOR

City Manager Graves presented specifications for a compactor to be used at the Sanitary Landfill. He explained that the City had budgeted funds in the 1971-72 Capital Improvement Budget for the compactor and the County would be expected to share in the expenditure as well.

Councilman Kirsten moved the Council approve the specifications and authorize advertising for bids thereon. The motion was seconded by Councilman Ehrhardt.

Councilman Hughes expressed concern that a long-range plan for the Sanitary Landfill should be established.

The motion then carried with Councilman Hughes voting no.

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Mayor Katnich stated he was concerned with the number of persons using the Sanitary Landfill from outside the City. He suggested that a survey might be conducted to determine the number of persons using the landfill from outside the City and a fee schedule developed accordingly.

SPECS -  
DUMP TRUCK

On motion of Councilman Ehrhardt, Kirsten second, the City Council approved specifications for a dump truck and front-end loader and authorized advertising for bids thereon.

PLANS & SPECS -  
TURNER ROAD  
DUCT & VAULT

On motion of Councilman Hughes, Kirsten second, the Council approved plans and specifications for the Turner Road duct and vault and authorized advertising for bids thereon.

AWARD -  
TRANSFORMERS

The City Manager presented bids received for furnishing of the 12-kv pad-mounted transformers as follows:

RES. NO. 3603

Hevi-Duty Electric	\$ 6,008.10
Westinghouse Electric	7,148.40
R-T-E Corporation	7,291.20
Consolidated Electric	10,190.67

The City Manager recommended the low bid of Hevi-Duty Electric be rejected due to the City's lack of experience with their product and the questionable quality of their transformers. He also recommended the second low bid of Westinghouse Electric be rejected because it did not comply with the specifications. He then recommended the award be made to the third low bidder, R-T-E Corporation for the amount of their bid.

On motion of Councilman Ehrhardt, Kirsten second, the Council then adopted Resolution No. 3603 awarding the contract for the furnishing of the 12-kv pad-mounted transformers to R-T-E Corporation for a total amount of \$7,291.20.

FINAL MAP -  
ENGLISH OAKS  
MANOR #1

All requirements of the City having been met, the final map of the English Oaks Manor, Unit No. 1 Subdivision was presented for Council approval. On motion of Councilman Kirsten, Hughes second, the City Council approved the final map, improvement plans, subdivision agreement, electrical utility agreement and improvement security for the English Oaks Manor, Unit No. 1 Subdivision and authorized the City Manager to execute the agreements on behalf of the City.

PARCEL "H" -  
ENGLISH OAKS  
MANOR

At the City Council meeting of January 19, 1972, the staff was requested to furnish certain information to the Council concerning the costs of development of Parcel "H" in the English Oaks Manor, Unit No. 1

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Subdivision. Mr. Graves reported that Finance Director Fred Wilson had provided him with cost estimates for development of the park as follows:

Improvement of Park	\$48,000.00
Construction of restroom facilities	<u>12,000.00</u>
Total capital construction costs	60,000.00
Property tax loss	201.60
Park maintenance	2,000.00
Restroom maintenance	<u>780.00</u>
Annual costs	2,981.60

After discussion of the above, Mr. Graves requested authorization from the Council to seek the services of a landscape architect for development of the park. On motion of Councilman Hughes, Kirsten second, the Council authorized the City Manager to seek the services of a landscape architect for development of Parcel "H" in the English Oaks Manor Subdivision and directed the City Manager to report his findings to the Council prior to execution of a contract with the architect.

LAND  
CONSERVATION  
CONTRACT  
OPPOSED

RES. NO. 3604

City Manager Graves reported that a notice had been received from the County Board of Supervisors stating its intention to enter into a California Land Conservation Contract which would include land within one mile of the exterior boundaries of the City; the assessed property owner being Robert Batch.

On motion of Councilman Ehrhardt, Kirsten second, the City Council adopted Resolution No. 3604 protesting the execution of the above Land Conservation Contract.

LODI LAKE  
PARK  
APPLICATION

RES. NO. 3605

Mr. Graves presented for Council approval an amendment to the City's original application concerning the Lodi Lake Park expansion project. He recommended the Council approve the amendment which would extend the time for completion of the project until June 30, 1973.

The City Council, on motion of Councilman Hughes, Ehrhardt second, then adopted Resolution No. 3605 authorizing the City Manager to sign the amendment to an agreement with the State of California, Department of Parks and Recreation on behalf of the City. Mr. Tom Griffin, 721 West Kettleman Lane, who was in the audience, urged the Council to acquire additional park land adjacent to the Lodi Lake Park.

HIGHWAY 12  
ASSOCIATION

Councilman Ehrhardt reported he had recently attended a meeting of the Highway 12 Association in Rio Vista.

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DRUG ABUSE

Councilman Ehrhardt also reported that the Lodi Drug Abuse Council was making progress and would now be receiving assistance from the County of San Joaquin.

APA  
BUDGET

City Manager Graves presented for Council review and approval the 1972-73 budget of the Cities and County of San Joaquin Advisory Planning Association. After Council review, the budget was approved on motion of Councilman Ehrhardt, Hughes second.

WATER  
PRODUCTION

City Manager Graves reported to the Council that plans had recently been finalized for transferring the water production operations from the Utility Department to the Public Works Department.

ADJOURNMENT

There being no further business, the meeting was adjourned on motion of Councilman Ehrhardt at approximately 9:35 p.m.

  
Attest: BESSIE L. BENNETT  
City Clerk