

CITY COUNCIL, CITY OF LODI  
 CITY HALL COUNCIL CHAMBERS  
 APRIL 16, 1968

A regularly adjourned meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Tuesday, April 16, 1968, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - BROWN, CULBERTSON, HUNNELL,  
 WALTON and KIRSTEN (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen and Planning Director Schroeder.

PLEDGE Mayor Kirsten led the Pledge of Allegiance to the Flag.

MINUTES On motion of Councilman Culbertson, Hunnell second, the Minutes of April 3, 1968 were approved as written and mailed.

WELCOME Mayor Kirsten welcomed the Girl Scout unit that was in the audience and introduced to them the City Council and members of the City Staff.

PUBLIC HEARINGS

CORINTH AVE.  
 LIGHTING DIST.  
 ASSESSMENT  
 CONFIRMED  
 RES. NO. 3176

Notice thereof having been mailed to property owners and also published and posted in accordance with law, the Mayor called for hearing on the assessment for the Corinth Avenue Street Lighting District. A letter had been received from Mr. A. P. Foge, Jr., 2 South Corinth Avenue, stating that his lawn had not been returned to its original condition. The City Manager explained that it is very difficult to restore a lawn to its exact original condition, although every effort has been made. There being no one in the audience who wished to speak in favor or against the matter, the public portion of the hearing was closed. On motion of Councilman Hunnell, Walton second, the City Council adopted Resolution No. 3176 confirming the assessment of \$2.85 per front foot for the Corinth Avenue Street Lighting District.

APPEAL -  
 BURTON'S  
 SHOES

Notice thereof having been published in accordance with law, Mayor Kirsten called for hearing on the appeal of Jack Carter, on behalf of Burton's Shoes, from the decision of the City Planning Commission in denying his request for a variance to increase the permitted sign area square footage at 17 West Pine Street from 100 square feet to 124 square feet in an area zoned C-2, General Commercial. Planning Director Schroeder introduced the matter, and presented drawings of the proposed sign.

Jack Carter, 620 Turner Road, spoke in behalf of the appeal, stating that a member of the City staff had assured an employee of Burton's Shoes in a phone conversation that the proposed sign was permissible but when a building permit was requested from the City they were told the sign was in violation of the Sign Ordinance. Mr. Carter explained that the proposed sign is for advertising a new line of shoes and was designed especially for use at their store at 17 West Pine Street. There being no others in the audience who wished to speak on the matter, the public portion of the hearing was closed.

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Councilman Hunnell felt since the Sign Ordinance is presently being reviewed and the request exceeds the allowable sign area by only 24 feet, the appeal should be granted. On motion of Councilman Hunnell, Brown second, the City Council granted Burton's Shoes a variance to permit erection of an additional sign, 2 feet wide by 15 feet high at 17 West Pine Street.

REQUEST -  
DENNY'S  
RESTAURANTS

Notice thereof having been published in accordance with law, Mayor Kirsten called for hearing on the amended sign variance request of Denny's Restaurants to increase the allowable sign area from 258 square feet to 397 square feet on a parcel located on the north side of East Kettleman Lane between U.S. 50-99 and Cherokee Lane in an area zoned C-2, General Commercial. The original request which was denied by the City Planning Commission and the City Council was for a variance to increase the allowable sign area to 558 square feet. Planning Director Schroeder introduced the matter, showing drawing of the proposed signs. He stated that the City Planning Commission at its meeting of April 8, after reviewing the amended request, recommended the Council approve the variance subject to the following:

(MINUTES OF  
MAY 1, 1968  
AS)

1. That the smaller sign which measures 28.5 square feet per single face be located either on the large sign pole as proposed or on a separate pole adjacent to the access to the parking lot; and
2. That the sign pole or poles conform to the design as shown on the drawing prepared by Heath and Company on March 14, 1968 and on file in the office of the Secretary of the Lodi Planning Commission.

In recommending approval of this sign variance, the Planning Commission determined that the strict application of the City Council policy of counting the square footage of all readable surfaces of a multi-faced sign in determining total sign area could cause a hardship on a highway-oriented use located on a parcel with little street frontage. It was also reported that the Planning Commission has instructed the Planning staff to prepare a study concerning freeway-oriented signs and other areas within the Sign Ordinance which might be causing hardship. There being no one in the audience who wished to speak on the matter, the public portion of the hearing was closed. After discussion, Councilman Brown moved the City Council grant the variance as recommended by the City Planning Commission. The motion was seconded by Councilman Culbertson and carried unanimously.

#### PLANNING COMMISSION

#### OTHER ACTIONS

The Planning Commission took the following actions of interest to the City Council:

1. Denied the request of Mrs. Bernice M. Coe for a variance to permit the addition of 400 square feet of showroom space to a nonconforming commercial building containing a Television Sales and Service use at 311 West Turner Road in an area zoned R-1, Single-Family Residential.
2. Approved the request of Mr. David O'Keefe by Mr. Ted A. Molfino for a variance to increase the allowable lot coverage from 40 per cent to 43.5 per cent for Lot 210 of the Willow Glen Subdivision Unit #3.

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COMMUNICATIONS

ABC LICENSE The following notice of applications for alcoholic beverage licenses were read:

1. Premise-to-Premise Transfer to Peggy J. Schieber, on Sale Beer, 114 N. School Street.
2. Person-to-Person Transfer to The Southland Corporation, 401 N. California Street, Off Sale Beer and Wine.

REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$378,675.85 were approved on motion of Councilman Walton, Culbertson second.

AUTHORIZE CITY MANAGER TO SIGN CD DOCUMENTS  
RES. NO. 3177  
The City Manager stated that the Office of Civil Defense has requested a new resolution authorizing the City Manager to sign Civil Defense documents. On motion of Councilman Walton, Hunnell second, the City Council adopted Resolution No. 3177 authorizing the City Manager to execute applications and documents for the purpose of obtaining financial assistance under the Federal Civil Defense Act of 1950, as amended.

PLANS & SPECS- WESTGATE SHOPPING CENTER  
Plans and specifications for the Westgate Shopping Center Street Improvements were approved and calling for bids authorized on motion of Councilman Culbertson, Hunnell second.

PLANS & SPECS- CHURCH STREET IMPROVEMENTS  
The City Manager also presented plans and specifications for the Church Street Improvements - Lodi Avenue to Lockeford Street. The City Manager reviewed the drawings with the Council and stated that this would be a complex project involving some widening with new curbs and gutters, new traffic signals, street tree wells with water service, telephone cable, electric conduit and cable television conduit. The Council discussed the problems the City encountered with the Lodi Avenue-Ham Lane project and felt that an effort should be made between the Public Works Director and the contractor to avoid similar problems occurring on Church Street. Councilman Culbertson felt it might be more economical for the City to close off portions of the street to traffic so that the contractor would not be hindered by traffic and he felt this could be accomplished with cooperation from both the Public Works Director and the contractor. Councilman Hunnell, agreed, and suggested prohibiting parking on Church Street if necessary. After further discussion, Councilman Walton moved the plans and specifications for Church Street Improvements be approved. The motion was seconded by Councilman Hunnell. Councilman Culbertson then moved an amendment to the motion adding a paragraph to the specifications stating that upon approval of the Public Works Director the contractor will be allowed to close any portion of the street as deemed necessary by the Public Works Director. The motion was seconded by Councilman Brown and carried with Mayor Kirsten voting No. The original motion, as amended, then carried by unanimous vote.

C. C. WOOD ADDN WITHDRAWN FROM WRCFPD  
RES. NO. 3178  
Annexation of the Claude C. Wood Addition having been completed, on motion of Councilman Brown, Hunnell second, the City Council adopted Resolution No. 3178 withdrawing the Claude C. Wood Addition from the Woodbridge Rural County Fire Protection District.

SHADY ACRES SUBDIVISION AGREEMENT AMENDED  
City Manager Graves stated the original subdivision agreement from Shady Acres provided for oil penetration treatment for Woods Avenue and Mills Avenue where one-half of the street is already paved. The developer wishes to

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complete the finished paving on these streets with two inches of asphalt instead of the oil penetration treatment as originally specified. The City Manager recommended the original subdivision agreement for Shady Acres Subdivision be amended to provide an additional credit to the subdivider for the work proposed. On motion of Councilman Culbertson, Hunnell second, the Council amended the original subdivision agreement for Shady Acres Subdivision to provide an additional credit to the subdivider for the work proposed.

AWARD -  
LINE TRUCK

Bids on the 1968 Line Truck were presented, totaling as follows:

RES. NO. 3179	Green Ford Sales	\$8,438.79
	Loewen Auto Co.	8,640.72

The City Manager recommended the bid be awarded to the low bidder. On motion of Councilman Brown, Walton, the City Council adopted Resolution No. 3179 awarding the furnishing of the 1968 Line Truck to Green Ford Sales for the amount of the bid

AWARD -  
LINE TRUCK  
BODY, DERRICK  
& EQUIPMENT

The City Manager stated only one bid had been received for the line truck body, derrick and equipment. It was from Utility Body Company in the amount of \$20,110.02. On motion of Councilman Hunnell, Walton second, the City Council adopted Resolution No. 3180 awarding the contract for the furnishing of the line truck body, derrick and equipment to Utility Body Company for \$20,110.02.

RES. NO. 3180

SOFTBALL PARK  
CONCESSION  
STAND

City Manager Graves reported to the Council that Mr. Jake Ferguson has proposed opening a small concession stand at the softball park which would be operated by his daughter. He proposes to move a small building on the premises to house the concession and has suggested paying 10% of the gross receipts to the City. Mayor Kirsten suggested a flat rate be charged rather than a percentage of the gross sales. The rate would be an amount sufficient to cover water and electricity used by the concessionaire. After discussion, Councilman Walton moved that the City Manager be authorized to enter into an agreement with Mr. Ferguson giving Mr. Ferguson permission to operate a concession stand at the Softball Park and the return to the City be based on a fixed fee rather than a percentage of gross receipts. The motion was seconded by Councilman Culbertson and carried.

BALL CLUB  
CONTRACT

A letter had been received from Dario DeBenedetti, General Manager of the Lodi Crushers Baseball Club, requesting the agreement for use of Lawrence Park for the 1968 season be renewed subject to the same conditions as the 1967 contract. On motion of Councilman Culbertson, Walton second, the City Council approved the renewal of the contract as requested.

#### ORDINANCES

DAVID C. PAUL  
REZONING

ORD. NO. 860  
ADOPTED

ORDINANCE NO. 860, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING THREE PARCELS LOCATED AT 704 AND 708 NORTH CHURCH STREET AND 117 FORREST AVENUE TO BE IN THE R-4, MULTIPLE-FAMILY INSTITUTIONAL RESIDENTIAL DISTRICT," Having been introduced at the regular meeting of April 3, 1968, was brought up for passage on motion of Councilman Brown, Walton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

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Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

BUS. LICENSES  
RE CARNIVALS

ORD. NO. 861  
ADOPTED

ORDINANCE NO. 861, entitled " AN ORDINANCE AMENDING SECTION 12-6 OF THE CODE OF THE CITY OF LODI AND THEREBY PROVIDING FOR A LICENSE TAX FOR CERTAIN AMUSEMENT RIDES AND SIMILAR CONCESSIONS," having been introduced at the regular meeting of April 3, 1968, was brought up for passage on motion of Councilman Brown, Mayor Kirsten 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 - BROWN, CULBERTSON, HUNNELL, WALTON  
and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

FAIRMONT &  
KETTLEMAN  
STREET LIGHT

Councilman Brown stated he felt a street light should be installed at the intersection of Fairmont Avenue and Kettleman Lane. On motion of Councilman Brown, Hunnell second, the City Council authorized installation of a street light at the intersection of Fairmont Avenue and Kettleman Lane.

MUNICIPAL  
ELECTION  
RESULTS

RES. NO. 3181

The City Clerk certified that she had canvassed the returns of the General Municipal Election held April 9, 1968, and reported the results thereof. On motion of Councilman Brown, Walton second, the Council adopted the following resolution:

RESOLUTION NO. 3181

DECLARING RESULT OF ELECTION

WHEREAS, a General Municipal Election was held and conducted in the City of Lodi on Tuesday, the 9th day of April, 1968, as is required by law; and

WHEREAS, it appears from the report of the City Clerk and the records on file in her office that voting precincts were properly established and the polling places thereof designated; that election officers were appointed and qualified; that election supplies, including official ballots, were furnished each of said precincts; and that in all respects, said election was held and conducted and the votes received thereat received and canvassed and the returns thereof made, determined and declared in time, form and manner as required by the laws of the State providing for and regulating elections in general law cities; and

WHEREAS, in accordance with Resolution No. 3169, the City Clerk conducted the canvass of the returns of said election; and

WHEREAS, the City Council of the City of Lodi, meeting at the City Council Chambers this 16th day of April, 1968, to declare the results of the election and to install the newly elected officers, finds, determines and declares, as a result of said count and canvass as certified by the City Clerk:

(1) That said General Municipal Election was held and conducted in the City of Lodi, California, on the 9th day of April, 1968, in time, form and manner required by law;

(2) That there were thirteen voting precincts established in said City for the purpose of holding said election, viz:

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VOTING PRECINCT 1, comprising State and County precinct numbers L2401 and L2402.

VOTING PRECINCT 2, comprising State and County precinct numbers L2403 and L2404.

VOTING PRECINCT 3, comprising State and County precinct numbers L2406 and L2407.

VOTING PRECINCT 4, comprising State and County precinct numbers L2408 and L2409.

VOTING PRECINCT 5, comprising State and County precinct numbers L2410 and L2411.

VOTING PRECINCT 6, comprising State and County precinct numbers L2412 and L2413.

VOTING PRECINCT 7, comprising State and County precinct numbers L2405 and L2414.

VOTING PRECINCT 8, comprising State and County precinct numbers L2415 and L2416.

VOTING PRECINCT 9, comprising State and County precinct numbers L2417 and L2418.

VOTING PRECINCT 10, comprising State and County precinct numbers L2419 and L2420.

VOTING PRECINCT 11, comprising State and County precinct numbers L2421 and L2422.

VOTING PRECINCT 12, comprising State and County precinct numbers L2423 and L2424.

VOTING PRECINCT 13, comprising State and County precinct numbers L2425 and L2426.

(3) That the whole number of votes cast at said election was Eleven Thousand Two Hundred Twenty-nine (11,229).

(4) That the names of the persons voted for, the offices for which they were voted, and the number of votes received by each of said persons in each of said precincts, together with the whole number of votes received in the entire City by each of said persons are as follows:

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For City Councilman					
Prec. No.	Jerald KIRSTEN	Gene WALTON	Michael A. LIMA	Wm. E. REMPFER	Ben SCHAFFER
1	148	86	18	147	207
2	194	94	30	184	232
3	196	94	20	137	239
4	252	108	16	155	297
5	341	181	27	149	391
6	288	127	8	120	311
7	207	115	31	149	238
8	382	170	20	154	366
9	243	156	20	143	276
10	252	151	28	187	299
11	289	151	17	115	271
12	264	164	25	156	263
13	311	185	25	152	273
Abs.	73	26	6	18	61
TOTAL	3440	1808	291	1966	3724

RESOLVED, THEREFORE, that at said General Municipal Election, held in the City of Lodi on April 9, 1968, the following named persons were elected to the office of City Councilman:

JERALD KIRSTEN, for a term of four years from and after the 16th day of April, 1968, and until his successor shall have been elected and shall have qualified;

BEN SCHAFFER, for a term of four years from and after the 16th day of April, 1968, and until his successor shall have been elected and shall have qualified.

Upon the adoption of this resolution, the City Clerk shall enter a full copy thereof on the records of the City Council of the City of Lodi for its meeting held this 16th day of April, 1968.

PLAQUE FOR  
COUNCILMAN WALTON

Mayor Kirsten presented outgoing Councilman Walton with a plaque in appreciation of Mr. Walton's service to the City as Councilman and Mayor. Councilman Walton thanked the Mayor and stated he had learned a great deal while serving as Councilman and hoped he had also contributed to the City. Mayor Kirsten welcomed Councilman-elect Ben Schaffer. Mayor Kirsten also thanked the Council for their cooperation during the past year. He then relinquished the chair to the City Clerk.

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OATH OF OFFICE  
TAKEN

The City Clerk administered the oath of office to Mr. Schaffer and Mr. Kirsten and presented a certificate of election to each.

REORGANIZATION OF THE CITY COUNCIL

MAYOR AND  
VICE MAYOR  
ELECTED

The City Clerk called the new Council to order and asked for nominations for Mayor. Councilman Kirsten nominated Councilman Hunnell. The motion was seconded by Councilman Brown. The nominations were closed on motion of Councilman Brown. Councilman Hunnell was elected by unanimous vote.

Mayor Hunnell then took the chair as presiding officer, and welcomed Councilman Schaffer and called for nominations for Mayor ~~Pro~~ Tempore. Councilman Brown nominated Councilman Culbertson. The motion was seconded by Councilman Kirsten and carried unanimously. Mayor Hunnell remarked that he felt the Council should consider earlier or additional meetings to provide more time for business.

ADJOURNMENT

There being no further business, the Council adjourned at 9:30 p.m.

  
Attest: BESSIE L. BENNETT  
City Clerk