

CITY COUNCIL, CITY OF LODI
 CITY HALL COUNCIL CHAMBERS
 APRIL 17, 1962

This meeting of the City Council of the City of Lodi, regularly adjourned from April 11, 1962, was held at 8:00 p.m. of Tuesday, April 17, 1962; Councilmen Brown, Katzakian, Ullmann and Culbertson (Mayor) present. None absent. ^{Mitchell}

Also present: City Manager Graves, Planning Director Rodgers, Administrative Assistant Carlton and City Attorney Mullen.

MINUTES Minutes of March 28, 1962, were approved as written and mailed on motion of Councilman Brown, Katzakian second.

PUBLIC HEARINGS

ANNEX NORTH LOMA DR. ADD. ORD. NO. 722 INTRODUCED Notice thereof having been published in accordance with law, Mayor Culbertson called for public hearing on the proposed annexation of the North Loma Drive Addition. The City Manager read a recommendation of the Planning Commission that the property be annexed with R-2 zoning since all of the surrounding property is classified in the R-2 zone. Mr. Fred Allen, 360 Loma Drive, said he did not favor the R-2 zoning, but he was not opposing the annexation. There were no further objections, either written or oral, to the proposed rezoning or annexation. On motion of Councilman Katzakian, Brown second, the City Council by unanimous vote introduced Ordinance No. 722 annexing the North Loma Drive Addition to the City of Lodi, by reading of title only and waiving reading of the ordinance in full.

INDUSTRIAL ZONING W OF FREEWAY BTW VICTOR RD AND LODI AVE. ORD. NO. 723 INTRODUCED Notice thereof having been published in accordance with law, Mayor Culbertson called for public hearing on the proposed rezoning from R-4 multiple family residential to M industrial of the property bounded by Victor Road, the Freeway, the Central California Traction Company right of way and the commercial property on the east side of Cherokee Lane. The City Manager read the report of the Planning Commission recommending the rezoning in order to encourage the preservation and use of the area for commercial and industrial purposes. Mr. Henry Hanson, 652 East Pine Street, opposed the rezoning, saying that it was a nice neighborhood and should not be made industrial. Mayor Culbertson replied that it might be a hardship on some home owners, but that this was the right location for industries. Councilman Katzakian remarked that if the homes were left out of the rezoning, the home owners would still be faced with the same problem. On motion of Councilman Mitchell, Katzakian second, the City Council by unanimous vote introduced Ordinance No. 723, rezoning the property which is zoned R-4 in the area bounded by Cherokee Lane, Victor Road, 99 Freeway and Central California Traction Company railroad to M industrial, by reading of title only and waiving reading of the ordinance in full.

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**E. WALL APPEAL
RE USE PERMIT
FOR BEAUTY
SALON**

Notice thereof having been published in accordance with law, the meeting was opened to the hearing on the appeal of E. F. Wall from the decision of the Planning Commission which had denied his request for a use permit to operate a one-operator beauty salon at 612 West Lockeford Street. The City Manager read the report from the Planning Commission which had denied the request by a 4 - 4 vote. Some members of the Planning Commission felt that the beauty salon would encourage the further extension of commercial development westerly on Lockeford; other members felt that this residential type of shop would provide an adequate transition area between the retail commercial development and the residential properties. Mr. Ayne Baldwin, 700 West Lodi Avenue, spoke in favor of the appeal. He said that the requirements for a use permit had been met, that such a permit had never before been denied in an R-3 zone, that the property in question is adjacent to a commercial zone, and he felt that the Planning Commission showed prejudice in denying the request. Mr. Don Bailey, 624 Carlo Way, said that he lived behind the proposed beauty salon and he was afraid - such an activity would encourage commercial development, and he wanted the area to retain its residential character. Mr. Herman Reich, 617 Carlo Way, said the property was too close to commercial development and that a use permit would open the way to further commercial use and would make homes in the area less desirable. Mr. E. D. Kirk, 651 Carlo Way, said that the salon would create a traffic hazard because of customers backing cars into Lockeford Street and he also felt that the beauty shop in the Tokay Center was adequate for the area. Councilman Katzakian stated that issuance of a use permit would not change the zoning, that the permit did not allow for change in the structure, and that if there were any violations of the permit, it could be cancelled. Councilman Mitchell felt there would be a traffic problem with cars backing into Lockeford Street; however, Mayor Culbertson was of the opinion that a one-operator shop would not create a traffic problem. Councilman Brown said that the City was always getting requests for use permits to have beauty parlors in residential areas and he thought the Planning Commission should consider an ordinance to keep them out of residential areas. It was mentioned that this was a neighborhood type of service and that one operator should not generate much traffic. Mayor Culbertson felt that the shop at this location would not damage the character of the neighborhood. Councilman Katzakian moved that the decision of the Planning Commission be over-ruled and that the request for a use permit for a one-operator beauty salon at 612 West Lockeford Street be granted. The motion, carried by the following vote:

AYES: Councilmen - BROWN, KATZAKIAN, ULLMANN
and CULBERTSON

NOES: Councilmen - MITCHELL

PLANNING COMMISSION

**MILLS AVENUE
ALIGNMENT**

The proposed realignment of Mills Avenue south of Hutchins-Sunset Park was brought up for action,

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having been continued from the meeting of April 4. Planning Director Rodgers showed the Council two street plans (Plan B and Plan C) for the proposed subdivision. Plan B showed the streets planned so that a tier of lots would be between Mills Avenue and the right of way proposed for acquisition by the City for a storm drainage ditch; Plan C indicated the westerly alignment of Mills Avenue so that it would be adjacent to the ditch right of way. The recommendation of the Planning Commission for the westerly alignment of Mills Avenue so that it would adjoin the right of way for a storm drainage ditch was read to the Council. The following reasons were given for the Planning Commission's recommendations:

1. Convenience to the owner in providing a reasonable pattern of subdivision for the remainder of this parcel.
2. The traffic capacity of Mills Avenue as a collector street will not be adversely affected.
3. Any location of Mills Avenue along the storm drainage ditch should not adversely affect the school and the homes along the east side of Mills Avenue if the ditch area is fenced and landscaped.
4. The School District is agreeable to its site being located on this westerly alignment of Mills Avenue.

The Planning commission made the recommendation with the condition that the owner agree to dedicate and improve the west side of Mills Avenue at such time as the City may require it. The Planning Commission made no recommendation on the condition of the owner that the City install and maintain landscaping and screening area between the street and the ditch. Mr. Robert Houston suggested that the ditch area be created as an open area which could be used for drainage but would provide a recreation area during the summer. City Manager Graves said that this suggestion had been discussed before and had not been considered feasible. Mr. Reuben Rott, representing the property owner, objected to Plan B which showed lots rearing to the ditch. This plan also showed approximately nine acres for the school site and Mr. Rott stated that the School District could not afford more than eight acres. He said Plan C, which showed Mills Avenue aligned to the west and approximately eight acres for the school site was more acceptable. Mayor Culbertson stated that in considering the westerly alignment of the street, the Council had to also consider the installation and maintenance of a screening area. Mr. Roy Reimche, building contractor, stated that he was interested in building custom homes in the proposed subdivision and that \$25,000 homes in front of a school could not be sold. He mentioned having purchased lots in Hutchins-Sunset Park through Katsakian and Schaffer. Councilman Katsakian asked Mr. Reimche if he had purchased lots in Hutchins-Sunset Park ~~only~~ through the firm of Katsakian and Schaffer and if the firm handled the lots exclusively. Mr. Reimche answered no to both questions.

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Councilman Katzakian then stated that he would like to abstain from voting on the question of Mills Avenue alignment since he had an interest in the property south of the Hutchins property. Councilman Brown disagreed with Mr. Reimche in regard to the desirability of homes across from a school. Mayor Culbertson said the Council should keep in mind that there will be other areas in the City with similar problems and the Council will be setting a precedent. After further discussion of the recommendation of the Planning Commission, it was moved by Councilman Brown that the recommendation of the Planning Commission that Mills Avenue be aligned to the west on the condition that the property owner dedicate and improve the west side of the street when required to do so by the City be accepted. The motion was seconded by Councilman Ullmann and carried by the following vote:

AYES: Councilmen - BROWN, MITCHELL and
ULLMANN

NOES: Councilmen - CULBERTSON

ABSTAIN: Councilmen - KATZAKIAN

PC ACTIONS

The City Manager read the following report of actions of the Planning Commission:

1. Approved the modification of a use permit for an increase from four (4) persons to five (5) persons in the capacity of a family plan home for Mr. Daniel Miller at 1202 Liebig Street in the R-3 residential zone.
2. Approved a tentative map of the Lake Lawn Subdivision, subject to certain conditions and to annexation to the City. This property is a six acre parcel located between Loma Drive and Mills Avenue at the westerly end of Lake Street.

COUNTY
GENERAL PLAN

The Council was notified of the joint meeting with the County Planning Commission and City Planning Commission to be held on April 23, 1962, in the Council Chambers for the purpose of reviewing and discussing the two alternates to the San Joaquin County General Plan.

COMMUNICATIONS

ANGLE PARKING
ON SACRAMENTO
STREET

A letter from the San Joaquin County Safety Council was read recommending that parallel parking be established along the west side of South Sacramento Street between Pine and Oak Streets instead of the present angle parking. The matter was referred to the Police and Public Works Departments on motion of Councilman Katzakian. The City Manager suggested that there may be other blocks with angle parking that need to be reviewed also.

99 FREEWAY TO
CALAVERAS RIV.

A memorandum was read from the Director of Public Works that the County Board of Supervisors had passed a resolution asking that Highway 99 be completed as a freeway south to the Calaveras River, with copies going to the Governor, the

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Highway Commission, Senators Short and Collier, and Assemblyman Monogan. Supervisor Lehman had suggested that the City might wish to pass a similar resolution. On the suggestion of the Mayor, the matter was held over until more information could be had.

REPORTS OF THE CITY MANAGER

AWARD STREET MATERIALS

The City Manager presented the sole bid, from Claude C. Wood Company, for street materials as follows:

RES. NO. 2533
ADOPTED

1. 300 tons Untreated Base Rock -
1" max. size \$2.10 per ton
2. 200 tons 3/8" plant mixed
surfacing - Type B with 250
S.C. liquid asphalt binder \$5.50 per ton
3. 250 tons 1/2" asphalt concrete
surfacing type B - 85-100
paving asphalt binder \$5.50 per ton
4. 1750 tons 3/8" asphalt con-
crete surfacing - Type B -
85-100 paving asphalt binder \$5.75 per ton

The Director of Public Works recommended that the bid be accepted. On motion of Councilman Katzakian, Mitchell second, the City Council adopted Resolution No. 2533 awarding the contract for supplying the City with street materials to Claude C. Wood Company.

CLAIMS

Claims in the amount of \$50,513.57 were approved on motion of Councilman Brown, Katzakian second.

POWER POLE RELOCATION

Mr. Graves presented for approval an agreement with the State Division of Highways for the relocation of one of the City's power poles required because of the Freeway construction. The State will pay the City \$144.40 for the relocation. The City Council adopted Resolution No. 2534 authorizing the City Manager to execute the said agreement on motion of Councilman Katzakian, Mitchell second.

RES. NO. 2534
ADOPTED

DRIVEWAYS FOR GLEESON AND KUNDERT BLDG.

A plot plan for a commercial building at the north-east corner of Pleasant and Elm Streets showing two 24' driveways, one on Pleasant and one on Elm, was presented with the request that the Council approve the driveways. Both driveways were approved as requested on motion of Councilman Brown, Ullmann second.

CANVASS OF ELECTION RETURNS

Upon the completion of the canvass of the election returns, findings of the result of the election were made by the passage of the following resolution on motion of Councilman Brown, Katzakian second:

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RESOLUTION NO. 2535

DECLARING RESULT OF ELECTION

WHEREAS, a General Municipal Election was held and conducted in the City of Lodi on Tuesday, the 10th day of April, 1962, 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 sixth class cities, and

WHEREAS, the City Council of the City of Lodi, meeting at the City Council Chambers this 17th day of April, 1962, to canvass the returns of election from the various precincts and to install the newly elected officers, finds, determines and declares, as a result of said count and canvass:

(1) That said General Municipal Election was held and conducted in the City of Lodi, California, on the 10th day of April, 1962, in time, form and manner required by law;

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

VOTING PRECINCT 1, comprising State and County precinct numbers L-1, L-2, L-3 and L-4.

VOTING PRECINCT 2, comprising State and County precinct numbers L-5, L-6, L-7, L-8 and L-11.

VOTING PRECINCT 3, comprising State and County precinct numbers L-9, L-10, L-12, L-12A and L-13.

VOTING PRECINCT-4, comprising State and County precinct numbers L-14, L-14A, L-15 and L-16.

VOTING PRECINCT 5, comprising State and County precinct numbers L-17, L-18, L-19, L-20 and L-21.

VOTING PRECINCT 6, comprising State and County precinct numbers L-22, L-28, L-29, L-30 and L-31.

VOTING PRECINCT-7, comprising State and County precinct numbers L-32, L-32A, L-33, L-33A and L-33B.

VOTING PRECINCT 8, comprising State and County precinct numbers L-26, L-27, L-27A and L-34.

VOTING PRECINCT 9, comprising State and County precinct numbers L-16A, L-16B, L-23 and L-24.

VOTING PRECINCT 10, comprising State and County precinct numbers L-25, L-25A, L-25B and L-25C.

VOTING PRECINCT-11, comprising State and County precinct numbers L-35, L-36, L-36A and L-36B.

(3) That the whole number of votes cast at said election was Thirteen Thousand Forty-one (13,041).

(4) That the names of the persons voted for, the offices for which they were voted, 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:

For CITY COUNCILMAN

PREC.	<u>Fred M. BROWN</u>	<u>James F. CULBERTSON</u>	<u>Boyd E. MITCHELL</u>	<u>Orwin N. DOW</u>	<u>Dick BAUGHN</u>
1	130	128	92	143	41
2	173	135	135	131	38
3	178	143	125	148	43
4	203	189	142	252	88
5	215	221	153	209	61
6	184	214	123	259	79
7	179	175	106	258	83
8	207	250	137	288	119
9	221	249	164	303	78
10	230	302	174	412	122
11	195	205	132	275	61
ABS.	<u>13</u>	<u>9</u>	<u>15</u>	<u>4</u>	<u>9</u>
TOTAL	2128	2220	1498	2682	822

PREC.	<u>Albert DEHR</u>	<u>Mel ELWOOD</u>	<u>C. K. HEISNER</u>	<u>Ann WHITBY</u>	<u>SCATTERING</u>	<u>TOTAL</u>
1	91	21	37	84		767
2	127	27	41	75		882
3	166	39	49	85		976
4	174	26	29	126		1229
5	123	28	54	112	2	1178
6	135	28	50	142	1	1215
7	112	34	51	142		1140
8	149	15	32	111		1308
9	146	20	38	117		1336
10	254	28	63	159		1744
11	147	39	35	120	1	1210
ABS.	<u>3</u>	<u>0</u>	<u>1</u>	<u>2</u>		<u>56</u>
TOTAL	1627	305	480	1275	4	13041

RESOLVED, THEREFORE, that at said General Municipal Election, held in the City of Lodi on April 10, 1962, the following named persons were elected to the office of City Councilman:

FRED M. BROWN, for a term of four (4) years from and after the 17th day of April, 1962, and until his successor shall have been elected and shall have qualified;

JAMES F. CULBERTSON, for a term of four (4) years from and after the 17th day of April, 1962, and until his successor shall have been elected and shall have qualified;

ORWIN N. DOW, for a term of four (4) years from and after the 17th day of April, 1962, 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 17th day of April, 1962.

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The foregoing Resolution No. 2535 was passed and adopted by the following vote:

AYES: Councilmen - BROWN, KATZAKIAN, MITCHELL
ULLMANN and CULBERTSON

NOES: Councilmen - NONE

The City Clerk administered the Constitutional Oath of Office and the loyalty oath, required by Section 3100-3109 of the Government Code, to the newly-elected councilmen. She then called the new Council to order and called for nominations for Mayor. Councilman Brown nominated Councilman Katzakian. Councilman Ullmann nominated Councilman Culbertson. The nominations were then closed by unanimous vote on motion of Councilman Brown, Culbertson second. Councilman Katzakian then moved that the vote be by secret ballot. The motion was seconded by Councilman Brown and carried unanimously. The results of the balloting were as follows:

Katzakian - 3 votes
Culbertson - 2 votes

and Councilman Dow was elected Mayor Pro Tempore by unanimous vote.

Councilman Katzakian was then declared elected and took the Chair as the presiding officer. Councilman Culbertson nominated Councilman Dow as Mayor Pro Tempore. Nominations for Mayor Pro Tempore were then closed by unanimous vote on motion of Councilman Culbertson, Katzakian second. Mayor Katzakian asked former Councilman Boyd Mitchell for a few words. Mr. Mitchell stated that it had been a pleasure to serve on the Council and he hoped that the decisions made during his term of office had been for the benefit of the City. He complimented the City Manager and the department heads for the fine job they were doing. Mayor Katzakian said that the Council and the City appreciated the time and effort given by Mr. Mitchell during his two terms in office. He then called on the newly elected councilmen. Councilman Dow said he hoped to carry out his responsibility as a representative of his generation. Councilman Brown said he appreciated being re-elected, had done his best during the past term and would continue to do so in the future. Councilman Culbertson thanked the past City Council for their cooperation during his terms as Mayor, a pleasure which he felt would never be surpassed, and wished good luck to the new Mayor. He said he expected the Council to act on many things and hoped the citizens would stand behind the Council in its efforts towards continued growth of the City. Mayor Katzakian thanked the Council for selecting him as Mayor, said he felt honored and humbled and would endeavor to do his part. He stated that the Council and the people would have to put their shoulders to the wheel on the Capital Improvement Program.

There being no further business, the City Council adjourned.


ATTEST: BEATRICE GARI BALDI
City Clerk