

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
JUNE 21, 1967

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, June 21, 1967 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, City Attorney Wullen, Administrative Assistant Peterson and Planning Assistant Schroeder.

MINUTES

On motion of Councilman Brown, Walton second, the minutes of June 7, 1967 were approved as written and mailed after correcting the paragraph on page 5 entitled "Bequest From Georgina Jones Estate" as follows: (third sentence) "The City Manager asked Councilmen to transmit to him any ideas they may have regarding use of these monies." Also corrected was the paragraph on page 6 entitled "Setback Line Policy - Develop Ham Lane-Lodi Avenue Intersection." The following was added to the paragraph title: "Res. No. 3056." The second paragraph under this title was corrected to read: "Councilman Culbertson moved, Walton second, the adoption of Resolution No. 3056 providing that condemnation proceedings be initiated on the property required for the development of the northwest corner. Councilman Kirsten said the expense was too great to do it at this time. The resolution was adopted by the following vote:"

PUBLIC HEARINGS

REZONING  
MENNONITE  
BRETHREN  
CHURCH  
PROPERTY

ORD. NO. 842  
INTRODUCED

Notice thereof having been published in accordance with law, the Mayor called for hearing on the recommendation of the City Planning Commission to rezone certain property located on the east side of South Mills Avenue, south of West Vine Street in the Royal Crest Subdivision from the R-1, Single-Family Residential District to the R-3, Limited Multiple-Family Residential District. Planning Director Schroeder explained that the church desires to construct 18 single family units for senior citizens' housing, assisted by a Federal grant. The adjacent church area cannot be counted in computing the required area. The Planning Director said the church will screen the east and south boundaries. Mr. John Friesen, pastor of the church, said the construction of the units was part of the church's total plan for the property and requested its approval. Councilman Hunnell said he felt the proposal was a good development of the church property. Councilman Walton said there was no justification for multiple-family dwellings on this property and there was no reason to change the Master Plan. He said the church itself was proper in an R-1 zone, but not the multiple-family dwellings. Councilman Culbertson also said there was no justification for this development and said it represented spot zoning. Councilman Hunnell said while it was important to maintain R-1 zoning, there should be room for exceptions. Councilman Brown said he was in favor of the development since it was church oriented.

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Mayor Kirsten asked City Attorney Mullen if the City could be assured that the property would not be sold after the rezoning. The City Attorney answered no. The Mayor reported he is familiar with a similar development and that it poses no problem. He said senior citizens are deserving of consideration and felt the development was a valid and proper use of the property. Councilman Culbertson said such a rezoning would be a violation of planning principles and that it would be difficult to deny similar requests from neighboring property owners. On motion of Councilman Hunnell, Brown second, the Council introduced Ordinance No. 842 rezoning the Mennonite Brethren Church property on South Mills Avenue by the following vote:

Ayes: Councilmen - BROWN, HUNNELL and KIRSTEN

Noes: Councilmen - CULBERTSON and WALTON

APPEAL -  
VERNON LEHR  
REZONING

Notice thereof having been published in accordance with law, Mayor Kirsten called for hearing on the appeal of Mr. Vernon Lehr, 324 Edythe Street, Livermore, California from the decision of the Planning Commission in denying his request for a change in zoning from the R-2 Single-Family Residential District to the R-3, Limited Multiple-Family Residential District for all the residentially-zoned area of Voelker Drive. Mr. Leroy Weidinger, speaking in favor of the rezoning said such zoning is proper because there are eight units on a lot across the street. Planning Director Schroeder explained that the rezoning would permit an additional dwelling on each lot affected. Councilman Culbertson said it is logical to have R-3 zoning adjacent to C-1, Commercial District, which this rezoning would accomplish. On motion of Councilman Brown, Hunnell second, the appeal was denied by the following vote:

Ayes: Councilmen - BROWN, HUNNELL and KIRSTEN

Noes: Councilmen - CULBERTSON and WALTON

PARTICIPATION  
IN ADVISORY  
PLANNING ASSN.

Notice thereof having been published, Mayor Kirsten called for hearing on the City of Lodi's participation in the Cities and County of San Joaquin Advisory Planning Association. The Mayor announced that because of the large number of people who wished to be heard, only residents and taxpayers of the City of Lodi would be recognized to address the City Council. Out-of-town residents were told to appoint one spokesman for the group who would be allowed five minutes for presentation. Mr. Wayne Owens, 2106 Corbin Lane, told the Council he was opposed to the association because he was against the Federal government infringing on the rights of local citizens. He said such a body would allow the Federal government to condemn property and set tax rates. Councilman Culbertson answered that there was nothing in the by-laws that would allow this. Mayor Kirsten said there is a need to participate in regional problems and that no Councilman is in favor of giving up rights.

Mr. Clifford Goehring, 101 North Avena, read a prepared statement in which he voiced his opposition to the Advisory Planning Association. He said it represents the loss of "home rule." Mayor Kirsten answered that

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the association is being formed to coordinate planning in this area and to make recommendations to the Federal government regarding grants. Councilman Culbertson said the association will do no planning, but would mesh various local plans. He said the Cities and County Association cannot perform this function because it is too cumbersome. Mayor Kirsten said the County Board of Supervisors may be appointed to serve as an area planning body by the Department of Housing and Urban Development if such a body is not formed by agreement between the local agencies. Councilman Walton pointed out that local agencies would control the financing of this proposed association. In answer to a question from Mr. Owens, Councilman Culbertson said the by-laws can be amended only by a unanimous vote of all member agencies.

Mr. William Canepa, 131 South Orange Avenue, said he was opposed to Federal government interference. He submitted a petition bearing the signatures of persons opposed to the association. After reading of the title of the petition, Councilman Culbertson said the wording of the petition was not applicable to this association. Mr. Albert McDonald, 358 East Lodi Avenue, said there is a need for planning, but that it should be kept local. He said people have developed a concern over this type of thing. Mrs. Jackie Masterson, 708 Howard Street, said the idea is good, but that she had become concerned because she had so many adverse reports. She told the Council the people are depending on the Council to do the right thing for all Lodi citizens. Mayor Kirsten asked that persons living outside the City limits appoint a spokesman who be permitted five minutes.

RECESS

At 10:50 p.m. Mayor Kirsten declared a five-minute recess.

ADVISORY  
PLANNING  
ASSN.  
(CONT.)

Mr. Eric Woock, 1405 East Kettleman Lane, speaking for those persons not residents or taxpayers of the City of Lodi, said he had nothing to object to in the by-laws, but he wanted to insure that there would be no Federal control. He asked if the City could withdraw from the association after it had received a grant and was told it could. It was moved by Councilman Culbertson, Brown second, that the City Council approve the by-laws of the Cities and County of San Joaquin Advisory Planning Association and authorize the Mayor to sign same signifying the City's participation. Councilman Walton said he still feels all agencies should share in whatever expenses the association incurs. He also said ex-officio members of the association should attend meetings only when requested. The motion was passed by the following vote:

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

Noes: Councilmen - None

Councilman Walton moved, Culbertson second, that the Council's representative to the association bring to the attention of that body the Council's thoughts regarding finances and ex-officio members as discussed herein. The motion was approved.

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PLANNING COMMISSION

AMEND ZONING  
ORDINANCE -  
PLANNED  
DEVELOPMENT ZONE

The Planning Commission recommended that the City Council adopt legislation amending Section 27-98(f) of the Lodi Municipal Code (Zoning Ordinance) to reduce the minimum area requirements for a Planned Development zone from five acres to two acres. On motion of Councilman Culbertson, Hunnell second, the matter was set for public hearing on July 5, 1967.

SPECIFIC PLAN  
FOR LOWER  
SACRAMENTO RD

The Planning Commission recommended that the City Council adopt the Specific Plan for the development of Lower Sacramento Road between West Lodi Avenue and West Turner Road. On motion of Councilman Brown, Walton second, the matter was set for public hearing on July 5, 1967.

OTHER PLANNING  
COMMISSION  
ACTIONS

1. County Referral - Recommended the approval of the Pentecostal Church of God for a use permit to erect a church on the south side of Woodbridge Road, 800 feet east of Triolo Street, Town of Woodbridge, in an area zoned GA, General Agriculture.

2. County Referral - Recommended the approval of the request of Liberty Transport Company by Mr. George Gemellos for a use permit to establish a truck terminal at the southeast corner of U. S. 50-99 Freeway and Woodbridge Road in an area zoned I-H, Interim Highway.

3. Approved the request of Mr. Emil Perman for a variance to reduce the required side yard from 5 feet to 4 feet at 419 East Vine Street to permit the addition to an existing dwelling in an area zoned R-3, Limited Multiple-Family Residential.

4. Determined that a zoning hardship did not exist and denied the request of Sousa's Venetian Blind Service for Mr. Edward Meeks for a variance to reduce the required side yard from 5 feet to 1 foot to permit the installation of an aluminum patio cover which will connect an existing dwelling with an existing garage with a one-foot side yard at 764 Eureka Street in an area zoned R-2, Single-Family Residential.

5. Approved the request of Douglas Oil Company of California for a use permit for a rotating sign until May 5, 1970 at an existing service station at the southwest corner of South Hutchins Street and West Lodi Avenue in an area zoned C-1, Neighborhood Commercial.

The request was approved because the sign replaced a revolving sign blown down in a wind storm late in January, 1967. The period during which this sign may rotate corresponds with the date by which all non-conforming signs must be removed within the City limits.

6. Denied the request of Shell Oil Company for a use permit for a rotating sign at a proposed automobile service station at the northwest corner of East Lodi Avenue and South Stockton Street in an area zoned "M" Industrial.

7. Denied the request of Ad-Art, Incorporated, for a use permit for a rotating, automobile service station sign at a soon to be completed automobile service station at the southwest corner of East Lodi Avenue and Main Street in an area zoned "M" Industrial.

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COMMUNICATIONS

PURCHASE OF  
VIOLA REISWIG  
PROPERTY

The Deputy City Clerk read two letters from Mr. E. D. Mahaffey, attorney-in-fact for Mrs. Viola Reiswig offering to sell to the City the property owned by her at 13 North Church Street for the sum of \$73,800.00. The City Manager explained that it was the only parcel in the Civic Center area not now owned by the City. Mayor Kirsten said the Council owes it to Mrs. Reiswig to determine if the property is needed now by the City and if so then proceed with the necessary action to acquire it. Councilman Culbertson said steps should be taken now to acquire the property. Councilman Walton said the Council should not authorize negotiations now simply because there will be a need for the property five years from now. Councilman Culbertson moved, Mayor Kirsten second, the City staff proceed with appraisals and negotiations for the purchase of Mrs. Reiswig's property. The motion was passed with Councilman Walton casting a dissenting vote.

COOPERATION  
IN PLANNING

A letter was read from the County Board of Supervisors urging contact between county and city planning departments in matters that affect the sphere of planning and zoning of both agencies involved. The Council was informed that this is being done.

APPEAL -  
SHELL OIL  
CO. SIGN

A letter was read from the Shell Oil Company appealing the decision of the Planning Commission in denying the company's request for a use permit for a rotating sign at a proposed service station at the northwest corner of East Lodi Avenue and South Stockton Street. On motion of Councilman Walton, Hunnell second, the matter was set for public hearing on July 5, 1967.

REPORTS OF THE CITY MANAGERS

CLAIMS

Claims in the amount of \$474,827.19 was approved on motion of Councilman Walton, Hunnell second.

NORTH GENERAL  
MILLS ADDN.  
WITHDRAWN FROM  
WRCFPD

RES. NO. 3057

The annexation of the North General Mills Addition having been completed, the Council adopted Resolution No. 3057 withdrawing said addition from the Woodbridge Rural County Fire Protection District on motion of Councilman Brown, Hunnell second. Councilman Culbertson asked about protection for the residential zone adjacent to this industrial property. Planning Director Schroeder said a recommendation concerning this will be made by the Planning Commission. Mayor Kirsten asked City Manager Graves to give the Council a report on trains blocking Turner Road at the General Mills plant.

SUPER MOLD  
ADDITION  
WITHDRAWN FROM  
WRCFPD  
RES. NO. 3058

The annexation of the Super Mold Addition having been completed, the Council adopted Resolution No. 3058 withdrawing said addition from the Woodbridge Rural County Fire Protection District on motion of Councilman Walton, Brown second.

SUPER MOLD  
ADDITION  
WITHDRAWN FROM  
MRCFPD  
RES. NO. 3059

The annexation of the Super Mold Addition having been completed, the Council adopted Resolution No. 3059 withdrawing said addition from the Mokelumne Rural County Fire Protection District on motion of Councilman Culbertson, Hunnell second.

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AWARD - B-2  
STORM DRAIN  
OUTFALL

The following bids were received on the B-2 Storm Drain Outfall:

RES. NO. 3060	<u>Alternate 1</u>	<u>Alternate 2</u>
Cecil Sand & Gravel	----	\$111,002.04
A. Teichert & Son	\$136,115.00	116,991.00
Stockton Construction	----	118,227.00
Granite Construction	137,042.90	----
H. J. McCue	138,447.80	----

Alternate 1 was for re-enforced concrete pipe; Alternate 2 was for cast-in-place pipe. City Manager Graves recommended the award be made to the low bidder. On motion of Councilman Culbertson, Walton second, the City Council adopted Resolution No. 3060 awarding the contract for the B-2 Storm Drain Outfall to the low bidder, Cecil Sand & Gravel, for a total of \$111,002.04.

AGREEMENT  
BETWEEN LIBRARY  
AND STATE

The City Manager presented an agreement between the Lodi Public Library and the State Department of Education, Division of Libraries, for the latter to provide book processing services to the City Library. City Librarian Leonard Lachendro said efforts to recruit a cataloger to replace Mrs. Isabel Reynolds, who is retiring, have been futile. He said there is a shortage of librarians, and the Lodi Library offers little or no advancement possibilities. He also said the salary structure needs review. On motion of Councilman Culbertson, Brown second, the City Council approved the agreement and authorized the Mayor to sign same.

AGREEMENT WITH  
W.I.D. FOR CANAL  
CROSSING

City Manager Graves presented an agreement between the City and the Woodbridge Irrigation District in which the district has granted to the City an easement for the construction of the 48" Sanitary Sewer Outfall Pipeline No. 2. He said the City will cross the canal with the line around November of this year. On motion of Councilman Walton, Brown second, the City Council approved the agreement and authorized the Mayor to sign same.

CHURCH STREET  
DESIGN

The City Council heard a presentation on the proposed design of the Church Street widening from Lodi Avenue to Lockeford Street. The plan includes the planting of trees in tree wells and the installation of sprinklers at a total cost of \$10,830.00. City Manager Graves said there are underground installations to be considered also and this should be scheduled so as not to cut into a new street surface to do the work. Public Works Director Shelley Jones said his department was interested in getting a decision on the proposal so final plans can be completed even though the actual project may not be undertaken at this time. The plan includes two alternates involving two trees in front of Mrs. Viola Reiswig's property at 13 North Church Street, one alternate to remove the trees and the other to leave the trees in and prohibit parking at that site so as not to hinder traffic flow. On motion of Councilman Walton, Culbertson second, the City Council adopted the plan for the widening of Church Street, including the alternate calling for the removal of the trees in front of Mrs. Reiswig's property.

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INTERPRETATION  
OF SIGN ORD.  
RE BILLBOARDS

Planning Director Schroeder said Council interpretation of the sign ordinance was necessary as a result of a staff interpretation which raised a question. He explained that he had informed a service station company that a billboard on their property would be counted in computing total sign area. Thus if the company wished to erect its usual service station signs, it would have to remove the billboard to stay within the maximum allowable sign area. Mr. Harvey Berglund, representing Ryan Outdoor Advertising Company, said he was under the impression that billboards were considered separately as far as front footage requirements were concerned. He said his firm couldn't meet the requirements of the sign ordinance and asked if the ordinance as written was the Council's intent. He said in other cities billboards are exempted from front footage requirements and are not counted in computing total sign area. Mayor Kirsten said his intent was not to discriminate between billboards and other types of signs. The Planning Director pointed out that the maximum sign size in the C-1 zone was increased from 200 square feet to 300 square feet to permit that standard size billboard. Councilman Brown said he felt billboards were no different than other signs. Councilman Walton said he was not aware that the Council had intended any distinction between billboards and other signs in adopting the sign ordinance. Mayor Kirsten explained to Mr. Berglund that the Council had given him its interpretation of the sign ordinance, that billboards were not distinct or to be considered apart from other signs. The Mayor said that was the intent of the ordinance when it was adopted. Mr. Berglund said the ruling would put his firm out of business in this City. On motion of Councilman Walton, Culbertson second, the City Council unanimously endorsed the interpretation of the sign ordinance as made by the Planning Director.

AMEND  
SUBDIVISION  
ORDINANCE  
  
ORD. NO. 841  
ADOPTED

Ordinance No. 841, entitled "AN ORDINANCE AMENDING SECTION 22-4 (d) OF THE CODE OF THE CITY OF LODI AND THEREBY CHANGING THE IMPROVEMENT SECURITY REQUIRED FOR SUBDIVISION AGREEMENTS," having been introduced at the regular meeting of June 7, 1967, 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:

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

Noes: Councilmen - None

FURTHER REPORTS

PROGRESS  
PAYMENT  
PROCEDURE

Councilman Culbertson inquired as to the City's procedure for making progress payments. Public Works Director Shelley Jones explained that when a job is completed a Notice of Completion is filed. The City withholds 10% of the total payment for 35 days in accordance with State law. Monthly progress payments are made during the course of the job and when the job is substantially complete payment is made up to 90%.

ERICH PARK  
IMPROVEMENTS

Councilman Culbertson asked about the installation of services in the Erich Park subdivision and who was

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paying for and performing this project. The Public Works Director said the developers of this subdivision paid the acreage fee under the City's former subdivision procedure and that the City staff was instructed to do the work.

LEAGUE OF  
CALIFORNIA  
CITIES  
CONFERENCE  
PROGRAM

Councilman Hunnell reminded councilmen to submit any suggestions for programs at the annual League of California Cities Conference. Suggestions should be forwarded to the League office in Berkeley.

ADJOURNMENT

At 12:30 a.m., the City Council adjourned on motion of Councilman Culbertson, Hunnell second, to Wednesday, June 28, 1967.

  
Attest: THOMAS A. PETERSON  
Deputy City Clerk