

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MAY 18, 1966

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, May 18, 1966, in the City Hall Council Chambers.

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

Absent: Councilmen - None

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

MINUTES Minutes of May 4, 1966 were approved as written and mailed on motion of Councilman Culbertson, Kirsten second.

PUBLIC HEARINGS

USE PERMITS
FOR SERVICE
STATIONS

Notice thereof having been published in accordance with law, Mayor Walton called for public hearing on the recommendation of the Planning Commission that the City Code be amended to require that service stations be permitted in the C-S, C-1, C-2 and M districts after first securing a use permit from the Planning Commission. A list of the criteria to be used in considering requests for such use permits had previously been presented to members of the Council and also to the local association of service station operators, the members of which comprise around 50% of local operators. Mr. Riney Bender, 729 South Pleasant Avenue, representing the association of local operators, stated the association was 100% in favor of the amendment. Mr. Chris Christianson, representing the Western Gas and Oil Association, questioned the criteria proposed to be used. In reference to Item 1 which provides that the distance from schools or places of public assembly shall be considered in the issuance of a use permit for a service station, he stated that studies have not shown corner stations to be hazardous. In reference to Item 2, he stated that proximity of existing stations should not be a factor in issuing a permit because an investor should be allowed to use his own judgment in such matters. (The hearing on this proposal was then postponed until later in the meeting because Mr. Christianson became ill.)

OFF-STREET
PARKING
REQUIREMENTS
ORD. NO. 818
INTRODUCED

Notice thereof having been published in accordance with law, the Mayor called for public hearing on the recommendation of the Planning Commission to amend the City Code to provide that off-street parking spaces required by Section 27-13 of the Code shall not be situated within any front yard area, side yard area or interior court area. Planning Director Schroeder explained the purpose of the proposed amendment was to prevent front and side yard areas from being used for off-street parking, e.g., the front yard area of an office building which was adjacent to a residential area. There was no one in the audience who wished to speak on the proposal. Councilman Culbertson moved the introduction of Ordinance No. 818 amending Section 27-13(b)13 of the City Code and thereby changing off-street parking requirements. His motion was seconded by Councilman Kirsten and carried unanimously.

Minutes of May 18, 1966 continued

WM. REMPFER RE
PHARMACY IN
MEDICAL ARTS
BUILDING

Mr. Alvin R. Wohl, 2407 J Street, Sacramento, attorney representing Mr. Wm. E. Rempfer, said he wished to direct the attention of the Council to Hunnell's Pharmacy in the Medical Arts Building, 845 South Fairmont Avenue, as being in violation of the City Code. Mr. Wohl stated that in July 1962 the City had issued a building permit for the Medical Arts Building while the property was still under County jurisdiction. City Attorney Mullen had written him that the pharmacy was lawfully operating as a non-conforming use since the use permit therefor had been issued by the County prior to annexation to the City. However, Mr. Wohl's opinion was that since the construction was performed under an invalid building permit, the pharmacy was an illegal operation according to the City Code. He said Mr. Rempfer feels the Code should be enforced and the occupancy abated.

Mr. Wm. Rempfer, 115 South Fairmont Avenue, said he doubted the use permit had been issued in good faith. City Attorney Mullen answered that the use permit had been secured from the County and that application had also been made to the County for a building permit. However, the County had suggested that the building permit be obtained from the City since the property was in the process of being annexed to the City. The property owners were then given a building permit by the City. Since the use permit had been obtained from the County prior to annexation, it was not in violation of the Code, but came into the City as a non-conforming use. Mr. Graves pointed out that during that period there was an informal arrangement between the City and County building departments whereby in some instances prior to annexation, the City issued the building permit and did the inspecting rather than the County. The Uniform Building Code is used throughout the County so there would be no difference in building requirements. City Attorney Mullen said he could find no violation as far as the pharmacy was concerned and the City could not stop it from operating.

Councilman Kirsten stated the Council had a strong obligation to represent everyone and to see that the laws are enforced uniformly. He said Mr. Rempfer had come to his office and told him the pharmacy was in violation and should be abated. However, Mr. Kirsten said he wondered about Mr. Rempfer's motives since Mr. Rempfer told him at that time that if the Council would fire the City Manager and the City Attorney, he would not pursue the matter of the pharmacy further. Councilman Kirsten felt the whole matter stemmed from Mr. Rempfer's desire to have his property on West Lodi Avenue rezoned so that it could be used for a real estate office. For Councilman Hunnell's benefit, he then gave a chronological review of Mr. Rempfer's attempts to have his property rezoned.

Miss Joanne Thomas, 107 N. Avena Avenue, asked several questions concerning Mr. Rempfer's complaint and about the building code.

Mr. Richard Johnson, Deputy County Counsel, on being questioned, said that similar arrangements with the County building department and city building departments had occurred before concerning issuance of building permits but this practice has been stopped.

Minutes of May 18, 1966 continued

Councilman Kirsten moved that this matter concerning Hunnell's Medical Arts Pharmacy be dismissed. His motion was seconded by Councilman Culbertson who prefaced his second by stating the use permit was legal and the technicality concerning the building permit was something that had occurred in other instances. The motion passed, with Councilman Hunnell abstaining.

HEARING ON
USE PERMITS
FOR SERVICE
STATIONS
CONTINUED

Mr. Christianson having returned to the Council Chambers, the Council reopened the hearing on the proposal to require use permits for service stations. Mr. Christianson, referring to Item 3 of the criteria for service station locations, said that the number of service stations at an intersection should not be the concern of the City, that it was an economic consideration and should not be regulated by government. He recommended that Item 4 which required a minimum of 15,000 square feet for a station be changed to 12,000 square feet. In discussing Item 5 which prohibited major repairs at service stations, and Item 6 which prohibited sale of products not associated with automobile accessories, he suggested that both items be covered by the use of the definition for service station recommended by the Western Oil and Gas Association. He passed around copies of the definition to each member of the Council. In regard to Item 7 he recommended that screening only be required when adjacent to residential areas. He said that Item 8 which requires landscaping to the approval of the Public Works Department should be more specific. The Association agreed with Item 9 which regulates signs. There was no one else in the audience who wished to be heard on this matter.

During the discussion Councilman Culbertson said he hesitated to require a use permit in C-2 and M zones and was in favor of continuing the hearing. Councilman Kirsten felt Item 8 could be more clearly defined and Mayor Walton said he would like Mr. Christianson to discuss the proposed regulations with the Planning Director and the City Attorney. Councilman Kirsten moved that the proposed amendment to the Code and the criteria for service stations be referred to the Administration to work with Mr. Christianson and other interested parties. The motion was seconded by Councilman Brown and carried unanimously. Councilman Hunnell said he questioned Items 2 and 3 of the criteria.

The Mayor then declared a ten-minute recess.

PLANNING COMMISSION

OPENING OF
DONNER DR. IN
LAWRENCE RANCH
SUBDIVISION

Mr. Graves stated that in reading over the petition for the opening of Donner Drive in Lawrence Ranch Subdivision after the last Council meeting, he realized the City would be unable to comply with the May 16 deadline for action requested by Mr. Kirst and had referred the petition to the Planning Commission. The Commission recommended denial of the request. Commissioners recognize that traffic circulation and congestion exist within this subdivision, but feel this can be alleviated when the property to the north is subdivided. Councilman Culbertson suggested that a footpath might be the answer instead of a street opening as it would provide a way for children to get to school. Mr. Stanley D. Kirst, 1232 Midvale Road,

Minutes of May 18, 1966 continued

said the people in the area were concerned about the children going to school. He said there was an easement for a storm line along the lot line where the street opening was requested, but that a path would cut down the use of the lot. He expressed willingness to extend the deadline for a decision a couple of weeks to give the City time to come to some conclusion. After discussion concerning traffic hazards if the street were opened and the possibility of having a walkway instead, it was moved by Councilman Culbertson that the matter be referred to the Administration for discussion with Mr. Kirst and with residents in the area regarding the possibility of working out a solution to the problem. The motion was seconded by Councilman Brown and carried by unanimous vote.

STUDY OF
COUNCIL CHAMBER
PLANS POSTPONED

Councilman Culbertson moved that consideration of the plans for remodeling the Council Chambers be postponed to June 1, 1966. His motion was seconded by Councilman Brown and carried, with Councilman Kirsten voting no.

REZONING 830 &
836 S. CENTRAL
R-3 TO C-1

City Manager Graves read the report from the Planning Commission which recommended that 830 and 836 South Central Avenue be rezoned from R-3 Limited Multiple-Family Residential to C-1 Neighborhood-Commercial. On motion of Councilman Brown, Kirsten second, the proposal was set for public hearing on June 1, 1966.

PREZONING
1581 S. STKN
TO "M" IND.

The Planning Commission also recommended that property at 1581 South Stockton Street be zoned "M" Industrial prior to annexation to the City. On motion of Councilman Kirsten, Culbertson second, the matter was set for public hearing on June 1, 1966.

OTHER PC
ACTIONS

In other actions, the Planning Commission granted a variance to add to an existing garage at 501 East Walnut Street, granted Frontier Savings and Loan Association a use permit to erect a flashing sign (time and temperature) at 116 West Pine Street, granted a use permit to erect a miniature golf course on the east side of Cherokee Lane north of the extension of East Oak Street with certain conditions, and denied the request for variances to reduce the minimum lot width and lot size at 939 Wellswood Avenue in order to erect a duplex.

COMMUNICATIONS

CATV

A letter was read from Mr. Charles Vlcek, Ellensburg, Washington, stating that if the City is interested in the installation of a community antenna television system, he would be happy to discuss the matter. On motion of Councilman Culbertson, Brown second, the letter was ordered filed.

MEMORIAL DAY
SERVICES

An invitation was received from Lodi Post No. 22, American Legion, to attend Memorial Day services at Lodi Memorial Cemetery on May 30, 1966.

ABC LICENSES

Notices of the following applications for alcoholic beverages license were read:

1. Person to Person Transfer, On Sale Beer & Wine, Jose R. Tapia, 35 N. Sacramento Street.
2. Person to Person Transfer, On Sale General, Hazel Nichols and Robert Self, Piemonte Hotel, 104 E. Lodi Avenue.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$702,946.97 were approved on motion of Councilman Kirsten, Culbertson second.

APPROVE
ACTIVATED
SLUDGE
METHOD FOR
SEWAGE
TREATMENT

Mr. Glaves explained that Mr. Carlton Yoder, design engineer for the sewage treatment plant, and Director of Public Works Jones have been meeting with representatives of the State Division of Highways concerning the location of the Westside Freeway and also with the State Department of Water Resources and the Federal Bureau of Reclamation concerning the Peripheral Canal as both relate to the Thornton Road site of the sewage treatment plant. The location of the freeway has been resolved but the final location of the Peripheral Canal has not been determined. White Slough, which is in the area of the Thornton site, has been selected for development as a wild life conservation area and a recreational program is being considered in conjunction with the canal and delta development. Because of these and other factors, Mr. Yoder is recommending that the Council use the activated sludge method of disposal of sewage rather than the primary treatment plus oxidation ponds as previously approved by the Council. Councilman Culbertson moved that the City accept the activated sludge method of sewage treatment and that Mr. Yoder proceed with the plans. The motion was seconded by Councilman Kirsten and carried unanimously.

AWARD -
STREET IMPVTS
HAM & SYLVIA

Mr. Glaves presented the following tabulation of bids which had been received on the Street Improvements - Ham Lane and Sylvia Drive - and recommended that award be made to the low bidder:

RES. NO. 2945
ADOPTED

Tompkins & Gallaven	\$16,637.50
Claude C. Wood Company	\$16,766.00
A. Teichert & Son	\$19,493.00

On motion of Councilman Culbertson, Kirsten second, the City Council adopted Resolution No. 2945 awarding the contract for the above named project to the low bidder, Tompkins & Gallaven, for the amount of bid.

ACCEPT STREETS
IN TWIN OAKS
WEST-UNIT #1

The Public Works Director has recommended that the streets in Twin Oaks West- Unit No. 1 - be accepted as public streets. On motion of Councilman Culbertson, Kirsten second, the City Council adopted Resolution No. 2946 accepting the streets in Twin Oaks West - Unit No. 1.

RES. NO. 2946
ADOPTED

UNDERGROUND
WIRING FOR
BLKS 3 & 10

In connection with the City's program of placing electric wiring underground in the downtown area at the rate of one block each year, Mr. Glaves stated because of the construction of the Public Safety Building in Block 3 and the Farmers & Merchants Bank Building in Block 10, no work had been scheduled for the current year. However, both blocks have been scheduled for the 1966-67 fiscal year and have been timed to meet construction schedules of the buildings. Mr. Glaves has been informed that some of the equipment will require a 20-week order period. He therefore recommended that at this time the Council approve the

undergrounding of Blocks 3 and 10, City of Lodi, so the equipment can be received in time for the construction schedule. Councilman Kirsten moved that plans for the undergrounding of Blocks 3 and 10, City of Lodi, be approved. The motion was seconded by Councilman Hunnell and carried unanimously.

SPECS -
CURB & GUTTER
REPLACEMENT

Specifications for curb and gutter replacement at five locations throughout the City and for walkways at American Legion Park were presented for Council consideration. On motion of Councilman Kirsten, Brown second, the City Council adopted the plans and specifications for the above project and authorized calling for bids thereon.

SPECS -
STORM DRAIN
ON MILLS AVE.

The Council then approved the plans and specifications for construction of a storm drain on Mills Avenue between Tokay and Vine Streets and authorized advertising for bids thereon on motion of Councilman Brown, Kirsten second.

CURBSIDE
MAILBOXES
OPPOSED

Mr. Graves reported that a bulletin had been received from the League of California Cities stating that the League Board of Directors has requested the Post Office Department to rescind its regulation calling for curbside delivery of mail in new subdivisions and is urging each of the cities to adopt a resolution stating its opposition to such regulations. The bulletin pointed out that cities in California are making an effort to beautify residential areas by undergrounding electric utilities and that having curbside mailboxes will be a detriment to beautification, will increase the temptation to pilfer mail, and will discriminate against new home owners. Officials to whom copies of the resolution should be sent were listed. Councilman Culbertson moved the adoption of Resolution No. 2947 opposing curbside delivery of mail and the mailing of copies thereof to the persons listed on the League bulletin. The motion was seconded by Councilman Brown and carried, with Councilman Kirsten voting against the motion because he felt the Post Office Department should not be discouraged from trying to reduce costs.

RES. NO. 2947
ADOPTED

ADJOURNMENT

At 11:15 p.m. the Council adjourned on motion of Councilman Kirsten.

Attest: BEATRICE GARIBALDI
City Clerk