

CITY COUNCIL, CITY OF LODI
 CITY HALL COUNCIL CHAMBERS
 SEPTEMBER 21, 1966

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, September 21, 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 (arrived 8:30 p.m.) and Planning Director Schroeder.

MINUTES Minutes of September 7, 1966 were approved on motion of Councilman Brown, Kirsten second, after correcting the sentence starting on the twelfth line from the bottom of page three to read as follows: "Mr. Lachendro said possible drawbacks might be that equal access to the Library would be given to all in the system, the City would be committing itself not to expend less of its own funds on the Library than in the past year, and that two years would be required for studying ways and means of processing books."

MARINE CORPS Lieutenant A. W. Hildebrand of the U. S. Marine Corps
 RESERVES Reserve, Stockton Unit, presented Mayor Walton with a
 50TH ANNIVERSARY plaque commemorating the founding of the Reserves in
 PLAQUE 1916. Mayor Walton thanked Lieutenant Hildebrand and congratulated the Marine Corps Reserve for their outstanding contributions to the welfare of this country, in peace and in war.

PUBLIC HEARINGS

APPEAL - Notice thereof having been published in accordance
 M. O. RAY, JR. with law, Mayor Walton stated that now was the time
 RE 939 WELLSWOOD for the public hearing on the appeal of Maurice O. Ray, Jr. from the decision of the Planning Commission denying his request for a variance to reduce the required lot area and a variance to reduce the minimum lot width to allow moving a second dwelling onto a lot at 939 Wellswood Avenue. Stating that since he is attorney for Mr. Ray he wished to disqualify himself during the hearing, Mayor Walton relinquished the chair to Vice-Mayor Culbertson and left the Council Chambers. Vice-Mayor Culbertson then opened the hearing on the appeal of Mr. Ray by requesting the City Manager to review the background of the appeal. Mr. Graves said that Mr. Ray, having purchased a house from the City, had requested a permit to move it to the lot at 939 Wellswood. Believing the lot to be 50 feet in width as shown on their records, the Building Department had issued the permit and the house was moved. Subsequently, but before the foundation was made, this came to the attention of the Planning Department and Mr. Ray was notified that the house was in violation of the zoning ordinance as the lot was only 40 feet in width and the lot area was not sufficient for a second house. Mr. Ray requested the Planning Commission to grant him the variances needed to allow the house to remain on the lot. However, the Planning Commission did not consider the problem as one involving planning and zoning. In May of this year the Commission had denied a Mr. Luyster a variance to permit a second dwelling on this lot and felt the decision made at that time was still valid.

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Mr. Maurice O. Ray, Jr., 1201 Edgewood Drive, spoke in behalf of his request, stating he had been told by City personnel that the house would be permissible on the lot if both houses were connected, that he had been issued the moving permit, and felt his request was justified. Mr. Henry C. Baumbach, 3050 Mundy Lane, purchaser of the lot, said the renters in the rear house were not objecting to the house in the front of the lot. They were in favor of having the house there as it would mean less yard to take care of. There were no other persons present who wished to speak in favor of granting the variances.

The following persons spoke against the request, giving the opinion that the house was too large for the lot, too many people would be living on this small lot, and the house would leave insufficient area for yard and parking:

Mr. Jake Bietz, 409 Mission Street.
Mrs. Schlenker, 932 Wellswood Avenue.
Mrs. Suelzle, 415 Mission Street.
Mr. Fred Schafer, 938 Wellswood Avenue.
Mr. Harold Suelzle, 415 Mission Street.

Mr. T. Schulz, Route 3, Box 113, Lodi, former owner of the lot, said he was not permitted to put another house on the lot because of the width and had to take \$1,200--\$1,300 less when selling the lot because of the width. Mr. Graves explained that Mr. Luyster, who had been denied the request for a variance to move a house on the lot, was the son-in-law of Mr. Schulz.

There being no further persons in the audience who wished to speak on this matter, the public portion of the hearing was closed. Councilman Brown said he had looked over the house and lot, had measured distances, and concluded there was not enough room for the house. Councilman Brown then moved that the appeal be denied. The motion died for lack of a second. City Manager Graves said that there was no legal liability as far as the City was concerned but if the appeal were denied, some consideration should be given to Mr. Ray because he had been misinformed. (City Attorney Mullen arrived.) After further discussion on the part of the Council, Councilman Brown again moved that the appeal of Mr. Ray from the decision of the Planning Commission in denying his request for variances in lot size and width in order to allow a second dwelling at 939 Wellswood Avenue be denied. His motion was seconded by Councilman Kirsten and carried by unanimous vote. At the suggestion of the City Manager, Councilman Kirsten moved that the City Attorney and City Manager be authorized to get together with Mr. Ray to work out some means by which Mr. Ray could legally be compensated for some of the damages. The motion carried by the following vote:

Ayes: Councilmen Culbertson, Hunnell and Kirsten

Noes: Councilman Brown

Absent: Mayor Walton

Mayor Walton then returned to the Council Chambers and resumed his chairmanship of the Council.

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PLANNING COMMISSION

FINAL MAP
TICKNOR COURT

Mr. Graves reported that all requirements of the City have been met in regard to the final map for Ticknor Court Subdivision and it is ready for the Council's consideration. On motion of Councilman Kirsten, Hunnell second, the City Council approved the final map of Ticknor Court Subdivision as presented.

PC ACTIONS

Mr. Graves read the report of actions of the Planning Commission taken at its meeting of September 12, 1966. Activities were as follows:

1. Approved the Revised Tentative Map of Westlake Subdivision, located on the east side of Lower Sacramento Road south of Turner Road, subject to certain conditions which were listed in the report.
2. Recommended denial of the referral by the San Joaquin County Planning Commission of the request of Mr. Gideon Goehring for a use permit to establish a plant nursery on the east side of West Lane 1560 feet to 1830 feet south of Kettleman Lane.
3. Approved the request of Mr. M. O. Ray, Jr. for a variance to permit an off-street parking place in the required front yard area at 1236 South School Street.

APPEAL TO
COUNTY RE
PLANT NURSERY

Planning Director Schroeder stated the County Planning Commission had not followed the recommendation of the City Planning Commission as set forth in item 2 above, but had granted the use permit to Mr. Goehring to establish the plant nursery on West Lane. Councilman Kirsten moved that Planning Director Schroeder be instructed to represent the City Council before the County Board of Supervisors to appeal the decision of the County Planning Commission in granting the use permit to Mr. Goehring for a nursery. His motion was seconded by Councilman Brown and carried unanimously.

COMMUNICATIONS

PLUMBERS
RE NON-
METALLIC PIPE

A petition had been received by the Chief Building Inspector from most or all of the local plumbers requesting that the City's plumbing code be revised so that they could use non-metallic pipe for sanitary sewers. This type of pipe had been omitted from the code at the request of the plumbers, but now they want it back in the code. The Public Works Director is in accord with this request. On motion of Councilman Culbertson, Kirsten second, action on the request was postponed to October 26, 1966.

SANTA MARIA
RE FIELD ACT

A resolution was received from the City of Santa Maria objecting to current application of the Field Act and recommending that the State review the Act and its application in light of current conditions. The Council requested that the resolution be referred to the School Board.

ABC LICENSE

A notice was received of an application for Alcoholic Beverage License, person to person transfer, Hazel Nichols, On Sale General, Piemonte Hotel, 104 East Lodi Avenue.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$206,828.71 were approved on motion of Councilman Culbertson, Kirsten second.

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1911 IMPROVEMENT
ACT

City Attorney Mullen said he had had a phone call from Attorney Robert Blewett requesting that consideration of the 1911 Improvement Act be continued to another meeting. On motion of Councilman Kirsten, Brown second, the Council approved the request and continued the matter to October 5, 1966.

AWARD -
SUBD. PAVING 1966
RES. NO. 2992

Mr. Graves reported the following bids had been received for the Subdivision Paving 1966:

Claude C. Wood Co.	\$24,073.00
Tompkins & Gallaven	24,206.00
A. Teichert & Son	24,605.00

On motion of Councilman Kirsten, Culbertson second, the City Council adopted Resolution No. 2992 awarding the contract for Subdivision Paving 1966 to the low bidder, Claude C. Wood Company.

AWARD -
BASIN B-1
STRUCTURES &
PIPING

RES. NO. 2993

Bids which had been received for B-1 Retention Basin Structures and Piping were as follows:

Republic Construction Co.	\$17,937.46
Frahm-Kelly Co.	28,350.00
A. Teichert & Son	29,854.00

Mr. Graves recommended that award be made to the low bidder, and on motion of Councilman Kirsten, Brown second, the City Council adopted Resolution No. 2993 awarding the contract for the above project to the low bidder, Republic Construction Company, for the amount of their bid.

AWARD -
ASBESTOS CEMENT
WATER PIPE

RES. NO. 2994

The City Manager reported that the following bids had been received for asbestos cement water pipe:

Certain-teed Products Corp.	\$41,095.00
Johns-Manville	42,285.00

He stated that a third bid had been received from Voss International, but the bid was incomplete and did not meet the specifications as outlined for bidders in that the bid was for two sizes of pipe and the City had requested five sizes. Mr. Harlan Gaudor, representing Voss International, said if his company had known that only a lump sum bid would have been considered, they would have bid on two other sizes also. Mr. Graves said it has been the policy of the City for many years to ask for a lump sum. On motion of Councilman Brown, Kirsten second, the City Council adopted Resolution No. 2994 awarding the contract for the furnishing of water pipe to the low bidder, Certain-teed Products Corporation, in accordance with their bid.

AWARD -
REMOVAL OF HOUSE
AT 316 W. ELM

RES. NO. 2995

Two bids had been received for the removal of the house at 316 West Elm Street, as follows:

Gordon Nichols	\$1201.00
William Graffigna	50.00

Councilman Kirsten moved the adoption of Resolution No. 2995 awarding the contract for the removal of the house at 316 West Elm Street to Gordon Nichols for \$1201. His motion was seconded by Councilman Brown and carried by unanimous vote.

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NO U TURN ON
WALNUT AT
EAST CAMPUS

RES. NO. 2996

Consideration of a "No U Turn" designation on Walnut Street at its intersection with California Street having been continued from the meeting of September 7, was brought up at this time. The request has been made by high school officials because of the congestion and turmoil resulting from the numerous U turns being made at this intersection during school hours. Councilman Culbertson said the law was being broken now in this area by the rapping of mufflers, etc., and felt there was no point in putting another law on the books. Mr. Graves said that U turns are allowed in the middle of the block in residential areas and felt the residents on California Street would not be inconvenienced by not permitting U turns at the California-Walnut intersection. After discussion, it was moved by Councilman Brown, Kirsten second, that U turns be prohibited at the intersection of California and Walnut Streets and that the proper signs be erected. The motion carried by the following vote:

Ayes: Councilmen - BROWN, HUNNELL, KIRSTEN and
WALTON

Noes: Councilman - CULBERTSON

REQUEST FOR
NO U TURNS ON
PACIFIC AT
WEST CAMPUS

Also continued from the meeting of September 7 was consideration of the request for No U turn signs on Pacific Avenue in front of the West Campus to discourage cruising in this area. The request was for a No U turn sign on Pacific at Walnut Street and at the West Campus service entrance. The City Attorney questioned the legality of a No U turn sign at a private intersection. Councilman Culbertson moved that the request for No U Turns on Pacific Avenue be denied. His motion died for lack of a second. Councilman Kirsten moved that No U Turn signs be erected as requested. His motion died for lack of a second. After further discussion Councilman Kirsten moved the adoption of Resolution No. 2997 authorizing erection of two No U Turn signs on Pacific Avenue at the locations requested. His motion was seconded by Councilman Brown and failed to carry by the following vote:

Ayes: Councilmen - BROWN and KIRSTEN

Noes: Councilmen - CULBERTSON, HUNNELL and WALTON

SIDEWALKS IN
SCHOOL AREAS

Councilman Culbertson expressed his concern over lack of sidewalk in some school areas and suggested that the School Districts be advised that the City would like this situation remedied over a period of time. Mr. Graves said he has discussed this problem with the schools in the past and his recollection was that the schools would work on it. He said he would discuss it further with the Superintendent of Schools and give the Council a report on October 26.

GAS TAX
BUDGET

RES. NO. 2997

Mr. Graves presented the budget proposal for State Gas Tax Engineering Funds for fiscal 1966-67. On motion of Councilman Kirsten, Brown second, the City Council adopted Resolution No. 2997 adopting said budget for submission to the State Department of Public Works.

SERC ACTUARIAL
SURVEY

RES. NO. 2998

A contract has been received from the State Employees' Retirement System for the conduct of an actuarial survey of the system by the firm of Coates, Herfurth and England, consulting actuaries. Mr. Graves explained that the survey was conducted every four years. The

City's share of the cost will be \$300. On motion of Councilman Kirsten, Hunnell second, the City Council adopted Resolution No. 2998 approving the contract with Coates, Herfurth and England and authorizing its execution by the Mayor.

CROSSWALK
ACROSS FAIRMONT
AT TAMARACK

The Lodi Elementary School District has requested a crosswalk across Fairmont Avenue at Tamarack Drive for children going to Leroy Nichols School. On motion of Councilman Culbertson, Kirsten second, the City Council adopted Resolution No. 2999 establishing a school crosswalk on the north side of Tamarack across Fairmont Avenue.

RES. NO. 2999

ARCHITECT FOR
LODI LAKE PARK
BATH HOUSE

Mr. Graves stated that the Parks and Recreation Commission has recommended that Mr. Arlie Preszler be retained to do the drawings and specifications for Lodi Lake Park dressing rooms and that a contract had been drawn up for the Council's consideration. Councilman Brown moved that the contract with Mr. Preszler be accepted. His motion was seconded by Councilman Kirsten. Councilman Culbertson moved that the motion be amended to include the stipulation that Mr. Preszler consult with Mr. Paul Tritenbach on design of the building. The motion to amend was seconded by Councilman Brown and carried by unanimous vote. The motion to accept the contract subject to Mr. Preszler consulting with Mr. Tritenbach then passed by unanimous vote:

LODI BASEBALL
CLUB CONTRACT

The Recreation and Parks Commission also recommended that the contract with the Lodi Baseball Club be renewed with the same terms and conditions as the original contract. Mr. Graves said that after the Commission had approved recommending renewal of the contract, they had discussed the possibility of increasing the seating capacity as requested by Mr. Cappy Harada. However, the request for seating has no bearing on the contract. On being told the financial statement from the Club had not been received, City Attorney Mullen suggested that the Council wait until the terms of the present contract be complied with in regard to the financial statement. Members of the Council were in agreement with the suggestion, and Councilman Culbertson moved that no action be taken on renewal of the contract with the Lodi Baseball Club until the financial report on the 1966 contract was received. His motion was seconded by Councilman Hunnell and carried unanimously.

THANKS
CRUSHERS

Stating that the Crushers had added a great deal to the community, Councilman Culbertson moved that a letter be sent to the Crushers thanking them and complimenting them for being an asset to the community. His motion was seconded by Councilman Kirsten and carried.

THANKS
TULARE

Councilman Kirsten suggested that a letter of appreciation be sent to the Mayor of Tulare and to the Executive Manager of the Tulare Chamber of Commerce thanking them for their hospitality in connection with the trip to Tulare of this date.

SALARIES
RES. NO. 3000

The City Manager stated that the salary survey being conducted by the City staff has not been completed, but he suggested that the Council make any salary increases that might be made as a result of the survey effective as of September 1. On motion of Councilman Brown, Kirsten second, the City Council adopted Resolution No. 3000 determining that if any salary increases are to be made as a result of the current salary survey, such increases be effective September 1, 1966.

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PUBLIC SAFETY
BUILDING CONST.
CONTRACT
EXTENDED

Mr. Graves reported that the brick problem that had arisen on construction of the Public Safety Building had been resolved, but there had been a delay in receiving the acceptable brick. Because of this delay the general contractor, Roek Construction Company, was requesting an extension of 25 days to the contract. Councilman Culbertson moved that the general contractor be given an extension of 25 days providing that the extension will not in any way cause the City to assume any additional responsibility or any added construction cost. The motion was seconded by Councilman Brown and carried by unanimous vote.

DISPATCHER-
CLERK SALARY
RANGE

Councilman Kirsten said he had received a letter from Dispatcher-Clerk McKindley in regard to the salary range of Dispatcher-Clerk. Other members of the Council had received a copy of this letter also. City Manager Graves stated his recommendation concerning dispatcher-clerks would be included with his salary recommendation for all the classes of employees. Councilman Hunnell suggested that the Police Chief be present at the time salaries are considered so as to answer questions they may have concerning the dispatcher-clerks.

AUDIT
CONTRACT

City Manager Graves recommended that the City enter into a contract with Mr. H. P. McCandless to conduct the annual audit for the City for a fee of \$1375 per year. He suggested either a one or three-year contract. Councilman Kirsten moved that the City Manager's recommendation be accepted and that the City enter into a three-year contract with Mr. H. P. McCandless. The motion was seconded by Councilman Hunnell and carried by unanimous vote.

EXECUTIVE
SESSION

The Council adjourned to executive session at 10:20 p.m., reconvening within a few minutes.

W. A. COLBURN
APPOINTED TO
PLANNING COM.

Mayor Walton recommended that Mr. ^{WILLARD}~~WILLIAM~~ A. Colburn be appointed to the Planning Commission to fill the unexpired term vacated by James McCarty. On motion of Councilman Kirsten, Brown second, the City Council concurred in the appointment of Mr. Colburn to the Planning Commission to fill the unexpired term ending June 30, 1969.

ADJOURNMENT

The Council adjourned at 10:25 p.m. on motion of Councilman Brown, Hunnell second.



Attest: Beatrice Garibaldi
City Clerk