

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JULY 7, 1965

This regular meeting of the City Council of the City of Lodi was held at 8 p.m. of Wednesday, July 7, 1965, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - BROWN, CULBERTSON(8:05 p.m.),
DOW, WALTON and KIRSTEN(Mayor)

Absent: Councilmen - None

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

MINUTES Minutes of June 15, 1965 and June 16, 1965 were approved as written and mailed on motion of Councilman Brown, Walton second.

PUBLIC HEARINGS

WEST LODI AVE. Notice thereof having been published accordance with
STUDY AREA law, Mayor Kirsten called for public hearing on the recommendations of the Lodi Planning Commission concerning land use and zoning in the West Lodi Avenue study area, generally described as all those properties abutting West Lodi Avenue between Hutchins Street and the West Campus of Lodi Union High School. The public hearing was opened with a review of present zoning in the study area and zoning changes recommended by the staff and the Planning Commission. Planning Director Schroeder said the Planning Commission recommendations for West Lodi Avenue on the north side of the street consisted of C-1, Neighborhood Commercial, zoning from Hutchins Street to California Street and R-3, Limited Multiple-Family, zoning from California Street west to the east boundary of the West Campus of Lodi Union High School. The recommendations for the south side of the street from Hutchins Street to and including the Sunset Theatre property one parcel east of South Sunset Avenue was for C-1, Neighborhood Commercial. The recommendation from the theatre west to Ham Lane was for R-3 Limited Multiple Family, zoning. The Planning Director explained that there were only slight differences between the staff recommendation and the Planning Commission recommendation. Basically, the differences were these:

1. The staff recommended R-3 zoning one lot deep on the north side of the street; the Planning Commission's recommendation was for R-3 zoning two lots deep.
2. The staff recommended R-3 zoning for the southwest corner of Lodi Avenue and Ham Lane; the Planning Commission elected to make no recommendation on that corner since it was not in the City.
3. The staff recommended C-P, Commercial-Professional zoning on the west side of South Orange Avenue south of Lodi Avenue; the Planning Commission recommended R-3.
4. The staff recommended C-P zoning on the east side of South Fairmont Avenue south of Lodi Avenue; the Planning Commission recommended C-1.

Councilman Dow asked if the recommendations would create any non-conforming uses. Planning Director Schroeder answered there would be no new non-conforming uses, but three properties currently in that category would remain

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so, namely the offices of two doctors and a private swimming club. Mr. Robert H. Rinn, 228 West Pine Street, spoke in favor of the recommendations of the Planning Commission. He said it was immaterial to him whether the recommended zoning was one or two lots deep along Lodi Avenue, but that generally he favored the zoning as recommended. Mr. Gottlieb Bader, 306 South Sunset Drive, asked the Council about the status of the properties on the east side of South Sunset Drive. When told the recommendation there was for R-3, Limited Multiple Family, zoning one lot deep, he said he felt this was not deep enough to make the property usable for that purpose. Jack Chappell, 231 South Avena, said he favored C-P, Commercial-Professional, zoning for the north side of Lodi Avenue. He said he has purchased the property adjacent to his swim club on the corner of Lodi Avenue and Avena and said if his parcels were both commercially zoned it would present a better piece of property to develop or sell. He also asked that his swim club be made a conforming use, stating that he must now insure property that he cannot rebuild in the event it is destroyed. Mr. William Rempfer, 115 South Fairmont Avenue, spoke against the recommendations of the Planning Commissions. He said the recommendations would not solve any of the problems that now exist. He said the Lodi Avenue lots are too shallow to develop economically as residential properties. He said he felt that the north side of Lodi Avenue should be zoned C-1, Commercial, adding that the traffic problem is one that is beyond the City's power to effectively deal with. Tom Doyle, 333 South Fairmont Avenue, expressed concern about R-3, Limited Multiple Family, zoning at the southeast corner of Lodi Avenue and Ham Lane. He said he felt the four parcels fronting on Lodi Avenue immediately west of the Sunset Theatre should also be zoned Commercial. There being no one else in the audience desiring to be heard in this matter, Mayor Kirsten closed the public hearing and asked for discussion at the Council level.

Councilman Dow asked Planning Director Schroeder if he would explain what prompted the Planning Commission recommendations. The Planning Director answered that the desire of the Planning Commission was to present uniform zoning for residential properties and retain the commercial zoning on the south side of the street. Councilman Dow asked if C-P zoning would not be acceptable on the north side of the street. The Planning Director answered that C-P zoning is the same as Commercial zoning and that it generates great amounts of traffic. City Manager Graves said that historically, the Planning Commission has tried to avoid strip development. He discussed several disadvantages of such developments, among them being these:

1. Residential properties adjacent to commercially zoned areas become blighted by such nuisances as noise, trash and parking.
2. Generally business does not prosper as well with strip development. There is a tendency to develop "hot" corners in some locations, but the businesses in between lag and continue to present zoning problems.
3. Commercial use increases volume of traffic using driveways which in turn reduces the capacity of the street. Where properties are not large enough to provide one-way driveways, the problem becomes greater with cars backing into traffic.

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4. Traffic carrying capacity is reduced because traffic is slowed.

5. Strip zoning creating commercial zones on both sides of the street adds pedestrian traffic as shoppers move from one side of the street to the other and thus further reducing the capacity of the street.

6. Requests for stop signs or traffic lights to allow to cross more easily which further reduces the traffic carrying capacity of the street.

The City Manager said that if the traffic capacity of the street is reduced, it will prove very expensive when the City is forced to purchase additional right-of-way for street widening. Councilman Walton said he questioned the reasonableness of residences on the north side of Lodi Avenue. The City Manager answered many thriving apartment developments are located on very busy streets.

Councilman Walton questioned the R-3 zoning west of the Sunset Theatre on the south side of the street. He moved that the property on the south side of Lodi Avenue between the theatre and Ham Lane be zoned C-1, Commercial. The motion was seconded by Councilman Brown. Speaking to the motion, Councilman Culbertson said the line for commercial zoning must be drawn somewhere. He said he felt the theatre wall to be a logical boundary for the Commercial zone. He added that considerable more study should be devoted to the entire problem and that adopting the current recommendations of the Planning Commission would not solve the problems as they currently exist. The City Attorney pointed out that passage of the motion on the floor would require that the City Council refer the entire matter to the Planning Commission for a report. Councilman Walton said he felt stopping Commercial zoning at the theatre was arbitrary. He said he favored extending Commercial zoning to Ham Lane, which he termed a logical separation. The question was called for and the motion carried by the following vote:

AYES: Councilmen - BROWN, DOW and WALTON

NOES: Councilmen - CULBERTSON and KIRSTEN

ABSENT: Councilmen - None

Councilman Brown moved, Dow second, that the City Council accept the balance of the Planning Commission's recommendations on the south side of Lodi Avenue. Councilman Culbertson repeated his earlier statement that he felt more study was needed on the entire problem. He said encouragement should be given to the development of larger units which would reduce the number of entrances and exits along the street. The question was called for and the motion was carried by the following vote:

AYES: Councilmen - BROWN, DOW and KIRSTEN

NOES: Councilmen - CULBERTSON and WALTON

ABSENT: Councilmen - None

Councilman Culbertson moved that the Lodi Avenue study be returned to the Planning Commission for a report on zoning and traffic circulation. Councilman Brown said he was against further study, saying the Council had

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waited long enough on this matter. Councilman Culbertson said he made the motion for two reasons: (1) The present recommendations present no solution for the growing traffic problem; and (2) property owners, he felt, would not be satisfied with the recommendations if passed, and further changes in zoning would soon be requested. The motion was seconded by Councilman Dow, who said a lot of time had been invested in this problem to date and that a hasty decision should not be made. He added that a closer look should be taken at the traffic circulation pattern recommended by the Planning Director. The question was called for and the motion carried by a 4-1 vote, with Councilman Brown voting no.

Councilman Culbertson moved, Dow second, that the Administration be authorized to negotiate for a traffic consultant who would review traffic flows throughout the City placing particular emphasis on Lodi Avenue. Councilman Dow asked that the Administration instruct the firm to include alternatives that might be studied. Councilman Brown said that he was opposed to hiring a consulting firm, saying he felt the City's staff could prepare such a report. The question was called for and the motion was carried by the following vote:

AYES: Councilmen - CULBERTSON, DOW and WALTON

NOES: Councilmen - BROWN and KIRSTEN

ABSENT: Councilmen - None

Mr. Rempfer asked when the Lodi Avenue matter would again come before the Council. Mayor Kirsten answered that the Planning Commission must return its report within 90 days. Mayor Kirsten expressed thanks on behalf of the Council to those citizens who attended the hearing.

PLANNING COMMISSION

At its meeting of Monday, June 28, 1965 the Lodi City Planning Commission took the following actions:

1. Gave tentative approval to the proposed ninety-lot Sunset South Subdivision being developed by Capell Properties, Inc., and located south of the existing Hutchins Sunset Park Subdivision.

Besides the residential lots, this forty-acre parcel contains an eight-acre elementary school site and a fifteen-acre city park-storm drainage basin.

2. Approved the request of Mr. Maurice O. Ray, Jr. for a use permit to erect a convalescent home at the southwest corner of Iris Drive and South Ham Lane in an R-3, Limited, Multiple-Family Residential zone with the following conditions:
 - a. Dedication and improvement of South Ham Lane and Iris Drive;
 - b. Dedication of one-half of a street on the west side of the applicant's property to insure access to the rear of the properties facing on Iris Drive;
 - c. The easterly fifteen feet of the lot facing on South Ham Lane shall be landscaped except for necessary access driveways, and no off-street parking shall be permitted in that area;

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- d. The type of convalescent home shall be as described in Section L of the Department of Hygiene, State of California Booklet as presented by the applicant; and
 - e. Installation of a solid redwood or grape stake fence along the south, west and north sides of the property as approved by the Director of Public Works.
3. Approved the request of Miss June Partain for a variance which would reduce the required side yard from five feet to three feet and the required front yard from twenty feet to nothing so that a nonconforming commercial building at 408 East Locust Street can be used as a conforming eight-unit apartment house with the provision that the front elevation be remodeled to carry out the residential character of the neighborhood.
 4. Adopted a resolution establishing a policy declaring the minimum acceptable depth of lots in residential subdivisions as one hundred feet.

COMMUNICATIONS

<p>LONE OAK ANNEXATION</p> <p>RES. NO. 2830 ADOPTED</p>	<p>A signed petition for the annexation of the Lone Oak Addition (37 acres) was presented to the City Council. Resolution No. 2830 was moved by Councilman Culbertson, Dow second, accepting the petition and setting the annexation for public hearing in accordance with prescribed procedures. The motion carried unanimously.</p>
<p>HUTCHINS EST. ADDITION</p> <p>RES. NO. 2831 ADOPTED</p>	<p>A signed petition for the annexation of the Hutchins Estate Addition (93.1 acres) was presented to the City Council. Resolution No. 2831 was moved by Councilman Culbertson, Dow second, accepting the petition and setting the annexation for public hearing in accordance with prescribed procedures. The motion carried unanimously.</p>
<p>CLAIM FOR DAMAGES - LOVELESS</p>	<p>A claim was read from Mr. Jay Loveless and Ethel W. Loveless which alleged damages to vineyards caused by the City spraying certain weed killers. On motion of Councilman Brown, Dow second, the City Council rejected said claim and referred it to the City's Agent of Record.</p>
<p>WATER RATE PROTEST</p>	<p>A letter was read from Mr. Philip Kiesz, 1390 West Lockeford Street, in which he protested the doubling of his water rates. The City Manager stated there were no unusual circumstances involved in this particular case. Councilman Culbertson moved, Brown second, that the letter be accepted and the City Manager instructed to reply that the new rate schedule would be adhered to. The motion carried unanimously.</p>
<p>STREET DANCE - MOOSE LODGE</p>	<p>A letter was read from Mr. Charles Loudon, Secretary, Lodi Lodge #634, Loyal Order of Moose, requesting permission to hold a pre-festival street dance on Pine Street in the quarter block immediately west of Sacramento Street. On motion of Councilman Dow, Brown second, the City Manager was asked for a report containing additional information of this request. The motion carried unanimously.</p>
<p>LETTER OF APPRECIATION</p>	<p>A letter was read from the Wally Byam Caravan Club International, Inc., expressing appreciation for the use of Lodi Lake Park the weekend of June 19-20. The letter</p>

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expressed special thanks for the courtesy and cooperation of the Recreation and Parks Department staff.

ABC LICENSES

The following notices of Application for Alcoholic Beverage Licenses were received:

1. Kenneth L. DeWalt, DeWalt's Bottle Shop, 412 West Lodi Avenue, Retail Package Off-Sale General.
2. Dean Buttell, Pizza Garden, 704-B West Lodi Avenue, On-Sale Beer.

REPORT RE
CITY WATER
WELLS

City Manager Glaves read a letter from the State Department of Public Health which stated that six city wells are dangerously close to cement sewer lines. The Health Department recommended three alternatives: (1) abandon well; (2) relocate sewer lines 100 feet from each well; (3) where 100-foot separation is not possible, relocate the sewer lines not less than 25 feet from wells and reconstruct the sewers of cast iron pipe or equivalent with water-tight joints for a length of 50 feet on each side of the well and provide an effective neat cement grout seal between the soil and the casing to at least a depth of 20 feet. The Public Works Director said the initial estimate for doing the work is in the vicinity of \$15,000 to \$20,000, however, this does not take into consideration relocating the sanitary facilities at the Water Works building or solving any problems that may be met in the sanitary sewer laterals. The City Manager said he would meet with the Public Works Director and Director of Public Utilities to prepare a program for accomplishing the necessary work. The Health Department will not issue permit for continuation of the pumping of water in the wells until the work has been completed.

FEDERAL GRANT
FOR SEWER
PLANT

City Manager Glaves reported that the City now ranks No. 47 on a priority list for a Federal construction grant for the City's new Sewage Treatment Plant. He said a new application would be made in March at which time the City will be closer to initiating construction of the new plant and also may possibly achieve a higher position on the priority list for receiving a grant.

STOCKTON STREET
SETBACK -
STOKELY-VAN CAMP

The City Manager read a letter from G. J. Liebig, Plant Manager, Stokely-Van Camp, Inc., requesting a change in the ordinance establishing a setback line of eleven feet on the west side of Stockton Street on all property south of Vine Street. The request was for a five-and-one-half-foot setback line. The City Manager pointed out that the eleven-foot setback line has already been enforced on other properties south of the cannery. On motion of Councilman Dow, Walton second, the matter was referred to the Planning Commission for study and recommendation at the earliest possible date as the firm is planning construction. The motion carried unanimously.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$353,165.68 were approved on motion of Councilman Dow, Walton second.

POWER LINE
CROSSING

City Manager Glaves presented an agreement between the City and the Southern Pacific Company for a power line crossing under and across the Company's railroad right of way at the southeast corner of Sacramento and Lockeford Streets. On motion of Councilman Culbertson, Dow second, the City Council adopted Resolution No. 2832 authorizing the Mayor to execute the agreement on behalf of the City.

RES. NO. 2832
ADOPTED

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POWER LINE CROSSING RES. NO. 2833 ADOPTED	The City Manager presented an agreement between the City and the Southern Pacific Company for a power line crossing over the Company's railroad right of way at California Street north of Holly Drive. On motion of Councilman Brown, Dow second, the City Council adopted Resolution No. 2833 authorizing the Mayor to execute the agreement on behalf of the City.
POWER LINE CROSSING RES. NO. 2834 ADOPTED	Mr. Graves presented an agreement between the City and the Southern Pacific Company for a power line crossing under and across the Company's railroad right of way at the southeast corner of Sacramento and Lockeford Streets in a different specific location than that specified in Resolution No. 2832. On motion of Councilman Dow, Culbertson second, the City Council adopted Resolution No. 2834 authorizing the Mayor to execute the agreement on behalf of the City.
STADIUM CONTRACT - LODI ELKS LODGE	The City Manager presented a contract between the City and the Lodi Elks Lodge #1900 for the use of Lodi Stadium on August 14, 1965 for the purpose of conducting a football game and usual events of entertainment connected therewith. On motion of Councilman Dow, Culbertson second, the Council authorized the Mayor to execute the agreement on behalf of the City.
DOW DRIVEWAY REQUEST	The City Manager presented a request from Mr. Hugh Dow of Dow's Nursery for permission to construct two 30-foot driveways on Elm Street adjacent to his proposed development. The driveways are essentially as reviewed before the Planning Commission and the City Council previously and the driveways, as well as curb, gutter and sidewalk, will be installed along Mr. Dow's property prior to the City's work on that portion of Elm Street. On motion of Councilman Culbertson, Brown second, the Council approved the proposed driveway locations, with Councilman Dow abstaining because of personal interest.
ELIMINATION OF PASSENGER LOADING ZONE RES. NO. 2835 ADOPTED	City Manager Graves reported that since the building at 11 West Elm Street (former Hale & Bawden Funeral Home) is no longer used as a funeral home the Department of Public Works has recommended that the existing passenger loading zone at the curb in front of the property be eliminated and be replaced with a standard meter parking stall. On motion of Councilman Dow, Culbertson second, the Council unanimously adopted Resolution No. 2835 eliminating said passenger loading zone.
SEWAGE TREATMENT PLANT DESIGN AGREEMENT	An agreement between the City and Mr. M. Carleton Yoder for the design of the City's proposed Sewage Treatment Plant on Thornton Road was presented to the Council. The resident engineer position was discussed. On motion of Councilman Brown, Dow second, the City Council authorized the Mayor to execute the agreement, pending resolving the question of the status of the resident engineer (inspector).
POPULATION ESTIMATE	The City Manager read a letter from the State Department of Finance which estimated the population of the City on April 1, 1965 as 27,200. This is a gain of 400 persons during the last twelve months. Mr. Graves said it would be advisable for the City to contract for a special census next year.
CIVIL DEFENSE AGREEMENT RES. NO. 2836 ADOPTED	The City Manager presented a resolution relative to the Civil Defense surplus property program. He said the resolution should be adopted to enable the County of San Joaquin to process all Civil Defense surplus property transactions in the name of the City of Lodi. On motion of Councilman Walton, Culbertson second, the City Council

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adopted Resolution No. 2836 enabling the County to process all Civil Defense surplus property transactions in the name of the City.

1965-66
GAS TAX
BUDGET

The 1965-66 Gas Tax Budget Proposal was presented by the City Manager. The proposal will be forwarded to the Division of Highways for expenditure of gas tax funds for 1965-66 fiscal year, he said. The budget included three items:

RES. NO. 2837
ADOPTED

1. General Street Maintenance	\$ 56,922.00
2. Additional funds for Ham Lane	32,385.00
3. Elm Street-Pacific to Ham Lane	<u>5,563.00</u>
	\$ 94,870.00

On motion of Councilman Brown, Culbertson second, the City Council adopted Resolution No. 2837 approving the 1965-66 Gas Tax Budget.

SPECS -
ELM STREET
IMPROVEMENTS

Plans and specifications for the improvement of Elm Street from Pacific Avenue to Ham Lane were presented. On motion of Councilman Culbertson, Walton second, the Council approved the plans and specifications and authorized calling for bids. Councilman Dow abstained for personal reasons.

SPECS -
HAM LANE
IMPROVEMENTS

Plans and specifications for Ham Lane Improvements from Kettleman Lane to Cardinal Street were presented by the City Manager. On motion of Councilman Culbertson, Dow second, the City Council approved the plans and specifications and authorized calling for bids.

SPECS -
HAM LANE
STORM DRAINS

Plans and specifications for the installation of storm drains on Ham Lane from Vine Street to Iris Drive were presented by the City Manager. On motion of Councilman Brown, Culbertson second, the City Council approved the plans and specifications and authorized calling for bids.

ACQUIRE
BASIN B-1
SITE

City Manager Graves discussed the acquisition of the site for Drainage Basin B-1 located immediately south of Hutchins Sunset Park. He briefly described the layout of the basin as it relates to a proposed school. He said it would be necessary to retain an appraiser and negotiate with the property owners for the purchase of Basin B-1. On motion of Councilman Dow, Culbertson second, the City Council authorized the Administration to initiate proceedings to acquire the site.

PENSION FUND
ACTUARIAL
SURVEY

The City Manager presented a contract to be signed between the City and the firm of Coates, Herfurth and England, Consulting Actuaries, providing for an evaluation to determine the cost of participation in the State Employees' Retirement System. On motion of Councilman Dow, Walton second, the City Council authorized the City Manager to sign the contract for the actuarial study.

ORDINANCES

AMEND ZONING
ORDINANCE

ORDINANCE NO. 793, entitled "AN ORDINANCE AMENDING SECTIONS 27-9, 27-10 AND 27-11 OF THE CODE OF THE CITY OF LODI AND THEREBY PROVIDING SOLID SCREENING BETWEEN ALL COMMERCIAL AND RESIDENTIAL DISTRICTS," having been introduced at the regular meeting of June 16, 1965, was brought up for passage on motion of Councilman Culbertson, Walton second. Second reading was omitted after reading

ORD. NO. 793
ADOPTED

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by title and the ordinance was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - BROWN, CULBERTSON, DOW,
WALTON and KIRSTEN

NOES: Councilmen - None

ABSENT: Councilmen - None

1965-66
OPERATING
BUDGET

ORD. NO. 794
ADOPTED

ORDINANCE NO. 794, entitled, "AN ORDINANCE ADOPTING AN OPERATING BUDGET FOR THE SUPPORT OF THE VARIOUS DEPARTMENTS OF THE CITY OF LODI FOR THE FISCAL YEAR BEGINNING JULY 1, 1965 AND ENDING JUNE 30, 1966," having been introduced at the regular meeting of June 16, 1965, was brought up for passage on motion of Councilman Dow, Brown 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, DOW,
WALTON and KIRSTEN

NOES: Councilmen - None

ABSENT: Councilmen - None

BUSINESS
LICENSES

Councilman Culbertson stated that he had learned that some businesses in the City were operating without a business license. City Manager Graves said he would have this investigated immediately to insure compliance with City requirements.

CONCESSIONS
AT LAWRENCE
PARK

Councilman Culbertson asked why no concession stand was in operation during baseball games at Lawrence Park this season. He said this is a great convenience to people who attend games there and that this service is missed. The City Manager said he would discuss this with the Recreation and Parks Director.

BASIN A-1
PROGRESS

The progress of dirt removal from Basin Pond A-1 was questioned by Councilman Culbertson. He said he was anxious to see that project completed. City Manager Graves said all contractors in the area know the City has dirt to dispose of and that it is being disposed of as fast as possible. However, he added that the City may be forced to remove some dirt itself if a sufficient amount is not taken soon by contractors.

CURB, AND
GUTTER
CONTRACT

Councilman Culbertson said a contractor (William Burkhardt) who had received the bid for installation of curb and gutter work in various locations in the city has been able to complete only two-thirds of the contract because there are certain utility poles and man holes to be relocated before he can proceed. The Public Works Director answered that these poles and man holes should have been relocated before the bid was awarded, but that this was an oversight. He said his department is working as rapidly as possible to correct this situation and that Mr. Burkhardt will be advised of the situation as progress is made.

BOND SALES

The City Manager announced that he has made tentative arrangement with representatives of Stone and Youngberg, the City's financial consultants, to be present at an adjourned meeting July 14, 1965 to discuss the sale of the City's bonds. Also, the City Manager said he wished to discuss the Capital Improvement Program at the July 14, 1965 meeting should the Council elect to hold

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an adjourned meeting on that date as per his recommendation.

THANK YOU
LETTERS

Mayor Kirsten informed the Council that the thank-you letters to those who worked on the bond campaign have been mailed. The City Council had instructed the Mayor to write these thank-you letters in appreciation of the efforts put forth in the campaign.

ADJOURNMENT

There being no further business, at 11:15 p.m. the City Council adjourned to July 14, 1965 at 8 p.m. on motion of Councilman Brown, Walton second.



Attest: THOMAS A. PETERSON
Deputy City Clerk