

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
OCTOBER 20, 1965

This regular meeting of the City Council of the City of Lodi was held beginning at 8 p.m. of Wednesday, October 20, 1965, in the City Hall Council Chambers.

ROLL CALL

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

Absent: Councilmen - None

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

MINUTES

On motion of Councilman Culbertson, Walton second, the minutes of October 6, 1965, were approved as written and mailed.

TRAINING
CERTIFICATES
AWARDED TO
EMPLOYEES

Certificates for having successfully completed a course of study in Supervisory Methods in Municipal Administration sponsored by the Institute for Training in Municipal Administration, International City Managers' Association, were presented by Mayor Kirsten to the following employees: Ray C. Bender, James Brunson, Basil Doyle, Marilyn Field, Emery Holloway, Edwin Hunter, Dagmar Linton, Robert Linton, Bonnie Rauser, Kay Tamura and Marc Yates. Mayor Kirsten complimented the employees on their achievement.

PUBLIC HEARINGS

ANNEX
KUNDERT ADDN.
RES. NO. 2874
ADOPTED

Notice thereof having been published in accordance with law, Mayor Kirsten called for hearing on the proposed annexation of the Kundert Addition, being a 9.3-acre parcel at the northwest corner of Cherokee Lane and Almond Drive. There were no protests, written or oral. Councilman Brown moved the adoption of Resolution No. 2874 annexing the Kundert Addition to the City of Lodi. The motion was seconded by Councilman Dow and carried by unanimous vote.

ANNEX
RUTLEDGE ADDN.
RES. NO. 2875
ADOPTED

Notice thereof having been published in accordance with law, the Mayor called for hearing on the proposed annexation of the Rutledge Addition, being a 27.8-acre parcel at the southeast corner of Turner Road and Sacramento Road. There were no protests, written or oral. On motion of Councilman Walton, Brown second, the City Council adopted Resolution No. 2875 annexing the Rutledge Addition to the City of Lodi by unanimous vote.

WEST LODI AVE.

Notice thereof having been published in accordance with law, and notices also having been sent to property owners in the area, Mayor Kirsten called for hearing on the proposed zoning changes in the area of West Lodi Avenue between Hutchins Street and Ham Lane. Mr. Jack Chappell, 231 South Avena Avenue, expressed himself as being in favor of the proposal to rezone the north side of the street to C-P, stating he had given his reasons at the July 7 Council meeting. Mr. Richard Scott, 321 South Fairmont Avenue, representing United California Theatres, Inc., said the company was in favor of the rezoning with one exception, which was the proposal to rezone that part of their property south of West Lodi Avenue facing Orange Avenue to R-3 while leaving the portion facing Fairmont Avenue C-1. The company was

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opposed to having the property split, one reason being it would prevent the land from being developed as one parcel. Dr. W. G. Fessler, 32 North Sunset Avenue, approved changing the north side of Lodi Avenue to C-P, but felt the south side should remain as is. He also voiced opposition to splitting the zoning on the United California Theatres, Inc. property fronting on both South Fairmont Avenue and South Orange Avenue. Mrs. Marta Martz, 324 South Orange, has apartment rentals on the east side of Orange Avenue facing the United California Theatres property and was in favor of having R-3 zoning on the west side of the street.

Mr. Robert Rinn, 820 West Walnut Street, spoke of the many times the rezoning of West Lodi Avenue had been before the Planning Commission and City Council. He said that in 1954 a Master Plan had been adopted by the City which provided for plenty of commercial development on the south side of Lodi Avenue, but that the north side had been excluded. Since then, there had been at least seven Planning Commission decisions and seven City Council decisions, along with changes in personnel on both bodies, all denying requests for change to commercial zoning on the north side. In addition, there had been one Court decision upholding the Council and one referendum election rejecting commercial zoning at the northwest corner of Lodi Avenue and Ham Lane. In his opinion, there were three entities to be considered: 1) The persons seeking the change; 2) The people in the area who would be affected; and 3) The over-all benefits to the City. Mr. Rinn said the Council had to keep these in mind in reaching a decision. He then read from the Council Minutes of July 7, 1965, page 2, starting with the second paragraph in which the Planning Director gave the Planning Commission's recommendations and the City Manager elaborated on the disadvantages of strip development. Mr. Rinn said that persistence should not be the foundation of planning. Because of the amount of traffic carried by Lodi Avenue, the street will probably be widened eventually and the Council should consider the expense of purchasing additional right of way, the cost of which would be affected by the zoning. He said he was trying not to be prejudiced, but he was of the opinion that rezoning the north side of Lodi Avenue to C-P would create additional problems and that fundamentally planning must be based on what is required for the entire community.

Mr. Robert Mertz, 404 West Pine Street, representing the Regal Drug Company which owns the Fairmont Pharmacy at 340 South Fairmont Avenue, protested rezoning that half of the Company's property which faces on Orange Avenue to R-3. He said the property is a unit, was developed as one entity, and the company has a vested property right. He said there was no valid public need to rezone any of this property.

Mr. Gottlieb Bader, 306 South Sunset Avenue, said he was opposed to having one lot north of him rezoned to commercial (this lot is immediately west of the Sunset Theater). He said the lot was too small to be used commercially and his lot should be rezoned commercial also.

Mr. Richard Colvin, 225 South Crescent, said that rezoning the north side of Lodi Avenue to C-P would be strip zoning which he was against.

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Mr. Lindsay Marshall, 703 West Pine Street, representing several property owners on the south side of Lodi Avenue east of Ham Lane, spoke in favor of the proposal to rezone certain parcels between the Sunset Theater and Ham Lane to C-1. He said this would give uniform zoning on the south side of Lodi Avenue from Hutchins Street to Ham Lane and that uniform zoning on the north side was due also. He said it would be beneficial to the entire area.

Mr. William Rempfer, 115 South Fairmont Avenue, said Lodi Avenue could speak for itself and he hoped the Council would adopt the rezoning proposed which would make the zoning on each side uniform.

Communications in regard to the proposed rezoning were read from the following:

In favor of the proposed rezoning of the North side of Lodi Avenue:

Mrs. W. H. Franklin, 405 S. Hutchins Street
Mr. and Mrs. Spiro Stathatos, 417 W. Pine Street
Mrs. Mary Teierle, 1215 West Lodi Avenue

Against the rezoning of its property on the south side of Lodi Avenue:

United California Theatres, Inc., 172 Golden Gate Avenue, San Francisco

Against rezoning the north side of Lodi Avenue:

G. O. Beckman, 210 S. Orange Avenue
Mrs. Alice Dee, 211 S. Avena Avenue
James W. Gibbons, 206 S. Orange Avenue
Ethel V. Allen, 221 S. Orange Avenue
Rosalie V. Woodhull, 212 S. Avena Avenue
Mr. and Mrs. Milton Staton, 220 S. Avena Avenue
Mrs. Ed Kurtz, 201 South Avena Avenue
Ella Rott, 225 S. Avena Avenue
Margaret Watson, 219 South Avena Avenue
Mrs. and Mrs. Hugh Jory, 210 South Avena Avenue
Mr. and Mrs. Adelbert Gillespie, 224 S. Avena Avenue
Mr. and Mrs. Richard H. Colvin, 225 S. Crescent Ave.
Petition signed by 14 property owners in the 200 block of South Orange Avenue.
Petition signed by 56 property owners in the South 200 block of Ham Lane, Sunset Drive, Fairmont Avenue, Crescent Avenue and Rose Street.

There being no further expressions from the audience, the public portion of the hearing was closed.

Mayor Kirsten asked the Council to consider the north side of Lodi Avenue first. He said that in July the Council had felt they should have a traffic survey, which he felt was needed for the entire community, but since they did not have such information, the Council would have to discuss the problem without adequate information and use its own judgment. Councilman Brown said there would be more traffic regardless of what the Council did. Mayor Kirsten replied that more commercial zoning would compound the traffic problem. City Manager Glaves said that as land develops to the west and with industry growing on the east side, the traffic on Lodi Avenue will increase, and he is concerned as to how the

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traffic problem will be solved. His assumption was that any traffic engineer would require widening of the street. He added, further, that every driveway complicates the traffic situation; that every signal light impedes traffic flow; and that increased commercial usage means there will also be more pedestrians to add to the traffic congestion. The City Manager said that the City should try to alleviate the problem rather than increase it.

Councilman Culbertson stated the present proposal is no different than those that have come before the Council for many, many years. He said there were four to six people concerned with having the north side rezoned as compared to around one hundred who were opposed. Mr. Rempfer had built his duplex by obtaining variances and was aware of the zoning when it was built. According to Councilman Culbertson, if the north side were rezoned to a depth of one lot and then the street had to be widened, there would not be much lot left. The zoning study prepared by the Planning Director which contains a proposal for cul-de-sacs has not been considered, but there may be a time when the City will have to look into such a solution. He said present information is inadequate and until the need for more C-P zoning develops, the zoning should stay as it is.

Councilman Walton said he had given much time to the consideration of the Lodi Avenue problem. On the one hand there was the residential area to consider and on the other hand he questioned whether the rezoning of a comparatively small number of lots would create much more traffic.

Mr. Graves said that traffic was not the only objection, that strip development was not considered sound by planners. Businesses such as service stations will do well on a strip, but not business, per se. Hot corners can survive, but businesses in between deteriorate. And once there is an investment in the property it becomes a hardship case which can result in breakdown of zoning. The lots being considered face side streets and if developed C-P can become a nuisance to the neighboring residential lots because of lights, trash, noise, etc. He said the problem of strip development was recognized when the Master Plan was developed and at that time the end of the commercial development on the south side was set at the theater.

In response to a question by Councilman Walton, Mr. Graves said that eventually Lodi Avenue will be widened and it will be the taxpayers who will have to pay; and the more business establishments, the higher the price.

Councilman Dow said that Lodi Avenue has strip zoning in fact if not by ordinance, that the situation is there. He said the economic factors would be considered in establishing a business in the area and that blighted commercial areas were created before there were such requirements as parking, setbacks, etc.

Mayor Kirsten was of the opinion that the Council should not be bound by past mistakes and that all indications were that rezoning the north side to C-P would be a mistake.

At the request of Mr. Robert Rinn the public portion of the hearing was reopened. Mr. Rinn stated that the present swimming club now owned by Jack Chappell at the

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northeast corner of Lodi and Orange Avenues had started out as a small club and not as at present. It had been there for a long time and had to be accepted as no one wanted to put Mr. Chappell out of business. He said that Mr. Statathos had bought his lot a long time ago, probably for speculation and perhaps Mr. Rempfer had purchased his also with that in mind. He said there were people with homes in the residential area for 20, 30 or 40 years who should be given some consideration.

Mr. Rempfer agreed that the residential area should have some protection, but he felt that the C-P zone was created to be a buffer zone and that it would protect the adjacent residences. He felt the area should be rezoned to be fair to all concerned. The public portion of the hearing was then closed for the second time.

Mayor Kirsten stated the Council represented all of the people, was duty bound to do what was best for the community, and should consider all ramifications without favor or prejudice. Councilman Brown moved that the north side of Lodi Avenue from California Street to Ham Lane be rezoned to C-P for the depth of one lot. His motion was seconded by Councilman Dow. Under the question, Mayor Kirsten said he believed C-P zoning would be as detrimental as C-1. It would add vehicular traffic on Lodi Avenue as well as streets north and south thereof, would increase pedestrian traffic, and would lessen property values. He felt it would create a problem similar to that on Pacific Avenue in Stockton. Councilman Dow considered the Pacific Avenue problem had been alleviated by the development of Pershing and Alpine Streets, but Councilman Culbertson countered that traffic on Pacific was just as great as ten years ago even with the other streets. He said the Council had to consider the good of the whole community. Councilman Dow said he was considering the whole community and felt the C-P zoning was meant to take care of such problems as the one on Lodi Avenue. Mayor Kirsten made a substitute motion to have the north side of Lodi Avenue from California Street to Ham Lane rezoned to R-3 for the depth of one lot. His motion was seconded by Councilman Culbertson and failed by the following vote:

Ayes: Councilmen - CULBERTSON, and KIRSTEN

Noes: Councilmen - BROWN, DOW and WALTON

City Manager Graves asked Councilman Dow if he felt that contrary to the opinion of the staff, Lodi Avenue would not have to be widened. Councilman Dow replied that he took the opinions of all persons and made his own decision. City Manager Graves said he would like to know if it were the City Council's intention to handle the traffic problem without widening Lodi Avenue. He said a traffic engineer was needed to study the problem, but in lieu of a traffic engineer's recommendation, widening was probable. Councilman Culbertson reiterated that the zoning of Lodi Avenue has been before the Council many times and there had been no change in the reasons for not making a change. He felt the City needed a traffic study. Councilman Walton said in the past he had taken the position that the north side of Lodi Avenue should be rezoned to C-P, but that he did not have all the facts when he had campaigned. He had since given the matter careful study. The motion to rezone the north side of Lodi Avenue to C-P then failed by the following vote:

Ayes: Councilmen - BROWN and DOW

Noes: Councilmen - CULBERTSON, WALTON and KIRSTEN

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The Council then took under consideration the proposed rezoning of part of the south side of Lodi Avenue. The United California Theatre, Inc. has stated its opposition to any change of zone for its property between Orange Avenue and Fairmont Avenue. Councilman Dow felt any rezoning on the south side of Lodi Avenue had a direct relation to the above action of the Council and that no rezoning should be further considered at this time. Rather, the City Manager should negotiate with a traffic engineer for a study of the traffic situation after which time rezoning could be called for. Councilman Walton felt the end of the commercial area at the Sunset Theater was artificial and should be continued as far as Ham Lane. Councilman Culbertson stated that if it were continued to Ham, property owners on the west side of Ham Lane would be asking for the same zoning. The theater was a good barrier and he saw no reason to extend strip zoning. Councilman Dow said before any rezoning was done on Lodi Avenue the City should have a traffic survey and moved to table the discussion on zoning Lodi Avenue until the Council had a traffic study. His motion died for lack of a second. Councilman Dow said that in order to be consistent the Council should have a traffic study before doing any rezoning and he moved that all changes be denied. His motion was seconded by Mayor Kirsten. The motion carried by the following vote:

Ayes: Councilmen - CULBERTSON, DOW, WALTON and
KIRSTEN

Noes: Councilmen - BROWN

TRAFFIC
ENGINEER

Councilman Brown then moved that the City Manager be instructed to get a traffic surveyor to come before the Council to talk over a traffic study. His motion was seconded by Councilman Culbertson and carried unanimously. Councilman Culbertson suggested a special meeting for this purpose.

PLANNING COMMISSION

For the Council's information, the following actions of the Planning Commission at its meeting of October 18, 1965, were reported.

1. Denied the request of George Alexander to rezone from R-2 to R-4 six parcels at the northeast corner of Lockeford Street and Loma Drive.
2. Denied the request of Dr. George Williams to rezone from R-1 to R-3 a parcel at the northeast corner of Corinth Avenue and Lodi Avenue.
3. Instructed the Planning Director to meet with County and other city planning staff members to determine feasibility of working toward a county-wide, uniform zoning ordinance.
4. Denied the appeal of Ad Art and thereby upholding the decision of the Planning Director denying the installation of an additional sign for the Hayes Chiropractic Offices at 820 South Fairmont Avenue.
5. Determined that a wine-tasting room was a permissible use within a C-1 district.
6. Denied the request of Richfield Oil Corporation for a variance in sign regulations.

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7. Adopted a resolution approving the new site of Vinewood School at the southwest corner of West Tokay Street and the extension of Virginia Avenue.
8. On referral by the County Planning Commission, recommended the following action be taken on a request for variances by Mr. Jack Comer for property at the northwest corner of Lilac and Augusta Streets in the Town of Woodbridge: Approval to reduce the required front yard from 30 feet to 12 feet because of existing 12-foot front yards and denial to reduce the 10-foot side yard requirement to 5 feet.

FINAL MAP
SUNSET-SOUTH
SUBDIVISION

The Sunset-South Subdivision was presented for Council consideration, all requirements of the subdivision ordinance having been complied with. On motion of Councilman Culbertson, Dow second, the City Council approved the final map of Sunset-South Subdivision by unanimous vote.

UTILITIES
FOR SUBD.

Mr. John Capell expressed concern over the policy of the Council in regard to maps accepted to date that the City would install the utilities for the subdivider whenever it could be worked in with the City's work schedule. City Manager Graves said sometimes there were unforeseen delays in the City's schedules. However, after discussing the problems of the subdividers with the Public Works Director, he was of the opinion the work of the subdividers could be worked in, and there was no intent to delay. He said some City jobs might be able to be postponed, but a definite date could not be given the subdivider as to when the utilities could be installed in his subdivision. Councilman Brown questioned the City's policy in regard to deposits on subdivisions, in view of the new policy whereby utilities in future subdivisions will be installed by private contractor. Mr. Graves did not anticipate any problems.

TREES FROM
KIWANIS CLUB

Mayor Kirsten said 50 trees had been given to the City by the Lodi Kiwanis Club and asked that a letter of thanks be sent to the Club expressing the appreciation of the City.

COMMUNICATIONS

LONG BEACH RE
MOLOTOV COCKTAIL

A letter was received from the City of Long Beach asking that the City of Lodi join with Long Beach in requesting that the State Legislature consider making use of the "Molotov Cocktail" a felony rather than a misdemeanor, its present classification. On motion of Councilman Culbertson, Dow second, the letter was referred to the Chief of Police for advice and recommendation.

CENTRAL
VALLEY WATER
CELEBRATION

An invitation was read from the California Water Commission to attend a banquet on Friday, November 5, at Antioch to observe the 25th anniversary of the first water delivers from the Central Valley Project.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$310,356.82 were approved on motion of Councilman Dow, Culbertson second.

CROSSWALK
ON EDGEWOOD
AT TURNER RD

The Public Works Department has recommended the installation of a pedestrian crosswalk on the north side of Turner Road across Edgewood Drive. Such a walk would primarily benefit the children walking to and from Lakewood School. On motion of Councilman Dow, Walton second, the City Council adopted Resolution No. 2876 establishing the crosswalk as recommended.

RES. NO. 2876
ADOPTED

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FEEES AT
SANITARY
LANDFILL

ORD. NO. 802
INTRODUCED

Mr. Graves reported that he had recently served on a County committee studying garbage disposal problems which are common throughout the County. The committee has come to the conclusion that the rates throughout the County should be uniform. He then read the schedule of rates which has already been adopted by the Board of Supervisors for the County dumps and recommended that the City adopt an ordinance establishing the same charges. He also recommended that regulations on the use of the City's disposal grounds, which had been rescinded when the City Code was adopted, be readopted along with the new rates. On motion of Councilman Dow, Walton second, the City Council introduced Ordinance No. 802 regulating the use of the sanitary landfill and establishing charges for hauling thereto.

PURCHASE
302 W. ELM

A new appraisal of the Armstrong property at 302 West Elm Street in the amount of \$14,100 is acceptable to the owner and Mr. Graves recommended that the property be purchased for this amount. On motion of Councilman Walton, Dow second, the City Council approved purchase of the property for \$14,100 in accordance with the agreement submitted.

EMPLOYEE
SALARIES

RES. NO. 2877
ADOPTED

The Council then discussed the employee salary survey, copies of which had been sent to each councilman. Mr. Graves explained the reasons why some classifications appeared to be eligible for a 5% increase, others a 2½% increase and some no increase. Stating that he had not had time to study the report and was not ready to make a decision, Councilman Brown moved the adoption of Resolution No. 2877 declaring that any change in employee wages which the Council might adopt during November would be effective as of October 1. His motion was seconded by Councilman Walton and carried.

WESTWAREHOUSES
OUTSIDE
UTILITY
SERVICE

Mr. Graves said that Westwarehouses, Inc., owner of the property south of Turner Road and east of the Southern Pacific main line tracks, had agreed to annexation of the property to the City and had signed an agreement to that effect and therefore Mr. Graves had given them authority to make taps on the City lines for water and sewer service. The Council gave its approval to this service to Westwarehouses as provided in their agreement to annex to the City.

POLICY RE
DRIVEWAY
PERMITS
RES NO. 2878
ADOPTED

The City Manager presented a proposed resolution authorizing the Director of Public Works to issue permits for driveways and on motion of Councilman Walton, Dow second, the said resolution was adopted as Resolution No. 2878 by unanimous vote.

SAFETY
CONTEST
RESULTS

Mr. Graves reported that the City of Lodi was in 15th place out of 42 cities in the 1964-65 California Cities Employee Safety Contest.

COUNCIL
SALARIES

On motion of Councilman Dow, Walton second, the Council continued consideration of an ordinance to increase the salaries of members of the City Council to the meeting of November 3, 1965.

ORDINANCES

ZONES
KUNDERT ADDI
TO C-2

ORD. NO. 799
ADOPTED

ORDINANCE NO. 799, entitled "ZONING PROPERTY AT THE NORTH-WEST CORNER OF ALMOND DRIVE AND CHEROKEE LANE KNOWN AS THE "KUNDERT ADDITION" TO BE IN THE C-2 GENERAL COMMERCIAL ZONE," having been introduced at the regular meeting of October 6, 1965, was brought up for passage on motion of Councilman Brown, Walton second. Second reading was

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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

REZONES NW COR
LOCKEFORD &
SCHOOL TO C-2

ORD. NO. 800
ADOPTED

ORDINANCE NO. 800, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF LOCKEFORD STREET AND SCHOOL STREET TO BE IN THE C-2 GENERAL COMMERCIAL DISTRICT," having been brought up for passage on motion of Councilman Walton, Dow 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

DUSK TO DAWN
LIGHTS

ORD. NO. 801
INTRODUCED

ORDINANCE NO. 801, entitled "AN ORDINANCE AMENDING ORDINANCE NO. 781 ENTITLED 'AN ORDINANCE REPEALING ORDINANCE NO. 606 OF THE CITY OF LODI AND ENACTING A NEW ORDINANCE ESTABLISHING RATES FOR THE SALE OF ELECTRIC ENERGY BY THE CITY OF LODI' AND THEREBY PROVIDING FOR 400-WATT OUTDOOR DUSK-TO-DAWN LIGHTING RATES," having been introduced at the regular meeting of October 6, 1965, was brought up for passage on motion of Councilman Dow, 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: Councilman - BROWN, CULBERTSON, DOW,
WALTON and KIRSTEN

Noes: Councilman - None

Absent: Councilman - None

AJOURNMENT

There being no further business, the City Council adjourned at 11:35 p.m. on motion of Councilman Dow.


Attest: BEATRICE GARIBALDI
City Clerk