

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
MAY 27, 1964

An adjourned regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, May 27, 1964, in the City Hall Council Chambers.

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

ABSENT: Councilmen - WALTON

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

MINUTES

Minutes of May 6, 1964 and May 20, 1964 were approved as written and mailed on motion of Councilman Culbertson, Dow second, after correcting the second paragraph on page 5 of the Minutes of May 6, 1964, by changing the number "13" in the third sentence to "8" and adding to said sentence the following: "and 5 on-street stalls."

PUBLIC HEARINGS

HINSZ  
REZONING  
APPEAL

Notice thereof having been published in accordance with law, Mayor Brown opened the public hearing on the appeal of Mr. Albert Hinsz from the decision of the Planning Commission in denying his request for rezoning of property at 1811 Mariposa Way from R-2 to R-3. City Manager Graves read the appeal of Mr. Hinsz who desires the rezoning in order that he may build a multiple dwelling on the property. He then read the report from the Planning Commission which had denied the request because it would create a spot zone for this one lot in the midst of an area of R-2 zoning without a reasonable distinction between the properties and because the general area is already developed as a one-family neighborhood. There were no other communications for or against the appeal. Mr. Hinsz, 1813 Robert Street, spoke on behalf of the rezoning, stating that the parcel in question was too large for a single family dwelling, but that it would be desirable for rental units. Mr. Douglas Kort, 201 North Loma Drive, said that the zoning should stay as is since the rest of the area has one-family dwellings. Mr. T. Sherman, 215 Loma, said that it was not the place for apartments; that there were many children living in this area and a multiple dwelling would increase traffic. Mr. Jim Yarborough, 1813 West Locust Street, said that Mr. Hinsz knew what the zoning was when he bought this property and that it should not be changed. There were no further comments from the audience. After discussion by the Council, it was moved by Councilman Culbertson, Kirsten second, that the appeal of Mr. Hinsz be denied and the decision of the Planning Commission upheld. The motion carried unanimously.

TAXPAYERS'  
ASSOCIATION

Mr. Willard B. Stewart, Executive Director of the San Joaquin County Taxpayers' Association, read a letter to the Council stating the need for vigilance by public officials to control local governmental activities so that expenditures and taxes will be based on the greatest possible efficiency and economy. They asked that a sincere effort be made to curtail expenditures and to hold the tax rate to a bare minimum for 1964-65.

ABANDON PORTION OF EASEMENT IN LOT 42, BEWLEY SUBURBAN ACRES Notice thereof having been published and posted in accordance with law, Mayor Brown opened the hearing on the proposed abandonment of a portion of an easement in Lot 42, Bewley Suburban Acres, in order to accommodate a service station which is to be erected on the property. The costs of abandonment and the relocation of lines are being paid by the property owner. A report was read from the Planning Commission recommending the proposed abandonment. There were no protests to the abandonment, written or oral. On motion of Councilman Dow, Kirsten second, the City Council adopted an order abandoning the easement in Lot 42, Bewley Suburban Acres, except for the north 60 feet thereof.

## PLANNING COMMISSION

PROPOSES ZONING ORD. AMENDMENT RE JUNK YARDS The Planning Commission recommended that the Zoning Ordinance be amended to require a public hearing and the approval of a use permit for the establishment of any junk yard, auto wrecking yard or salvage operation. On motion of Councilman Dow, Kirsten second, the proposed amendment was set for public hearing on June 17, 1964.

PROPOSES REZONING TO R-3 ON N SIDE OF KETTLEMAN BTW HAM AND FAIRMONT The Planning Commission recommended a change of zoning from the R-1 one-family residential zone to the R-3 limited multiple-family residential zone for property along the north side of Kettleman Lane between Ham Lane and Fairmont Avenue. The proposal was set for public hearing on June 17, 1964, on motion of Councilman Dow, Culbertson second.

PROPOSES REZONING 510 MURRAY ST TO C-1 The Planning Commission recommended the rezoning of property at 510 Murray Street from the R-4 multiple-family residential zone to the C-1 neighborhood-commercial zone. On motion of Councilman Culbertson, Dow second, the matter was set for public hearing on June 17, 1964.

## COMMUNICATIONS

SHELL OIL CO. SIGN A letter was read from Shell Oil Company asking the Council to grant a variance for a permit to install a 73-foot-high sign at Victor Road and the Frontage Road, which is in an industrial zone. Mr. Lindsay P. Marshall, 404 West Pine Street, representing Shell Oil Company, gave a review of past actions concerning the request: The Company had asked for a building permit on February 14 and had been told to apply to the Planning Commission for a variance. The Planning Commission had considered the request on February 23, continued it to March 9 at which time it was tabled and the Planning Commission moved to study the zoning ordinance with the idea of adopting definite height limits for signs. Meanwhile City Attorney Mullen had given his opinion that signs did not come under the structural limitations of the zoning ordinance. The requested variance was again considered by the Planning Commission on March 23, favorable action on the request failing by a vote of 4 - 4, and on April 1 the Company appealed to the Council for approval of the sign. At that time the Council tabled the request and on April 15 adopted an emergency ordinance prohibiting installation of freestanding signs in excess of 60 feet in height. Mr. Marshall contended that application had been made by the Company on February 14 and under the laws of the City at that time the permit should have been granted; therefore, justice and fair play demanded that the request of February 14

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be granted. Mr. Graves explained that the City had been operating on the assumption that a use permit was required for signs over 60 feet in height; otherwise this loophole in City regulations would have been rectified before this time. His understanding was that the Council had adopted the emergency ordinance to prohibit the Shell sign or any other sign over 60 feet from being installed while the Planning Commission was making a study with the view of providing for regulation of signs. Councilman Dow felt that since the application had been made before the emergency ordinance was adopted and since the sign would be in an industrial zone and would not be significantly out of line, in fairness to the applicant the permit should be granted. City Attorney Mullen stated that the Company was entitled to a permit for the sign on February 14, but that the State gives the City authority to adopt emergency ordinances when confronted with problems not anticipated. Councilman Culbertson said that as in the case with junk yards, even though the laws were not adequate, the City should follow the regulations up to the point where the question is raised and the emergency ordinance adopted. Councilman Kirsten agreed that the situation was similar to the recent one on the junk yard. However, his feeling was that the City had not been aware that its regulations did not cover these situations, and for the good of the City these requests should be held up until the Planning Commission has made its study and recommendation. Mayor Brown's understanding was that the emergency ordinance on signs had been adopted to stop this or other signs over 60 feet from being erected before the Planning Commission had made its study. Councilman Dow moved that the request of Shell Oil Company to erect a 73-foot sign at Victor Road and the Frontage Road be granted. The motion was seconded by Councilman Culbertson and failed by the following vote:

AYES: Councilmen - DOW and CULBERTSON

NOES: Councilmen - KIRSTEN and BROWN

ABSENT: Councilmen - WALTON

CIVIC AFFAIRS  
COMMITTEE RE  
SIDEWALK  
MERCHANDISE

A letter was read from the Civic Affairs Committee, Lodi District Chamber of Commerce, recommending that the ordinance prohibiting the display of merchandise, or other illegal use of city sidewalk and parkway areas, be enforced. The Committee also recommended that a reasonable time be given to violators for compliance. City Manager Graves said that a survey is being made of present conditions and that a report thereon would be made at a later date. The letter was ordered tabled.

E. LODI AVE.  
STREET LIGHTS

RES. NO. 2728  
AND  
RES. NO. 2731  
ADOPTED

As certified by the City Clerk, a petition was presented from owners of 62% of the front footage on both sides of East Lodi Avenue between Main Street and Cherokee Lane requesting the formation of a Street Lighting District under the 1911 Improvement Act and waiving the investigation provided for by the "Special Assessment, Investigation, Limitation and Majority Protest Act of 1931." On motion of Councilman Culbertson, Dow second, the City Council adopted Resolution No. 2728 adopting plans and specifications for the East Lodi Avenue Street Lighting District. The Council then adopted Res. No. 2731 declaring the Council's intention to form the requested lighting district and setting public hearing thereon for July 1, 1964, on motion of Councilman Culbertson, Dow second.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$176,878.55 were approved on motion of Councilman Dow, Culbertson second.

## Minutes of May 27, 1964 continued

AWARD - CURB, GUTTER & SIDE-WALK The only bids received for the construction of curb, gutter and sidewalk in the 500 block of East Locust and the 400 block of East Pine were from William Burkhardt, totalling as follows:

RES. NO. 2729	500 Blk East Locust Street	\$2760.50
ADOPTED	400 Blk East Pine Street	\$3006.25

The City Manager said the bid was reasonable and recommended that award be made. On motion of Councilman Dow, Kirsten second, the City Council adopted Resolution No. 2729 awarding the contract for curb, gutter and sidewalk construction on East Locust and East Pine Streets to William Burkhardt.

SPECS - PAINTING On motion of Councilman Culbertson, Dow second, specifications for painting various offices in City Hall were approved and call for bids authorized.

EMPLOYEE CLASSIFICATION AND SALARY SURVEY Councilman Kirsten moved that the State Personnel Board Cooperative Personnel Services be hired to conduct a classification and salary survey for the City. The motion was seconded by Councilman Dow. City Manager Graves said that if the State conducts a salary survey similar to the survey his office makes, there would be no advantage in having the State do it; therefore, unless the State can get a better comparison of wages, the City can conduct its own salary survey. With the understanding that the salary survey would be left to the discretion of the City Manager, the Council passed the motion by the following vote:

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

PLANTER BOXES ON S. SACRAMENTO Mr. Graves stated that the owners of the property at 205 and 207 South Sacramento Street wished to install 5' x 2½' planter boxes within the sidewalk in front of this property and he presented the plans for Council review. The boxes would be 2' back from the curb, 8' apart and 18" high. The Public Works department had approved the plans except for the height of the planters which they felt was too low. After discussion of the plans, it was moved by Councilman Culbertson that the plans be approved with the express stipulation that the planters be a minimum height of 18 inches and that the property owners be commended for their interest in making the street more attractive. The motion was seconded by Councilman Dow and carried.

ADDED PROJECT GAS TAX FUNDS The City Manager presented the fifth amended budget for expenditure of gas tax funds during 1963-64. This amended budget adds the construction of Lodi Avenue between Cherokee Lane and the Freeway to the projects already budgeted. On motion of Councilman Culbertson, Dow second, the City Council adopted Resolution No. 2730 adopting the fifth amended budget for the expenditure of State allocated funds during the 1963-64 fiscal year.

SPECS - WELL #13 Specifications for the development of Well #13 at the northeast corner of Corbin Lane and Lower Sacramento Road were presented for Council consideration. Mr. Graves explained that the specifications differed from that for other wells. The specifications have been improved and casing is to be placed the entire depth of the well. Councilman Culbertson asked if the specifications called for photographing the well and Mr. Graves said no. Stating that perhaps photographing the

well should be considered as a policy, Councilman Culbertson moved that the specifications be approved and calling for bids authorized. The motion was seconded by Councilman Dow and carried.

HALL OF JUSTICE PLANS

Councilman Culbertson stated that it was none too soon to get started on plans for the Hall of Justice and that he had been greatly impressed in regard to the ability of ~~MARION~~ J. Varner, an architect from Pasadena, whose particular forte is the design of police and fire facilities. Mayor Brown, who, along with Councilman Culbertson and City Manager Graves, has inspected facilities designed by Mr. Varner, said he was confident that Mr. Varner would do a good job and that it would be money well spent. Mr. Graves said that initially \$2,000 to \$2,500 should be sufficient for preliminary plans. Councilman Dow moved that Mr. Varner be employed as the architect on the Hall of Justice Building and that he proceed with the preliminary plans. The motion was seconded by Councilman Culbertson and carried.

COMMUNITY DEVELOPMENT CONGRESS

Mayor Brown announced that a Community Development Congress was being sponsored by the Fairfield-Suisun Chamber of Commerce on June 8. Members of the Council said they would notify him before that date if they were able to attend.

There being no further business, the Council adjourned at 10:05 p.m.

*Beatrice Garibaldi*

Attest: BEATRICE GARIBALDI  
City Clerk