

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
SEPTEMBER 2, 1964

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, September 2, 1964, in the City Hall Council Chambers.

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

Absent: Councilmen - None

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

MINUTES Minutes of August 19, 1964 were approved as written and mailed on motion of Councilman Dow, Kirsten second after correcting the paragraph entitled "Traffic Signals Hutchins and Kettleman Intersection" by changing "Church" to "Hutchins" in line 26 of that paragraph.

PUBLIC HEARINGS

REZONING N/S KETTLEMAN BTW HAM AND FAIRMONT
ORD. NO. 771 INTRODUCED

Notice thereof having been published in accordance with law, Mayor Brown called for public hearing on the proposal to rezone a 5.5 acre parcel on the north side of Kettleman Lane between Ham Lane and Fairmont Avenue from the R-1 and R-2 Single Family Residential Zone and the R-3 Multiple Family Residential Zone to the C-P Commercial-Professional Office Zone. Mr. Clarence Jones, 900 Victor Road, spoke in favor of the rezoning. He said he plans to construct a 70-bed convalescent home on the site, as well as 12 medical office units arranged around a center garden court. Councilman Dow asked if the proposal conforms to current zoning policy in this area. City Manager Graves answered yes. There were no protests, written or oral. Councilman Kirsten moved the introduction of Ordinance No. 771 rezoning the 5.5 acre parcel on the north side of Kettleman Lane between Ham Lane and Fairmont Avenue from R-1, R-2 and R-3 to C-P. The motion was seconded by Councilman Dow and carried.

UNIFORM BLDG. CODE 1964 EDITION
ORD. NO. 770 INTRODUCED

Notice thereof having been published in accordance with law, Mayor Brown called for public hearing on the adoption of the 1964 Edition of the Uniform Building Code. Mr. Dennis Campbell, Executive Secretary of the Delta Home Builders' Association, 142 North California Street, Stockton, speaking in favor of the ordinance, said that association's Board of Directors has endorsed its passage. On behalf of the association, he expressed appreciation for the cooperation of the City's Building Department in reviewing the code. There was no opposition, written or oral. Councilman Culbertson moved the introduction of Ordinance No. 770 adopting the 1964 Edition of the Uniform Building Code with certain amendments and additions set forth by the City of Lodi. The motion was seconded by Councilman Walton and carried.

HOTEL-MOTEL OCCUPANCY TAX
ORD. NO. 772 INTRODUCED

Notice thereof having been published in accordance with law, Mayor Brown opened the public hearing on the adoption of a hotel-motel occupancy tax. Mr. Leonard J. Williams, representing the Royal Host Inn, 730 South Cherokee Lane, said such a tax would be unfair. He said the city's motel industry has been hurt by the

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freeway bypass and added the imposition of such a tax would be a further detriment to the motel business. He said he felt the City's estimate of revenue from such a tax was much too high. Mr. Thomas Farrel, Cosmopolitan Hotel, 100 E. Oak Street, questioned the cost of administering such a tax. He suggested advertising that no motel tax is charged in Lodi. He said he felt this would bring business to the city which would help all merchants. Mr. Cye Vaughan, representing the El Rancho Motel, 603 North Cherokee Lane, said the City's revenue estimate was too high. He said he could see no net return from such a tax after the cost of collecting it was deducted. He also questioned to what purpose such revenue would be put. Mr. Clifford Petrick, Rancho Grande Motel, 807 South Cherokee Lane, in agreeing with the previous speakers, said he felt the City could do without the tax. Mr. Edward Veil, Rainbow Motel, 607 South Cherokee Lane, said the tax would hurt motel business here. Mrs. Rebecca Hixson, Viking Motel, 815 South Cherokee Lane, also agreed with the previous speakers, and said such a tax would be a further hurt to what she said was a declining business. City Manager Graves read the only written communication, an anonymous telegram expressing protest.

Councilman Kirsten opened discussion at the Council level, stating he was opposed to such a tax. He made these points:

1. The cost of administering such a tax would be prohibitive.
2. Revenues would be severely limited.
3. Such a tax program would be difficult to enforce.

He said he felt it would be extremely unwise to adopt such a tax in Lodi. Councilman Culbertson said he felt the tax could do much to help business on Cherokee Lane, and said he favored it. While revenues could not be specifically earmarked for certain projects, he said City Councils could establish policies to utilize this revenue to beautify city entrances. Councilman Kirsten answered that city entrances will eventually be beautified without such tax revenue.

Councilman Dow said he had several questions for the City Manager. He asked if the City Manager felt the State would move into this tax area. City Manager Graves said this current trend in hotel-motel tax can be attributed largely to a remark by Governor Brown that such a tax could be one possible source of revenue for the State. He said too many cities already have the tax to make it profitable for the State. In answer to other questions from Councilman Dow, Mr. Graves said the City's estimate of revenue of \$12,000 was conservative. He also said the cost of collecting such a tax would be nominal. Councilman Walton said he felt most people would not choose their stops so as to avoid the tax. He said the tax would not be overbearing, although he agreed most taxes are bothersome. However, he said he was unsure of the amount of revenue to be realized, the administration cost, and the collection problems. Councilman Dow said he was in favor of the tax until such time as the estimate could be refuted. Mayor Brown said the Central Valley Division of the League of California Cities has gone on record as

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favoring the tax. He said he felt the tax should be adopted, but not made operative until June, 1965 in order to gather more data. Councilman Kirsten said some of his objections to such a tax would be overcome if it were administered by the State.

Councilman Walton said the City should wait to see what happens in this tax area and moved to deny the tax. The motion was seconded by Councilman Kirsten. Councilman Dow then introduced a substitute motion to table the item for 30 days in order to obtain additional data. The motion died for lack of a second. Councilman Culbertson, saying the time to act is now, made a substitute motion to introduce a hotel-motel tax ordinance to become operative January 1, 1965. His substitute motion was seconded by Councilman Dow and passed by the following vote:

AYES: Councilmen - CULBERTSON, DOW and BROWN

NOES: Councilmen - WALTON and KIRSTEN

Councilman Culbertson then moved the introduction of Ordinance No. 772 establishing a hotel-motel occupancy tax in conformance with the League of California Cities model ordinance, to become effective January 1, 1965. His motion was seconded by Councilman Dow and passed by the following vote:

AYES: Councilmen - CULBERTSON, DOW and BROWN

NOES: Councilmen - WALTON and KIRSTEN

SIGN
ORDINANCE

City Manager Graves said the State Division of Highways was not in agreement with the City's original billboard ordinance discussed by the City Council last year. He said that ordinance did not satisfy certain requirements to make the City eligible for State landscaping funds. He reported that a new billboard section has been incorporated into the new sign ordinance recently recommended to the City Council by the Planning Commission. It was moved by Councilman Walton, Dow second, that the City's revised sign ordinance be submitted to the State Division of Highways for review to determine if it complies with State requirements. City Manager Graves said he thought this should be done after the Council has agreed on the ordinance. He said the Council could change sections of the ordinance that might affect the billboard section. Councilman Culbertson said he was not satisfied with the proposed sign ordinance. Councilman Dow suggested that the Council should give more study to the ordinance. Councilman Walton then withdrew his motion after Councilman Kirsten's withdrawal of his second. Mr. Clarence Jones, 900 Victor Road, Chairman of the Chamber of Commerce's Civic Affairs Committee, said his committee was specifically interested in that portion of the ordinance which qualified the City for State landscaping funds. Councilman Kirsten moved that action on the proposed sign ordinance be postponed for one month to allow time for additional study. The motion was seconded by Councilman Dow and passed after City Attorney Mullen suggested reviewing similar ordinances in other cities.

PLANNING COMMISSION

ACTIONS

City Manager Graves reported the following actions of the Planning Commission taken at its meeting of August 24, 1964:

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1. Continued for one year the C-S Commercial Shopping zoning on the southeast corner of Kettleman Lane and West Lane, site of the proposed Barbera Shopping Center.
2. Continued for one year the C-S Commercial Shopping zoning on the northwest corner of Poplar Street and Cherokee Lane, site of another proposed shopping center.

COMMUNICATIONS

ABC
LICENSE

Notices were read of the following applications for alcoholic beverage licenses:

1. On-sale beer and wine, Christina Geist, 3 Aces Tavern, 111-113 North Sacramento Street.
2. Club license, Moose Lodge #634 Lodi, 4½ West Pine Street.

RIMBY AVENUE
PETITION

City Manager Graves presented a petition signed by several property owners on Rimby Avenue calling for the installation of sidewalks in front of the properties at 513, 515, and 517 Rimby Avenue. Councilman Dow moved to refer the matter to the Public Works Director for possible action under the 1911 Act. The motion was seconded by Councilman Kirsten and passed.

"HOME
BUILDERS
DAY"

Mayor Brown read a letter from the Delta Home Builders' Association requesting him to proclaim Friday, September 11, 1964 "Home Builders' Day" in the City of Lodi to call attention to the efforts of area home builders. Mayor Brown said a proclamation would be issued.

COUNTY SPACE
IN PUBLIC
SAFETY BLDG.

City Manager Graves read a letter from Mr. C. P. Kenyon, County Administrator, in answer to City of Lodi Resolution No. 2750 which offered space in the City's proposed Public Safety Building to whatever County of San Joaquin departments required it. The letter stated the Sheriff's Office will need no space, and indicated that neither the District Attorney nor Public Defender would require space. Judge Robert Bainbridge will advise the Council regarding space requirements for the Justice Court operation.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$186,597.13 were approved on motion of Councilman Walton, Kirsten second.

KETTLEMAN
LANE CROSSING
GUARD

Mrs. Merle Wilson, 1419 South School Street, asked the City Council to provide an adult crossing guard at the intersection of Kettleman Lane and Church Street during school hours to provide protection for school children crossing Kettleman Lane at that point. She asked if she could use the Council's name as being in sympathy with this crossing problem in talking with Assemblyman Monagan and State Senator Short. Mayor Brown said the legislators are already aware of the problem, and said the Council would cooperate. City Attorney Mullen said the County Counsel has stated the school district may station student crossing guards at the intersection. Councilman Kirsten said the City cannot continue to provide adult crossing guards indefinitely. Mrs. Wilson said the proposed traffic signal light at Kettleman Lane and Hutchins Street will

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not help the Lowe's Village problem in any way. Councilman Walton moved that the City provide for an adult crossing guard during school hours until the Christmas vacation and at that time review the situation. The motion was seconded by Councilman Kirsten. The Council was informed that the traffic signals at Kettleman Lane and Hutchins Street would not be in operation this year. Councilman Culbertson then moved to amend the motion to read that the adult crossing guard be provided until the installation of the traffic signals discussed here was completed and they were in operation. The motion to amend was seconded by Councilman Kirsten and passed by the following vote:

AYES: Councilmen - CULBERTSON, KIRSTEN and BROWN

NOES: Councilmen - DOW and WALTON

Councilman Culbertson then moved the amended motion that the City provide an adult crossing guard at the intersection of Church Street and Kettleman Lane during school hours until the traffic signals are installed and are operative at the intersection of Kettleman Lane and Hutchins Street. The motion was seconded by Councilman Kirsten and passed.

AWARD -
LIBRARY
FLOOR
COVERING

The following bid was received for the installation of new floor covering in the Lodi Public Library:

Harold W. Thompson Co. \$2,823.00

RES. NO. 2756
ADOPTED

City Manager Graves said the Library Board had approved the bid and he recommended that the award be made. On motion of Councilman Kirsten, Dow second, the City Council adopted Resolution No. 2756 awarding the contract for the installation of new floor covering in the Library to the Harold W. Thompson Co. for a total of \$2,823.00.

AWARD SUB-
DIVISION
PAVING
PROJECT

City Manager Graves announced that the following bids were received for 1964 Subdivision Paving:

A. Teichert & Son \$51,892.50
Claude C. Wood Co. 48,840.00

RES. NO. 2757
ADOPTED

He recommended the contract be awarded to the low bidder. He added that the bid was seven per cent over the City's estimate and said that subdivision paving costs to subdividers will be raised accordingly. On motion of Councilman Kirsten, Walton second, the City Council adopted Resolution No. 2757 awarding the contract for Subdivision Paving - 1964 to Claude C. Wood Co. in accordance with their bid.

SELECT
SYSTEM
REPORT

City Manager Graves presented the Council with the "Annual Report to Division of Highways on Select System." The report showed that the City had no trouble in meeting matching obligations with regard to work on streets within the City's Select System. On motion of Councilman Dow, Walton second, the City Council adopted Resolution No. 2758 certifying the report.

RES. NO. 2758
ADOPTED

DRIVEWAY
REQUEST
BEL AIR
SHOPPING
CENTER

Mr. Graves reported that the City had received a request for a driveway on Lockeford Street in excess of 20 feet in width. The driveway is to serve a proposed milk depot in the Bel Air Shopping Center. He recommended approval. On motion of Councilman Culbertson, Dow second, the City Council authorized the installation of the driveway.

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SPECS -
HAM LANE
BTWN VINE
AND CARDINAL

Plans and specifications for the improvement of Ham Lane between Vine Street and Cardinal Street were presented to the Council for approval. The City Manager said that time dictates that only that portion between Cardinal and Vine in front of the new Senior Elementary School be completed now before the start of the rainy season and the opening of that school. He said that portion of Ham Lane ~~North~~^{South} of Cardinal to Kettleman Lane would be acted on in the spring. On motion of Councilman Dow, Kirsten second, the City Council adopted plans and specifications for the improvement of Ham Lane between Vine Street and Cardinal Street and authorized the advertisement for bids. 9/14/64

SPECS -
WELL #13
PUMP

Specifications for the deepwell submersible pump for Well #13 were presented to the Council for approval. On motion of Councilman Culbertson, Dow second, the City Council adopted specifications for the deepwell submersible pump for Well #13, and authorized the advertisement for bids.

LODI LAKE
STUDY

Councilman Dow reported on the citizens meeting he had called August 24, 1964 to discuss expansion of the Lodi Lake Park facilities. He asked for the Council's sanction in pursuing the study of such development. Councilman Walton moved that Councilman Dow be appointed by the Council to investigate the possibilities of such an expansion, that the City Manager provide him with whatever data is requested, and that he then report to the Council on the feasibility of developing this park area. His motion was seconded by Councilman Kirsten. Councilman Culbertson said a report such as this should be requested of the City Manager. Councilman Dow said there were some areas in which an elected representative might be able to accomplish more. Councilman Walton agreed, saying there are certain contacts that are better made by elected representatives than employees. In answer, Councilman Culbertson said he could not see how any one individual could represent the feeling and thinking of the entire Council. He said those interested in this project should appear before the entire Council, including those legislators concerned. Councilman Kirsten agreed with the previous remarks. He commended Councilman Dow for his work in the study, but added he felt a designated Council representative was not needed to direct the study. Councilman Walton said the City is faced with the problem of developing this park area and he felt a Councilman could effect imaginative thinking. City Manager Glaves said he felt the concern here was in setting a precedent of designating Council committees. He added that he saw nothing wrong in a councilman taking interest in a specific project. The question was then called on Councilman Walton's motion to designate Councilman Dow to pursue the Lodi Lake Park study and it failed by the following vote:

AYES: Councilmen - WALTON

NOES: Councilmen - CULBERTSON, KIRSTEN and BROWN

ABSTAIN: Councilmen - DOW

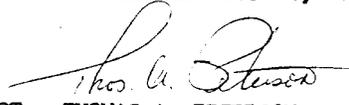
Councilman Kirsten said the Council should assemble the facts such as why can't the lake remain filled the year around and then mold public opinion. He then moved that the Council express its interest in this project and instruct the City Manager to lend assistance

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to Councilman Dow in his review of the overall Lodi Lake Park development possibilities. This motion was seconded by Councilman Walton and passed.

ADJOURNMENT

There being no further business, the Council adjourned at 11:00 p.m. on motion of Councilman Kirsten, Dow second.


ATTEST: THOMAS A. PETERSON
Deputy City Clerk