

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JULY 3, 1963

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, July 3, 1963. Councilmen Brown, Culbertson, Dow, Ullmann and Katzakian (Mayor) present. None absent.

Also present: City Manager Graves, Planning Director Rodgers and City Attorney Mullen.

MINUTES Minutes of June 19, 1963 and June 26, 1963, were approved as written and mailed on motion of Councilman Culbertson, Brown second.

PUBLIC HEARINGS

REZONE TO R-2 Notice thereof having been published in accordance with law, Mayor Katzakian opened the hearing on the proposal to rezone from the R-1 one family residential zone to the R-2 one family residential zone for property located at the southwest corner of Hutchins Street and York Street, being Lot 11, York Homes Subdivision. The City Manager read the recommendation from the Planning Commission that such a change of zoning was in accordance with most of the surrounding R-2 and R-3 zoning even though the property immediately adjacent to the lot is zoned R-1. The rezoning would permit construction of a duplex on this lot. There were no protests, written or oral. Councilman Brown moved the introduction of Ordinance No. 753 rezoning Lot 11, York Homes Subdivision, to R-2, by reading of title only and waiving reading of the ordinance in full. The motion was seconded by Councilman Ullmann and carried by unanimous vote.

SW CORNER OF HUTCHINS & YORK
ORD. NO. 753
INTRODUCED

REZONE TO C-2 Notice thereof having been published in accordance with law, the Mayor called for hearing on the proposed rezoning from R-4 multiple family residential and C-1 neighborhood commercial to the C-2 general commercial zone for the property located in the block bounded by Lockeford, School, Locust and Church Streets, excepting the southeast quarter of the block, being lots 1, 2, 3, 4, 7 and 8, Block 12, City of Lodi. The City Manager read the recommendation of the Planning Commission that the rezoning be approved as being in conformance with the General Plan proposal for this area to be a part of the Central Business District. The property is bounded on three sides by C-2 zoning. There were no protests to the proposal, written or oral. Councilman Culbertson moved the introduction of Ordinance No. 754 rezoning Lots 1, 2, 3, 4, 7 and 8, Block 12, City of Lodi, to C-2, by reading of title only and waiving reading of the ordinance in full. The motion was seconded by Councilman Brown and carried by unanimous vote.

BLK BOUNDED BY LOCKEFORD, SCHOOL, LOCUST & CHURCH STS
ORD. NO. 754
INTRODUCED

1962 EDITION NAT. ELECT. CODE Notice thereof having been published in accordance with law, the Mayor called for hearing on the proposal to adopt the 1962 Edition of the National Electric Code. A letter was read from the Home Builders' Association of the Delta urging that the 1962 Edition of the Code be adopted by the City. There were no protests, written or oral.

ORD. NO. 751
INTRODUCED

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Councilman Dow moved the introduction of Ordinance No. 751 adopting the 1962 Edition of the National Electric Code, by reading of title only and waiving reading of the ordinance in full. The motion was seconded by Councilman Culbertson and carried by unanimous vote. Mayor Katzakian complimented the Home Builders' Association of the Delta for having studied the Code and having given the Council a recommendation thereon.

INCREASE IN
BLDG PERMIT
FEES

ORD. NO. 755
INTRODUCED

Mayor Katzakian called for hearing on the proposed amendment to the City Code which would change the building permit fees. City Manager Glaves read the memorandum from the Chief Building Inspector stating the purpose of an increase was to keep the department as close to being self-sufficient as possible. The change in fees will amount to approximately a 10% increase on dwellings under 1,500 square feet in area. On larger dwellings, apartments, and commercial buildings there will be approximately 30% increase, which is considered justified because of the increased number of inspections required on larger jobs and the need for plan checking by an engineer for some buildings. After some discussion, it was moved by Councilman Brown, Culbertson second, that Ordinance No. 755 be introduced amending Section 5.2(d) of the City Code and thereby providing for an increase in building permit fees, by reading of title only and waiving reading of the ordinance in full. The motion passed unanimously.

AMBULANCE
REGULATIONS

ORD. NO. 756
INTRODUCED

Action on a proposed ambulance ordinance having been tabled from the meeting of June 5, 1963, Mayor Katzakian asked the City Manager for a resume of the ordinance. City Manager Glaves outlined the provisions of the ordinance which would require that any person in the business of operating an ambulance in the City would need a permit, that an application therefor would need to be filed giving certain information regarding equipment, proposed rates, etc. Upon filing of the application the Chief of Police is to conduct an investigation and may require the applicant to be fingerprinted and photographed. A public hearing on the application would be required. The Council may determine rates and also prescribe certain rules for ambulance service. City Attorney Mullen remarked that before issuing a permit the Council would have to be satisfied that public convenience and necessity require the proposed service; in other words, the permit would be a franchise. Councilman Culbertson felt that fingerprinting should be mandatory, although the City Attorney was of the opinion that since fingerprinting was required by State law, the local fingerprinting requirement could be left to the discretion of the Chief of Police. After further discussion it was moved by Councilman Culbertson that Ordinance No. 756 licensing and regulating ambulances be introduced as presented with the exception that the word "may" in the sentence referring to fingerprinting be changed to "shall," by reading of title only and waiving reading of the ordinance in full. The motion was seconded by Councilman Dow and carried by unanimous vote.

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FIRE HYDRANT
AT 620 W. ELM

Mrs. Mary Riggle, 620 West Elm Street, addressed the Council in regard to the fire hydrant in front of her garage which she would like to have removed as it impedes access to the garage. She said she would like to have it moved from in front of her property and that the neighbors had no objections. Her request was referred to the City Manager.

REQUEST FOR
OUTSIDE
WATER SERVICE

Mr. Wayne Weis, residing on Willow Way in the Wisner Tract, requested that he be permitted to have City water since his well is going dry and the City water line is only 50 feet from his property which is outside the City limits but adjacent to the Westdale Subdivision. The request was referred to the City Manager for study and recommendation. Mr. Weis said there were two other property owners on Willow Way who would like to receive City water. Mr. Graves said he would include the three properties in his investigation.

COMMUNICATIONS

ABC
LICENSE

A notice of application for Alcoholic Beverage License was read, being for Niki Werner, On-Sale Beer, Niki's Club, 123 N. Sacramento Street.

KAPPOS
BLDG PERMIT

ACQUISITION
R/W FOR S.
HAM LANE

RES. NO. 2635
ADOPTED

A letter was read from Mr. John Kappos, Stockton, requesting that he be issued a permit to build on property one block south of Lodi Avenue on the east side of Ham Lane and stating that he would dedicate a forty-foot strip for Ham Lane right of way and post funds for the improvements thereon. There is no public access to this property since Ham Lane immediately south of Lodi Avenue has never been dedicated to the City. The east portion of the needed right of way is under the ownership of Mr. Thomas Doyle. The policy of the City is not to issue a building permit unless there is public access to the property. City Manager Graves stated that the City has been negotiating with Mr. Doyle and had the property appraised in an effort to come to terms, without success. He said that people who want to build in this area are being held up because of lack of access. Mr. Kappos, who was present, said that when he acquired the property from Mr. Gann he was not aware that the G & M Construction Company (former owner) had made an agreement with the Emanuel American Lutheran Church to provide a cul-de-sac between the property now owned by him and the property of the church on the north. Mr. Kappos said that he had understood later that the cul-de-sac was dedicated to the City, but since it is not, he might wish to make some changes in the event he bought the property from the Church. There was further discussion concerning the need for the Ham Lane right of way and status of negotiations with Mr. Doyle. The Council felt that the City should obtain the right of way by purchase if necessary, but that Mr. Doyle would be responsible for improvements thereon when he develops his property. Councilman Culbertson moved that the building permit be issued to Mr. Kappos in accordance with City regulations, including dedication of right of way for Ham Lane and provision for improvements therefor and also

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dedication and improvement of the street covered by an agreement between G & M Construction Company and the Lutheran Church or any changes thereto. The motion was seconded by Councilman Brown and carried by unanimous vote. Councilman Brown then moved the adoption of Resolution No. 2635 providing that if further negotiations fail in procurement of the Doyle property for the Ham Lane right of way, condemnation proceedings be started. The motion was seconded by Councilman Ullmann and carried unanimously.

REPORTS OF THE CITY MANAGER

- CLAIMS Claims in the amount of \$227,210.82 were approved on motion of Councilman Dow, Brown second.
- DELINQUENT ASSESSMENTS On motion of Councilman Dow, Culbertson second, the Council adopted Resolution No. 2636 requesting the County Tax Collector to collect delinquent street light assessments for the South School Street Lighting District and the Cherry Street Lighting District.
- RES. NO. 2636 ADOPTED
- PENSION SYSTEM STUDY Mr. Graves reported that he and Finance Director Fred C. Wilson had contacted the firm of Marsh & McLennan-Cosgrove & Company of San Francisco concerning an actuarial survey of the City of Lodi retirement plan. Because of the nature of the plan, an exhaustive actuarial survey is not needed. However, Mr. Graves feels that it would be worthwhile to have a review of the plan at this time. He gave a resume of the firm's proposal and said the fee would be based upon the amount of time taken, not to exceed \$1,200 for the study and one meeting for a discussion with Mr. Wilson, Mr. Graves and/or the City Council. Councilman Culbertson moved that the proposal of Marsh & McLennan-Cosgrove & Company to conduct a survey of the City's retirement system as outlined in their letter of May 29, 1963, be accepted. Motion was seconded by Councilman Brown and carried by unanimous vote.
- SCHOOL TV CABLE City Manager Graves stated that the Lodi Elementary School Board has requested permission to string TV cable on the City's power poles from the George Washington School to Leroy Nichols School. The cable would have to be within the neutral zone on the poles which is normally used for emergency equipment. The Board has agreed to conform with Public Utility Commission regulations (General Order #95) and to approval of plans by the City. Since the poles are owned jointly by the City and Pacific Telephone and Telegraph Company, and some with Pacific Gas and Electric Company, it will be necessary for the School Board to obtain the consent of both companies before using the poles. Mr. Graves recommended that approval on the part of the City be given, subject to an agreement requiring that the Schools provide liability insurance, install and maintain all its equipment at its own risk and expense, give notice to the City of any changes in equipment, etc., similar to an agreement used by Pacific Gas and Electric. After discussion, it was moved by Councilman Dow that in so far as the City could legally go, the Council approve the request of the Lodi Elementary School Board for permission to install TV cable

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on power poles in accordance with an agreement as proposed by the City Manager, providing that the School Board, on its own responsibility, obtained approval for the installation from the Pacific Telephone and Telegraph Company and the Pacific Gas and Electric Company. The motion was seconded by Councilman Culbertson and carried by unanimous vote. Dr. Lawson Smith, Superintendent of Lodi Public Schools, thanked the Council and explained the three methods open to the School Board: 1) Use Pacific Telephone and Telegraph cable at higher cost; 2) use City poles; and 3) set their own poles. The first method is too expensive, so if the Board is not successful with the Telephone Company, they may return for permission to set poles in City easements.

TREES AT
TOKAY
BOWL

The Tokay Bowl on South Cherokee Lane has made application to the State Division of Highways for a permit to remove three trees and to install a 5-foot sidewalk in back of the curb in front of the Bowl. The State would like a recommendation from the City concerning the trees. Mr. Graves said that the trees were in bad shape so he could see no objection to their removal. Mr. Hank Healy of the Tokay Bowl said there was a fourth tree he would like to remove also. Because of the commercial zoning in the area it was felt that the sidewalk should be adjacent to the curb rather than to leave a planting strip. Councilman Brown moved that the City recommend to the State that permission to remove the four trees in front of Tokay Bowl and to install a 5-foot sidewalk next to the curb be granted. The motion was seconded by Councilman Ullmann and carried unanimously.

FIRE DEPT.
LADDER TRUCK

Mr. Graves explained that the Fire Department's 1939 Seagrave Ladder Truck, having been involved in an accident, needed repairs and that the Seagrave Corporation would make the repairs for \$3,500 but would not guarantee the motor, transmission, or fire pump. Other companies had declined to bid on the repairs. Since the truck is in poor condition and it is becoming difficult to obtain parts therefor, Fire Chief Eproson had checked into the possibility of buying a common make chassis and mounting the ladder and hose rack from the Seagrave onto it. The approximate cost would be \$7,000 for the new chassis and motor and \$3,400 to remove the ladder and hose rack from the old truck and install them on the new chassis, including building of cabinets and compartments for the equipment that is necessary to carry on this truck, and painting. It is assumed that \$3,500 will be paid by the insurance company to cover damage caused by the accident. The City Manager recommended purchase of a new chassis rather than having the Seagrave repaired. On motion of Councilman Dow, Culbertson second, the Council authorized purchase of a new chassis and motor and installation of the ladder and hose rack from the 1939 Seagrave thereon as outlined by the City Manager.

SUBDIVISION
POLICY
CHANGE

According to the City Manager, the Public Works Department has been having difficulty in getting subdivision work done and he suggested that the

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subdivider be authorized to let the water, sanitary sewer, and storm drain work out to bids whenever the City work load became too heavy to get the work done. The City would prepare the plans and specifications as usual and make estimates of the cost of the work both by City crews and by private contractor. In the event the subdivider elected to have the work done by a contractor, he would have to deposit with the City the difference between the amount of the estimated cost by City crews and the amount of the contract. There was considerable discussion about letting of the contract directly by the subdivider. Councilman Culbertson felt that the City would lose control of the work if the contractor was responsible to the subdivider rather than to the City. Mr. Graves said he would like to try having the subdivider let out the bids. Councilman Brown felt the City inspector would have sufficient control over the work. Councilman Culbertson moved that the City amend its subdivision policy by providing that in the event excessive work loads prevent the Public Works Department from installing water, sanitary sewer and storm drain lines for subdividers, the work may be done by private contractor on condition that the City contract directly with the contractor and that the subdivider deposit with the City additional funds to cover the difference between the estimate and the contract price before the contractor proceeds with the work. The motion was seconded by Councilman Dow and carried by unanimous vote.

ORDINANCES

1963-64 BUDGET ORDINANCE NO. 752, entitled "ADOPTING A BUDGET FOR THE SUPPORT OF THE VARIOUS DEPARTMENTS OF THE CITY OF LODI FOR THE FISCAL YEAR BEGINNING JULY 1, 1963 AND ENDING JUNE 30, 1964," having been introduced at the adjourned regular meeting of June 26, 1963, was brought up for passage on motion of Councilman Dow, Brown second. Second reading was omitted after reading by title, and the ordinance was passed, adopted and ordered to print by the following vote:

Ayes - Councilmen - BROWN, CULBERTSON, DOW
ULLMANN and KATZAKIAN

Noes - Councilmen - NONE

Absent - Councilmen - NONE

There being no further business, the Council adjourned.


Attest: BEATRICE GARIBALDI
City Clerk