

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
SEPTEMBER 4, 1963

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, September 4, 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 The Council Minutes of August 21, 1963 and August 28, 1963, were approved as written and mailed on motion of Councilman Brown, Ullmann second.

PLANNING COMMISSION

APPEAL RE This being the time and place set for Council
LAKEWOOD SUBD. consideration of the appeal of Ted Schneider, Jr.,
UNIT #1 from the decision of the City Planning Commission
 in denying approval of the tentative map of
 Lakewood Subdivision Unit No. 1, Mayor Katzakian
 requested the City Manager to read the report
 from the Planning Commission. The report reviewed
 the consideration given to the proposed map by the
 Planning Commission which rejected the map on the
 basis of unacceptable street design and undesirable
 lot pattern. The long, straight streets create a
 pattern out of character with the street pattern
 established in the adjoining area and the block
 lengths would encourage speeding and heavier
 traffic volumes than desirable for residential
 streets. While the Planning Commission feels that
 a pattern of larger lot sizes would be better
 suited for the area and would be feasible from the
 economic standpoint of the developer, the area of
 the proposed lots was not a determining factor in
 the rejection of the map since the lots do meet
 the present minimum area established by the Zoning
 Ordinance. The report also contained excerpts
 from the State Subdivision Map Act and the Lodi
 Subdivision Ordinance. Section 11525 of the Sub-
 division Map Act states that "Control of the
 design and improvement of subdivisions is vested
 in the governing bodies of cities and counties but,
 in all matters concerning such design and improve-
 ment, any decision by a governing body is subject
 to review as to its reasonableness by the superior
 court in and for the county in which the land is
 situated. Every county and city shall adopt an
 ordinance regulating and controlling the design
 and improvement of subdivisions."

Mr. Ted Schneider, Jr., said that the subdivider had to make a profit and the size of the proposed lots were more salable than larger ones, and further that the area did not warrant curved streets. He said that the map conformed to City and State codes. Mr. Dennis Campbell, representing the Delta Home Builders Association, said that the rejection of the map was not proper, that the development meets the requirements of the subdivision ordinance, and that the Planning Commission is not empowered to judge esthetic values. Mr. Schneider read a petition signed by ten building contractors stating that the depths of the proposed

Minutes of September 4, 1963 continued

lots were satisfactory and adequate to the needs of builders and potential home owners in this area. Mr. Ted Holmstrom, 1529 Edgewood Drive, said that no one in the Willow Glen Subdivision was opposed to development of the Lakewood area, but could not understand why the subdivider did not follow the type of development already started in the area in regard to the street pattern and it is the duty of the Planning Commission and the Council to determine whether or not the street pattern was suitable. He wanted to know why the developer considered straight streets desirable. He also was of the opinion that having some of the lots in the Lakewood Subdivision coincide with lots in Willow Glen would benefit the whole area. Mr. Don Niboli, 1137 Edgewood Drive, remarked that the long, straight streets would encourage fast traffic, endangering children. Mr. Howard Mason, 1562 Edgewood Drive, said that he was required to provide dead-end streets in his subdivision by the Planning Commission and it was the City's responsibility to protect his property against devaluation. Mr. Holmstrom suggested that Mr. Schneider get together with people in the Willow Glen area in an effort to reach some agreement. Mr. Fred Weybret said that the fact that odd shaped lots were not conducive to construction of standard type houses was a good thing as people would have to use a little more imagination in building.

City Attorney Mullen stated that esthetics and economics are not defined in the laws, but that according to the laws the design of streets is a matter for discretion of the Council. He quoted a 1958 court case in which the decision of the City was upheld. Councilman Culbertson thought that the City ordinance should give specific regulations for streets patterns, but City Manager Graves said that it would not be possible to develop a law to take care of every street problem and such considerations are the purview of the Planning Commission. Councilman Dow questioned how far the governing body could go in exercising its judgment. He had received an opinion from Mr. Loren Powell, Secretary-Manager of the San Joaquin County Safety Council, that safety would not be a significant factor in consideration of the subdivision, although the Safety Council did prefer curved streets. Councilman Dow felt that the Council had no valid reason for rejecting the map if it was just a matter of esthetics. City Attorney Mullen remarked that FHA favored curved streets and the Willow Glen subdivision had been designed by an FHA engineer. It was also pointed out that curved streets generally conserve land and that a suggested plan drawn up by the Planning Director for the Lakewood Subdivision provided more street frontage and less street area to be paved than the map submitted by Mr. Schneider. Councilman Brown suggested that Mr. Schneider work with Mr. Rodgers to change the street pattern. Councilman Ullmann agreed that some adjustment should be made in the streets. Mayor Katzakian reiterated that the Planning Commission and Council have the prerogative to ask for proper street alignment. Councilman Dow moved that the tentative map be approved as submitted with the exception that changes be made so that the streets will meet the

length requirements of the Subdivision Ordinance. There was no second to his motion. Stating that he felt Mr. Schneider could come up with a more suitable street pattern, Councilman Culbertson moved that the appeal be denied and that the map be referred back to the Planning Commission for further study. Councilman Brown seconded the motion which then passed with Councilman Dow voting no.

COMMUNICATIONS

ABC LICENSE Notice was read of the application for Alcoholic Beverage License, On Sale General, for Garry and Vionne Seefried, Garry's Playboy, 7 South Sacramento Street.

REPORTS OF THE CITY MANAGER

BID ON GENERATOR RECONVERSION REJECTED
RES. NO. 2657 ADOPTED

Mr. Graves stated that the one bid on the rehabilitation of the two generators obtained from Government surplus in the amount of \$18,099.35 from R & L Diesel Service of Stockton was considered high so Mr. Cromwell of the Engineering Department had sought informal quotations for the work. He had received a letter from A. G. Schoonmaker Company of Sausalito that they would do the work for a net of \$15,170.32. The City Manager recommended that the bid of R & L Diesel Service be rejected and that he be instructed to deal on the open market for the work. Councilman Brown moved the adoption of Resolution No. 2657 rejecting the bid of R & L Diesel Service and authorizing the City Manager to deal on the open market for the reconversion of the generators. The motion was seconded by Councilman Dow and carried.

PLAYGROUND AREA FOR LION'S CLUB GIFT

The Lodi Lions Club has donated playground equipment to be installed at Blakely Park and the Recreation and Parks Department is requesting the expenditure of \$460 to enlarge the sand area at the park to accommodate the equipment. On motion of Councilman Culbertson, Ullmann second, the Council approved the allocation of \$460 for enlargement of the Blakely Park sand lot and requested that a letter of appreciation be sent to the Lions Club for their gift to the community.

PURCHASE OF STATE LAND FOR STORM DRAINAGE USE

Mr. Graves explained the need for emergency pumping of the Cherokee drainage ditch in the event of excess storm water during the time the City drains are full. He said the property between the frontage road and the school site could be used as a retention basin, and that the owner of the property west of the school site is willing to lease his property to the City. However, there is a .93 acre parcel along the frontage road which is owned by the State and since this land is shortly to be declared surplus, it would be to the City's advantage to buy this parcel on which the emergency pump could be installed. The State appraiser has placed a value of \$4,000 on this parcel. Since the City will need to acquire some land for drainage purposes in this area regardless of whether or not the retention-recharge basin plan is developed, the City Manager recommends that the City purchase the .93 of an acre from the State.

469

Minutes of September 4, 1963 continued

Councilman Brown moved that the City Manager be authorized to proceed with negotiations to purchase the .93 of an acre along the frontage road from the State for the sum of \$4,000. The motion was seconded by Councilman Ullmann and carried. Even though such action is taken, Mr. Graves said that the public should be made aware that the Council has not adopted the pending plan recommended by Blair and Westfall.

CLAIMS Claims in the amount of \$158,140.58 were approved on motion of Councilman Dow, Culbertson second.

AWARD - SUBD. PAVING PROJECT 1963 Mr. Graves presented the one bid for the Sub-division Paving Project 1963 which was from Claude C. Wood Company for a total of \$14,130. Funds have been deposited by the subdividers to cover the cost of this project and it is recommended that award be made. Councilman Brown moved the adoption of Resolution No. 2658 awarding the contract for the Subdivision Paving Project 1963 to Claude C. Wood Company for a total of \$14,130. The motion was seconded by Councilman Dow and carried.

AWARD - CAB & CHASSIS Three bids were received on the cab and chassis for the Fire Department as follows:

RES. NO. 2659	Loewen Auto Company - Chevrolet	\$7,355.92
ADOPTED	Tokay Motor Company - G.M.C.	7,477.60
	Ford Motor Company - Ford	7,551.04

Mr. Graves explained that the Ford bid was not firm and that the Loewen Auto Company bid did not meet all of the specifications. Therefore he recommended that award be made to Tokay Motor Company as the lowest bid conforming to specifications. On motion of Councilman Brown, Dow second, the City Council adopted Resolution No. 2659 awarding the contract for furnishing a cab and chassis to Tokay Motor Company for a total of \$7,477.60.

AWARD - TRUCK BODY TRANSFER P. E. Van Pelt, Inc. was the only bidder on the transfer of the fire truck body onto the chassis mentioned in the above award. The bid is for the sum of \$4,819.00 which is considered a reasonable bid and the City Manager recommends that award be made. Councilman Dow moved the adoption of Resolution No. 2660 awarding the contract for the installation of the truck body onto the new chassis to P. E. Van Pelt, Inc. for \$4,819.00. The motion was seconded by Councilman Ullmann and carried.

SPECS - TURNER ROAD PAVING Specifications for the paving of Turner Road between Stockton Street and Highway 99 were approved and advertising for bids authorized on motion of Councilman Culbertson, Dow second.

ADDED HIGHWAY USER TAX The City Manager stated that in order for the City to receive additional gas tax monies available under the Collier-Unruh Act recently enacted it will be necessary for the City to adopt a resolution stating it approved the imposition of the additional highway users taxes and fees and wishes to receive apportionments from such funds. Councilman Culbertson moved the adoption of Resolution No. 2656

Minutes of September 4, 1963 continued

accepting the imposition of additional highway users taxes and fees pursuant to Chapter 1852, Statutes of 1963. The motion was seconded by Councilman Brown and carried.

GOLF DRIVING
RANGE FENCE

Complaints have been received from residents in the area of the golf driving range that balls have been going over the fence into their yards. The Recreation Department has estimated that a chicken wire fence could be erected for \$1400 or under which would contain the balls in the golf driving range area. Councilman Culbertson moved that the golf driving range be refenced as recommended. His motion was seconded by Councilman Dow and carried.

SALARY
SURVEY

Mr. Graves presented the Council with figures resulting from his survey of salaries of local private agencies and of certain cities which have been used for the past five or six years. He explained his use of a base position in the various classifications. Councilman Culbertson moved that action on employees' salaries be tabled to the meeting of September 18, 1963. The motion was seconded by Councilman Dow and carried.

The meeting then adjourned on motion of Councilman Dow.



Attest: BEATRICE GARIBALDI
City Clerk