

CITY COUNCIL, CITY OF LODI
 COUNCIL CHAMBER, CITY HALL
 FEBRUARY 2, 1955

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, February 2, 1955; Councilmen Hughes, Mitchell, Robinson and Fuller (Mayor) present; Richey absent. City Attorney Mullen and City Manager Weller were also present.

COMMUNICATIONS

WERNER
 APPEAL Letter from Dr. B. Werner, 227 South California Street, appealing the decision of the Planning Commission in denying his request for rezoning his property at the above address from R-3 to Commercial District. It was agreed by the Council that this matter be held over to a subsequent point in the agenda to be considered along with the appeals of Mrs. Ethel Tweedy and Mr. Harold Hanes.

BARBERA
 UTILITY
 REQUEST
 DENIED A letter from Mr. E. A. Barbera requesting permission to tap the City's water and sanitary sewer lines in Kettleman Lane to serve his property at the southeast corner of Hutchins Street and Kettleman, such property lying outside the city limits. Mr. Barbera explained in his letter that he plans to build a service station on the corner and wants service from the City's utilities. Councilman Robinson pointed out that the policy of the City Council in the past has been to refuse extensions outside the City, and that granting of this request would be modifying a policy of long standing. The request was rejected on the motion of Councilman Mitchell, Hughes second.

PETITIONS RE:
 LODI AVENUE
 REZONING Mr. Weller then presented a petition containing 426 signatures supporting the rezoning of the north side of Lodi Avenue between California and Rose Streets. He then presented a petition signed by 165 persons stating that the signers reside in the area affected by the commercial strip zoning on Lodi Avenue and supporting the action of the Planning Commission in denying the request for rezoning of the property in question. He then presented a petition with ten signers requesting the removal of their names from the petition requesting the commercial zoning in the area in question.

PUBLIC HEARINGS

TWEEDY-HANES
 REZONING
 APPEAL DENIED The Mayor threw the meeting open to the public for the purpose of hearing from the proponents and opponents to the appeal of Mrs. Ethel Tweedy and Mr. Harold Hanes from the decision of the City Planning Commission rejecting the request to rezone property on the north side of West Lodi Avenue between California and Rose Streets from the R-3 Residence District to the Commercial District. Mr. Harold J. Willis, attorney representing Mr. Hanes, spoke in support of the rezoning, and stated that his client was interested in progress and that commercial development in this area would be progressive and would benefit the City by the addition of additional assessed valuation to the tax rolls. He added that the property is unfit for residential use. Mr. Robert Mertz, attorney representing Mr. Spiros Stathatos, owner of the property at the corner of Lodi Avenue and Rose Street, opposed the reasons

given by the Planning Commission for rejecting the rezoning request by stating that the arguments against strip commercial zoning are idealistic; the argument of incompatible uses is invalid since such incompatible uses already exist; the opposition based upon the creation of traffic congestion is no argument at all; and the argument that there is too much commercial zoning in the City at the present time is permitting the Master Plan to become a straight-jacket. Dr. E. M. Folendorf spoke in favor of the rezoning. Mrs. Walter Flower, Mrs. Hepper and Mrs. Nelson also supported the rezoning requests. Additional arguments in support of the rezoning were offered by Mr. Charles Posey and Mr. Ted Schneider. Mr. Robert Rinn then addressed the City Council in opposition to the rezoning. He related a brief history of the planning and development of West Lodi Avenue, stating that mistakes have been made in the past by letting the commercial development encroach upon the residential district. He stated that these mistakes should not be continued in the future and added that the strip zoning will be detrimental to the owner, residents, other commercial establishments, and to the downtown business district. Mr. Daron Dee also opposed the rezoning on the basis that it would have an adverse effect on the value of his residence. Mayor Fuller then asked for the reading of a letter from the Chairman of the City Planning Commission. In his letter, Chairman Fuller stated that the requests for rezoning were denied principally because of the dangers involved in strip-zoning. He added that the creation of a narrow commercial strip makes shopping inconvenient for the public, greatly complicates the problem of providing adequate off-street parking facilities and it encourages traffic congestion which is difficult, if not impossible, to solve. He added that the strip-zoning also has a depressing effect on surrounding land values. Councilman Hughes stated that he felt that the creation of another wrong will not make a right, and it appeared to him that it would be a greater injustice to permit the commercial zoning. Councilman Hughes then moved, Mitchell second, that the decision of the City Planning Commission in the zoning requests of Mrs. Ethel Tweedy, Mr. Harold Hanes and Dr. E. Werner be upheld. Councilman Robinson then read a statement which was concluded with the following: "I may differ with the judgment of the eight other members of the Planning Commission. I may fear the present tendency of our whole philosophy of government away from private initiative toward regimentation and the centralization of power from Lodi to Washington. However, I cannot question the motives, sincerity and honesty of opinion of any one of my fellow Commissioners. They are above reproach in these attributes." He then stated that he recognized the principle of majority rule, and since there was no basis for prejudice in the matter, he asked the Mayor to call for a vote. The motion carried by a unanimous vote.

UNIFORM
ELECTRICAL
CODE

Mayor Fuller then called for those persons interested in protesting the adoption of Ordinance No. 519, providing for the adoption by reference of the "Uniform Electrical Code", 1953 edition, to present their objections. No objections were offered.

In this instance I believe it is inevitable that if the south side of Lodi Avenue remains zoned commercial, the north side will eventually attain the same status.

ORD. NO. 519 ADOPTED ORDINANCE NO. 519, "ADOPTING AN ELECTRICAL CODE REGULATING THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRIC WIRING AND ELECTRICALLY OPERATED APPLIANCES TO BE CONNECTED THERETO BY ADOPTING BY REFERENCE THE 'UNIFORM ELECTRICAL CODE', 1953 EDITION, WHICH IN TURN ADOPTS BY REFERENCE THE 'NATIONAL ELECTRICAL CODE', 1953 EDITION, ESTABLISHING RULES AND REGULATIONS IN CONNECTION THEREWITH, AND REPEALING ORDINANCE NO. 488", having been introduced at the regular meeting of January 5, 1955, was brought up for passage on the motion of Councilman Robinson, Mitchell second. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Hughes, Mitchell, Robinson and Fuller

NOES: Councilmen - None

ABSENT: Councilmen - Richey

Mayor Fuller then signed Ordinance No. 519 in approval thereof.

METER REGULATIONS ORDINANCE NO. 520, "ADOPTING RULES AND REQUIREMENTS GOVERNING THE INSTALLATION OF ELECTRICAL METERS", having been introduced at the regular meeting of January 5, 1955, was brought up for passage on the motion of Councilman Robinson, Hughes second. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

ORD. NO. 520 ADOPTED

AYES: Councilmen - Hughes, Mitchell, Robinson and Fuller

NOES: Councilmen - None

ABSENT: Councilmen - Richey

Mayor Fuller then signed Ordinance No. 520 in approval thereof.

REPORTS OF THE CITY MANAGER

ROBERT RINN APPOINTED TO S.J.L.H.D. RES. #1854 The City Manager reminded the City Council that the appointment of a representative for the City of Lodi on the Board of Trustees of the San Joaquin Local Health District had not been made. Councilman Robinson suggested the name of Mr. Robert H. Rinn as one of the best informed in matters of government in the community. On the motion of Councilman Robinson, Mitchell second, the Council then adopted Resolution No. 1854, appointing Mr. Rinn to the Board of Trustees of the San Joaquin Local Health District vice Dr. Boehmer.

UTILITY EXTENSION POLICY REVISED The City Manager then reviewed the background and theory of the Council's existing policy regarding the installation and extension of utilities, including water, sanitary sewer, storm sewer and electric lines. He then reported that the cost of utility installation has been outstripping the increase in income due to new installations. He stated that if the City is to continue its present policy, some

means must be found eventually to finance the utility extension: increase rates for service or float bond issues. He therefore recommended that the utility extension policy be revised in accordance with a recommendation prepared on January 25, 1955, and presented to the City Council, the essential features of the recommendation being that subdividers should be required to pay all costs in connection with the provision of sanitary sewers and water service within the area proposed for development, and bear a proportionate share of the costs of extending said lines from the City's central system to the subdivision. The charge for storm drainage and the deposit procedure for extending electric lines is to remain substantially as provided in the present policy. He recommended that the effective date of said policy change be set at or about May 1, 1955. He further recommended that the existing policy remain in effect until May 1, 1955, with the exception that the refund period be limited to five years on all subdivisions, the tentative maps of which are filed with the Planning Commission after February 1, 1955, and before the effective date of the recommended new policy. He explained that by this means individuals contemplating or in the process of subdividing will not be subjected to any undue hardship. Mr. Ted Schneider read a letter from the Lodi Realty Board asking the City Council to postpone taking any definite action on the revision of the utility extension policy. It stated the Board had not had sufficient time for study of the City Manager's recommendations. Councilman Hughes then moved, Robinson second, that the extension policy as outlined and recommended by the City Manager in his communication of January 25, 1955, be adopted, such policy to be effective on all tentative maps filed with the Planning Commission after May 1, 1955; that the existing policy remain in effect until that date, except that the deposits for sanitary sewers and water shall have a maximum refund period of five years, said exception to apply on all tentative maps filed with the Planning Commission after February 2, 1955; and that the policy adopted herewith is subject to amendment after the subdividers and the Realty Board have an opportunity to present their evidence to the City Council. The motion was adopted by unanimous vote.

CLAIMS

Claims in the amount of \$137,216.20 were approved on the motion of Councilman Mitchell, Robinson second.

ADJOURNED TO
FEB. 9, 1955

On the motion of Councilman Mitchell, Robinson second, the meeting was adjourned until 7:30 o'clock p.m. of Wednesday, February 9, 1955.

ATTEST:

Henry A. Glaves, Jr.
HENRY A. GLAVES, JR.
City Clerk