

CITY COUNCIL CITY OF LODI
 COUNCIL CHAMBERS, CITY HALL
 MARCH 4, 1953

This regular meeting of the City Council of the City of Lodi held beginning at 8:10 o'clock p.m. of March 4, 1953: Councilmen Preszler, Richey, Rinn, Robinson and Haskell (Mayor) present; absent, none.

Minutes of the previous meeting, February 18, 1953, were approved as written and mailed.

COMMUNICATIONS

BILLBOARD CONTROL	Letter from the California Roadside Council urging opposition to State Senate bills 733 and 734 which will abrogate certain rights of the counties regarding billboard control. The matter was deferred until the next meeting to allow time to study the bills.
SMILE WEEK	Letter from Joe E. Brown, Chairman of National Smile Week, requesting the Mayor to cooperate in the observance of National Smile Week, March 9 through March 14, was tabled with no action taken.
BETTER FISHING, INC.	Letter from Better Fishing, Inc., stating that a registration certificate evidencing registration in the National Better Fishing Program for Boys and Girls was being forwarded to the City of Lodi by parcel post.
INVITATION TO SJC LAW ENFORCEMENT OFFICERS MEETING	Letter from Carlos A. Sousa, San Joaquin County Sheriff, extending an invitation to the Mayor and City Council to attend a meeting of the San Joaquin County Law Enforcement on Civil Defense March 12, 1953, at the County Honor Farm. City Manager H.D. Weller is to be the speaker. Mayor Haskell indicated that he would attend.
REQUEST TO PLACE BUS BENCHES ON STREETS	Letter from the Western Advertising System requesting permission to place bus benches in the City which would carry advertising. The City would receive \$.50 per bench per month. The advisability of permitting advertising on the City streets without control of the Council was questioned by Councilman Robinson. Councilman Rinn suggested that perhaps this matter could be handled locally without bringing in an outside advertising firm. Action on the matter was deferred until it could be referred to the Chamber of Commerce for comment.
AMERICAN LEGION PICNIC	Letter from Lodi Post No. 22, American Legion, inviting the Mayor and City Council to the 31st Annual American Legion Picnic on May 2 and 3, 1953, at Micke Grove.

REPORTS OF THE CITY MANAGER

SECONDARY STREET MAINTENANCE PROJECT STATEMENT	City Manager Weller presented the Project Statement for Secondary Street Maintenance prepared by the City Engineer. Mr. Weller pointed out that the specific streets included in the statement for work were tentative and the final determinations could be made at a later date. With the understanding that the Council would be consulted on any modifications to the plan, the Council passed the motion of Councilman Rinn, Richey second, to approve the recommendations of the City Engineer and authorize the City Manager to sign the statement for the City.
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REJECT
SEWER BIDS
RES. #1727
ADOPTED

The City Manager reported that one bid was received for the installation of sanitary sewers in Lowe's Village and Century Manor. The bid received was substantially higher than the estimate of the City Engineer, so the City Manager recommended that the work be done by force account. On the motion of Councilman Rinn, Richey second, the Council adopted Resolution No. 1727 rejecting the only bid and authorizing the work to be done by day labor.

GRIFFIN
AND
MILLER
LEASE

Mr. Weller called the attention of the Council to the fact that the lease to Griffin and Miller of the 80-foot strip east of Cherokee Lane had expired and should either be renewed or cancelled. He explained that the City had received complaints from the residents in the vicinity regarding the stacking of lumber and the creation of dust. He further suggested that the matter be pended until the next meeting to allow time for study of the situation.

REICHENBERG
CLAIM

A claim on the part of Mary Reichenberg was presented. The claim is for personal injury suffered by a fall in a hold surrounding the base of a broken light standard, November 5, 1952. On the motion of Councilman Robinson, Richey second, the claim was rejected and ordered forwarded to the insurance carrier for the City.

SUPER MOLD
MEETING

Mr. Weller reminded the Council of the meeting with the Super Mold Corporation and the protesting residents of the area on March 24. When it was pointed out that this was the same evening the Chamber of Commerce was to hold a meeting to discuss the traffic and parking problem, it was agreed that the meeting of the Council should be postponed to the following evening, Wednesday, March 25.

FINAL MAP OF
COSTA TRACT
APPROVED

The final map of the Costa Tract was submitted for approval. There being no objections to the lot design or the street dedications, the map was approved on the motion of Councilman Robinson, Rinn second, and the Mayor was authorized to sign said map in approval thereof. Mr. Costa then addressed the Council and requested that he be relieved of the \$175 per acre charge for storm drainage for those lots facing on West Lockeford Street and on California Street. Mr. Costa explained that his request was based on the fact that improvements on these streets, including curbs, gutters, and storm sewers have been in many years and that this property has been within the City for the same period or longer. Councilman Robinson suggested that the matter should be referred to the City Engineer for recommendation. Councilman Rinn asked if this isn't the same problem the Council will face with each new subdivision. Mr. Weller stated that he felt that it was more a problem for the City Council than for the City Engineer since the question involved is whether the City Council wishes to deviate from its standing policy or not. Mr. Clifford Gatzert, appearing on behalf of Mr. Costa, explained that the problem was different from other subdivisions in that the drainage pattern has already been set up and the pending subdivision will not introduce a change to this drainage pattern on the streets in question. Mayor Haskell pointed out that the curbs, gutters and storm sewers on these streets were installed by the City and the property owner did not bear the expense at the time of installation. Mr. Weller pointed out that the improvements to be constructed on the property abutting on

FIVE LOTS
EXCLUDED
FROM
STORM SEWER
CHARGE

said streets will increase the water run-off, and the expense of this increased run-off will eventually have to be met by someone, whether it is the City or the subdivider. City Attorney Mullen stated that practical application of the exception to the present Council policy may later prove embarrassing to the City Council. Councilman Preszler moved, Rinn second, that there be no deviation from the Council policy regarding storm drain charges in this case. Mr. Gatzert then pointed out that the approved subdivision contained five lots, included in the subdivision for convenience only, which are already built upon. These lots are at the present time in different ownerships, and have been for many years. Councilman Preszler then amended his motion, with approval of the second, to exclude the five lots (Lots 1, 52, 53, 54 and 55) since they were already developed and the improvements were in, and because they were included in the subdivision map only as a matter of convenience. The motion was approved by the following vote:

AYES: Councilmen, Preszler, Richey, Rinn and
Haskell

NOES: Councilmen, Robinson

STREET
TREES

DAVEY
REPORT
SUBMITTED

Mr. Weller introduced the discussion of the problems confronting the City by the street trees which have grown and are extending their roots to the point where the roots have injured the sidewalk and curbs. He reviewed the problems of liability for injuries sustained as a result of faulty sidewalks and drainage problems resulting from the roots pushing up the curbs and streets and preventing the normal flow of water in the gutters. He further reviewed the action taken by the City Council in calling upon the Davey Tree Surgeons to survey the street trees within the City and to report thereon. He then submitted the report of the Davey Tree Surgeons. The report designated 899 trees surveyed for some type of remedial action. Of this number 285 trees were designated for removal, 542 trees were designated for root surgery, and 72 trees were designated for heading, pruning and balancing. Councilman Richey stated that she would be the last person to advocate the unnecessary removal of street trees, but since the greatest offenders were the sycamore trees, a fast growing variety, they could be replaced with trees more adaptable for growing in confined spaces. Councilman Robinson pointed out that the trees are our most valuable asset and every possible means should be taken to preserve them. Mr. H.E. Looser protested the removal of trees, and questioned the costs to the taxpayers of the removal. Mr. Karl Nickel, addressing the Council as a representative of the Native Sons of the Golden West, stated that the Native Sons were interested in preserving trees wherever their existence is threatened. He further stated that cracks in sidewalks or damage to curbs, gutters or sewers was relatively unimportant where trees were concerned. The President of the Native Sons of the Golden West informed the Council that Mr. Nickel was not authorized to speak for the Native Sons, nor were his views those of the Native Sons. Mr. Max Elson informed the Council that approximately 95% of the claims against the City over the past ten years arose from faulty sidewalks. Mr. Don Berry, agent for the City's present insurance carrier, stated that his insurance firm

had recently completed a survey of the City of Lodi and the firm was not happy about the condition of the sidewalks in the City. Failure to correct the situation, he stated, will cost the City more money for liability insurance. Councilman Richey indicated that she favored a replanting program in conjunction with any plans for the removal of offending trees. Councilman Rinn stated that he believed the Council should proceed carefully in any removal program and he favored a careful screening of each tree, if need be, before it is removed. Mayor Haskell replied that the Council would have to come to some agreement as to authority to determine the destiny of the tree. He stated further that if the Council has to approach each tree with an emotional opinion, then he did not wish to sit on that Council. Councilman Robinson stated that he felt that the Council had already made some progress on the subject, but that he had not had an opportunity to study the report thoroughly as yet. Therefore, he suggested that a decision on the matter be postponed. The City Manager suggested that perhaps the Davey people could be prevailed upon to visit Lodi, at the convenience of the City Council, and offer additional information or explain the report in further detail. This was agreed upon.

TURNAGE
MARKET

Mayor Haskell then announced that the City had been approached by representatives of the owners of the Turnage Market and the adjoining parking lot relative to the acquisition of that property by the City. The City Council had indicated an interest and had entered into negotiations with the owners in an attempt to establish a firm asking price. The Council was interested only in getting a fair and realistic price set upon the property before bringing the matter before the public and reaching a decision. They were never able, he said, to receive a figure which in their opinion was a reasonable figure. The owner has been notified to this effect. The Council will continue to have an interest in the property as long as it is available, he added, but the Council does not feel that it should pay more than the property is worth. He further added that the Council had never committed itself to pay \$113,000 or any other figure. Mr. H.E. Looser addressed the Council to state that at no time does the City Council have to have secrecy in property negotiations.

CLAIMS

Claims in the amount of \$118,399.98 were approved and ordered paid on the motion of Councilman Robinson, Richey second.

REQUEST FOR
APPROVAL OF
LOT DESIGN
BY RALPH
GRAFFIGNA

A map providing for the development of seven lots on the north side of Graffigna Avenue east of Cross Street by Ralph Graffigna was considered. City Clerk Graves explained that the map was submitted for approval of the City Council under the provisions of Section 11535, (b), (1), of the Business and Professions Code, which except from the Subdivision Map Act parcels of less than five acres which abut upon an improved street and which call for no street opening or improvement. A representative for the developer addressed the Council to ask if, in the event approval of the map were given by the City Council, it would be possible to redesign the lots to a smaller size. The Council agreed that, since the design of the lots was not in final form, the matter should be submitted to the Planning Commission for recommendation to the City Council.

INTRODUCE
ORD. NO. 470
ABANDONMENT
OF ALLEY
EAST OF
ST. ANNE'S
SCHOOL

A letter was submitted by the City Attorney as a result of a request by the Roman Catholic Archbishop of San Francisco that the City of Lodi initiate the necessary proceedings to abandon an alley lying between Lots 2 and 3 in Block 6 of the City of Lodi. The strip of land is not shown as an alley on the original map of "Mokelumne" but was created by a reservation in a deed from Ada L. Hutchins. The church has obtained a quitclaim deed from Ada L. Hutchins, but wishes abandonment proceedings in order to remove any question of public interest in the matter. Ordinance No. 470, declaring the intention of the City Council to abandon said alley was introduced on the motion of Councilman Robinson, Preszler second.

S. CHURCH ST.
LIGHTING
DISTRICT

RES. #1724
RES. #1725
RES. #1726

The City Clerk reported on the proceedings to waiver the "Special Assessment Investigation, Limitation, and Majority Protest Act of 1931" in re: "The South Church Street Lighting District". He reported the receipt of 75 cards from property owners of which 7 requested the benefits of the special investigation. This represented approximately 5% of the property owners in the special assessment district. On the motion of Councilman Rinn, Robinson second, the Council adopted Resolution No. 1724, adopting the plans and specifications for the installation of street lights in said district. The Council then adopted Resolution No. 1725, finding and determining that the owners of less than 15% of the area of lands in the proposed district have demanded the making of the special investigation, on the motion of Councilman Rinn, Preszler second. The Council then adopted Resolution No. 1726, declaring its intention to order the erection and construction of street light standards and the necessary wires and conduits for the purpose of providing street lights on South Church Street between West Lodi Avenue and Kettleman Lane, on the motion of Councilman Robinson, Preszler second. The above resolution further declared that public hearing on the matter would be held April 15, 1953.

RES. #1722
ADOPTED

GRATTONE
ADDITION

A petition requesting the annexation of Lots 29, 32 and 37 of the Gerard Tract and signed by Angelo Grattone was presented. Mr. Grattone is the sole owner of the property involved. The boundary description of the proposed annexation was approved by the County Boundary Commission and the annexation was approved by the City Planning Commission. Resolution No. 1722, declaring the intention of the City Council to annex the above territory as uninhabited territory and setting the date for public hearing on April 1, 1953, was adopted on the motion of Councilman Rinn, Preszler second.

RES. #1723
ADOPTED

50TH ADDI-
TION, LANDS
EAST OF
LODI MEM.
HOSPITAL

A petition signed by Charles S. Canepa and Myrtle Canepa, Christ J. Mettler, and Lillian H. Bunch requesting the annexation of uninhabited territory owned by the petitioners abutting on South Fairmont Avenue opposite Lodi Memorial Hospital was presented for approval to the City Council. The description of the boundaries of the proposed annexation had been approved by the Boundary Commission and approval of the annexation had been received from the Planning Commission. On the motion of Councilman Preszler, Robinson second, the Council voted to adopt Resolution No. 1723, declaring its intention to annex the above territory to the City of Lodi and setting April 1, 1953, as the date for public hearing.

At 10:50 o'clock p.m. the Council adjourned on the motion of Councilman Robinson.

ATTEST:


HENRY A. GLAVES, JR.
City Clerk