

ADJOURNED REGULAR MEETING OF THE COUNCIL OF THE
CITY OF SAN DIEGO, CALIFORNIA
TUESDAY, OCTOBER 23, 1973
ADJOURNED TO AND HELD THURSDAY, OCTOBER 25, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

Present--Councilmen Johnson, O'Connor, Landt, Bates, and Deputy Mayor
Martinet.

Absent--Councilmen Williams, Morrow, Hitch, and Mayor Wilson.
Clerk---LaVerne Miller.

Deputy Mayor Martinet called the Adjourned Regular Meeting to
order at 9:35 a.m.

It was reported that this Meeting had been adjourned from Tuesday,
October 23, 1973, to this time by the Assistant City Clerk, due to a
majority of the Council attending the annual League of California Cities
Conference in San Francisco.

The Assistant Clerk reported that copies of the Notice of Adjourn-
ment covering the adjournment of this Meeting from Tuesday, October 23,
1973, to 9:30 a.m., Thursday, October 25, 1973, had been posted as
required by law, and the Order of Adjournment had been mailed as re-
quired by law, and that the proper Certificates of Posting and Mailing
are on file.

There being no further business to come before the Council at this
time, the Adjourned Regular Meeting was adjourned on motion of Council-
man Bates at 9:36 a.m.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Eleanor Wilson

City Clerk of The City of San Diego, California

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, OCTOBER 25, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

Present--Councilmen Johnson, O'Connor, Landt, Bates, and Deputy Mayor
Martinet.

Absent--Councilmen Williams, Morrow, Hitch, and Mayor Wilson.

Clerk---LaVerne Miller.

Deputy Mayor Martinet called the Regular Meeting to order at
9:37 a.m.

(Item 1)

Roll call was taken.

(Item 2)

The report on State Route 252, El Toyon Freeway, was presented
by City Manager Moore.

Councilman Williams entered the Chamber.

John Fowler, Community Development Department, answered questions
directed by the Council.

Councilman Morrow entered the Chamber.

Councilwoman O'Connor left the Chamber.

The presentation by the State Department of Transportation was
made by Jacob Dekema, Director of Transportation.

Councilwoman O'Connor entered the Chamber.

Mayor Kyle Morgan of National City appeared to speak in favor
of the proposed freeway.

The Council discussed the item at length.

The motion of Councilman Johnson to refer the matter to the Council
Conference of November 28, 1973 at 2:00 p.m., Time Certain, and to the
City Manager, received no vote at this time.

(Item 2 - Continued)

On motion of Councilman Bates, the motion was amended to include the request that the Comprehensive Planning Organization review this project for presentation to the Council Conference. Said Conference to also include a report from the State Department of Highways on budget priorities, the priority assigned to this project, and recommended reductions in the event SCA 15 passes and there is a budget reduction.

The vote was then taken on Councilman Johnson's motion, as amended above, to refer the matter to a Council Conference and to the City Manager, which passed unanimously.

Councilman Hitch entered the Chamber.

Deputy Mayor Martinet recessed the Meeting at 10:38 a.m. Upon reconvening at 10:59 a.m., the roll call showed Councilman Williams and Mayor Wilson absent.

The Council considered requests for continuances: Items 12, 3, and 111.

(Item 12)

RESOLUTIONS-PURCHASING: Continued from the Meeting of October 16, 1973, at City Manager's request, awarding contract to Olivetti Corporation of America for the purchase of 20 manual typewriters for an actual cost of \$3,029.25, including tax and terms.

On motion of Councilman Landt, the proposed Resolution was returned to the City Manager, at his request.

Mayor Wilson entered the Chamber.

(Item 3 - CASE NO. 48-72-11, portion.)

CONTINUED HEARINGS: Continued from the Meetings of February 1 and 22, March 22, and April 19, 1973, for processing of building permit applications. Matter of rezoning Area 21 in South Bay area, Lots 1 through 9, Ocean Bluffs and a portion of Section 26, Township 18 South, Range 2 West, located on both sides of Beyer Way, north of Del Sol Boulevard, from Zone R-2A to Zone R-2.

On motion of Councilman Bates, the hearing was continued to Tuesday, November 13, 1973, at owner's request.

Councilman Martinet left the Chamber.

Councilman Williams entered the Chamber.

(Item 111)

RESOLUTIONS-MISCELLANEOUS: Two proposed Resolutions directing the Planning Commission to hold public hearings on rezoning, from the existing R-4 Zone to the R-2 Zone, the west side of 6th Avenue, from Elm Street to Upas Street; and 50-foot height limit on future buildings on the east side of 5th Avenue, from Elm Street to Upas Street, were presented.

Ruth Peyton appeared to speak regarding a proposed continuance.

Councilman Bates requested a cost analysis on the rezoning and the 50-foot height limit, from the Planning Department.

On motion of Councilman Bates, the proposed Resolutions were continued 90 days to January 24, 1974, for further review, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, Bates, and Mayor Wilson. Nays-Councilman Morrow. Absent-Councilman Martinet.

The Council considered the Consent Agenda, which consisted of Items 13, 14, 15, 100, 101, 104, 106, 107, 108, and 110.

(Item 13)

The following Resolutions, relative to awarding contracts, were adopted on motion of Councilman Landt:

RESOLUTION 209063, Raymond D. Haas, Gen. Contr. for construction of Mountain View Community Center, for the sum of \$338,947; authorizing the expenditure of \$451,000 out of Capital Outlay Fund (245) for said purpose and related construction costs;

RESOLUTION 209064, Sapper Construction Co. for construction of Southcrest Park footbridge, for the sum of \$22,985; authorizing the expenditure of \$28,000 out of Capital Outlay Fund (245) for said purpose and related costs; and

RESOLUTION 209065, G. Spikes & W. Love Masonry & Cement Contractors for improvement of sidewalks, curbs and gutters in the area bounded by 28th Street, Commercial Street, 30th Street, Clay Avenue, 32nd Street and Ocean View Boulevard (Contract 36), for the sum of \$19,340; authorizing the expenditure of \$23,000 out of Special Fund (2714) for said purpose and related costs.

(Item 14)

The following Resolutions, relative to awarding contracts, were adopted on motion of Councilman Landt:

RESOLUTION 209066, International Harvester Co. for the purchase of 1 cab & chassis with a hydraulic crane mounted, for an actual estimate, including tax, terms and less trade-in of \$29,118.75; and

(Item 14 - Continued)

RESOLUTION 209067, Computer Machinery Corporation for the lease of data processing equipment for the period of 5 years ending October 31, 1978, with option to renew for two additional one-year periods, for a total cost (one year), including tax and terms of \$12,035.52.

(Item 15)

The following Resolutions, relative to inviting bids, were adopted on motion of Councilman Landt:

RESOLUTION 209068, construction of Kearny Mesa Park recreational building, in accordance with Specifications Document No. 745207;

RESOLUTION 209069, construction of Paradise Hills Park & Recreation Center - recreation building, in accordance with Specifications Document No. 745208; and

RESOLUTION 209070, furnishing and installing 300 fare boxes and supporting equipment, in accordance with Specifications Document No. 745206.

(Item 100)

RESOLUTION 209071, accepting the work done and authorizing a Notice of Completion in Atlas Villa Unit 1 subdivision, was adopted on motion of Councilman Landt.

(Item 101)

The following Resolutions, relative to paving and otherwise improving the alley contiguous to Lots 1, 2 and 3, Block 23, Linda Vista Subdivision Unit 8, were adopted on motion of Councilman Landt:

RESOLUTION 209072, approving the plans, specifications and Plat No. 3870 of the assessment district; and

RESOLUTION OF INTENTION NO. 209073, setting the time and place for hearing protests.

(Item 104)

RESOLUTION 209074, authorizing a third amendment to lease agreement with Breise-Johnston Flying Service, Inc. for fixed base operation at Brown Field, was adopted on motion of Councilman Landt.

(Item 106)

RESOLUTION 209075, authorizing an agreement with Applied Data Research, Inc., of Princeton, New Jersey, for purchase of a nonexclusive license to use an automatic computer program library system for the sum of \$3,960, was adopted on motion of Councilman Landt.

(Item 107)

The following Resolutions, relative to authorizing joint City-County agreements with the following community agencies for the operation of Human Care Services Programs, were adopted on motion of Councilman Landt:

RESOLUTION 209076, Exploring Family School - awareness of resources, vocational experience and orientation of youth;

RESOLUTION 209077, Girl Scouts, San Diego-Imperial Council, Inc. - girl scouting in San Ysidro and Southeast San Diego and other minority areas;

RESOLUTION 209078, Council of Pilipino American Organization of San Diego County, Inc. - support the efforts of the Pilipino American communities;

RESOLUTION 209079, Trabajadores de la Raza - broad based social agency;

RESOLUTION 209080, Cedar Community Center - aged program;

RESOLUTION 209081, Family Health Services Center, Inc. - medical clinic;

RESOLUTION 209082, Community Crisis Center - fill the gaps in existing health care and social services delivery system;

RESOLUTION 209083, Emergency Community Housing Organization - emergency shelter and nutritional needs;

RESOLUTION 209084, San Diego Youth Services, Inc. - 24 hour out-of-home placement (for youth);

RESOLUTION 209085, Chicano Federation of San Diego County - decreasing unemployment;

RESOLUTION 209086, Exploring Family School - assisting students;

RESOLUTION 209087, First United Methodist District Union - counseling, drug education and information and referral services; and

RESOLUTION 209088, In-Between, Inc. - counseling and referral services to young adults.

(Item 108)

RESOLUTION 208089, authorizing an agreement with the County of San Diego, Welfare Department, to implement the Model Cities Child Care Program; authorizing the expenditure of \$145,000 out of Model Cities Third Action Year Fund 2903 for said purpose, was adopted on motion of Councilman Landt.

(Item 110)

RESOLUTION 209090, authorizing two representatives of the Police Department to travel to Quantico, Virginia, to attend a National Symposium on the ABA Standards relating to the Urban Function from October 28 to October 30, 1973, with all expenses, excluding salaries, to be paid by the F.B.I., was adopted on motion of Councilman Landt.

(Item 5 - DRAWING NO. C-390)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposal to impose a height limitation zone restricting the maximum height of all future buildings and structures in the whole or any part of the West Clairemont area, generally bounded by Huerfano Avenue on the north, Moraga Avenue, Clairemont Drive and Deer Park Drive on the east, Tecolote Road on the south, and the San Diego Freeway (I-5) on the west, to 30 feet or to any height limit greater than 30 feet. It was reported that 30 letters and 1 petition in favor had been received.

Councilman Johnson left the Chamber.

Ken Klein, Planning Department, answered questions directed by the Council.

Councilman Johnson entered the Chamber.

William H. Thompson, Mrs. Marston Sargent, James Ard, Mary Herold, Lenore Danielson, Ruth G. Peyton, and Marian Bear appeared to speak in favor of the proposed height limitation zone.

Tom O'Neill and Ernest Shephard appeared to speak in opposition to the proposed height limitation zone.

The hearing was closed on motion of Councilman Morrow.

A proposed Ordinance, amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code by amending Section 101.0452.5, relating to the height limitation zone - West Clairemont, was introduced for a 30 foot height limit for a period of one year from the effective date of the ordinance on motion of Councilman Morrow, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Martinet.

(Item 6)

A proposed Ordinance, introduced at the Meeting of October 9, 1973, amending Ordinance No. 10963 (New Series) to provide that building permits issued during the period August 1, 1972 through October 27, 1973 not expire until ninety (90) days from the date of issuance of a development permit or certificate of exemption from the San Diego Coast Regional Commission or, if appealed, from the California Coastal Zone Conservation Commission or a final adjudication of a court of competent jurisdiction: provided, however that commencement of work was delayed pursuant to compliance with Sections 27104 and 27400 of the California Public Resources Code, was presented.

Chief Deputy City Attorney Conrad answered questions directed by the Council.

Mrs. Barbara Shafer appeared to speak regarding the proposed Ordinance.

(Item 6 - Continued)

The following Ordinance was adopted on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Martinet.

Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and there was available for the consideration of each member of the Council and the public prior to the day of its passage, a written or printed copy of said Ordinance.

ORDINANCE 11146 (New Series), amending Ordinance No. 10963 (New Series) to provide that building permits issued during the period August 1, 1972 through October 27, 1973 not expire until ninety (90) days from the date of issuance of a development permit or certificate of exemption from the San Diego Coast Regional Commission or, if appealed, from the California Coastal Zone Conservation Commission or a final adjudication of a court of competent jurisdiction; provided, however, that commencement of work was delayed pursuant to compliance with Sections 27104 and 27400 of the California Public Resources Code.

On motion of Councilman Johnson, the City Manager was directed to investigate the possibility of attractive nuisances on existing building sites on which permits have been issued and report back to Council.

Mayor Wilson recessed the Meeting at 12:02 p.m., to reconvene at 2:00 p.m.

Upon reconvening at 2:04 p.m., the roll call showed Councilmen O'Connor, Williams, Morrow, and Martinet absent.

(Item 4)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of September 18, 1973 for Environmental Impact Report, on (a) Question of appropriateness of Belmont Park site as an amusement park or as a passive park and consideration of criteria for park development; and (b) Resolution approving "Criteria for Lease Development of a Family Amusement Center, Mission Beach Park"; and authorizing the City Manager to solicit proposals for a lease development in accordance with said criteria. It was reported that 3 letters in favor and 2 letters and 1 petition in opposition to an amusement park had been received.

Councilman Morrow entered the Chamber.

Councilman Martinet entered the Chamber.

Councilman Williams entered the Chamber.

(Item 4 - Continued)

William Evans appeared to request a two week continuance.

Jim Barnett appeared to speak in opposition to the proposed continuance.

Councilwoman O'Connor entered the Chamber.

Barbara Shafer and Fran Abelman appeared to speak in opposition to the proposed continuance.

Ruth Peyton and Ralph L. Ullum appeared to speak in favor of the proposed continuance.

On motion of Councilman Martinet, the matter was continued to Tuesday, November 13, 1973, at 2:00 p.m., Time Certain, at lessee's request.

(Item 7)

A proposed Ordinance, introduced at the Meeting of October 9, 1973, amending Chapter III, Article 3, Division 23 of the San Diego Municipal Code by repealing Sections 33.2301, 33.2302 and 33.2303 and amending Chapter IV, Articles 1 and 2 of the San Diego Municipal Code by repealing Sections 41.01.10, 42.0212, 42.0213 and 42.0214 and substituting instead and in place thereof Sections 33.2301 through 33.2330 and amending Section 42.0211, all relating to regulating massage establishments and massage technicians, was presented.

Assistant City Attorney Teaze answered questions directed by the Council.

Douglas J. Amacomb, James Bushman, David Irving speaking for Ms. Lee Lawless, and Dr. Peterson, appeared to speak in opposition to the proposed Ordinance.

The motion of Councilman Landt to dispense with the reading and adopt the proposed Ordinance received no vote at this time.

The motion of Councilman Williams to continue the matter for one week for further review and consideration of the ordinance proposed by himself, failed for lack of five affirmative votes, by the following vote: Yeas-Councilmen Williams, Martinet, Hitch, and Bates. Nays-Councilmen Johnson, O'Connor, Landt, Morrow, and Mayor Wilson. Absent-None.

The vote was then taken on Councilman Landt's motion to dispense with the reading and adopt the proposed Ordinance, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Morrow, Martinet, and Mayor Wilson. Nays-Councilmen Williams, Hitch, and Bates. Absent-None

Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and there was available for the consideration of each member of the Council and the public prior to the day of its passage, a written or printed copy of said Ordinance.

(Item 7 - Continued)

ORDINANCE 11147 (New Series), amending Chapter III, Article 3, Division 23 of the San Diego Municipal Code by repealing Sections 33.2301, 33.2302 and 33.2303 and amending Chapter IV, Articles 1 and 2 of the San Diego Municipal Code by repealing Sections 41.01.10, 42.0212, 42.0213 and 42.0214 and substituting instead and in place thereof Sections 33.2301 through 33.2330 and amending Section 42.0211, all relating to regulating massage establishments and massage technicians.

The following Ordinances were introduced at the Meeting of October 11, 1973.

Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council and there was available for the consideration of each member of the Council and the public prior to the day of their passage, a written or printed copy of each Ordinance.

The following Ordinances were adopted on motion of Councilman Landt, the the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-None.

(Item 8)

ORDINANCE 11148 (New Series), amending Chapter III, Article 2, of the San Diego Municipal Code by amending Section 32.52.4 and by adding Sections 32.52.6, 32.53.4 and 32.60, relating to Uniform Local Sales Tax and Use Tax.

(Item 9)

ORDINANCE 11149 (New Series), amending Chapter II, Article 4, Division 4, of the San Diego Municipal Code by adding Paragraph (6) to Section 24.0405, relating to disability retirement for members and safety members.

(Item 10)

A proposed Ordinance, introduced at the Meeting of October 11, 1973, amending Chapter IX, Article 5, Division 1 of the San Diego Municipal Code by amending Section 95.0103 and Section 95.0107, relating to Signs - Permits and Permit Fees, was presented.

City Manager Moore and Assistant City Attorney Teaze answered questions directed by the Council.

Marian Bear appeared to speak regarding the proposed Ordinance.

The following Ordinance was adopted on motion of Councilman Landt, by the following vote: Yeas-Councilmen O'Connor, Landt, Williams, Morrow, Bates, and Mayor Wilson. Nays-Councilmen Johnson, Martinet, and Hitch. Absent-None.

(Item 10 - Continued)

Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and there was available for the consideration of each member of the Council and the public prior to the day of its passage, a written or printed copy of said Ordinance.

ORDINANCE 11150 (New Series), amending Chapter IX, Article 5, Division 1 of the San Diego Municipal Code, by amending Section 95.0103 and Section 95.0107, relating to Signs - Permits and Permit Fees.

(Item 11)

A proposed Ordinance, amending Ordinance No. 11075 (New Series) entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of The City of San Diego for the Fiscal Year 1973-74", was presented.

City Manager Moore answered questions directed by the Council.

A proposed Ordinance, amending Ordinance No. 11075 (New Series) entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of The City of San Diego for the Fiscal Year 1973-74", was introduced on motion of Councilman Hitch, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-None.

(Item 102)

A proposed Resolution, awarding a contract to T. B. Penick & Sons, Inc. for paving and otherwise improving Mango Drive adjacent to Lots 4 through 10, Block 42, Del Mar Heights, was presented.

Floyd Moore, Community Development Department, answered questions directed by the Council.

RESOLUTION 209091, awarding a contract to T. B. Penick & Sons, Inc. for paving and otherwise improving Mango Drive, adjacent to Lots 4 through 10, Block 42, Del Mar Heights, was adopted on motion of Councilman Landt.

(Item 103)

RESOLUTION 209092, awarding a contract to Griffith Company for paving and otherwise improving portions of Camino de la Reina and Mission Center Road, was adopted on motion of Councilman Martinet.

(Item 105)

A proposed Resolution, authorizing an operating agreement with Ace Auto Parks, Inc. for the San Diego Stadium Parking Facility for a period of five years and six months at a rental of 88 percent of gross income for two years and 87.5 percent of gross income thereafter, except during each football season when these rates shall apply only to the first \$250,000 of gross income from football games per year and the rate of 95 percent shall apply to all gross income exceeding \$250,000, was presented.

City Manager Moore and Property Director MacFarlane answered questions directed by the Council.

(Item 105 - Continued)

RESOLUTION 209093, authorizing an operating agreement with Ace Auto Parks, Inc. for the San Diego Stadium Parking Facility for a period of five years and six months at a rental of 88 percent of gross income for two years and 87.5 percent of gross income thereafter, except during each football season when these rates shall apply only to the first \$250,000 of gross income from football games per year and the rate of 95 percent shall apply to all gross income exceeding \$250,000, was adopted on motion of Councilman Hitch.

(Item 109)

A proposed Resolution, declaring the building owned by Charles and Ida Vonderahe at 1020 "B" Street, to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was presented.

Councilman Landt left the Chamber.

City Manager Moore answered questions directed by the Council.

Councilman Martinet left the Chamber.

Building Inspection Director Curtis answered questions directed by the Council.

Councilman Martinet entered the Chamber.

On motion of Councilman Bates the matter was continued five weeks to November 29, 1973, at owner's request, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Martinet, Hitch, and Bates. Nays-Councilman Morrow and Mayor Wilson. Absent-Councilman Landt.

(Item 112)

A proposed Resolution, requesting the Zoning Administrator to investigate and ascertain whether or not new circumstances and facts exist prima facie that might justify the granting of a side yard variance for a carport at 437 Sears Avenue owned by Fred Anderson, and, if so, he is requested to initiate the appropriate proceedings, was presented.

Assistant City Attorney Teaze answered questions directed by the Council.

(Item 112 - Continued)

RESOLUTION 209094, requesting the Zoning Administrator to investigate and ascertain whether or not new circumstances and facts exist prima facie that might justify the granting of a side yard variance for a carport at 437 Sears Avenue owned by Fred Anderson, and, if so, he is requested to initiate the appropriate proceedings, was adopted on motion of Councilman Morrow, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, and Bates. Nays-Councilman Hitch and Mayor Wilson. Absent-Councilman Landt.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Williams at 4:05 p.m., and Mayor Wilson announced there would be an Executive Session immediately thereafter for the purpose of discussing pending litigation.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Eveland Wilson

City Clerk of The City of San Diego, California