

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, FEBRUARY 10, 1972
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

Present-Councilmen Johnson, O'Connor, Landt, Williams, Morrow,
Martinet, Hitch, Bates, and Mayor Wilson.

Absent--None.

Clerk---Edward Nielsen.

(Item 1)

Mayor Wilson welcomed forty-three eighth graders from St. Michaels Academy, accompanied by Mrs. Lutes. Councilman Bates addressed the group.

(Item 2)

A communication from the Purchasing Agent reporting on the sale of 5,690 pounds of scrap brass; the \$1,707 from this sale has been deposited with the City Treasurer and credited to Water Utilities Operating Fund 500, was presented.

On motion of Councilman Hitch, said communication was noted and filed.

(Item 3)

A communication from the Purchasing Agent reporting on the sale of 11,700 pounds of copper wiring; the \$1,404 from this sale has been deposited with the City Treasurer and credited to General Fund 100, was presented.

On motion of Councilman Hitch, said communication was noted and filed.

(Item 4 - CASE NO. 35-71-9)

This item was passed over at this time, as it was not yet the time certain set for 10:00 a.m.

Considered after Item 7.

(Item 8 - CASE NO. 4-71-4)

The following Ordinance was introduced at the Meeting of January 27, 1972.

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 written or printed copies of said Ordinance.

ORDINANCE 10778 (New Series), incorporating that area in South San Diego, generally bounded by Forty-seventh Street on the west,

(Item 8 Continued)

San Diego Eastern Arizona Railroad on the north, Woodman Street on the east, and Logan Avenue on the south, into R-1-5, R-2 and R-2A Zones, as defined by Sections 101.0407, 101.0409 and 101.0410 of the San Diego Municipal Code, and repealing Ordinance No. 78 (New Series), adopted November 14, 1932, Ordinance No. 116 (New Series), adopted January 3, 1933, and Ordinance No. 3914 (New Series), adopted November 9, 1948, of the Ordinances of the City of San Diego insofar as the same conflict herewith, was adopted on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-None.

(Item 9)

The following Resolutions, relative to the construction of Balboa Avenue Storm Drain, were adopted on motion of Councilman Landt:

RESOLUTION 204844, awarding a contract to Rebco Engineering Contractors, Inc. for said construction for the sum of \$69,596.40; authorizing the expenditure of \$18,200 out of Capital Outlay Fund 245, and the expenditure of \$72,800 out of Gas Tax Fund 220 for said construction and related costs; and

RESOLUTION 204845, authorizing the use of City Forces to do all the work of relocating water main to clear the new pipe storm drain in connection with said construction.

(Item 10)

RESOLUTION 204846, awarding a contract to Courtesy Chevrolet Center for the purchase of Chevrolet auto and truck repair parts for the period of one year ending January 31, 1973, for an actual estimated cost of \$25,000, including tax and terms, with an option to renew contract for an additional year, was adopted on motion of Councilman Landt.

(Item 100)

The following Resolutions, relative to the final subdivision map of Nazareth Park, were adopted on motion of Councilman Landt:

RESOLUTION 204847, authorizing an Agreement with The Poor Sisters of Nazareth of San Diego for completion of improvements in Nazareth Park, a 3-lot subdivision located on the northerly side of San Diego Mission Road, and the easterly side of Rancho Mission Road; and

RESOLUTION 204848, approving the final map of Nazareth Park.

(Item 101)

By Common Consent, this item was continued to later in the Meeting.

Considered after Item 4.

(Item 102)

A proposed Resolution, authorizing a Lease Agreement with Larwin San Diego, Inc. for a temporary fire facility; transferring the sum of \$12,500 from the General Fund Unallocated Reserve 100 to the Fire Department 16.03, was presented.

Assistant City Manager Graham answered questions directed by the Council.

RESOLUTION 204849, authorizing a lease agreement with Larwin-San Diego, Inc. for a temporary fire facility on Lot No. 1114, Larwin-Mesa View Unit 12; transferring the sum of \$12,500 from General Fund Unallocated Reserve (100) to the Fire Department (16.03) for the purpose of supplying supervisory personnel, station furnishings and other supplies for the above based temporary fire station facility, was adopted on motion of Councilman Landt.

(Item 103)

RESOLUTION 204850, authorizing an Amendment to Sublease with the State of California, qualified and acting Director of General Services, for the leasing of space at 4235 National Avenue, by the Model Cities Program, to (1) increase the leased premises from 1,300 square feet to 4,062 square feet, and (2) increase the rental to \$934.26 per month from May 1, 1971 to November 1, 1971, \$1,194.20 for the month of November, 1971, and \$1,421.70 per month thereafter during said term, was adopted on motion of Councilman Landt.

(Item 104)

RESOLUTION 204851, authorizing an Agreement with National Account Systems of California, Inc., for the collection of delinquent bills, claims, and accounts assigned to them by City for a three-year period, was adopted on motion of Councilman Martinet.

(Item 105)

RESOLUTION 204852, confirming the Mayor's appointment of Homer T. Delawie to the Planning Commission for a term ending January 28, 1974, to fill the vacancy caused by the resignation of Frank Thornton, was adopted on motion of Councilman Martinet.

(Item 106)

RESOLUTION 204853, confirming the Mayor's reappointment of Stanley W. Legro to the Planning Commission for a term to expire January 28, 1976, was adopted on motion of Councilman Johnson.

(Item 107)

RESOLUTION 204854, authorizing a representative of the City Attorney's office to incur all necessary expenses connected with

(Item 107 Continued)

traveling to New Orleans to attend a Government Housing Program Workshop, February 28-29, 1972; authorizing the City Auditor and Comptroller to transfer \$602 from the Unallocated Reserve (Dept. 53.30) to Dept. 09.00, Account 3215, was adopted on motion of Councilman Hitch.

(Item 7 - CASE NO. 48-71-14)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the Appeal of James W. Welch, from the decision of the Planning Commission in failing to approve his application to rezone a portion of Lot 14, Tibbett's Tract and Lots 2, 3 and 4 of Resubdivision No. 1 of Tibbett's Tract, located on the south side of Grove Avenue, between 27th Street and Interstate 5 in the South Bay Area, from Zone R-1-10 to Zone R-3. It was reported that no written protests had been received.

Ken Klein, Planning Department, and John Fowler, Community Development Department, answered questions directed by the Council.

James Welch, applicant, appeared to request a continuance.

On motion of Councilman Williams, the hearing was continued for two weeks to February 24, 1972, at applicant's request.

(Item 4 - CASE NO. 35-71-9)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of February 3, 1972, for lack of time, on the matter of rezoning Lots 215 through 223, Mesa Hills, Unit 4 and Lot 304, Resubdivision No. 1 of Mesa Hills, Unit 4, located on both sides of Cardinal Drive, between Mocking Bird Drive and Bobolink Way, from Zone R-4 to Zone R-1-5.

It was reported that no written protests had been received.

Donald Schmidt, John Kelly, John Lucas, and Richard Lohner appeared to speak in opposition to the proposed rezoning.

Considered in part after Item 101.

Mayor Wilson recessed the Meeting at 10:30 a.m. Upon reconvening at 10:49 a.m., the roll call showed all present.

(Item 101)

A proposed Resolution, continued from the Meeting of January 27, 1972, on the City Council of San Diego recording itself as being in favor of a new and more relevant set of directions for the expenditures of Federal tax funds in order to meet the needs of the citizens of this nation; and urging the cessation of expenditures of United States tax dollars now supporting the continuation of the war in Southeast Asia; and sending copies of this Resolution to our Congressmen and United States Senators, the Speaker of the House of Representatives, the Majority Leader of the United States Senate, and the President of the

(Item 101 Continued)

United States of America, was continued to March 21, 1972, at 10:00 a.m. for further review, on motion of Councilman Morrow.

(Item 4 - CASE NO. 35-71-9)

Considered in part after Item 7.

Evelyn Buxton, Melvin Wustenbart, and Donald Schmidt appeared to speak in opposition to the proposed rezoning.

Attorney Ferdinand Fletcher appeared to speak in favor of the proposed rezoning.

Ken Klein, Planning Department, and John Fowler, Community Development Department, answered questions directed by the Council.

The hearing was closed on motion of Councilman Morrow.

Councilman Morrow made a motion to amend the Ordinance to R-1-5 zoning and introduce the Ordinance as amended.

A proposed Ordinance, incorporating Lots 215 through 223, Mesa Hills, Unit 4 and Lot 304, Resubdivision No. 1 of Mesa Hills, Unit 4 into R-1-5 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 7882 (New Series), adopted May 27, 1958, of the Ordinances of the City of San Diego, insofar as the same conflicts herewith, was introduced on motion of Councilman Morrow, by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, Bates, and Mayor Wilson. Nays-Councilmen Johnson, Landt, Martinet, and Hitch. Absent: None.

(Item 5)

A proposed Resolution, continued from the Meetings of January 20 and 27, and February 3, 1972, to coordinate with the hearing, directing the City Manager to refrain from issuing any building permits not in conformity with Section 101.0407 of Municipal Code prior to May 1, 1972, in Lots 213 through 223 Mesa Hills Unit 4, and Lot 304, Resubdivision No. 1 of Mesa Hills Unit 4 until the Council holds a public hearing, was presented. It was reported that no written protests had been received.

Attorney Ferdinand Fletcher appeared to speak in favor of the proposed Resolution.

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

Councilman Morrow made a motion to adopt the proposed Resolution.

Councilman Morrow amended his motion to amend the fourth paragraph of the proposed Resolution to delete "seeking to evade the effect of the process". No vote was taken.

Mayor Wilson recessed the Meeting at 11:50 a.m. Upon reconvening at 11:56 a.m., the roll call showed all present.

(Item 5 Continued)

Councilman Morrow further amended his motion to delete the third paragraph of the proposed Resolution, and the following Resolution was adopted on motion of Councilman Morrow, by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, Bates, and Mayor Wilson. Nays-Councilmen Johnson, Landt, Martinet, and Hitch. Absent-None.

RESOLUTION 204855, directing the City Manager not to issue any building permits for any building not in conformity with the provisions of Municipal Code Section 101.0407 prior to May 1, 1972 for that area shown on Drawing No B-2566.2; said Resolution becoming effective immediately.

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

Upon reconvening at 2:13 p.m., the roll call showed Councilmen Williams and Morrow absent.

(Item 6 - CASE NO. 11-71-8)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the a - Appeal of E. F. Weerts, by Paul A. Peterson, attorney, from the decision of the Planning Commission in failing to approve his application to rezone portions of Lots 1, 2, 8 and 9, Marston Hills, located on the east side of State Highway 163, between Pennsylvania and Myrtle Avenues, from Zone R-1-5 to Zone R-2A; b - Appeal of E. F. Weerts, by Paul A. Peterson, attorney, from the decision of the Planning Commission denying his application under Planned Residential Development Permit No. 44, to construct and operate a planned residential development for 80 residential units, located on the east side of State Highway 163, between Pennsylvania and Myrtle Avenues, on portions of Lots 1, 2, 8 and 9, Marston Hills, in the R-1-5 Zone. It was reported that written protests had been received.

Attorney Paul Peterson and Richard Wheeler appeared to speak in favor of the proposed rezoning.

Attorney Alan Perry, Joyce Beers, Mrs. Joseph W. Marsh, and Mike Walman appeared to speak in opposition to the proposed rezoning.

Mayor Wilson recessed the Meeting at 3:04 p.m. Upon reconvening at 3:21 p.m., the roll call showed Councilmen Williams and Morrow absent.

(Item 6 Continued)

Margaret Johnson, Phillip Gilbert, John Thurston, and Clyde Johnson appeared to speak in opposition to the proposed rezoning.

Attorney Paul Peterson appeared to speak in favor of the proposed rezoning.

Attorney Alan Perry appeared to speak in opposition to the proposed rezoning.

(Item 6 Continued)

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

The hearing was closed and the following Resolutions adopted on motion of Councilman Landt, by the following vote: Yeas-Councilmen O'Connor, Landt, Martinet, Hitch, Bates, and Mayor Wilson. Nays-Councilman Johnson. Absent-Councilmen Williams and Morrow.

RESOLUTION 204856, denying the Appeal of E. F. Weerts, by Paul A. Peterson, attorney, from the decision of the Planning Commission in failing to approve his application to rezone portions of Lots 1, 2, 8 and 9, Marston Hills, from Zone R-1-5 to Zone R-2A, located on the east side of State Highway 163, between Pennsylvania and Myrtle Avenues; denying the request for said rezoning; and

RESOLUTION 204857, denying the Appeal of E. F. Weerts and said Planned Residential Development Permit No. 44.

RESOLUTION 204858, directing the Planning Commission to initiate public hearings on rezoning, from the existing R-1-5 Zone to the LC Zone on portions of Lots 1, 2, 8 and 9, Marston Hills, and any other appropriate property in the canyon along both sides and in the general area of State Highway 163 (Cabrillo Freeway), was adopted on motion of Councilman Landt.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned in memory of James Wysinger, a police officer, on motion of Councilman Martinet at 3:56 p.m.

Deputy - F. Morrow

Mayor of The City of San Diego, California

ATTEST:

Edward Wilson

City Clerk of The City of San Diego, California