

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, MARCH 21, 1972
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

Present--Councilmen Johnson, Landt, Williams, Martinet, Hitch,
Bates, and Deputy Mayor Morrow.

Absent--Councilwoman O'Connor and Mayor Wilson.

Clerk---Edward Nielsen.

Deputy Mayor Morrow called the Regular Meeting to order at
9:38 a.m.

(Item 1)

Deputy Mayor Morrow introduced Reverend Charles Dennis of
La Jolla United Methodist Church, who gave the Invocation.

(Item 2)

Councilman Martinet led the Pledge of Allegiance.

(Item 3)

Deputy Mayor Morrow welcomed six Home Teaching Service Students
from various San Diego City Schools, accompanied by K. Mereness.

(Item 4)

Minutes of the Regular Council Meetings of Thursday, February 17,
Wednesday, February 22, Wednesday, February 22 adjourned to Thursday,
February 24, Tuesday, February 29, and Tuesday, March 7, 1972, were
presented by the City Clerk. On motion of Councilman Landt, said
Minutes were approved, without reading, after which they were signed.

(Item 5)

A communication from Richard Hibbard, San Diego Taxpayers
Association, requesting permission to address the Council regarding
the Capital Improvement Program - setting of priorities, was presented.

Richard Hibbard appeared to speak regarding this communication.

On motion of Councilman Johnson, said communication was referred
to CIP Workshop to be held in the conference room on March 22, 1972.

(Item 6)

Considered after Item 12.

(Item 7)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on vacating Anna Avenue, within the Atchison, Topeka and Santa Fe Railway's right-of-way in Pueblo Lot 282 - Resolution of Intention 204939. It was reported that no written protests had been received.

No one appeared to be heard.

RESOLUTION 205164, continuing the hearing on the proposed vacation of Anna Avenue, within the Atchison, Topeka and Santa Fe Railway's right-of-way in Pueblo Lot 282, under Resolution of Intention No. 204939, adopted February 22, 1972, to the hour of 9:30 a.m., Tuesday, April 18, 1972, at City Manager's request, was adopted on motion of Councilman Hitch.

(Item 8)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on establishing an Underground Utility District to be known and denominated as the Kearny Mesa Park - Highland Landis Park Underground Utility District. It was reported that no written protests had been received.

No one appeared to be heard.

The hearing was closed and the following Resolution adopted on motion of Councilman Johnson:

RESOLUTION 205165, establishing an Underground Utility District to be known and denominated as the Kearny Mesa Park - Highland Landis Park Underground Utility District.

(Items 9 through 12)

Considered after Item 6.

(Item 13)

RESOLUTION 205166, authorizing the City Auditor and Comptroller to transfer \$47,147.98 from the Unallocated Reserve (53.30) of the General Fund to the City-Clerk Elections Department (03.90) to provide funds for unanticipated expenditures in connection with the Municipal Primary and General Elections held September 21, 1971 and November 2, 1971, was adopted on motion of Councilman Landt.

(Item 14)

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

RESOLUTION 205167, T. B. Penick & Sons, Inc. for the construction of parks in cities (six mini parks) for the sum of \$89,160.52,

(Item 14 Continued)

including Base Bid and Additive Alternates A, B-a and C-a; authorizing the expenditure of \$109,800 out of Capital Outlay Fund (245) for said construction and related costs;

RESOLUTION 205168, Ward LaFrance Truck Corporation, Albro Fire Equipment Co. for the purchase of four triple combination pumpers for an actual cost of \$154,947.25, including tax, terms, less trade-in of \$500;

RESOLUTION 205169, Century Fiber Glass, Inc. for the purchase of one 16,920 gallon fiber glass tank for an actual cost of \$3,566.41, including tax, terms and freight; and

RESOLUTION 205170, Finley's Colonial House Carpets for the purchase of approximately 681-1/3 square yards of nylon carpeting installed at \$6 per square yard for an actual cost of \$4,087.80, including tax and terms.

(Item 15)

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

RESOLUTION 205171, furnishing dry cell batteries for the period of one year ending June 30, 1973, in accordance with Specifications Document No. 739332;

RESOLUTION 205172, furnishing asphaltic products for a period of one year ending June 30, 1973, in accordance with Specifications Document No. 739333;

RESOLUTION 205173, furnishing one pump, motor, suction pot and base plate, in accordance with Specifications Document No. 739334; and

RESOLUTION 205174, furnishing small tools for the period of one year ending June 30, 1973, in accordance with Specifications Document No. 739335.

(Item 100)

The following Resolutions, relative to final subdivision maps, were adopted on motion of Councilman Landt:

RESOLUTION 205175, approving the final map of McDix Subdivision, a two-lot subdivision located southerly of Vickers Street, between Mercury Street and Kearny Mesa Road;

RESOLUTION 205176, authorizing an Agreement with Penasquitos Inc., for completion of improvements in University Gardens Unit 2, a 66-lot subdivision located on the east side of Gullstrand Street, between Governor Drive and San Clemente Freeway; and

RESOLUTION 205177, approving the final map of University Gardens Unit 2.

(Item 101)

A proposed Resolution, authorizing an Agreement with Christiana Community Builders, Inc., providing for the City to collect charges

(Item 101 Continued)

and reimburse Christiana Community Builders, Inc. for Christiana Community Building Inc.'s cost in excess of their pro rata share for the Offsite Trunk Sewer which Christiana constructed in Murphy Canyon, was presented.

Carl Vernell appeared to request a continuance.

On motion of Councilman Bates, said proposed Resolution was continued to Tuesday, March 28, 1972, at developer's request.

(Item 102)

Considered after Item 103.

(Item 103)

A proposed Resolution, continued from the Meeting of March 14, 1972, at City Manager's request, creating a Los Penasquitos Regional Park Joint City-County Citizens Advisory Committee, was presented.

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

Councilman Bates made a motion to amend the Resolution so the Council will be the appointing body instead of the Mayor. No vote was taken.

Councilman Landt made a motion to continue this item to later in the Meeting, which he later withdrew after discussion.

On motion of Councilman Johnson, said proposed Resolution was continued to Tuesday, March 28, 1972, for further review.

(Items 104 through 108)

Considered after Item 9.

(Item 102)

A proposed Resolution, continued from the Meetings of January 27 and February 10, 1972, for further review, 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 United States of America, was presented.

Florence Stevens, Barbara Filner, Arlene Carsten, and Betty Bish appeared to speak in favor of the proposed Resolution.

Councilwoman O'Connor and Mayor Wilson entered the Chamber.

(Item 12)

RESOLUTION 205179, authorizing the City Auditor and Comptroller to transfer \$25,000 from the Unallocated Reserve (53.30) of the General Fund to the City Clerk-Elections Department (03.90) to provide funds to pay the anticipated expenditures for the Special Municipal Election to be consolidated with the Statewide Primary Election to be held on June 6, 1972, was adopted on motion of Councilman Williams.

Mayor Wilson recessed the Meeting at 12:16 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:10 p.m., the roll call showed Councilmen Morrow and Bates absent.

(Item 6)

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 February 24, 1972, at applicant's request, on the Appeal of Dale Building Company, by Carmen R. Pasquale, Executive Vice President, from the decision of the Planning Commission in failing to approve its application for an amendment to Conditional Use Permit No. 255 to allow 141 single family detached units where 68 single family detached units were previously approved, located southerly of proposed State Highway 75, easterly of Del Sur Boulevard, being a portion of the Northeast $\frac{1}{4}$ of Section 35, Township 18 South, Range 2 West, S.B.B.M. (Gateway Estates), in the R-2A Zone. It was reported that no written protests had been received.

Assistant Planning Director Van Cleave, Chief Deputy City Attorney Conrad, and City Manager Moore answered questions directed by the Council.

Councilmen Morrow and Bates entered the Chamber.

Alex Harper and Paul Peterson appeared to speak in favor of the Appeal.

Father Raymond Lynn, Mr. Natividad, Michael Harris, and Lucia Smalheer appeared to speak in opposition to the Appeal.

Councilman Martinet made a motion to close the hearing and deny the Appeal. No vote was taken.

The hearing was closed and the following Resolution adopted on motion of Councilman Landt:

RESOLUTION 205180, granting the Appeal of Dale Building Company, by Carmen R. Pasquale, Executive Vice President, from the decision of the Planning Commission rejecting its request to amend Conditional Use Permit No. 255, amending said Conditional Use Permit No. 255

(Item 6 Continued)

to incorporate that certain plot plan, which provides for 137 single-family, detached residential units and 19 buildings containing 38 residential units, was adopted on motion of Councilman Landt, by the following vote: Yeas-Councilmen Landt, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-Councilmen Johnson, O'Connor, and Williams.

Councilman Bates made a motion to direct the City Manager to conduct a study of the South San Diego area for a possible building moratorium and to determine the availability of public services by April 18, 1972, which passed unanimously.

Mayor Wilson recessed the Meeting at 3:51 p.m. Upon reconvening at 4:09 p.m., the roll call showed all present.

(Item 9)

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 Penasquitos, Inc., owner/permittee, by Alan W. Rand, from the decision of the Planning Commission in failing to approve its application for an amendment to Conditional Use Permit No. 5206 for Phase Plan Approval to construct and operate 1106 units to bring the total number of living units to 3002 as approved on original permit, located east of Penasquitos Drive, between Almayon Street and Del Diablo Way, more particularly described as a portion of Rancho Penasquitos and Penasquitos Glenss, Units 6-9, in the R-1-5 Zone. It was reported that no written protests had been received.

Chief Deputy City Attorney Conrad, City Manager Moore, Ken Klein, Planning Department, and John Fowler, Community Development Department, answered questions directed by the Council.

Alan Rand appeared to speak in favor of the Appeal.

William Isberg, Kenneth Williams, Kenneth Ward, and Asar McFarland appeared to speak in opposition to the Appeal.

On motion of Councilman Hitch, said hearing was continued to April 18, 1972, and was referred to the City Manager and Planning Department for a report on the history of this development in Penasquitos and also to include a cost benefit ratio analysis by April 18, 1972, by the following vote: Yeas Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-Councilman Landt. Absent-None.

(Item 104)

RESOLUTION 205181, authorizing an Agreement with Victor Wulff, Architect, A.I.A. and Associates, for professional services required in connection with the development of Paradise Hills Park and

(Item 102 Continued)

Kenneth Ward and Vincent Whelan appeared to speak in opposition to the proposed Resolution.

Councilman Hitch made a motion to file the proposed Resolution, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Martinet, Hitch, and Mayor Wilson. Nays-Councilmen Williams, Morrow, and Bates. Absent-None.

Mayor Wilson recessed the Meeting at 10:43 a.m. Upon reconvening at 11:02 a.m., the roll call showed all present.

(Item 10)

A proposed Ordinance, ordering, calling, providing for and giving notice of a Special Municipal Election to be held in The City of San Diego, California, for the purpose of proposing and submitting propositions to the qualified electors of said City and an initiative measure to submit an Ordinance limiting the height of buildings in the coastal zone; and consolidating said Special Municipal Election with the Statewide Primary Election to be held in said City on June 6, 1972, was presented.

Ken Klein, Planning Department, and City Attorney Witt answered questions directed by the Council.

Alex Leondis, Ruth Segletti, Betty Bish, and Harold Tiemroth appeared to speak in favor of placing the V.O.T.E. initiative Ordinance on coastal height limit on the June ballot of 1972.

Bud Harrington, Don Wiedmann, Homer Delawie, J. Patrick Fleming, Harold Fox, and Bill Hajjar appeared to speak in opposition to placing the V.O.T.E. initiative Ordinance on coastal height limit on the June ballot.

Assistant City Attorney Teaze, Chief Deputy City Attorney Conrad and City Manager Moore answered questions directed by the Council.

Councilman Morrow made a motion to place the V.O.T.E. initiative Ordinance on coastal height limit on the June ballot, which failed by the following vote: Yeas-Councilmen Johnson, O'Connor, Morrow, and Bates. Nays-Councilmen Landt, Williams, Martinet, Hitch, and Mayor Wilson.

On motion of Councilman Bates, the Planning Commission was directed to conduct a study to insure that all areas in the Coastal Zone not covered by an existing height limit be covered by a temporary moratorium.

A motion was made by Councilman Landt to amend the Ordinance calling an election regarding the Charter amendment on Environmental Growth Fund, Section 103.1a, to read "up to 2/3 of the Environmental Growth Fund", instead of "all or any part of the Environmental Growth Fund", which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, Bates, and Mayor Wilson. Nays-Councilmen Morrow and Martinet. Absent-None.

(Item 10 Continued)

A motion was made by Councilman Morrow to amend the Ordinance regarding Section 12 of the Charter to provide a salary of \$750 a month for each Councilman instead of \$5,000 a year. No vote was taken.

Councilman Williams made a motion to adopt the Citizens' recommendations. No vote was taken, due to the lack of a second.

A motion was made by Councilman Morrow to amend the Ordinance relative to Section 12 of the Charter to provide a salary of \$750 a month for each Councilman instead of \$5,000 a year, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-Councilmen Landt and Williams. Absent-None.

The following Ordinance was passed on the day of its introduction, to-wit, on March 21, 1972, said Ordinance being of the kind and character authorized for passage on introduction by Section 16 of the Charter.

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 10803 (New Series), ordering, calling, providing for and giving notice of a special election to be held in the City on June 6, 1972, for the purpose of submitting to the qualified voters of the City two propositions amending the Charter of the City of San Diego, and consolidating such election with the Statewide Primary Election to be held on the same date, was adopted, as amended, on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-None.

(Item 11)

A proposed Resolution, requesting the County Board of Supervisors to grant permission for the consolidation of a Special Municipal Election to be held Tuesday, June 6, 1972, with the Statewide Primary Election to be held on the same date, and fixing the forms of propositions to be voted upon, was presented.

City Attorney Teaze explained this Resolution would be amended to reflect the action taken in the foregoing Ordinance.

RESOLUTION 205178, requesting the County Board of Supervisors to grant permission for the consolidation of a Special Municipal Election to be held Tuesday, June 6, 1972, with the Statewide Primary Election to be held on the same date, and fixing the form of propositions to be voted upon, was adopted, as amended, on motion of Councilman Landt.

(Item 104 Continued)

Recreation Center - Recreation Building; authorizing the expenditure of \$20,000 from the Park and Recreation Bond Fund 725 for said purpose and related costs, was adopted on motion of Councilman Johnson.

(Item 105)

RESOLUTION 205182, authorizing a Second Amendment To Joint Exercise of Powers Agreement between the County of San Diego and the Cities within the County of San Diego creating the San Diego Human Relations Agency, was adopted on motion of Councilman Williams.

(Item 106)

RESOLUTION 205183, confirming the Appointment by the Mayor of Oscar Padilla to the Planning Commission for a four-year term ending January 28, 1976, was adopted on motion of Councilman Johnson. Mayor Wilson appointed Councilmen Johnson, Landt, and Martinet to a Committee to review appointment procedures.

(Item 107)

RESOLUTION 205184, approving Suggestion Awards to George F. Bell - Police Department - \$50; Thomas J. Olson - Public Works Department - City Engineer - \$30; and Richard H. Fisher - Public Works Department - City Engineer - \$10, was adopted on motion of Councilman Hitch.

(Item 108)

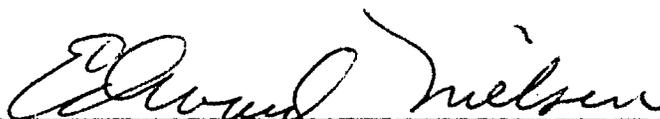
RESOLUTION 205185, authorizing three Representatives of the Fire Department to attend a three-week explosive ordnance disposal (EOD) school sponsored by the Law Enforcement Assistance Administration (LEAA) at the U. S. Army Missile and Munitions Center, Redstone Arsenal, Huntsville, Alabama, and to incur all necessary transportation expenses, 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 on motion of Councilman Johnson, at 5:34 p.m.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California