

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - THURSDAY, NOVEMBER 9, 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.

Mayor Wilson called the Regular Meeting to order at 9:39 a.m.

(Item 1)

Mayor Wilson welcomed twenty-five students from Madison High School, accompanied by Frank Kilcoyne, an instructor.

Councilman Morrow addressed the group.

(Item 2)

Mayor Wilson welcomed thirty-five students from Marston Junior High School, accompanied by Mrs. Dorothy Henderson.

Councilman Martinet addressed the group.

(Item 3)

The Purchasing Agent reported on all bids opened Wednesday, November 8, 1972, on the following:

Paving and otherwise improving California Street, between Vine and Chalmers Streets, and Bean Street, between Kurtz and California Streets; five bids received.

Finding was made on motion of Councilman Hitch that bids had been opened and declared as reported. By the same motion, report was referred to the City Manager and City Attorney for recommendation.

(Items 4 through 6)

Considered after Item 105.

The Council at this time considered requests for continuances.

(Item 7 - CASE NO. 18-72-5)

HEARINGS - Matters of:

a - Appeal of Mursen Corporation, by James K. Eckmann, attorney, from the decision of the Planning Commission in failing to approve its application to rezone Lots 1 and 2, Tres Calles, and a portion of Pueblo Lot 1288, located on the north side of Ardath Road, between Torrey Pines Road and Ardath Lane, from Zone R-1-10 to Zone R-2.

b - Appeal of Mursen Corporation, by James K. Eckmann, attorney, from the decision of the Planning Commission in failing to approve its application, under Conditional Use Permit Case No. 362-PC, to

(Item 7 Continued)

construct and operate a gasoline service station with accessory sales, located on the north side of Ardath Road, between Torrey Pines Road and Ardath Lane, on Lots 1 and 2, Tres Calles, and a portion of Pueblo Lot 1288, in the R-1-10 (proposed R-2) Zone.

Deputy City Manager Lockwood, and James Fowler, Community Development Department, answered questions directed by the Council.

Attorney James Eckmann and Tom Hamilton appeared to speak regarding a continuance.

Attorney Karl ZoBell appeared to speak in opposition to a continuance.

On motion of Councilman Johnson, said hearing was continued for eight weeks, to Thursday, January 4, 1973, for Environmental Impact Report and Traffic Report, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Martinet, Hitch, Bates, and Mayor Wilson. Nays-Councilman Morrow. Absent-None.

(Item 8)  
Considered after Item 6.

The Council considered the Consent Agenda, which consisted of Items 9, 10, 11, 12, 13, 100, 102, 103, 104, and 107.

The following Ordinances were introduced at the Meeting of October 26, 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 their passage written or printed copies of said Ordinances.

The following Ordinances were 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 - CASE NO. 60-72-7, portion. Drawing C-374.5)

ORDINANCE 10950 N.S., incorporating those canyon areas lying westerly of Interstate Highway 5 and easterly of The City of Del Mar and the Atchison, Topeka and Santa Fe Railroad, between Del Mar Heights Road on the north and Carmel Valley Road on the south, into LC Zone, as defined by Section 101.0454 of the San Diego Municipal Code; and

(Item 10 - CASE NO. 60-72-11)

ORDINANCE 10951 N.S., incorporating those canyon areas lying northerly of Carmel Valley Road, between Interstate 5 on the east and the Atchison, Topeka and Santa Fe Railroad on the west, into LC Zone, as defined by Section 101.0454 of the San Diego Municipal Code.

(Item 11)

RESOLUTION 206871, awarding a contract to T. B. Penick & Sons, for construction of sidewalks in the area bounded by Highway 94, 47th Street, Hilltop Drive and Interstate 805 (E.D.A. Project No. 07-11-01227) for the sum of \$24,272; authorizing the expenditure of \$30,000 out of Special Fund No. 2714 for said purpose and related costs, was adopted on motion of Councilman Johnson.

(Item 12)

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

RESOLUTION 206872, Whitewater Trout Co., for the purchase of approximately 86,000 pounds of live rainbow trout as may be required for a period of 10 months ending August 31, 1973, at an estimated cost of \$79,120;

RESOLUTION 206873, Blake, Moffitt and Towne, Zellerbach Paper Company, and San Diego Janitor Supply for the purchase of paper products as may be required for a period of one year ending October 31, 1973, for an actual estimated cost of \$32,758.76, including tax and terms;

RESOLUTION 206874, The Baker & Taylor Co. for furnishing and delivering cataloged and preprocessed library books as may be required for a period of one year ending September 30, 1973, for an actual estimate of \$30,000, with option to renew contract for an additional year;

RESOLUTION 206875, Xerox Corporation for the purchase of 400 cartons of Xerox toner, for an actual cost of \$8,967, including tax and terms;

RESOLUTION 206876, Pacific Telephone and Telegraph Company to relocate overhead telephone facilities, for a total cost of \$6,165;

RESOLUTION 206877, San Diego Gas & Electric Company to remove and relocate power facilities, for a total cost of \$3,600; and

RESOLUTION 206878, Ward La France Truck Corporation for the purchase of four hydraulic systems, for a total cost of \$1,629.60, including tax and terms.

(Item 13)

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

RESOLUTION 206879, furnishing automobile liability insurance, in accordance with Specifications Document No. 741791;

RESOLUTION 206880, furnishing fire hose, in accordance with Specifications Document No. 741792;

RESOLUTION 206881, furnishing aerial-air systems and air tank cylinder assemblies, in accordance with Specifications Document No. 741793; and

RESOLUTION 206882, sandblasting and painting of all interior steel trusses at the Mission Beach Plunge Building No. 551 at Belmont Park, in accordance with Specifications Document No. 741794.

(Item 100)

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

RESOLUTION 206883, authorizing an agreement with Avco Community Developers, Inc. for completion of improvements in Bernardo Town Center Unit 4, a one-lot subdivision located on easterly side of Rancho Bernardo Road;

RESOLUTION 206884, authorizing an agreement with Avco Community Developers, Inc. for providing for a surety bond in lieu of cash payment for park fees for the subdivision;

RESOLUTION 206885, approving the final map of Bernardo Town Center Unit 4;

RESOLUTION 206886, authorizing an agreement with Avco Community Developers, Inc. for completion of improvements in Gatewood Hills Unit 7, a 69-lot subdivision located on the east side of Pomerado Road, northerly of Pomerado Court;

RESOLUTION 206887, authorizing an agreement with Avco Community Developers, Inc. providing for a surety bond in lieu of cash payment for park fees for the subdivision;

RESOLUTION 206888, approving the final map of Gatewood Hills Unit 7;

RESOLUTION 206889, authorizing an agreement with Saratoga Development Corporation for completion of improvements in Scripps Mesa Center Unit 3, a 12-lot subdivision located easterly of Highway 163, southerly of Mira Mesa Boulevard; and

RESOLUTION 206890, approving the final map of Scripps Mesa Center Unit 3.

(Item 101)

Considered after Item 8.

(Item 102)

RESOLUTION OF INTENTION 206891, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate an Alley in Lots E and H, Block 59, Horton's Addition, and fixing a time and place for hearing thereof, was adopted on motion of Councilman Johnson.

(Item 103)

RESOLUTION 206892, authorizing the City Manager to execute a Grant Award Agreement with the United States Department of Transportation, Urban Mass Transit Administration, for an Urban Transportation Fellowship Grant, was adopted on motion of Councilman Johnson.

(Item 104)

RESOLUTION 206893, approving Change Order No. 2, issued in connection with the contract with Ted R. Jenkins Company, Inc. for improvements to the San Diego Stadium Parking Lot; said changes amounting to a net decrease of \$4,710.56, was adopted on motion of Councilman Johnson.

(Item 105)

Considered after the Consent Agenda, which ended with Item 107.

(Item 106)

Considered after Item 101.

(Item 107)

RESOLUTION 206894, authorizing a representative of the Police Department to attend a national symposium on Urban Police Patrol Procedures presented by the FBI, November 12-15, 1972, at the FBI training facility, Quantico, Virginia. Total cost of trip will be provided by the FBI, was adopted on motion of Councilman Johnson.

(Item 105)

A proposed Resolution, directing the City Manager to process and prepare Environmental Impact Reports or Negative Declarations on all public projects insofar as possible and practicable pursuant to procedures and guidelines set forth in that ordinance entitled "Environmental Impact Report Procedural Ordinance" introduced on October 31, 1972; and to do likewise for all "private projects" on a voluntary and nonmandatory basis as an alternative to the agreement procedure presently operative where a private developer agrees to proceed at his own risk, said voluntary procedure to continue until the Supreme Court or the Legislature of the State of California has acted or until the aforementioned ordinance becomes operative, was presented.

Assistant City Attorney Teaze answered questions directed by the Council.

A revised Resolution was presented, eliminating the waiver procedure.

RESOLUTION 206895, directing the City Manager to process and prepare Environmental Impact Reports or Negative Declarations on all public projects insofar as possible and practicable pursuant to procedures and guidelines set forth in that ordinance entitled "Environmental Impact Report Procedural Ordinance" introduced on October 31, 1972; and to do likewise for all "private projects" on a voluntary and nonmandatory basis, was adopted, as amended, on motion of Councilman Bates.

(Item 4 - CASE NO. 42-72-13)

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 October 26, 1972, at appellant's request, on the appeal of A. A. Stadtmiller from the decision of the Planning Commission in denying the application of A. A. Stadtmiller and Jessie M. Brown to rezone Lots 64 through 73, Block 1, D. B. Williams Subdivision, located on the north side of Washington Street, between Eighth Avenue and Sixth Street Extension, from Zones R-4 and CN to Zone CO. It was reported that no written protests had been received.

(Item 4 Continued)

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

A. A. Stadtmiller and Dr. Arthur Thomas appeared to speak in favor of the appeal.

On motion of Councilwoman O'Connor, the appeal was approved in concept and the hearing was continued for four weeks, to Thursday, December 7, 1972, for Environmental Impact Report.

Mayor Wilson recessed the Meeting at 10:45 a.m. Upon reconvening at 10:59 a.m., the roll call showed Councilman Morrow absent.

(Item 5)

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 October 19, 1972, at appellant's request, on the appeal of Swan Constructors, Inc., by Paul A. Peterson, attorney, from the decision of the Planning Commission in denying its application, under Planned Residential Development Permit No. 11, Amendment No. 2, to permit sale of individual lots which would then have custom built houses constructed on them, located on the north side of Via Don Benito, between Hillside Drive and Encilia Drive, in La Jolla Soledad West Units 1 through 3 (portions of Pueblo Lots 1263 and 1264), in the R-1-10 and R-1-20 Zones.

Councilman Morrow entered the Chamber.

(Item 5 Continued)

It was reported that written protests had been received.

Ken Klein, Planning Department, and Chief Deputy City Attorney Conrad answered questions directed by the Council.

Councilman Bates left the Chamber.

Councilman Bates entered the Chamber.

(Item 5 Continued)

Attorney Paul Peterson and Bill Naegle appeared to speak in favor of the appeal.

Clarence Burdette, Mrs. Cochrane, and Patricia Dahlberg appeared to speak in opposition to the appeal.

A motion made by Councilman Martinet to amend the application to notice all residents of PRD 11, passed by the following vote:  
Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, and Mayor Wilson. Nays-Councilmen Hitch and Bates. Absent-None.

(Item 5 Continued)

A motion made by Councilman Martinet to grant the appeal and grant Amendment No. 2 to PRD 11, as amended, was deemed to have failed, due to the lack of five affirmative votes, by the following vote: Yeas-Councilmen Morrow, Martinet, and Mayor Wilson. Nays-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, and Bates. Absent-None.

The appeal was deemed denied due to the lack of five affirmative votes.

Mayor Wilson recessed the Meeting at 12:10 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:17 p.m., the roll call showed Mayor Wilson absent.

(Item 6)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing, continued from the Meeting of August 29, 1972, at applicant's request, on the appeal of Navajo Associates, by Theodore J. Mintz, general partner, from the decision of the Planning Commission in denying their application, under Planned Residential Development Permit No. 43, to construct and operate a planned residential development of 576 living units, recreation sites, recreation facilities, neighborhood commercial and medical professional use and open space, located in Navajo Canyon, between College Avenue on the east and Waring Road on the west, more particularly described as a portion of Lot 67, Rancho Mission of San Diego, in the R-1-5 (LC Overlay) Zone. It was reported that written protests had been received.

Ken Klein, Planning Department, Chief Deputy City Attorney Conrad, and Deputy City Manager Lockwood answered questions directed by the Council.

Attorney Norman Seltzer and Murray Halborg appeared to speak in favor of a continuance.

On motion of Councilman Landt, said hearing was continued for an indefinite period, at which time owners will be renoticed.

(Item 8 - CASE NO. 20-72-3)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the matter of rezoning a portion of Pueblo Lot 1788; Lots 1 through 3, Lane Square; Lot 1, Marshall Court; and portions of Lots 21 and 22, Homeland Villas Unit 2, located on the north side of Garnet Avenue, between Rose Creek Flood Channel and Mission Bay Drive, from Zones R-1-5, R-4, CA, and C to Zones CO, C-1S, C-1, and CS, or any combination thereof. It was reported that no written protests had been received.

(Item 8 Continued)

Ken Klein, Planning Department, and Deputy City Manager Lockwood answered questions directed by the Council.

Philip Shafer appeared to speak regarding said rezoning.

On motion of Councilman Landt, said rezoning was approved in concept and the hearing was continued for four weeks, to Thursday, December 7, 1972, for Environmental Impact Report.

(Item 101)

RESOLUTION 206896, calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of an Underground Utility District to be known and denominated as the College Avenue (El Cajon Boulevard to University Avenue) Underground Utility District, was adopted on motion of Councilman Johnson.

(Item 106)

A proposed Resolution, approving the transfer of two Certificates of Public Convenience and Necessity to operate taxicabs from Liberty Cab Company to Bell, Jackson and Lyons, Inc., dba San Diego Cab Company, was presented.

A motion made by Councilman Landt to adopt the Resolution failed, due to the lack of five affirmative votes, by the following vote:  
Yeas-Councilmen Landt and Williams.                      Nays-Councilmen Johnson, O'Connor, Martinet, Hitch, Bates, and Deputy Mayor Morrow. Absent-Mayor Wilson.



There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Johnson, at 3:19 p.m.

*Pete Wilson*

Mayor of The City of San Diego, California

ATTEST:

*Edward Wilson*

City Clerk of The City of San Diego, California