

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - TUESDAY, DECEMBER 19, 1972  
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING  
COMMUNITY CONCOURSE

Present--Councilmen Johnson, Landt, Williams, Morrow, Martinet,  
Hitch, Bates, and Mayor Wilson.  
Absent--Councilwoman O'Connor.  
Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 9:46 a.m.

(Item 1)

Mayor Wilson introduced Mr. G. Paul Francis, 1st Counselor to the Bishop, 6th Ward, The Church of Jesus Christ of the Latter Day Saints, who gave the Invocation.

(Item 2)

Councilman Landt led the Pledge of Allegiance.

(Item 3)

A communication from a representative of "Strongly Oriented for Action Committee," requesting permission to address the Council regarding establishment of a moratorium on destruction of low cost housing in La Jolla until means are implemented for increasing the supply of low cost housing, was presented.

Reverend Wormley appeared to speak regarding said communication.

On motion of Councilman Johnson, said communication was referred to the City Manager and the City Attorney for report back to Council and Reverend Wormley within one week.

There were no requests for continuances.

The Council considered the Consent Agenda, which consisted of Items 8, 9, 100, 101, 102, 103, 104, 105, 107, and 109.

(Item 8)

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

RESOLUTION 207072, Carlon Meter Sales Company, Hersey Products, Inc., Gamon-Calmet Industries, Inc., Badger Meter, Inc., Rockwell Manufacturing Co., Muesco, Inc., Neptune Meter Co., and Hersey Products, Inc., Ametrol Division for the purchase of cold water meters and parts as may be required for a period of one year ending December 31, 1973, for an actual estimated cost of \$471,312.05, including terms, tax, and trade-in;

(Item 8 Continued)

RESOLUTION 207073, Heffler Landscape Company for the skinning, slicking and trimming of approximately 228 palm trees, for an estimated cost of \$5,975; and

RESOLUTION 207074, International Business Machines Corporation for the purchase of 550,000 incoming message log cards and 240,000 radio message log cards for an actual cost of \$3,225.08, including set-up charges, tax, and terms.

(Item 9)

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

RESOLUTION 207075, furnishing and delivering miscellaneous petroleum products, including gasoline, diesel oil, kerosene and lubricating oils and greases as may be required for a period of one year ending February 15, 1974 to the City of San Diego, San Diego Unified School District, the City of La Mesa, the City of Chula Vista, the City of Imperial Beach, the San Diego Zoological Society, and San Diego Community Colleges, in accordance with Specifications Document No. 742122;

RESOLUTION 207076, furnishing centrifugally spun reinforced concrete pipe and manhole components as may be required for a period of one year ending March 31, 1974, in accordance with Specifications Document No. 742123; and

RESOLUTION 207077, furnishing concrete and plaster sand and gravel as may be required for a period of one year ending February 28, 1974, in accordance with Specifications Document No. 742124.

(Item 100)

The following Resolutions, relative to accepting the work done and authorizing a Notice of Completion in the following subdivisions, were adopted on motion of Councilman Landt:

RESOLUTION 207078, Brooks Subdivision; and

RESOLUTION 207079, Larwin Mesa View Unit 6.

(Item 101)

RESOLUTION OF INTENTION 207080, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate the Alley in Block 17, Del Mar Heights, and fixing a time and place for hearing thereof, was adopted on motion of Councilman Landt.

(Item 102)

The following Resolutions, relative to vacating easements for general utility purposes, being unnecessary for present or prospective public use by the City, were adopted on motion of Councilman Landt:

RESOLUTION 207081, easement in Lot 5, Mc Kellar's Subdivision, located on La Jolla Mesa Drive, east of Linda Rosa Avenue in the La Jolla area;

(Item 102 Continued)

RESOLUTION 207082, easement in Lots 9 to 16, and Lots 26 to 28, Block C, Oak Park, located between El Cajon Boulevard and University Avenue, west of 54th Street, in the East San Diego area;

RESOLUTION 207083, easement in Lot 6, Serbian Place, located east of Morena Boulevard and north of Clairemont Drive in the Morena area; and

RESOLUTION 207084, easement in Lots 197 and 214, Skyline Hills Unit 2, located between Springford Avenue and La Sean Avenue in the Encanto Heights area.

(Item 103)

RESOLUTION 207085, setting aside and dedicating for a public street, portions of Heritage Addition Units 3, 4, and 5; naming the same GENESEE AVENUE, was adopted on motion of Councilman Landt.

(Item 104)

RESOLUTION 207086, authorizing the execution of a Deed of Easement, conveying to the San Diego Gas & Electric Company an easement for overhead electrical powerlines across a portion of Lot 11, New Riverside, was adopted on motion of Councilman Landt.

(Item 105)

RESOLUTION 207087, accepting the Offer to Dedicate of Midway-Frontier Development Co. to the City an offer to dedicate to public use for future street purposes a portion of PUEBLO LOT 276, was adopted on motion of Councilman Landt.

(Item 107)

RESOLUTION 207088, authorizing an agreement with Mitchell-Webb and Associates, Consulting Engineers, to provide electrical engineering services for the Water Utilities Department, for one year ending October 31, 1973, estimated cost - \$12,000, was adopted on motion of Councilman Landt.

(Item 109)

RESOLUTION 207089, establishing a new Schedule of Fees for the Lakes Recreational Program effective January 1, 1973, was adopted on motion of Councilman Landt.

(Item 5)

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. Morgan from the decision of the Chief of Police in suspending his Theatre License at 1063 University Avenue. It was reported that no written protests had been received.

On motion of Councilman Martinet, this hearing was continued to the end of the docket, prior to noon.

(Item 7)

A proposed Ordinance, continued from the Meeting of December 5, 1972, for further review, amending Chapter VI, Article 7, Sections 67.55, 67.56 and 67.57 of the San Diego Municipal Code relating to changing water rates for domestic, commercial, industrial and agricultural use, was presented.

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

Don Connors, John Logan, and Ross Smith appeared to speak in opposition to Rate Proposal #3.

Robert Reyburn and Bill Dean appeared to speak regarding the Ordinance.

A motion made by Councilman Hitch to Introduce Rate Proposal #1, was deemed to have failed, due to the lack of five affirmative votes, by the following vote: Yeas-Councilmen Landt, Martinet, and Hitch. Nays-Councilmen Johnson, Williams, Morrow, Bates, and Mayor Wilson. Absent-Councilwoman O'Connor.

No vote was taken on a motion made by Councilman Morrow to Introduce Rate Proposal #3.

On motion of Councilman Landt, said proposed Ordinance was continued (Rate Proposal #3) for two weeks, to Tuesday, January 2, 1973, with a directive to the City Manager to revise Rate Proposal #3 to make the last block not more than 3.04%.

Mayor Wilson recessed the Meeting at 11:08 a.m. Upon reconvening at 11:22 a.m., the roll call showed Councilwoman O'Connor absent.

(Item 5 Continued)

Considered in part after Item 109.

City Attorney Witt, Ray Hall, Manager's Office, and Deputy City Attorney Gordon answered questions directed by the Council. James W. Morgan appeared to speak in favor of the appeal.

Councilman Johnson left the Chamber.

Councilman Johnson entered the Chamber.

(Item 5 Continued)

A motion made by Councilman Landt to close the hearing and deny the appeal, upholding the decision of the Police Chief, was deemed to have failed, due to the lack of five affirmative votes, by the following vote: Yeas-Councilmen Johnson, Landt, Martinet, and Mayor Wilson. Nays-Councilmen Williams, Morrow, Hitch, and Bates. Absent-Councilwoman O'Connor.

On motion of Councilman Martinet, the appeal was filed, by the following vote: Yeas-Councilmen Johnson, Landt, Martinet, Hitch, and Mayor Wilson. Nays-Councilmen Williams, Morrow, and Bates. Absent-Councilwoman O'Connor.

Mayor Wilson recessed the Meeting at 12:15 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:15 p.m., the roll call showed all present.

(Item 4)

The hour of 2:00 p.m. having arrived, the Mayor announced that, pursuant to Resolution No. 207005 adopted on December 5, 1972, the hearings in the proceedings for the proposed formation of Park District No. 3 (Mission Hills Canyon) had been closed and that this was the time fixed by the Council for further consideration of the matter. He added that the proceedings had been initiated by Resolution of Intention No. 206497 under the San Diego Park District Procedural Ordinance of 1969. He reviewed the background of the proceedings stating that this began with petitions for formation of the proposed park district which were signed by some 60% of the assessable area of the district, and were filed with the City in January of 1971; subsequently, in February of 1971 the Council ordered preparation of plans and estimates.

He stated further that on September 12, 1972 the Council adopted a resolution of intention, Resolution 206497, to initiate proceedings on its own motion under the provisions of the San Diego Park District Procedural Ordinance of 1969 which incorporates the Municipal Improvement Act of 1913, and that at the same meeting the Superintendent of Streets submitted his report of the project, which was received and approved by the Council and set for hearing on October 31, 1972. He pointed out that at the October 31 hearing the Council considered all written protests filed and heard all interested persons then present; and also that the Council was advised that certain project lands had been inadvertently described as "lands to be acquired" rather than as "existing City-owned lands" and that corrective change proceedings would be necessary. The hearings of October 31 were continued to December 5 and on November 14 the Council adopted a resolution proposing corrective changes and also setting them for hearing on December 5.

Mayor Wilson announced that at the December 5 meeting the Council held the continued hearings and the hearing on the corrective changes and considered all written protests subsequently filed with the City, all withdrawals of prior protests, and heard all interested persons present.

Mayor Wilson stated further that based upon oral representations and a review of the proposed assessment, the Superintendent of Streets at the meeting of December 5 stated that the assessment on Parcel 90 should be increased since, by inadvertence, it had not been assessed for its full frontage. He advised that Special Counsel Franklin Hamilton stated that any such increase would require either notice to the affected owners and hearing thereon or the filing with the City of a written consent and waiver to the increase by the affected owners.

(Item 4 Continued)

The Mayor went on to report that the Superintendent of Streets stated on December 5, that based on the written protests and withdrawals then on file, a majority protest had not been filed; and that Special Bond Counsel Mr. Hamilton concurred in that judgment. The Mayor reported the Council then took the matter under submission and concluded that all interested persons, both proponents and opponents, had been fully heard and that all relevant evidence on the matter was before the Council; accordingly the Council ordered the hearings closed, ordered the Superintendent of Streets to ascertain whether the owners of Parcel 90 were agreeable to an increase in their assessment, and deferred further consideration of the matter to today's meeting of December 19.

City Clerk Nielsen advised the Council that he had on file the written consent and waiver to an increased assessment by Wyndham A. and Marjorie J. Henshaw, the owners of Parcel 90.

The City Clerk read communications from Colin H. MacDonald, owner of Parcel 15, objecting to the assessment, from Richard Arnold in objection, owner of Parcels 23 and 24, Thomas A. Gould, and Robert Allen Longdyke, also in objection. The Clerk also read a letter from Arlene M. and R. Lee Van de Wetering presenting a gift of \$1,000 toward the assessment district.

Mr. McLaughlin of the Community Development Department stated that, based upon the percentage of area of property to be assessed for the proposed acquisitions and improvements, his report on all written protests and written withdrawals of protests on file with the City Clerk was as follows: Timely protests filed prior to October 31 hearing, 46.27%, timely protests withdrawn, 3.67%, leaving net timely protests of 42.6%; and since the October 31 hearing, protests received amounted to 12.81% and there were no withdrawals of those later protests, yielding a net protest of those filed after October 31 of 12.81%; and combining the timely and late protests yielded a total protest filed of 59.08%; total withdrawals of 3.67%, leaving a net timely and late protest of 55.41%.

Special Counsel Franklin Hamilton then advised the Council that it had the following options available to it: (a) To abandon the project and the formation of the park district, either with or without majority protest. (b) To order the project and the formation of the district, with necessary corrective changes for the inclusion of city-owned lands, upon findings by the Council: (1) that a majority protest had not been filed; or (2) that, if a court determined a majority protest had been filed, overruling the majority protest by a 4/5 vote. It was his opinion that a majority protest had not been filed. He went on to review the proceedings heretofore taken and explained the resolutions that had been prepared for Council action.

Mayor Wilson asked if anyone had any questions on the alternatives before the Council. There was considerable discussion by the members of the City Council, especially relating to City contributions toward this project and to like projects in the future and the use of monies in the Environmental Quality Growth Fund.

(Item 4 Continued)

The Council adopted the motion of Councilman Morrow that the proposed resolution providing for City contribution of \$2,500 be amended by substituting the amount of \$8,000 to be authorized for expenditure out of the Environmental Growth Fund No. 2505.

On motion of Councilwoman O'Connor, the following directives were given and the following resolutions adopted by the ensuing vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Bates, and Mayor Wilson. Nays-Councilman Hitch. Absent-None.

Direct the Superintendent of Streets to revise the assessment roll to reflect both the City contribution and the gift from Mr. and Mrs. Van de Wetering;

Direct the City Attorney to amend the proposed resolution confirming the revised assessment by providing for the overruling of a majority protest, if a court determines one to have been filed; and

Direct the City Manager to express the City's appreciation to the Van de Weterings for their generous gift;

RESOLUTION 207090, ordering changes in the acquisitions of open space lands, making certain City-owned lands available for such purposes upon payment of compensation to the City, and ordering changes in the assessment for Park District No. 3 (Mission Hills Canyon).

RESOLUTION 207091, making findings and overruling protests; confirming diagram and revised assessment; making determinations on environmental effect; ordering acquisitions and improvements and a transfer of funds in the City treasury; and making determinations concerning the application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 for Park District No. 3 (Mission Hills Canyon).

RESOLUTION 207092, authorizing the expenditure of \$8,000 out of the Environmental Growth Fund No. 2505 solely and exclusively for the purpose of providing funds for the City's contribution for improvements in San Diego Park District No. 3 (Mission Hills Canyon).

RESOLUTION 207093, accepting the bid of and awarding improvement bonds to R. J. Weiler for Park District No. 3 (Mission Hills Canyon).

RESOLUTION 207094, accepting the generous contribution of Mr. and Mrs. R. Lee Van de Wetering for use in connection with San Diego Park District No. 3 (Mission Hills Canyon).

(Item 106)

A proposed Resolution, continued from the Meeting of December 5, 1972, for further review, amending Council Policy No. 300-1 regarding Salary Setting Policy, was presented.

On motion of Councilman Bates, said proposed Resolution was continued to a Supplemental Docket for Thursday, December 21, 1972, time certain 10:00 a.m. due to lack of time.

Mayor Wilson recessed the Meeting at 3:10 p.m. Upon reconvening at 3:36 p.m., the roll call showed all present.

(Item 6)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of considering various plans for redistricting the City Council Districts on the basis of population; such redistricting plans to be in compliance with the order of the Superior Court in the Case of D'Adamo v. Cobb, Superior Court No. 314629. It was reported that no written protests had been received.

Assistant City Attorney Teaze, Edward Nielsen, City Clerk, and Don White, Council Assistant, answered questions directed by the Council.

Councilwoman O'Connor left the Chamber.

Councilwoman O'Connor entered the Chamber.

(Item 6 Continued)

Charles Sexton, Ralph D'Adamo, and Dusty Rhodes appeared to speak regarding the redistricting.

Pete Rios, Tom McFatter, Molino & Mrs. Smith, Miss Seton, Leilani Broach, and J. Colbert appeared to speak in favor of Plan #5.

Richard Ridenhauer, Deborah Horn, and Mac Akin appeared to speak in favor of Plan #3.

Councilman Bates left the Chamber.

Councilman Bates entered the Chamber.

(Item 6 Continued)

A motion made by Councilman Bates to commission a task force of the City Clerk, City Attorney, and George Orman, Planning Department, to make an analysis applying the eight points outlined in November 1, 1972 memo from the City Attorney, and have the figures tabulated and presented at the next meeting, including ethnic distribution, passed unanimously. By the same motion, the hearing was continued for one week, to Tuesday,



(Item 6 Continued)

December 26, 1972, 2:00 p.m. time certain, for further review.

(Item 108)

RESOLUTION 207095, authorizing an agreement with San Diego Junior Chamber of Commerce, for the construction and entry of a float in the Annual Tournament of Roses Parade on January 1, 1973, was adopted on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-Councilman Williams. Absent-None.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Williams, at 5:36 p.m.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California