

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, JANUARY 16, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

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

Mayor Wilson called the Regular Meeting to order at 9:33 a.m.

(Item 1)

Mayor Wilson introduced Reverend Dr. Leland Cook, Retired Minister
of the Christian Church, who gave the Invocation.

(Item 2)

Councilman Hitch led the Pledge of Allegiance.

Councilman Morrow entered the Chamber.

(Item 3)

Mayor Wilson welcomed thirty-three students from Grossmont High
School, accompanied by Eugene Fernandez.

(Item 4)

Minutes of the Regular Council Meetings of Tuesday, December 26, 1972,
Thursday, January 4, and Tuesday, January 9, 1973, were presented
by the City Clerk. On motion of Councilman Landt, said Minutes were
approved without reading, after which they were signed.

The Council at this time considered requests for continuances:
Items 6 and 109.

(Item 6)

HEARINGS - vacating the Alley in Block 17, Del Mar Heights, between
El Amigo Drive and Del Mar Heights Road - Resolution of Intention
207080.

On motion of Councilman Landt, said hearing was continued
indefinitely for E.I.R., to be renoticed.

RESOLUTION 207183, continuing the hearing on the proposed vacation

(Item 6 Continued)
of the Alley in Block 17, Del Mar Heights, between El Amigo Drive and Del Mar Heights Road, under Resolution of Intention 207080, adopted December 19, 1972, indefinitely until an Environmental Impact Report has been filed.

(Item 109)

A proposed Resolution, authorizing a Lease Agreement with Sea World, Inc., whereby the City leases to Sea World, Inc. approximately 1.43 acres for parking purposes for a term of five years, commencing October 1, 1972, at a monthly rental of \$150, was continued indefinitely for E.I.R., to be renoticed, on motion of Councilman Landt.

The Council considered the Consent Agenda, which consisted of Items 8, 9, 16, 17, 18, 101, 102, 103, 104, 105, 106, 107, 108, 110, and 111.

The following Ordinances were introduced at the Meeting of December 28, 1972 held January 2, 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 written or printed copies of said Ordinances.

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

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

ORDINANCE 10971 (New Series), incorporating 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, into C-1S Zone, as defined by Section 101.0430 of the San Diego Municipal Code, and repealing Ordinance No. 100 (New Series), adopted December 12, 1932, Ordinance No. 119 (New Series), adopted January 3, 1933, Ordinance No. 3919 (New Series), adopted November 23, 1948, Ordinance No. 8668 (New Series), adopted July 5, 1962, Ordinance No. 8726 (New Series), adopted September 20, 1962, and Ordinance No. 3320 (New Series), adopted December 31, 1946, of the Ordinances of The City of San Diego insofar as the same conflict herewith.

(Item 9 - CASE NO. 42-72-13)

ORDINANCE 10972 (New Series), incorporating Lots 64 through 73, Block 1, D. B. Williams Subdivision, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 4831 (New Series), adopted June 21, 1951, and Ordinance No. 190 (New Series), adopted March 27, 1933, of the Ordinances

(Item 9 Continued)

of The City of San Diego, insofar as the same conflicts herewith.

(Item 16)

RESOLUTION 207184, awarding a contract to Philterkol Division, Reading Anthracite Coal Company for the purchase of 550 tons of anthracite filter media, for an actual cost of \$29,040.30, including tax and terms; authorizing the transfer of \$29,040.30 within the Water Operating Fund (500) from Unallocated Reserve, Dept. 67.49 to Treatment Plant Operation and Maintenance, Dept. 63.50, for the above purpose and related costs, was adopted on motion of Councilman Landt.

(Item 17)

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

RESOLUTION 207185, Norm Pressley's Truck Center for the purchase and installation of three diesel engines for a total cost of \$16,723.43, including tax and terms;

RESOLUTION 207186, Southwest Safety & Supply Company, and Halprin Supply Company for the purchase of aerial-air systems and air tank cylinder assemblies, for an actual cost of \$8,398.38, including tax and terms;

RESOLUTION 207187, Halprin Supply Company for the purchase of eight self-contained breathing apparatus, for a total cost of \$2,759.40, including tax and terms;

RESOLUTION 207188, M. L. Snyder & Sons, Inc. for the purchase of two hundred and eighty eight rainsuits, for an actual cost of \$1,890, including tax and terms; and

RESOLUTION 207189, Vanier Graphics Corporation for the purchase of twenty thousand sets of purchase order forms, for an actual cost of \$1,368.20, including tax and terms.

(Item 18)

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

RESOLUTION 207190, furnishing nozzles and fittings, in accordance with Specifications Document No. 742327;

RESOLUTION 207191, furnishing one cab and chassis with truck mounted loader and dump body, in accordance with Specifications Document No. 742328; and

RESOLUTION 207192, site grading and construction of storm drains in the Morley Field area of Balboa Park, in accordance with Specifications Document No. 742329.

(Item 101)

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

RESOLUTION 207193, authorizing an agreement with McKeon Construction Company for the completion of improvements in Ocean Bluffs, a 9-lot

(Item 101 Continued)

subdivision located easterly side of Beyer Way and northerly side of Del Sol Boulevard; and

RESOLUTION 207194, approving the final map of Ocean Bluffs.

(Item 102)

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

RESOLUTION 207195, Penasquitos Glens Unit 3; and

RESOLUTION 207196, Penasquitos Glens Unit 4.

(Item 103)

RESOLUTION 207197, setting aside and dedicating an easement for a public street in a portion of Lot 1, Paradise Vista, and naming the same REO DRIVE, was adopted on motion of Councilman Landt.

(Item 104)

RESOLUTION 207198, authorizing the sale by negotiation of an unneeded cathodic easement affecting portions of the southwest quarter of Quarter Section Lot 103, Rancho de la Nacion to The Owners In Fee Simple of Record of said lot for the sum of \$55.00; authorizing the execution of a Quitclaim Deed for said purpose, was adopted on motion of Councilman Landt.

(Item 105)

RESOLUTION 207199, authorizing the sale by negotiation of an unneeded sewer easement affecting Lots 39 to 45, Block 140, City Heights to The Owners In Fee Simple of Record of said lots for the sum of \$3500; authorizing the execution of a Quitclaim Deed for said property, was adopted on motion of Councilman Landt.

(Item 106)

RESOLUTION 207200, approving the acceptance by the City Manager of a deed from New Environment Research (street purposes) - OLD TOWN AVENUE, was adopted on motion of Councilman Landt.

(Item 107)

RESOLUTION 207201, authorizing a Lease Agreement with James Raport, whereby the City leases a Community Relation Office in Mission Beach for the San Diego Police Department for a term of one year with options for three additional one-year periods, at a monthly rental of \$150 plus utilities, was adopted on motion of Councilman Landt.

(Item 108)

RESOLUTION 207202, authorizing a Lease Agreement with William Rae, whereby the City leases a Community Relations Office in East San Diego for the San Diego Police Department for a term of one year with options for three additional one-year periods, at a monthly rental of \$85 plus utilities, was adopted on motion of Councilman Landt.

(Item 110)

RESOLUTION 207203, renaming Weeks Avenue, between its two intersections, WEST MORENA BOULEVARD, was adopted on motion of Councilman Landt.

(Item 111)

RESOLUTION 207204, authorizing the Police Legal Advisor of The City of San Diego to travel to Tempe, Arizona, to attend a two-day seminar on January 28 and 29, 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, continued from the Meetings of May 9, 16, and 30, 1972, at applicant's request, on the application of Nasland Engineering, by Roger D. Simpson, for special permission to waive underground electrical line requirements in connection with the tentative subdivision map of Montgomery Industrial Park Unit 2, located on the westerly side of National Avenue, northerly of Iris Street, in the South San Diego area, in the Interim A-1-1 (proposed M-1A) Zone. It was reported that no written protests had been received.

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

Dave Chamberlain appeared to speak in favor of the application.

A motion made by Councilman Bates to deny the application received no vote.

On motion of Councilman Landt, said hearing was continued for six weeks, to Tuesday, February 27, 1973, at applicant's request.

(Item 7)

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 Valli Hi Motel, by Philip L. Taylor, owner, 655 W. San Ysidro Boulevard, from the decision of the City Treasurer with respect to interest and penalties imposed on the payment of Transient Occupancy Tax (Room Tax); payment did not reach the City Treasurer in the required time. It was reported that no written protests had been received.

Councilwoman O'Connor entered the Chamber.

(Item 7 Continued)

Assistant City Attorney Teaze answered questions directed by the Council.

No one appeared to be heard.

On motion of Councilman Landt, said hearing was filed.

(Item 1 - Supplemental Docket)

A proposed Resolution, continued from the Meetings of December 5, 19, and 21, 1972, and January 11, 1973, at request of employee groups, amending Council Policy No. 300-1 regarding Salary Setting Policy, was presented.

Deputy City Manager Blair and City Manager Moore answered questions directed by the Council.

Councilman Bates left the Chamber.

Councilman Bates entered the Chamber.

(Item 1 - Supplemental Docket Continued)

Joe Francis, San Diego City Fire Fighters, Barry Hammitt, San Diego Municipal Employees Association, and Joe Carpenter, Local 127, AFL-CIO, appeared to speak regarding said proposed Resolution.

Mayor Wilson recessed the Meeting at 10:25 a.m. Upon reconvening at 10:47 a.m., the roll call showed Councilman Martinet absent.

(Item 1 - Supplemental Docket Continued)

Skip Di Cerchio, San Diego Police Officers Association, Max Strobel, San Diego Taxpayers Association, and Jim Grogan, Local 127, AFL-CIO, appeared to speak regarding said proposed Resolution.

A motion made by Councilman Johnson to direct the City Attorney to draft a Resolution explicitly removing the Personnel Director from the management team, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, Bates, and Mayor Wilson. Nays-Councilman Morrow. Absent-Councilman Martinet.

A motion made by Councilman Bates to amend the policy by deleting the second sentence of Paragraph 1, which reads, "The Council also recognizes the Commission as an independent third party," failed, due to the lack of five affirmative votes, by the following vote: Yeas-Councilmen Johnson, Williams, Morrow, and Bates. Nays-Councilmen O'Connor, Landt, Hitch, and Mayor Wilson. Absent-Councilman Martinet.

A motion made by Councilman Morrow to amend Page 4, Item 3, third line to read "where agreement has or has not been reached," passed unanimously.

RESOLUTION 207205, amending Council Policy No. 300-1 regarding Salary Setting Policy was adopted, as amended, on motion of Councilman Landt.

Councilman Bates left the Chamber.

Councilman Bates entered the Chamber.

(Item 10)

The following Ordinances were introduced at the Meeting of December 28, 1972 held January 2, 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 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, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Martinet:

ORDINANCE 10973 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0418 relating to the CP Zone;

ORDINANCE 10974 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0421.1 relating to the CR Zone;

ORDINANCE 10975 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0423 relating to the CO Zone;

ORDINANCE 10976 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0426 relating to the CN Zone;

ORDINANCE 10977 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0428 relating to the CA-S Zone; and

ORDINANCE 10978 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0428.1 relating to the CA Zone.

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

ORDINANCE 10979 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by adding Section 101.0433 relating to the CBD Zone.

(Item 11)

The following Ordinance was introduced at the Meeting of January 2, 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 its passage written or printed copies of said Ordinance.

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

(Item 11 Continued)

Absent-Councilman Martinet:

ORDINANCE 10980 (New Series), 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.

(Item 12)

RESOLUTION 207206, approving the Water Service Cost Analysis and Rate Design Outline, was adopted on motion of Councilman Bates.

(Item 13)

A proposed Ordinance, amending Chapter X, Article 1, Division 5 of the San Diego Municipal Code by amending Section 101.0506 relating to Conditional Use Permit procedures, was introduced on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Martinet.

(Item 14)

A proposed Ordinance, amending Chapter VI, Article 4 of the San Diego Municipal Code by amending Sections 64.14, 64.32 and 64.32.2 and by adding Section 64.35 relating to public sewers, was presented.

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

A substitute Ordinance was presented, substituting page 8 and changing the Department of Public Works on pages 1 and 2 to read Water Utilities Department.

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

(Item 15)

Three proposed Resolutions, relative to sewer service charges, were presented.

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

Richard Cole appeared to speak regarding said proposed Resolution.

The following Resolutions were adopted on motion of Councilman Bates:

RESOLUTION 207207, amending Council Policy No. 400-6 regarding placement, betterment and expansion of water and sewer facilities in previously developed areas; rescinding Resolution 185996, adopted 1/11/1966;

RESOLUTION 207208, rescinding Resolutions No. 111423 adopted April 2, 1953, No. 110411 adopted January 29, 1953, No. 111236 adopted March 24, 1953, No. 116189 adopted January 12, 1954, No. 113059 adopted July 9, 1953, No. 115708 adopted December 10, 1953, No. 117824 adopted April 27, 1954, No. 119260 adopted July 22, 1954, No. 122576 adopted February 8, 1955, No. 184766 adopted August 31, 1965, No. 135437 adopted September 27, 1956, No. 137785 adopted February 14, 1957, No. 141738 adopted September 12

(Item 15 Continued)

1957, No. 171982 adopted July 31, 1962, No. 144554 adopted December 17, 1957, No. 149367 adopted August 14, 1958, No. 155707 adopted July 9, 1959, No. 177167 adopted September 10, 1963, No. 169029 adopted January 9, 1962, No. 170574 adopted April 26, 1962, No. 175570 adopted May 7, 1963, No. 172822 adopted September 27, 1962, No. 176971 adopted August 22, 1963 and No. 180315 adopted June 11, 1964; and
RESOLUTION 207209, establishing and approving rules of interpretation and procedure for the administration of said charge under the provisions of Section 64.32.2, of the San Diego Municipal Code; rescinding Resolution 136803 adopted December 18, 1956.

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

Upon reconvening at 2:46 p.m., the roll call showed Councilmen Martinet and Hitch absent.

Councilman Hitch entered the Chamber.

(Item 100)

A proposed Resolution, continued from the Meeting of January 9, 1973, for further review and attorney's opinion, approving the final map of Mc Kinnon Subdivision, a one-lot subdivision located southerly of Pacific Beach Drive, was presented.

Chief Deputy City Attorney Conrad and Floyd Moore, Community Development Department, answered questions directed by the Council.

Doris Pohl, Ruth Peyton, and Philip Shafer appeared to speak in opposition to said proposed Resolution.

A motion made by Councilman Morrow to continue for one week, to Tuesday, January 23, 1973, for Council to view property failed, due to the lack of five affirmative votes, by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, and Bates. Nays-Councilmen Johnson, Landt, Hitch, and Mayor Wilson. Absent-Councilman Martinet.

RESOLUTION 207210, approving the final map of Mc Kinnon Subdivision, a one-lot subdivision located southerly of Pacific Beach Drive, was adopted on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Hitch, and Mayor Wilson. Nays-Councilmen Williams, Morrow, and Bates. Absent-Councilman Martinet.

On motion of Councilman Morrow, the City Manager was directed to docket a Resolution stating that as soon as a lease expires, a minimum of 15 feet of public walkway around the rim of Mission Bay must exist.

On motion of Councilman Morrow, the City Attorney was directed to prepare an amendment to the Municipal Code to eliminate the waiver authority (with respect to 20 foot strip of public walkway) given to the Subdivision Review Board.

(Item 112)

RESOLUTION 207211, authorizing the Property Director to advertise for sale at public auction Lots 1 through 8, Block 12, Grantville and Outlots; minimum amount which the Council will consider for the sale of said property is \$19,000; authorizing the payment of a real estate broker's commission for the sale of the aforementioned property, not to exceed five percent of the sale price of said property; seller's expenses shall be deducted from the proceeds received from said sale; rescinding Resolution 205342, adopted April 11, 1972, was adopted on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, Bates, and Mayor Wilson. Nays-Councilman Morrow. Absent-Councilman Martinet.

On motion of Councilman Hitch, Items 6 and 7 from the docket of Thursday, January 18, 1973, regarding the revision of C Zone property, were set for a time certain of 2:00 p.m.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Hitch, at 4:20 p.m.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California