

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - TUESDAY, FEBRUARY 6, 1973  
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING  
COMMUNITY CONCOURSE

Present--Councilmen Johnson, Landt, Morrow, Martinet, Hitch,  
and Mayor Wilson.

Absent--Councilmen O'Connor, Williams, and Bates.

Clerk---Edward Nielsen.

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

Councilman Williams entered the Chamber.

(Item 1)

Mayor Wilson introduced Reverend L. H. Gustafson, Pastor of  
Christ United Methodist Church, who gave the Invocation.

(Item 2)

Councilman Hitch led the Pledge of Allegiance.

(Item 3)

Mayor Wilson welcomed fifty students from Marston Junior High  
School, accompanied by Mr. Merrill Ream.

Councilman Martinet addressed the group.

(Item 4)

Minutes of the Regular Council Meetings of Thursday, January 18,  
Tuesday, January 23, and Friday, January 26, 1973, 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 Roland Esq. Holmes, West Coast Jazz Society,  
requesting permission to address the Council regarding financial  
support for a performance, was presented.

Roland Esq. Holmes appeared to speak regarding said communication.

On motion of Councilman Hitch, said communication was referred  
to the City Manager for report back to Mr. Holmes and Council.

(Item 6)

A communication from Jack Thompson, requesting permission to address  
the Council regarding Ordinance relative to parking limit in Hillcrest

(Item 6 Continued)  
area, was presented.

Councilman Bates entered the Chamber.

(Item 6 Continued)

Jack Thompson appeared to speak regarding said communication.

On motion of Councilman Hitch, said communication was referred to the City Manager and the Transit Corporation (General Manager) for report back to Mr. Thompson and the Council.

(Item 7)

A communication from Herbert L. Hayes, requesting permission to address the Council regarding City Manager's report of December 12, 1972 concerning termination of contractual services of Mr. Hayes as driver for Model Cities Supplemental Transportation Program, and Mr. Hayes' contention that report was incomplete and therefore inaccurate, was presented.

Herbert L. Hayes and Attorney David Kroll appeared to speak regarding said communication.

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

On motion of Councilman Johnson, said communication was referred to the Civil Service Commission for a hearing and recommendation back to Council.

The Council at this time considered requests for continuances:  
CUP No. 369-PC, Items 103, 117, and 111.

CUP No. 369-PC was continued indefinitely for E.I.R.

(Item 103)

A proposed Resolution, authorizing the City Manager to negotiate with the Mariner's Point Yacht Club for the purpose of entering into an Option Agreement covering City-owned land in Mission Bay Park for construction, operation, and maintenance of a nonprofit yacht club in compliance with Council Policy 700-9, was continued for one week, to Tuesday, February 13, 1973, at City Manager's request, on motion of Councilman Landt.

(Item 117)

The Model Cities Staff Report was continued for one week, to Tuesday, February 13, 1973, to be docketed in the future on the second Tuesday of the month, on motion of Councilman Landt.

(Item 111)

A proposed Resolution, amending the Affirmative Action Program for Contractors doing Business with the City, as approved by Resolution

(Item 111)

No. 204843, to conform with Federal and State regulations - for application on Federal and State financially assisted contracts, was continued, on motion of Councilman Landt, for two weeks, to Tuesday, February 20, 1973, at City Manager's request.

The Council considered the Consent Agenda, which consisted of Items 13, 100, 101, 102, 104, 105, 106, 107, 109, 113, 114, and 116.

(Item 13)

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

RESOLUTION 207309, authorizing a modification to the contract authorized by Resolution No. 206507 dated September 14, 1972, with Owl Crane and Rigging Company for the rental of one crane and one signalman as may be required for a six month period ending March 31, 1973; and

RESOLUTION 207310, approving the assignment of contractual rights under the landscape maintenance for five natural open space park sites contract set forth in Document No. 739472, dated February 9, 1972 by Leadership Housing Systems, Inc. to Environmental Care, Inc; authorizing City Manager to execute consent agreement to said assignment of the aforementioned contract.

(Item 100)

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

RESOLUTION 207311, authorizing an agreement with Norma Boral Zahler for completion of improvements in Scott Miramar Tract Unit 1, a one-lot subdivision located on the northerly side of Miramar Road and the westerly side of future Black Mountain Road, westerly of Highway 163;

RESOLUTION 207312, approving the final map of Scott Miramar Tract Unit 1;

RESOLUTION 207313, authorizing an agreement with Norma Boral Zahler for the construction of improvements on Miramar Road, within the limits of said subdivision, and to provide for reimbursement by the City out of Gas Tax Funds, in an amount not to exceed \$3,405.52;

RESOLUTION 207314, authorizing an agreement with San Diego Gas & Electric Company and Penasquitos, Inc. for completion of improvements in Chicarita Subdivision, a one-lot subdivision located southerly of Azuaga Street, northerly of Poway Road; and

RESOLUTION 207315, approving the final map of Chicarita Subdivision.

(Item 101)

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

RESOLUTION 207316, Balboa Crest Unit 2;

RESOLUTION 207317, Bernardo Industrial Park Unit 9; and

(Item 101 Continued)

RESOLUTION 207318, Kearny Mesa Complex.

(Item 102)

RESOLUTION 207319, authorizing the execution of a deed conveying to the San Diego Gas & Electric Company an easement for overhead electrical powerline purposes affecting a portion of the Southwest Quarter of Section 11, Township 12 South, Range 1 East, was adopted on motion of Councilman Johnson.

(Item 104)

RESOLUTION 207320, authorizing an agreement with The Regents of the University of California, whereby City provides lifeguard services on the beach adjacent to the University and Scripps Institution of Oceanography, from March 24 through October 28, 1973, for consideration to be paid to the City in the amount of \$18,395.17, was adopted on motion of Councilman Johnson.

(Item 105)

RESOLUTION 207321, authorizing an agreement with F. Beach Leighton and Associates for geotechnical services, for a period of time ending June 30, 1973; payment for services rendered shall be made from appropriate developer's funds on deposit in City Fund 302 for the purposes of defraying City costs incurred in connection with their applications to do land development and other associated work, was adopted on motion of Councilman Johnson.

(Item 106)

RESOLUTION 207322, authorizing an agreement with the San Diego Chamber of Commerce for the purpose of compiling and evaluating statistical data and publishing reports through its Economic Research Bureau, for a period of one year ending June 30, 1973, in an amount not to exceed \$10,000, was adopted on motion of Councilman Johnson.

(Item 107)

The following Resolutions, relative to agreements with the City of Del Mar, were adopted on motion of Councilman Johnson:

RESOLUTION 207323, for disposal of sewage from Del Mar through the Penasquitos Sewer District System; and

RESOLUTION 207324, for treatment and disposal of sewage from the City of Del Mar through the San Diego Metropolitan Sewer System.

(Item 109)

RESOLUTION 207325, protesting the tax sale of Parcel No. 8001/582-053-01 as authorized by the Board of Supervisors of San Diego County; authorizing the entering of an agreement to purchase said parcel for park purposes; authorizing an agreement to purchase said parcel for the sum of \$170, plus the cost of advertising as expended by the office

(Item 109 Continued)

of the County Tax Collector; authorizing the Treasurer of the City to issue a warrant to cover the expense of reimbursing the Tax Collector, in the event the assessee redeems the parcel after the Tax Collector has expended funds for advertising, was adopted on motion of Councilman Johnson.

(Item 113)

RESOLUTION 207326, renaming North Vista Avenue, Beyer Boulevard, U. S. 101 Alternate, and National Avenue, between the San Diego City and County limits to the north and the frontage road east of Interstate 805, BEYER BOULEVARD; renaming North Vista Avenue, Main Street, Beyer Boulevard and East Beyer Boulevard, between the new Beyer Boulevard, renamed by this resolution, and Interstate 5, EAST BEYER BOULEVARD; renaming Byer Way, Beyers Way and Beyer Way, between the San Diego City and County limits to the north and the new Beyer Boulevard, renamed by this resolution, BEYER WAY; renaming National Avenue, between Interstate 5 and the International Border, VIA NACIONAL, was adopted on motion of Councilman Johnson.

(Item 114)

RESOLUTION 207327, declaring 3rd Avenue, between Redwood Street and Quince Street, to be a one-way street, for one-way southbound traffic; authorizing the installation of the necessary signs and markings on said street, was adopted on motion of Councilman Johnson.

(Item 116)

RESOLUTION 207328, rescinding Resolution No. 198957, dated January 27, 1970; appointing the City Manager or his representative to act as the Management Team for the City in accordance with the Employer-Employee Relations Policy of the City, was adopted on motion of Councilman Johnson.

(Item 9 - CASE NO. 11432)

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 Carl P. Hinkleman, by Alex A. Harper, attorney, from the decision of the Board of Zoning Appeals which denied his appeal (Zoning Administrator Case No. 11432) from the denial by the Zoning Administrator of his request to maintain existing single family dwelling with garage observing a 15-foot setback where a 25-foot setback has been established. Subject property is Lot 13, Block 7, Del Mar Heights, located at 13923 Boquita Drive, between Lozana and El Amigo Road, in the R-1-6 Zone. It was reported that no written protests had been received.

Assistant Zoning Administrator Herrick, Building Inspection Director Curtis, and Assistant City Attorney Teaze answered questions directed by the Council.

Attorney Alex Harper appeared to speak in favor of the appeal.

Mayor Wilson recessed the Meeting at 10:36 a.m. Upon reconvening at 10:51 a.m., the roll call showed Councilmen O'Connor and Williams absent.

Councilman Williams entered the Chamber.

(Item 9 Continued)

Mr. Werner appeared to speak in favor of the appeal.

The hearing was closed on motion of Councilman Johnson.

RESOLUTION 207329, granting the appeal of Carl P. Hinkleman, by attorney Alex A. Harper, from the decision of the Board of Zoning Appeals, and granting a variance to Carl P. Hinkleman, was adopted on motion of Councilman Johnson.

The following Ordinances were introduced at the Meeting of January 23, 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.

(Item 10)

ORDINANCE 10988 (New Series), amending Chapter VIII, Article 4 of the San Diego Municipal Code by amending Section 84.09 relating to Restrictions on the Use of Bicycles on Sidewalks and Other Public Rights of Way, was adopted on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-Councilman Landt. Absent-Councilwoman O'Connor.

Charles Stevens and Marian Schalit appeared to speak in opposition to the Ordinance.

(Item 11)

ORDINANCE 10989 (New Series), amending Ordinance No. 10873 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1972-73 and Appropriating the Necessary Money to Operate The City of San Diego for Said Fiscal Year," by amending Document No. 739786, as adopted and amended therein, relating to Personnel Positions and Funding within General Fund 100, Departments 11.00 (Community Development) and 12.00 (Planning); authorizing and directing the City Auditor and Comptroller to transfer from Community Development Department (11.00) to the Planning Department (12.00) the sum of \$68,364 for the above purpose; and authorizing and directing the City Auditor and

(Item 11 Continued)

Comptroller to transfer from the Unallocated Reserve (53.30) to the Planning Department (12.00) the sum of \$11,694 for the purpose of providing funds for an additional position of Supervising Planner, was adopted on motion of Councilman Martinet, by the following vote: Yeas- Councilmen Johnson, Landt, Williams, Martinet, Hitch, and Mayor Wilson. Nays-Councilmen Morrow and Bates. Absent-Councilwoman O'Connor.

(Item 12)

ORDINANCE 10990 (New Series), changing and reestablishing the boundary lines of the districts within the City of San Diego for the purpose of nominating members of the City Council, and repealing Ordinance No. 9984 (New Series) adopted February 27, 1969, was adopted on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, Landt, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilwoman O'Connor.

Assistant City Attorney Teaze answered questions directed by the Council.

(Item 108)

RESOLUTION 207330, authorizing the acceptance of a one year grant from the Police Foundation in the amount of \$92,857, for original research and experimentation in police field interrogation practices; authorizing agreements for consulting and professional services as specified in said grant, total amount not to exceed \$53,557; approving such travel as designated in grant, total amount not to exceed \$12,000, was adopted on motion of Councilman Hitch.

(Item 110)

RESOLUTION 207331, approving and providing for the execution of a proposed Urban Planning Grant Contract, Contract No. CPA-CA-09-16-1025 (G), to aid in financing the development of a comprehensive Management Planning Program, was adopted on motion of Councilman Martinet.

(Item 112)

RESOLUTION 207332, declaring the intention of the City Council to enter into certain freeway agreements with the State of California involving the proposed development of State Highway Routes 8, 15 and 163; and calling for a public hearing on the same, was adopted on motion of Councilman Landt.

(Item 115)

Three proposed Resolutions, relative to declaring buildings to be a public nuisance, were presented.

City Manager Moore and Building Inspection Director Curtis answered questions directed by the Council.

(Item 115 Continued)

The following Resolutions, relative to declaring buildings to be a public nuisance; directing the City Attorney to abate said nuisance, were adopted on motion of Councilman Bates:

RESOLUTION 207333, Building owned by Willie and Mary A. Gotell at 3028 Greely Avenue;

RESOLUTION 207334, Building owned by Great Western Savings & Loan Association at 3971, 3975 and 3977 Cottonwood Street; and

RESOLUTION 207335, Building owned by Beatrice Parks at 2930 Franklin Avenue.

Mayor Wilson recessed the Meeting at 12:07 p.m. to reconvene at 2:00 p.m. for the Regular Council Meeting and at 1:30 p.m. into Executive Session to discuss Meet and Confer items.

Upon reconvening the Regular Council Meeting at 2:17 p.m., the roll call showed Councilmen O'Connor and Williams absent.

(Item 8)

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 January 25, 1973, for further testimony, on the proposed Amendment to the Mira Mesa Community Plan to provide for a phased development plan and financing program, and also a more clear identification of plan goals and objectives, exclusion of land use proposals for areas of the community lying within Sound Zone 3 of the Miramar Naval Air Station flight pattern, expansion of areas in the plan designated for open space particularly within the western portion, and inclusion of a more balanced transportation system which recommends consideration of transit and a bikeway circulation system. The Community Plan encompasses approximately 10,700 acres lying easterly of I-5 and southerly of Los Penasquitos Canyon; the study area is bounded on the east by I-15, and on the south by Miramar Road and University City.

Councilman Williams entered the Chamber.

(Item 8 Continued)

Reid Alexander, L. Fallon, Norman Hedenberg, Carlos Tavares, Sherwood Roberts, Stanley Scott and Clara Jo Brown appeared to speak in opposition to the phasing.

Mayor Wilson recessed the Meeting at 3:09 p.m. Upon reconvening at 3:33 p.m., the roll call showed Councilmen O'Connor and Williams absent.



Councilman Williams entered the Chamber.

(Item 8 Continued)

Planning Director Goff, James Fowler, Community Development Department, Chief Deputy City Attorney Conrad, and Assistant City Manager Graham answered questions directed by the Council.

Tom Shoulder, Richard Huthert, Mr. Henderson, Bob Moeller, and Alexander MacDonald appeared to speak in opposition to the phasing.

Councilman Bates left the Chamber.

Councilman Bates entered the Chamber.

(Item 8 Continued)

A motion made by Councilman Johnson to return Item 8 to the Planning Department and Community Development Department, with instructions for the Departments to come back within 30 days with a cost analysis of development of Mira Mesa Boulevard versus Miramar Road passed unanimously.

A motion made by Councilman Johnson to speed up the development of Camino Ruiz and Black Mountain Road and to re-examine the property zoned C from Camino Santa Fe to the end of 805, presently in Phase C - what could be done with it, was withdrawn.

A motion made by Councilman Bates to direct the Planning Department, City Manager, and City Attorney to report back to Council within 60 days on how funding of public facilities in Mira Mesa can be financed as required in Phases A, B, and C of the Mira Mesa Community Plan passed unanimously.

Mayor Wilson recessed the Meeting at 5:10 p.m. Upon reconvening at 5:23 p.m., the roll call showed Councilmen O'Connor and Williams absent.

(Item 8 Continued)

A motion made by Councilman Johnson to direct the City Attorney and the City Manager to present a report back to Council within 30 days as to what agreement was made between Pardee Development and City as presented by John Butler, attorney, in his letter of March, 1972 passed unanimously.

A motion made by Councilman Johnson to instruct the Planning Commission to hold up on applications, with the exception of Phase A, for rezoning in Mira Mesa, pending report from Community Development Department, Planning Department, and City Attorney with respect to alternate methods of funding of public facilities, passed by the following vote: Yeas-Councilmen Johnson, Landt, Martinet, Bates, and Mayor Wilson. Nays-Councilmen Morrow and Hitch. Absent-Councilmen O'Connor and Williams.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Johnson, at 5:37 p.m.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California