

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, MARCH 22, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

Present--Councilmen Johnson, O'Connor, Williams, Morrow, Martinet,
Hitch, and Mayor Wilson.

Absent--Councilmen Landt and Bates.

Clerk---Edward Nielsen.

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

Mayor Wilson welcomed a group of students from O'Farrell Junior High School, accompanied by Roger Stransner. Councilman Williams addressed the group.

Councilman Bates entered the Chamber.

(Item 1)

A communication from Kathleen Porter, requesting permission to address the Council regarding urging Council to take steps to bring about an early solution to San Diego High School relocation, was presented.

Kathleen Porter appeared to speak regarding said communication.

On motion of Councilman Hitch, the matter was referred to the City Manager, City Attorney, and Planning Director for report back to the City Council, Unified School District Board, and Mrs. Porter within two weeks.

(Item 2)

A communication from Clyde C. Martin, Tone Development Company Incorporated, requesting permission to address the Council relative to inclusion of Parcel 13 into the Air-Hotel Complex at Montgomery Airport, was presented.

Clyde C. Martin appeared to speak regarding said communication.

On motion of Councilman Bates, the matter was referred to the City Manager for a report back to the Council, and to the City Attorney for a written opinion on the propriety of the City Council reconsidering its original action.

There were no requests for continuances.

The Council considered the Consent Agenda, which consisted of Items 8, 10, 11, 12, 13, 14, 100, 101, 105, 106, 108, 109, 110, 112, 113, and 114.

The following Ordinance was introduced at the Meeting of March 8, 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 Williams, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Landt.

(Item 8)

ORDINANCE 11028 (New Series), amending Ordinance No. 10845 (New Series), as amended, to create the unclassified position of Council Executive Secretary and establish a schedule of compensation therefor, and to amend Schedule C of Ordinance No. 10845 (New Series), as amended, to establish a new general category of Council Executive Services.

(Item 10)

The following Resolutions, relative to improvement of Cypress Drive between San Ysidro Boulevard and railroad tracks; Sellsway Street between Cypress Drive and Cottonwood Road, were adopted on motion of Councilman Johnson:

RESOLUTION 207564, awarding a contract to V. E. Posey, for the sum of \$48,621.70; authorizing the expenditure of \$42,800 from Model Cities Fund (2542) and \$10,700 from Water Revenue Fund (502) for said purpose and related costs; and

RESOLUTION 207565, authorizing the use of City forces to place highlines and make connections as required.

(Item 11)

The following Resolutions, awarding contracts as follows, were adopted on motion of Councilman Johnson:

RESOLUTION 207566, Silver Strand Masonry and Cement Contractors for the improvement of sidewalks, curbs and gutters in the area bounded by Sicard Street, Harrison Street, 28th Street, Logan Avenue and Kearny Avenue (Contract 16), for the sum of \$8,158.75; authorizing the expenditure of \$10,500 from Special Fund No. 2714 for said purpose and related costs; and

Item 11 - Continued

RESOLUTION 207567, San Diego Blue Print Co., for the purchase of photographic processing as may be required for a period of one year ending April 30, 1974 for an actual estimated cost of \$3,011.18, including tax and terms.

(Item 12)

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

RESOLUTION 207568, Silver Strand Masonry and Cement Contractors for the improvement of sidewalks, curbs and gutters in the area bounded by 27th Street, "A" Street, 32nd Street and Highway 94 (Contract 17), for the sum of \$35,269.60; authorizing the expenditure of \$45,000 from Special Fund No. 2714 for said purpose and related costs;

RESOLUTION 207569, G. Spikes and W. Love Masonry & Cement Contractors for the improvement of sidewalks, curbs and gutters in the area bounded by 19th Street, "K" Street, 24th Street, "L" Street, 22nd Street, Commercial Street, Crosby Street, Irving Avenue, Beardsley Street, Kearny Avenue, and 21st Street (Contract 20) for the sum of \$13,085; authorizing the expenditure of \$16,500 from Special Fund No. 2714 for said purpose and related costs; and

RESOLUTION 207570, Consolidated Stills & Sterilizers, for the purchase of one sterilizer autoclave, for an actual cost of \$7,948.50, including tax and terms.

(Item 13)

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

RESOLUTION 207571, G. Spikes and W. Love Masonry & Cement Contractors for the improvement of sidewalks, curbs and gutters, in the area bounded by 30th Street, Imperial Avenue, 31st Street, "L" Street, 32nd Street, Bancroft Street, and Commercial Street (Contract 21), for the sum of \$12,365; authorizing the expenditure of \$15,200 from Special Fund No. 2714 for said purpose and related costs; and

RESOLUTION 207572, Hawthorne Machinery Co. for the purchase of one bulldozer with hydraulic tilting "U" blade, for an actual cost of \$80,473.29, including tax, terms and trade-in; plus options 1A, 1B and 1C, guaranteed parts cost not to exceed \$36,750 maximum at end of 10,000 hours use; plus alternate options 2A, 2B and 2C, guaranteed repurchase price of \$33,000 at end of 10,000 hours or 5 years and option 3A, guaranteed repurchase price of \$66,000 within 2,000 hours or 1 year.

(Item 14)

RESOLUTION 207573, inviting bids for furnishing Community Concourse liability insurance, in accordance with Specifications Document No. 742935, was adopted on motion of Councilman Johnson.

(Item 100)

RESOLUTION 207574, authorizing an agreement with Calgrove Realty Company, subdivider for Calgrove Industrial Park, for collection of charges by City and reimbursement to said Company for cost in excess of their pro rata share of the 12" and 8" water mains, was adopted on motion of Councilman Johnson.

(Item 101)

RESOLUTION 207575, accepting the work done and authorizing a notice of completion in Del Mar Hills Unit 9 Subdivision, was adopted on motion of Councilman Johnson.

(Item 105)

RESOLUTION 207576, authorizing an agreement with Brown & Caldwell Consulting Engineers to conduct a rate analysis and cost of service study of the City's Water Utilities Department for a maximum fee of \$26,500; authorizing the City Auditor and Comptroller to transfer \$26,500 within Water Operating Fund 500 Reserve (67.49-3494) to Professional Services (67.27-3295) for said purpose, was adopted on motion of Councilman Johnson.

(Item 106)

RESOLUTION 207577, authorizing an agreement with Economic Behavior Analysts, Inc. to study and report on the cost/effectiveness of the expenditures from the Transient Occupancy Tax Fund 223, was adopted on motion of Councilman Johnson.

(Item 108)

RESOLUTION 207578, authorizing the City Manager to execute Utilities Agreement No. 19580 with the State Division of Highways for the installation of 12-inch water main in the Euclid Avenue overcrossing structure; authorizing the use of City forces to deliver and unload necessary pipe and related materials, test for adequacy of pipe construction, and chlorinate as required; and authorizing the expenditure of \$19,500 from Water Revenue Fund 502 to pay for this work, was adopted on motion of Councilman Johnson.

(Item 109)

RESOLUTION 207579, authorizing the City Manager to submit an application for a Federal grant from the Urban Mass Transportation Administration, Department of Transportation in the amount of \$560,661, which amount is to be allocated over a two-year demonstration period, was adopted on motion of Councilman Johnson.

(Item 110)

RESOLUTION 207580, approving Change Order No. 1 issued in connection with the contract between the City and Communications Company, Inc. for the sound amplification and audio effects system for the Reuben H. Fleet Space Theater in Balboa Park; said changes amounting to an increase of \$1,333.65, was adopted on motion of Councilman Johnson.

(Item 112)

RESOLUTION 207581, authorizing the City Auditor and Comptroller to transfer certain funds between departments of the General Fund (100) and Employee Pension Fund (105), was adopted on motion of Councilman Johnson.

(Item 113)

RESOLUTION 207582, establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the west side of Second Avenue between Maple Street and Nutmeg Street, was adopted on motion of Councilman Johnson.

(Item 114)

RESOLUTION 207583, authorizing a representative of the Library to attend the seminar on Data Processing for Library Directors at the Customer Executive School of International Business Machines in San Jose, California, April 2-6, 1973, and to incur all necessary transportation expenses, was adopted on motion of Councilman Johnson.

(Item 4)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of proposed amendment to Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0432.1 - C Zone, Section 101.0437 - M-1 Zone, Section 101.0440 - M-2A Zone, and Section 101.0441 - M-2 Zone, to add regulations controlling the display of merchandise and storage of equipment, materials and supplies outdoors. It was reported that no written protests had been received.

No one appeared to be heard.

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

On motion of Councilman Hitch, the proposed Ordinance was amended to allow for the temporary display of merchandise for a period not to exceed seven days and that the number of times this could be done

should not be more often than once every six months, and to also include a provision for the issuance of a permit for such purpose.

On motion of Councilman Williams, the hearing was continued for two weeks to April 5, 1973, and the matter was referred to the City Attorney for preparation of amended Ordinances.

Mayor Wilson recessed the Meeting at 10:29 a.m. Upon reconvening at 10:48 a.m., the roll call showed Councilmen Landt and Martinet absent.

Councilman Martinet entered the Chamber.

The following Ordinance was introduced at the Meeting of February 22, 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 Williams, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Landt.

(Item 5 - Case No. 48-72-11, portion - Drawing No. C-379.5)

ORDINANCE 11029 (New Series), incorporating Lot 1, Bridge View Unit 1, into R-2 Zone, as defined by Section 101.0409 of the San Diego Municipal Code, and repealing Ordinance No. 10490 (New Series), adopted January 21, 1971, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

Ken Klein, Planning Department, presented the report on the Ordinance.

(Item 6 - Case No. 48-72-11, portion - Drawing No. C-379.5)

A proposed Ordinance, continued from the Meeting of March 8, 1973, for report from Building Inspection and Planning Departments, at Planning Department's request, and introduced at the Meeting of February 22, 1973, incorporating Lots 4 and 5, Coronado Highlands Unit 1, into R-2 Zone, as defined by Section 101.0409 of the San Diego Municipal Code, and repealing Ordinance No. 10490 (New Series), adopted January 21, 1971, and Ordinance No. 10486 (New Series), adopted January 21, 1971, of the Ordinances of The City of San Diego insofar as the same conflict herewith, was presented.

Item 6 - Continued

Ken Klein, Planning Department, presented the report on the Ordinance.

On motion of Councilman Bates, the Ordinance was reintroduced because the legal description had been changed, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Landt.

(Item 7 - Case No. 48-72-11, portion - Drawing No. C-379.)

A proposed Ordinance, continued from the Meeting of March 8, 1973 for report from Building Inspection and Planning Departments, at Planning Department's request, and introduced February 22, 1973, incorporating Lots 1, 2, and 3, Coronado Highlands Unit 1, into R-2 Zone, as defined by Section 101.0409 of the San Diego Municipal Code, and repealing Ordinance No. 10490 (New Series), adopted January 21, 1971, and Ordinance No. 10486 (New Series), adopted January 21, 1971, of the Ordinances of The City of San Diego insofar as the same conflict herewith, was presented.

Ken Klein, Planning Department, presented the report on the Ordinance.

Chief Deputy City Attorney Conrad answered questions directed by the Council.

On motion of Councilman Bates the Ordinance was reintroduced because the legal description had been changed and the matter was continued for twelve weeks to June 14, 1973 to allow the developer to submit new plans, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Landt.

By direction of the Council, no building permits are to be issued during that period.

(Item 9)

A proposed Ordinance, effectuating rezoning of a portion of Lot 4, Eureka Lemon Tract, into C-1S Zone, as provided in Ordinance No. 10695 (New Series), adopted September 30, 1971, was introduced on motion of Councilman Martinet, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Landt.

(Item 102)

RESOLUTION 207584, declaring that there are weeds, rubbish, refuse and dirt existing upon certain streets, sidewalks and private property in The City of San Diego which constitute a public nuisance and declaring the intention of the Council to order the abatement of the same, was adopted on motion of Councilman Martinet.

City Manager Moore answered questions directed by the Council.

(Item 103)

RESOLUTION 207585, continued from the Meetings of March 6 and 15, 1973, for further review, confirming the reappointment of the following Councilmen to serve as Council liaison to the following organizations for one-year periods commencing on the second day of January, 1973: Park and Recreation Board: Councilman Henry L. Landt, Councilwoman Maureen F. O'Connor, Alternate; San Diego Planetarium Authority: Councilman Bob Martinet, Councilman Jim Bates, Alternate; San Diego Transit Corporation, Board of Directors: Councilman Jim Bates, Councilman Leon L. Williams, Alternate; San Diego Unified Port District, Board of Directors: Councilman Henry L. Landt, Councilman Bob Martinet, Alternate; Stadium Authority Governing Board: Councilman Gil Johnson, Councilwoman Maureen F. O'Connor, Alternate, was adopted on motion of Councilman Hitch.

(Item 104)

RESOLUTION 207586, continued from the Meetings of March 6 and 15, 1973, for further review, confirming the reappointment of Councilwoman Maureen O'Connor to the Committee on Legislation and Intergovernmental Affairs for a period ending December 14, 1973, was adopted on motion of Councilman Johnson.

(Item 107)

This item was continued until later in the meeting.

(Item 111)

A proposed resolution, directing the City Auditor and Comptroller to transfer within the 100 Fund the sum of \$104,846 from the Unallocated Reserve (53.30) to the Police Department (15.00) for the purpose of offsetting unanticipated and unbudgeted expenses for the remainder of fiscal year 1972-1973, was presented.

City Manager Moore answered questions directed by the Council.

RESOLUTION 207587, directing the City Auditor and Comptroller to transfer within the 100 Fund the sum of \$104,846 from the Unallocated Reserve (53.30) to the Police Department (15.00) for the purpose of offsetting unanticipated and unbudgeted expenses for the remainder of fiscal year 1972-1973, was adopted on motion of Councilman Bates.

(Item 116)

RESOLUTION 207588, confirming the reappointment by the Mayor of Richard D. Farrer to the Funds Commission for a four-year term ending January 28, 1977, was adopted on motion of Councilman Bates.

Mayor Wilson recessed the Meeting at 11:11 a.m., to reconvene at 2:00 p.m., for the purpose of holding an Executive Session to discuss the appointment of public officers.

Upon reconvening at 2:11 p.m., the roll call showed Councilmen Landt, Williams, Morrow, and Martinet absent.

(Item 3)

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 22, 1973, for further consideration by developer, on the matter of rezoning Area 21 in South Bay Area - Lots 1 through 9, Ocean Bluffs and a portion of Section 26, Township 18 South, Range 2 West, located on both sides of Beyer Way, north of Del Sol Boulevard, from Zone R-2A to Zone R-2.

Councilman Morrow entered the Chamber.

Councilman Bates left the Chamber.

Item 3 - Continued

Ken Klein, Planning Department, answered questions directed by the Council.

Councilman Morrow moved that the hearing be continued for four weeks to April 19, 1973, with the direction that no permits are to be issued in the interim.

Councilman Bates entered the Chamber.

Item 3 - Continued

The vote was then taken on Councilman Morrow's motion, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Hitch, and Mayor Wilson. Nays-Councilman Bates. Absent-Councilman Landt.

(Item 107)

A proposed Resolution, amending the Consultant Agreement between the City and Michael Babunakis by extending the term and expiration thereof from April 16, 1973 through June 30, 1973, under the same terms and conditions as contained in said agreement; authorizing the

Item 107 - Continued

City Auditor and Comptroller to transfer the sum of \$5,112 within the 100 Fund from Unallocated Reserve (53.30) to City Council Fiscal Analyst (44.14) for said purpose, was presented.

On motion of Councilwoman O'Connor, the matter was continued for one week to March 29, 1973 for further review.

(Item 115)

A proposed Resolution, confirming the following appointments by the Mayor to the Planning Commission for terms expiring as indicated: Vernon Gaston (Reappointment), Jan. 28, 1977; Ron Del Principe (To fill unexpired term of Stanley Legro, who has resigned), Jan. 28, 1976; James Delaney Floyd, Jan. 28, 1977, was presented.

Councilman Williams entered the Chamber.

Item 115 - Continued

Tom Kozden appeared to speak in opposition to the proposed Resolution.

Councilman Martinet entered the Chamber.

Item 115 - Continued

On motion of Councilman Bates the following amended Resolutions were presented to allow the Council to take a separate vote on each of the proposed appointments:

RESOLUTION 207589, confirming the reappointment of Vernon Gaston to the Planning Commission for a term ending January 28, 1977, was adopted on motion of Councilman Hitch, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Martinet, Hitch, Bates, and Mayor Wilson. Nays-Councilman Morrow. Absent-Councilman Landt.

RESOLUTION 207590, confirming the appointment of Ron Del Principe to the Planning Commission for a term ending January 28, 1976, to fill the vacancy caused by the resignation of Stanley Legro, was adopted on motion of Councilman Bates.

RESOLUTION 207591, confirming the appointment of James Delaney Floyd for a term ending January 28, 1977, was adopted on motion of Councilman Hitch.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned into Executive Session to meet and confer with the Management Team, at 2:36 p.m., on motion of Councilman Morrow.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Edward Wilson

City Clerk of The City of San Diego, California