

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - THURSDAY, APRIL 19, 1973  
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 9:47 a.m.

(Item 1)

A communication from Philip L. Henry, Chief Petitioner for the Mira Mesa Unified School District, requesting permission to address the Council regarding a separate school district for Mira Mesa, was presented.

Philip L. Henry appeared to speak regarding said communication.

On motion of Councilman Johnson, said communication was noted and filed.

The Council at this time considered requests for continuances:  
Item 101.

(Item 101)

A proposed Resolution, continued from the Meeting of April 12, 1973, for preparation of State agreement, authorizing an agreement with the State Department of Rehabilitation for providing on-the-job experience for rehabilitative trainees at no cost to the City, was returned to the City Manager at his request.

The Council considered the Consent Agenda, which consisted of Items 9, 10, 11, 12, and 100.

The following Ordinances were introduced at the Meeting of April 5, 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 Johnson, 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. 60-72-10)

ORDINANCE 11038 (New Series), incorporating a portion of the Northwest  $\frac{1}{4}$  of Section 12, Township 15 South, Range 3 West, into M-1B Zone, as defined by Section 101.0435.2 of the San Diego Municipal Code, and repealing Ordinance No. 8018 (New Series), adopted December 9, 1958, of the Ordinances of The City of San Diego insofar as the same conflicts herewith;

(Item 10)

ORDINANCE 11039 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0432.1 relating to the C Zone;

ORDINANCE 11040 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0437 relating to the M-1 Zone;

ORDINANCE 11041 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0440 relating to the M-2A Zone; and

ORDINANCE 11042 (New Series), amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0441 relating to the M-2 Zone.

(Item 11)

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

RESOLUTION 207767, Silver Strand Contractors for the improvement of sidewalks, curbs and gutters in the area bounded by Highway 94, 32nd Street, "K" Street, 28th Street, Island Avenue, and 27th Street, for the sum of \$20,544; authorizing the expenditure of \$24,000 out of Special Fund 2714 for said purpose and related costs;

RESOLUTION 207768, Silver Strand Contractors for the improvement of sidewalks, curbs and gutters in the area bounded by 37th Street, Ocean View Boulevard, 38th Street, Franklin Avenue, 40th Street, Logan Avenue, 41st Street and National Avenue, for the sum of \$18,580; authorizing the expenditure of \$21,700 out of Special Fund 2714 for said purpose and related costs; and

RESOLUTION 207769, Halprin Supply Co. for the purchase of turnout clothing, for an actual cost of \$7,092.91, including tax and terms.

(Item 12)

RESOLUTION 207770, inviting bids for furnishing 370 aluminum sheets, in accordance with Specifications Document No. 743208, was adopted on motion of Councilman Landt.

(Item 100)

RESOLUTION 207771, authorizing an agreement with Morena Developers for the construction of improvements on Weeks Avenue for left-turn pockets, within the limits of Morena Plaza Unit 1 subdivision; providing for

(Item 100 Continued)

reimbursement out of Gas Tax Fund 220, in an amount not to exceed \$7,387, was adopted on motion of Councilman Landt.

(Item 2 - CASE NO. 61-72-4)

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 August 17 and October 19, 1972, at owner's request, on the matter of rezoning property in the Miramar Reservoir Area (approximately 1,097.11 acres), located east of Interstate Highway 15, south of Poway Road, west of the San Diego City Limits, and north of Miramar Reservoir, from Zone R-1-5 to Zone A-1-10. It was reported that no written protests had been received.

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

No one appeared to be heard.

On motion of Councilman Hitch, the matter was continued indefinitely for E.I.R., with the property owners to be renoticed.

(Item 3 - CASE NO. 48-72-11, portion.)

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 February 22 and March 22, 1973, at Planning Department's request, 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. It was reported that no written protests had been received.

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

Attorney Harold Tebbetts appeared to speak regarding a continuance.

On motion of Councilman Landt, the matter was continued for six months, to Thursday, October 25, 1973, for developer for processing of building permit applications.

(Item 4)

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 March 29, 1973, for report from City Manager and Planning Department, on the matter of proposed amendments to Chapter X, Article 1, Division 4, San Diego Municipal Code by repealing Section 101.0403-- FP - Floodplain Zone -- Purpose and Intent; Section 101.0403.1 -- FP - Floodplain Zone -- Permitted Uses; Section 101.0101.20.1 -- Floodplain (definition); Section 101.0101.20.2 -- Floodproof Structure (definition); and by adding new sections as follows: Section 101.0403 -- FW (Floodway) Zone; Section 101.0403.1 -- FPF (Floodplain Fringe) Zone; Section 101.0101.57 -- Floodplain (definition); Section 101.0101.58 -- Floodway (definition); Section 101.0101.59 -- Floodplain Fringe (definition); Section 101.0101.60 -- 100 Year Frequency Flood (definition); and Section 101.0101.61 -- Standard Project Flood (definition). It was reported that one communication in favor had been received.

(Item 4 Continued)

The Council discussed the amendments at length. James Fowler, Community Development Department, and Ken Klein, Planning Department, answered questions directed by the Council.

Mayor Wilson recessed the Meeting at 10:28 a.m. Upon reconvening at 10:47 a.m., the roll call showed Councilmen Morrow and Martinet absent.

Councilman Martinet entered the Chamber.

(Item 4 Continued)

The Council resumed discussion of the amendments.

Councilman Morrow entered the Chamber.

(Item 4 Continued)

Mary Kay Forsythe appeared to speak in opposition to the amendments. Attorney Russell Grant appeared to speak regarding the amendments. A motion made by Councilman Landt to close the hearing and introduce the Ordinances received no vote at this time. A motion made by Councilman Hitch to continue the hearing for four weeks, to Thursday, May 17, 1973, for Council to view Tijuana Flood Control Channel failed, due to the lack of five affirmative votes, by the following vote: Yeas-Councilmen Johnson, Hitch, and Mayor Wilson. Nays-Councilmen O'Connor, Landt, Williams, Morrow, Martinet, and Bates. Absent-None.

The hearing was closed on motion of Councilman Landt.

Three proposed Ordinances, amending Chapter X, Article 1, Division 1 of the San Diego Municipal Code by repealing Sections 101.0101.20.1 and 101.0101.20.2, and adding certain new sections all relating to definitions used in the Floodplain Fringe and Floodway Zones; amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by repealing Section 101.0403 relating to the Floodplain Zone - purpose and intent, and by adding a new Section 101.0403 relating to the Floodway Zone; and amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by repealing Section 101.0403.1 relating to the Floodplain Zone - permitted uses, and adding a new Section 101.0403.1 relating to the Floodplain Fringe Zone were introduced on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, and Mayor Wilson. Nays-Councilmen Hitch and Bates. Absent-None.

(Item 104)

A proposed Resolution, approving the "Proposed City of San Diego 1973-74 Legislative Program," dated March 28, 1973, was presented. Chief Deputy City Attorney Conrad answered questions directed by the Council.

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(Item 104 Continued)

John Witzel and Max Strobel appeared to speak regarding said proposed Resolution.

The Council discussed the program at length.

A motion made by Councilman Morrow to amend the Program by adding the phrase after the word "construction" in Item 4, "on all public improvements including but not limited to schools, libraries, parks, etc. passed unanimously.

A motion made by Councilwoman O'Connor to remove Item 4 from category of Sponsored Legislation and place it under the category of City Supported Legislation, passed by the following vote: Yeas-Councilmen O'Connor, Landt, Martinet, Hitch, and Mayor Wilson. Nays-Councilmen Johnson, Williams, Morrow, and Bates. Absent-None.

RESOLUTION 207772, approving the "Proposed City of San Diego 1973-74 Legislative Program," dated March 28, 1973 was adopted, along with the amended Program, on motion of Councilman Martinet, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, and Mayor Wilson. Nays-Councilman Bates. Absent-None.

Councilman Bates left the Chamber.

(Item 105)

A proposed Resolution, authorizing the filing of an application with the San Diego Regional Coastal Commission for the exclusion of certain Port District tidelands from the provisions of the Coastal Zone Conservation Act of 1972, was presented.

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

Councilwoman O'Connor left the Chamber.

(Item 105 Continued)

RESOLUTION 207773, authorizing the filing of an application with the San Diego Regional Coastal Commission for the exclusion of certain Port District tidelands from the provisions of the Coastal Zone Conservation Act of 1972 was adopted on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, Landt, Williams, Martinet, Hitch, and Mayor Wilson. Nays-Councilman Morrow. Absent-Councilmen O'Connor and Bates.

Mayor Wilson recessed the Meeting at 12:24 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:06 p.m., the roll call showed Councilmen Landt, Morrow, and Bates absent.

(Item 5 - CASE NO. 43-72-9)

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 rezoning a portion of Lot 43, The Highlands, located on the south side of Ronson Road and east of Ruffner Street, from Zone R-1-20 to Zone M-1A. It was reported that no written protests had been received.

Councilman Bates entered the Chamber.

(Item 5 Continued)

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

No one appeared to be heard.

The hearing was closed on motion of Councilman Johnson.

A proposed Ordinance, incorporating a portion of Lot 43, The Highlands, into M-1B Zone, as defined by Section 101.0435.2 of the San Diego Municipal Code, and repealing Ordinance No. 10936 (New Series), adopted October 5, 1972, of the Ordinances of The City of San Diego insofar as the same conflicts herewith was introduced on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilmen Landt and Morrow.

Councilman Landt entered the Chamber.

(Item 6 - CASE NO. 32-73-1)

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 rezoning Lots 491 and 494, Bay Terraces Unit 1, located on the north side of Alta View Drive, between Paris Way and Woodman Street, from Zone R-2A to Zone R-1-5. It was reported that no written protests had been received.

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

Ed Gabrielson appeared to speak regarding the rezoning.

The hearing was closed on motion of Councilman Williams.

A proposed Ordinance, incorporating Lots 491 and 494, Bay Terraces Unit 1, into R-1-5 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 9957 (New Series), adopted January 30, 1969, of the Ordinances of The City of San Diego insofar as the same conflicts herewith was introduced on motion of Councilman Williams, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Morrow.

(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 proposed amendment

(Item 7 Continued)

to Chapter X, Article 1, Division 1 of the San Diego Municipal Code by amending Section 101.0101.20 relative to the definition of Family. This amendment will add - any person who is legally adopted, or has been placed by a court of competent jurisdiction, or is under legal guardianship, and shall include licensed foster family homes in which care is provided for not more than six children including children of the foster family. It was reported that no written protests had been received.

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

Councilman Morrow entered the Chamber.

(Item 7 Continued)

No one appeared to be heard.

The hearing was closed on motion of Councilwoman O'Connor.

A proposed Ordinance, amending Chapter X, Article 1, Division 1 of the San Diego Municipal Code by amending Section 101.0101.20 relating to the definition of Family was introduced on motion of Councilwoman O'Connor, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-None.

The following Ordinance was introduced at the Meeting of April 5, 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 Martinet, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, and Mayor Wilson. Nays-Councilman Bates. Absent-None.

(Item 8 - CASE NO. 21-72-1)

ORDINANCE 11043 (New Series), incorporating a portion of Lot 5, Pueblo Lot 255, into R-2A Zone, as defined by Section 101.0410 of the San Diego Municipal Code, and repealing Ordinance No. 85 (New Series), adopted November 21, 1932, and Ordinance No. 7055 (New Series), adopted July 6, 1956, of the Ordinances of The City of San Diego, insofar as the same conflict herewith.

(Item 102)

RESOLUTION 207774, continued from the Meeting of April 12, 1973, for City Attorney report, requesting the San Diego County Board of Supervisors, the City Councils of the Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Escondido, Imperial Beach, La Mesa,

(Item 102 Continued)

National City, Oceanside, San Marcos and Vista, and other major governmental agencies and private industry to take note of the efforts of the City in eliminating inflation-producing elements of its salary setting process; urging these agencies and private industry to join with the City in attempting to combat the inflationary spiral by taking similar anti-inflationary steps in connection with their salary setting processes, was adopted on motion of Councilman Morrow.

(Item 103)

A proposed Resolution, authorizing the City Auditor and Comptroller to transfer the sum of \$14,383 within the 100 Fund from Unallocated Reserve (Activity 53.30) to the following departments solely and exclusively for the purpose of providing funds for non-personal expense and equipment outlay for the remainder of fiscal year 1972-1973 to accommodate the additional workload created by implementation of the On-Premises Sign Ordinance No. 11000 (New Series), Building Inspection (Dept. 1704) - \$11,478, Planning (Dept. 12.03) - \$2,905, was presented.

The Council discussed the matter at length.

Assistant City Manager Graham, Ken Klein, Planning Department, and Chief Deputy City Attorney Katz answered questions directed by the Council.

A motion made by Councilman Hitch to direct the City Attorney to amend the On-Premises Sign Ordinance No. 11000 by changing the billing collection date from September 1 or 15 to January 1, with back proration of payment date back to date of Ordinance (September 1 or 15), passed by the following vote: Yeas-Councilmen Landt, Williams, Morrow, Martinet, Hitch, and Bates. Nays-Councilmen Johnson, O'Connor, and Mayor Wilson. Absent-None.

RESOLUTION 207775, authorizing the City Auditor and Comptroller to transfer the sum of \$14,383 within the 100 Fund from Unallocated Reserve (Activity 53.30) to the following departments solely and exclusively for the purpose of providing funds for non-personal expense and equipment outlay for the remainder of fiscal year 1972-1973 to accommodate the additional workload created by implementation of the On-Premises Sign Ordinance No. 11000 (New Series), Building Inspection (Dept. 1704) - \$11,478, Planning (Dept. 12.03) - \$2,905, was adopted on motion of Councilman Hitch.

(Item 106)

A proposed Resolution, directing the Planning Commission to hold public hearings for a 30-foot building height limitation in the area bounded by Washington Street, Laurel Street, Reynard Way-Goldfinch Street and India Street, was presented.

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

Lucy Glenn appeared to speak in favor of the proposed Resolution.

RESOLUTION 207776, directing the Planning Commission to hold public hearings for a 30-foot building height limitation in the area



(Item 106 Continued)

bounded by Washington Street, Laurel Street, Reynard Way-Goldfinch Street and India Street, was adopted on motion of Councilman Bates.

(Item 107)

A proposed Resolution, directing the Planning Commission to initiate public hearings on rezoning, from the CA Zone to the CN Zone, all of Lot 217, Harborview Heights Unit 7, Map No. 5723, was presented.

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

Marian Bear appeared to speak in favor of the proposed Resolution.

RESOLUTION 207777, directing the Planning Commission to initiate public hearings on rezoning, from the CA Zone to the CN Zone, all of Lot 217, Harborview Heights Unit 7, Map No. 5723, was adopted on motion of Councilman Johnson.

At this time, a motion made by Councilman Morrow to reconsider Item 15 from the docket of Tuesday, April 17, 1973 re: two Resolutions on water relocations for State Route 163, passed unanimously, with Councilman Hitch excused from voting due to absence on that date.

The following Resolutions, relative to awarding contracts, were adopted on motion of Councilman Morrow, with Councilman Hitch excused from voting due to absence on that date:

RESOLUTION 207778, R. S. Construction Co. for the construction of water relocations for State Route 163, between Aero Drive and Clairemont Mesa Boulevard, for the sum of \$74,856; authorizing the expenditure of \$128,000 out of Water Revenue Fund (502) for said purpose and related costs; and

RESOLUTION 207779, authorizing the use of City Forces to do all the work of placing highlines and relocating fire hydrants as required in connection with said project, at a cost not to exceed \$36,800.

In regard to Item 106, Councilman Bates directed the City Manager to keep Council apprised of any applications for building permits and permits issued in that area and for the Environmental Quality Department to expedite processing this item within 60 days.

On the docket, there appeared a General Notice of the Mayor's intention to appoint certain members to the International Affairs Board and to the San Diego County Water Authority Board.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned into Executive Session to meet with negotiating team re: salaries, on motion of Councilman Landt, at 3:11 p.m.

*Pete Wilson*

Mayor of The City of San Diego, California

ATTEST:

*Edward Wilson*

City Clerk of The City of San Diego, California