

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, APRIL 24, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

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

Absent--Councilman Williams.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 9:42 a.m.

(Item 1)

Mayor Wilson introduced Reverend Martin McManus, Associate Pastor
of St. Joseph Cathedral, who gave the Invocation.

(Item 2)

Councilman Hitch led the Pledge of Allegiance.

(Item 3)

The one hundred students from Monterey Heights Elementary School
in Lemon Grove did not appear.

(Item 4)

Mayor Wilson welcomed a group of new employees, who were present
in the Chamber.

Mayor Wilson welcomed Mrs. Valerio of the Holmes Elementary
School in Clairemont, who introduced officers of the Student Body.

(Item 5)

Minutes of the Regular Council Meetings of Tuesday, March 27,
Tuesday, April 3, and Thursday, April 5, 1973, were presented by the
City Clerk. On motion of Councilman Martinet, said Minutes were ap-
proved without reading, after which they were signed.

There were no requests for continuances.

The Council considered the Consent Agenda, which consisted of Items 11, 12, 13, 14, 100, 101, 102, 103, 104, 106, 108, 109 and 110.

(Item 11)

RESOLUTION 207780, awarding contract to V. R. Dennis Construction Co. for the resurfacing of City streets- Group L (Base bid plus Alternate Option) for an actual estimated cost of \$689,883, was adopted on motion of Councilman Johnson.

(Item 12)

RESOLUTION 207781, awarding contracts for the purchase of water service fittings as follows: (a) Hanson's Water Works Supply Co. for Group I for a total cost of \$9,803.80 including tax and terms; (b) Contractor Supply for Group II for a total cost of \$7,875, including tax and terms; and (c) San Diego Pipe & Supply Co., Inc. for Group III for a total cost of \$11,936.40, including tax and terms, was adopted on motion of Councilman Johnson.

(Item 13)

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

RESOLUTION 207782, Southwest Safety & Supply Co. for the purchase of leather palm work gloves as may be required for a period of one year ending June 30, 1974, for an actual estimated cost of \$21,084.21; and

RESOLUTION 207783, ITT Continental Baking Co., Inc. for the purchase of bread as may be required for the period of one year ending April 30, 1974, for an actual estimated cost of \$9,544.02,

(Item 14)

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

RESOLUTION 207784, furnishing gate and tapping valves in accordance with Specifications Document No. 743251; and

RESOLUTION 207785, furnishing bond, mimeograph and duplicator paper as may be required for a period of one year ending June 30, 1974 in accordance with Specifications Document No. 743252.

(Item 100)

RESOLUTION 207786, accepting the work done and authorizing a Notice of Completion in West Bernardo Village Unit 1 Subdivision, was adopted on motion of Councilman Johnson.

(Item 101)

RESOLUTION 207787, awarding a contract to R. E. Hazard Contracting Co. for the improvement of Elm Avenue, between Harris Avenue and a point 1,375 feet easterly; to install a sewer main in 24th Street, between Palm Avenue and Sirrah Street, and in Sirrah Street, between 24th Street and Harris Avenue, was adopted on motion of Councilman Johnson.

(Item 102)

RESOLUTION 207788, authorizing the sale by negotiation of a portion of the northeast quarter of Quarter Section 64, Rancho de la Nacion for the sum of \$3,900 to Martin and Marilyn Michael; authorizing the execution of a grant deed conveying to Martin and Marilyn Michael a portion of said section, was adopted on motion of Councilman Johnson.

(Item 103)

RESOLUTION 207789, authorizing the sale by negotiation of portions of Lots 23 and 24 in Block 187 of City Heights for the sum of \$975 to Kenneth and Evelyn Hartley and Marvin T. Braddock and Dorothy J. Braddock; authorizing the execution of a grant deed conveying to Kenneth and Evelyn Hartley and Marvin T. Braddock and Dorothy J. Braddock portions of said section, was adopted on motion of Councilman Johnson.

(Item 104)

The following Resolutions, approving the acceptance by the City Manager of deeds, were adopted on motion of Councilman Johnson:

RESOLUTION 207790, Yolanda Cardenas Garner, Jose Jesus Cardenas, Ofelia Cardenas Nodzak, Graciela Camacho, and Teresa Encinias (street purposes) - AVERIL ROAD; and

RESOLUTION 207791, Freda A. Krueger aka Freda A. Switters (street purposes) - RONSON ROAD.

(Item 106)

RESOLUTION 207792, authorizing a lease agreement with Billy R. Jones and Bobby J. Jones dba Flying J. Aviation for a fixed base operation at Brown Field, for a term ending September 30, 1977, was adopted on motion of Councilman Johnson.

(Item 108)

RESOLUTION 207793, authorizing the City Manager to negotiate an agreement with the Fine Arts Society of San Diego for an addition to the existing Fine Arts Gallery in Balboa Park, was adopted on motion of Councilman Johnson.

(Item 109)

RESOLUTION 207794, authorizing an agreement with the Geological Survey, United States Department of the Interior, continuing the City's cooperative agreement for the investigation of water resources of the Santa Ysabel Creek near Ramona, California, for a period of one year ending June 30, 1974, for the sum of \$1,940, was adopted on motion of Councilman Johnson.

(Item 110)

RESOLUTION 207795, authorizing Deputy City Attorney Donald W. Detisch to travel to Washington, D.C. to attend a convention of the National Organization to Assure a Sound-Controlled Environment to be held on April 29 - May 1, 1973; authorizing the Auditor and Comptroller to transfer within the 100 Fund the sum of \$500 from the Unallocated Reserve (Activity 53.30) to the Allocated Reserve (Activity 53.20) to be used solely and exclusively for the above purpose, was adopted on motion of Councilman Johnson.

(Item 6)

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 April 17, 1973, for Planning Department to review plans for lights, on the appeal of Peter W. Bethea, owner/permittee, from the decision of the Planning Commission in failing to approve his application to amend Condition No. 7 of Conditional Use Permit No. 246-PC, which permitted construction and operation of a private tennis club facility with clubhouse and eight tennis courts, located on the east side of La Jolla Scenic Drive and Soledad Mountain Road, on a portion of Pueblo Lot 1264, in the R-1-20 Zone. The requested amendment would extend the hours of play and would allow the installation of night lights.

Councilman Williams entered the Chamber.

(Item 6 - Continued)

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

Mrs. Melvin Male spoke in opposition to granting the appeal.

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

RESOLUTION 207796, granting the appeal of Peter W. Bethea and granting Conditional Use Permit No. 246-PC Amendment No. 2 to C. J. Paderewski, an individual, and Peter W. Bethea, and individual, in the form and with the terms and conditions as set forth in the permit.

(Item 105)

The hour of 10:00 a.m. having arrived, the Mayor announced this was the time and place set for consideration of the Resolution, continued from the Meeting of April 17, 1973 for further review, accepting the offer dated February 12, 1973, amended by letter dated February 28, 1973, from Pacific View Construction Co., Inc. to sell approximately 133.47 acres of land in Pueblo Lots 1191, 1195, 1206, 1207, 1210, 1211, 1222 and 1223 in Tecolote Canyon for the sum of \$1,250,000, with \$961,500 of said amount payable by City and the balance of the purchase price being represented by a concurrent gift by said Company to the City in the amount of \$288,500 in contemplation of the fact that the property is being acquired by the City for public open space and park purposes, subject to and on the condition that it shall not become effective and shall not be binding on the City unless and until funds are allocated and a resolution authorizing the expenditure of said funds for the purchase price is adopted.

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

Bob Fowble answered questions directed by the Council.

Mayor Wilson recessed the Meeting at 10:34 a.m. Upon reconvening at 10:50 a.m., the roll call showed everyone present.

(Item 105 - Continued)

Deputy City Attorney Conrad and Jim McLaughlin, Community Development Department, answered questions directed by the Council.

Councilman Morrow moved that the property in question be acquired by the City by condemnation. There was no second to the motion.

At 11:01, on advice of the City Attorney, the Council recessed into Executive Session to discuss the motion to acquire the property by condemnation, due to the possibility of said action resulting in litigation.

Mayor Wilson reconvened the Regular Meeting at 11:45 a.m. Upon reconvening, the roll call showed Councilwoman O'Connor absent.

(Item 105 - Continued)

On motion of Councilman Landt, the matter was continued for one week to May 1, 1973 at 10:00 a.m., time certain, for further review.

Councilman Morrow restated his motion that the property in question be acquired by the City by condemnation and the Council was again advised by the City Attorney that no action could be taken on this motion.

A motion by Councilman Morrow to direct the City Attorney to prepare the necessary resolutions to implement condemnation proceedings relative to property enumerated in docket item No. 105 failed due to the lack of five affirmative votes, by the following vote: Yeas-Councilmen Williams, Morrow, and Bates. Nays-Councilmen Johnson, Landt, Martinet, Hitch, and Mayor Wilson. Absent-Councilwoman O'Connor.

Mayor Wilson recessed the Meeting at 11:51 a.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:06 p.m., the roll call showed Councilman Williams and Mayor Wilson absent.

(Item 7)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the proposed Ordinance amending Chapter VIII, Article 4 of the San Diego Municipal Code by adding Section 84.14.2 relating to establishing a load limit on that portion of Route 163 southerly of Interstate 8 through Balboa Park.

On motion of Councilman Johnson said matter was continued for one week to May 1, 1973 at 2:00 p.m., time certain, for the public to review the proposed Ordinance.

(Item 9)

In Council Conference on March 28, 1973, the following Ordinances were moved to this Council Docket: (a) City Ordinance - Amending Chapter II of the San Diego Municipal Code by adding Article 9, Division 1, Sections 29.0101 through 29.0118 relating to the registration of municipal lobbyists; (b) County Ordinance - Adding Chapter 1, Division 3 to Title 2 of the San Diego County Code regulating lobbying activities; and (c) Common Cause - Amending Chapter II, Article 2 of the San Diego Municipal Code by adding Division 19, Sections 22.1901 through 22.1912, relating to the registration and regulation of lobbyists.

Chief Deputy City Attorney Katz, City Attorney Witt, Deputy City Manager Lockwood, and City Clerk Nielsen answered questions directed by the Council.

Councilman Williams entered the Chamber.

(Item 9 - Continued)

Councilman Morrow moved to introduce the proposed City ordinance. No vote was taken on this motion.

The following testimony was taken relative to the proposed City ordinance.

Attorney Marshall Lewis, Richard F. Ridenour, and Mac Strobl appeared to speak in favor of the proposed City ordinance.

Attorney Carl ZoBell appeared to speak in opposition to the proposed City ordinance.

(Item 9 - Continued)

On motion of Councilman Johnson, said matter was continued for two weeks to May 8, 1973 at 2:00 p.m., time certain, for further review of the proposed Ordinance.

It was recorded that Councilwoman O'Connor requested a report from the City Attorney and City Clerk about how much they anticipate that it would cost to enforce the proposed Ordinance. It was further requested by Councilman Bates that these figures be reviewed by the Legislative Analyst and the Chief Budget Officer.

The following Ordinance was introduced at the Meeting of April 10, 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, Martinet, Hitch, and Bates. Nays-Councilman Landt. Absent-Mayor Wilson.

(Item 8)

ORDINANCE 11044 (New Series), amending Chapter II, Article 3, Division 3 of the San Diego Municipal Code by amending Section 23.0301 (Rule II, Section 1 of the Rules of the Civil Service Commission) relating to general requirements for applicants.

(Item 10)

RESOLUTION 207797, continued from the Meeting of April 10, 1973, at City Manager's request, awarding contract to Bayly Martin & Fay, Inc. for Community Concourse liability insurance for a period of three years commencing April 1, 1973, for a deposit premium of \$4,200 per year, was adopted on motion of Councilman Morrow.

(Item 107)

Two proposed Resolutions, relative to operating agreements with the Zoological Society of San Diego, Inc., (a) authorizing a second amendment to said agreement -- Balboa Park Zoological Gardens to provide a change in the fiscal year of the aforesaid Society from June 30 to December 31; and (b) authorizing a fourth amendment to said agreement -- the Wild Game Preserve to provide a change in the fiscal year of the aforesaid Society from June 30 to December 31, were presented.

Councilwoman O'Connor moved to adopt said Resolutions. No vote was taken on this motion.

(Item 107 - Continued)

The items were discussed at length.

On motion of Councilman Morrow the matter was continued for one week to May 1, 1973, for the purpose of amending the agreements to include an affirmative action clause, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, and Bates. Nays-Councilmen Landt and Hitch. Absent-Mayor Wilson.

(Item 111)

RESOLUTION 207798, authorizing suggestion awards to the following employees: Clifford M. Antijuntti - Public Works - \$80; Nancy J. Acevedo and Catherine J. Rizzo - Personnel - \$80; Nancy Lovell - Public Works - \$25; Charles Kolar - Police Department - \$20; and Patricia Di Giacomo - Employee Services - \$20, was adopted on motion of Councilman Johnson.

Councilman Morrow extended the thanks of the Council to these employees.

Councilman Bates left the Chamber.

Councilwoman O'Connor left the Chamber.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Johnson, at 4:04 p.m.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California