

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, JULY 31, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

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

Absent--Councilmen O'Connor, Williams, and Mayor Wilson.
Clerk---Edward Nielsen.

Deputy Mayor Martinet called the Regular Meeting to order at
9:36 a.m.

(Item 1)

Deputy Mayor Martinet introduced Reverend Michael Smith,
Associate Pastor of St. Therese Church, who gave the Invocation.

(Item 2)

Councilman Landt led the Pledge of Allegiance.

Deputy Mayor Martinet welcomed 33 students from Morse High School,
accompanied by Mr. Patoff, 15 students from Snyder High School,
accompanied by Dick Anderson, and 40 students from Sunnyslope School,
accompanied by Linda Hare.

Councilman Bates addressed the groups.

(Item 3)

Minutes of the Regular Council Meetings of Tuesday, July 17
and Thursday, July 19, 1973, were presented by the City Clerk.

On motion of Councilman Johnson, said minutes were approved
without reading, after which they were signed.

The Council at this time considered requests for continuances:
Items 4 and 109-b.

(Item 4)

HEARINGS: Vacating Alley, adjacent to Lots 1534-1539, Clairemont
Unit 8 - Resolution of Intention 208323.

On motion of Councilman Bates, said hearing was continued to
Tuesday, August 14, 1973, to coordinate with final map.

RESOLUTION 208485, continuing the hearing on the proposed vacation
of the Alley adjacent to Lots 1534 through 1539, Clairemont Unit 8,
under Resolution of Intention No. 208323, adopted July 5, 1973, to
9:30 a.m., Tuesday, August 14, 1973.

(Item 109-b)

RESOLUTIONS - MISCELLANEOUS: (Continued from the Meeting of July 24, 1973.)

Authorizing the City Manager to execute an agreement with the San Diego Community College District for the Third Action Year Model Cities Comprehensive Demonstration Program.

On motion of Councilman Bates, said Resolution was continued for four weeks, to Tuesday, August 28, 1973, for coordination with school district.

(Item 109-d)

A proposed Resolution, continued from the Meeting of July 24, 1973, at City Manager's request, authorizing the City Manager to execute an agreement with the San Diego Urban League for the Third Action Year Model Cities Comprehensive Demonstration Program, was presented.

The Council discussed the matter.

Ellsworth Seiner appeared to speak regarding said proposed Resolution.

By common consent, this item was continued to later in the Meeting.

The Council considered the Consent Agenda, which consisted of Items 12, 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 114, 115, 116, 118, and 119.

(Item 12)

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

RESOLUTION 208486, T. B. Penick & Sons, Inc. for construction of Luckie Waller Park - Phase II, for the sum of \$132,431; authorizing the expenditure of \$98,000 out of Capital Outlay Fund (245) and the expenditure of \$61,000 out of Park Ordinance District Fund (11720) for said purpose and related costs;

RESOLUTION 208487, Pacific Insurance Agency and Percy H. Goodwin Company for San Diego Stadium public liability insurance, for a period of three years beginning August 1, 1973, for an annual premium of \$3,890;

RESOLUTION 208488, San Diego Terminix for the fumigation of six golf course greens at Torrey Pines Golf Course, for an actual cost of \$1,800;

RESOLUTION 208489, Carrier - Los Angeles Co. for the purchase of one air conditioner compressor, for an actual cost of \$1,317.04, including tax, terms, freight, and trade-in; and

RESOLUTION 208490, The Daily Transcript for furnishing official advertising, for a period of two years ending July 31, 1975, for an estimated cost of \$65,000 for two years.

(Item 101)

RESOLUTION OF INTENTION 208491, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Liberty Street between Ollie Street and State Highway Route 8 and fixing a time and place for hearing thereof, was adopted on motion of Councilman Landt.

(Item 102)

RESOLUTION OF INTENTION 208492, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate a street reservation in Lots 36, 37, 38 and 41 through 46, Collwood Unit 1 and fixing a time and place for hearing thereof, was adopted on motion of Councilman Landt.

(Item 103)

The following Resolutions, vacating the following easements, being unnecessary for present or prospective public use by the City, were adopted on motion of Councilman Landt:

RESOLUTION 208493, sewer easement on Lots 41 to 43, inclusive, Block 22, University Heights; and

RESOLUTION 208494, drainage easement on portions of Lots 19 and 20, Block K, Narragansett Heights.

(Item 104)

RESOLUTION 208495, authorizing the execution of a Quitclaim Deed, quitclaiming to the Owners in Fee Simple of Record a drainage easement, affecting a portion of Section 31, Township 14 South, Range 2 West, was adopted on motion of Councilman Landt.

(Item 105)

The following Resolutions, authorizing the sale by negotiation of certain easements, were adopted on motion of Councilman Landt:

RESOLUTION 208496, water easement affecting a portion of Lot 1, Mission Village Unit 23 and a portion of Lots 2 and 8, Block 4, Rosedale, for the sum of \$90; authorizing the execution of a Quitclaim Deed, quitclaiming to Baylor Construction Co. said easement; and

RESOLUTION 208497, drainage easements affecting Parcels 1 through 4, inclusive, Parcel Map No. 919, (being portions of Parcel D, Bay Terraces Unit 5, and portions of Lots 179 through 184, South Rancho Hills Unit 5) for the sum of \$125; authorizing the execution of a Quitclaim Deed, quitclaiming to Southern California Terraces, Inc. said easements.

(Item 106)

RESOLUTION 208498, authorizing the execution of a Quitclaim Deed, quitclaiming to Calgon Corporation the residual interest of the City in portions of Lots 8 and 9, New Riverside, was adopted on motion of Councilman Landt.

(Item 107)

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

RESOLUTION 208499, Benjamin H. and Gertrude J. Fish (street purposes) - 47TH STREET;

RESOLUTION 208500, Triangle Facilities, Inc. (street purposes) - 47TH STREET;

RESOLUTION 208501, Henry D. and Verrine Williams (street purposes) - 47TH STREET; and

(Item 107 Continued)

RESOLUTION 208502, John D. and Karmen J. Kingery (street purposes) - 47TH STREET.

(Item 108)

RESOLUTION 208503, approving the acceptance by the City Manager of Grant of Easement of San Diego Gas & Electric Company (street purposes) VIA LAS CUMBRES, was adopted on motion of Councilman Landt.

(Item 111)

RESOLUTION 208504, authorizing a First Amendment to Lease Agreement with Chicano Federation, Inc., covering the "North Tank" in Pepper Grove area of Balboa Park, by adding an "Exhibit A" - City-funded Organizations General Terms and Conditions, and by permitting the lessee to: 1) use monies derived from sales or auctions for financial assistance to artisans performing for lessee; 2) levy admission charges or donations to certain activities; and 3) erect an identification sign as well as a temporary sign during special events, was adopted on motion of Councilman Landt.

(Item 112)

RESOLUTION 208505, authorizing a Novation Agreement with Linesch & Associates and Earl A. Freels, releasing the landscape architect firm from all obligations for professional services required under agreement dated June 8, 1971, Document No. 736126 and amendment to agreement dated January 12, 1973, Document No. 742373, assigning the rights and delegating the duties under said agreement to the individual for the purpose of providing all remaining professional services required by said agreement, and amendment providing for the design of improvements for the Morley Field area of Balboa Park, was adopted on motion of Councilman Landt.

(Item 114)

RESOLUTION 208506, authorizing an agreement with the United States Navy for furnishing the specialized services contained in the agreement between the City and Brown and Caldwell Consulting Engineers as authorized by Council Resolution No. 207576, was adopted on motion of Councilman Landt.

(Item 115)

RESOLUTION 208507, authorizing a First Amendment to Agreement with Brown & Caldwell Consulting Engineers to extend the completion date of said agreement, was adopted on motion of Councilman Landt.

(Item 116)

RESOLUTION 208508, approving and providing for the execution of a contract for grant to acquire and/or develop land for open space purposes No. OS-CA-09-16-1048(G), by and between the City and the United States of America, was adopted on motion of Councilman Landt.

(Item 118)

RESOLUTION 208509, authorizing the City Manager to return to the California Council on Criminal Justice the Xerox Sigma Three Computer for an account settlement credit as set forth in the letter of acceptance from the Executive Director of said Council, was adopted on motion of Councilman Landt.

(Item 119)

RESOLUTION 208510, approving Change Order No. 3, issued in connection with the contract with Larry Montoya and Sons for site development and remodeling of the San Diego Transit central operating facility parking area improvements; said changes amounting to a decrease of \$613.75 in the contract price, was adopted on motion of Councilman Landt.

(Item 5)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on San Diego Street Lighting Maintenance District No. 1 - on the annexation of additional territory into the District, the maintenance to be performed, and the assessments to be levied - for a period of one year ending June 30, 1974. It was reported that one letter in protest had been received.

James McLaughlin, Community Development Department, answered questions directed by the Council.

No one appeared to be heard.

The hearing was closed and the following Resolutions adopted on motion of Councilman Landt:

RESOLUTION 208511, considering the protests, ordering the annexation of certain additional territory into San Diego Street Lighting Maintenance District No. 1, and amending the map;

RESOLUTION 208512, confirming the assessments in the matter of San Diego Street Lighting Maintenance District No. 1 (including annexed territory); and

RESOLUTION 208513, awarding a contract to the San Diego Gas & Electric Company for the furnishing of electrical energy and switching to the San Diego Street Lighting Maintenance District No. 1 (including annexed territory) for a one-year time period.

(Item 6)

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 Downtown Street Tree Maintenance District - on the formation of the district, the maintenance to be performed, and the assessments to be levied - for a period ending June 30, 1974. It was reported that written protests had been received.

James McLaughlin, Community Development Department, answered questions directed by the Council.

Lee Douglas, A. D. Olson, and Frank Curran appeared to speak in opposition to the proposed annexation.

The hearing was closed and the following Resolution adopted on motion of Councilman Bates:

RESOLUTION 208514, overruling the protests, ordering the District formed, confirming the assessment and ordering the proposed maintenance, in the matter of the Downtown Street Tree Maintenance District.

In addition, on motion of Councilman Bates, the suggestions made by Central City Association were referred to the City Manager for implementation of the first suggestion that a meeting between staff and the Association be held in November or December to review the contract and that the present contract which expires in February be continued on a month to month basis until June 30, 1974, and for consideration of the second suggestion that the City Council consider the possibility of revising the Council Policy on ornamental planting, with report back to Council, together with cost estimates of land enhancement due to ornamental planting.

(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 Scripps Miramar Open Space Maintenance District No. 1 - on the formation of the district, the maintenance to be performed, and the assessments to be levied - for a period ending June 30, 1974. It was reported that written protests had been received.

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

Mrs. Donald Hughes appeared to speak in opposition to the award of contract to persons presently performing the maintenance.

The hearing was closed and the following Resolution adopted on motion of Councilman Landt:

RESOLUTION 208515, overruling the protests, ordering the District formed, confirming the assessment and ordering the proposed maintenance in the matter of the Scripps Miramar Open Space Maintenance District No. 1.

(Item 7 Continued)

In addition, on motion of Councilman Johnson, the City Manager was directed to get together with the Homeowner's Association and discuss what can be done to obtain better maintenance and report back to Council within two months.

Deputy Mayor Martinet recessed the Meeting at 10:48 a.m. Upon reconvening at 11:00 a.m., the roll call showed Councilmen O'Connor, Williams, and Mayor Wilson absent.

(Item 8)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the Tierrasanta Open Space Maintenance District No. 1 - on the formation of the district, the maintenance to be performed, and the assessments to be levied - for a period ending June 30, 1974. It was reported that one letter in protest had been received.

James McLaughlin, Community Development Department, City Manager Moore, and Dave Roberts, Park and Recreation Department, answered questions directed by the Council.

William Johnson and Robert Ramsey appeared to speak in opposition to the maintenance contract.

Carl Vernell and Monty Montgomery appeared to speak in favor of the maintenance contract.

The hearing was closed and the following Resolution adopted on motion of Councilman Landt:

RESOLUTION 208516, overruling the protests, ordering the District formed, confirming the assessment and ordering the proposed maintenance, in the matter of the Tierrasanta Open Space Maintenance District No. 1.

In addition, on motion of Councilman Landt, the City Manager was directed to hold up award of maintenance contract until September 4, 1973. Developer to bring property up to standards of City before City takes over. Also, have some pictures taken of trash in area allegedly not removed.

(Item 10)

A proposed Ordinance, amending Chapter VIII, Article 6, Section 86.27 of the San Diego Municipal Code relating to Parking of Heavy Duty Commercial or other Vehicles in Residential Districts, was presented.

The Council discussed the Ordinance.

Mrs. Stephen Purcell and Linda Woodle appeared to speak in opposition to the proposed Ordinance.

City Manager Moore answered questions directed by the Council.

On motion of Councilman Hitch, said proposed Ordinance was filed.

(Item 11)

A proposed Ordinance, setting aside and dedicating Lot 3, Allied Gardens Community Park for a public park and naming said park "Allied Gardens Community Park," was introduced on motion of Councilman Hitch, by the following vote: Yeas-Councilmen Johnson, Landt, Morrow, Hitch, Bates, and Deputy Mayor Martinet. Nays-None. Absent-Councilmen O'Connor, Williams, and Mayor Wilson.

(Item 100)

A proposed Resolution, authorizing an agreement with The Christiana Companies, Inc. for improvement of Santo Road and Clairemont Mesa Boulevard, within the limits of Villa Portofino Unit 1 Subdivision, providing for reimbursement by the City out of Gas Tax Funds, in an amount not to exceed \$78,862.96, was presented.

City Manager Moore answered questions directed by the Council.

RESOLUTION 208517, authorizing an agreement with The Christiana Companies, Inc. for improvement of Santo Road and Clairemont Mesa Boulevard, within the limits of Villa Portofino Unit 1 Subdivision, providing for reimbursement by the City out of Gas Tax Funds, in an amount not to exceed \$78,862.96, was adopted on motion of Councilman Hitch.

(Item 109-a)

RESOLUTION 208518, authorizing the City Manager to execute an agreement with the Women's Civic League for the Third Action Year Model Cities Comprehensive Demonstration Program, was adopted on motion of Councilman Landt.

(Item 109-c)

RESOLUTION 208519, authorizing the City Manager to execute an agreement with the Education and Welfare Corporation, Roman Catholic Diocese of San Diego for the Third Action Year Model Cities Comprehensive Demonstration Program, was adopted on motion of Councilman Landt.

(Item 109-d)

The Council resumed discussion of the item.

Larry Montoya and John Jacobs appeared to speak regarding the proposed Resolution.

RESOLUTION 208520, authorizing the City Manager to execute an agreement with the San Diego Urban League for the Third Action Year Model Cities Comprehensive Demonstration Program, was adopted on motion of Councilman Landt.

(Item 109-e)

RESOLUTION 208521, authorizing the City Manager to execute an agreement with the Legal Aid Society, Inc. for the Third Action Year Model Cities Comprehensive Demonstration Program, was adopted on motion of Councilman Landt.

Deputy Mayor Martinet recessed the Meeting at 12:16 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:03 p.m., the roll call showed Councilmen O'Connor, Williams, Hitch, and Mayor Wilson absent.

(Item 9)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on vacating El Prado in Balboa Park, between Plaza de Panama and Plaza de Balboa - Resolution of Intention 208408. It was reported that written protests had been received.

Dave Roberts, Park and Recreation Department, and City Manager Moore answered questions directed by the Council.

Alan Perry, Ollie Wehbring, Lowell Davies, Robert Magnus, Jimmy Delao, Katherine Graves, Colonel Paul Buskey, George Jessop, Eleanor Edmundson, Laurie Bergey, Miss Harwig, Evelyn Buskey, Mary Jessop, and Roland Reed appeared to speak regarding a continuance on the proposed vacation.

On motion of Councilman Landt, said hearing was continued to Thursday, September 27, 1973, for further review.

RESOLUTION 208522, continuing the hearing on the proposed vacation of El Prado in Balboa Park, between Plaza de Panama and Plaza de Balboa, under Resolution of Intention No. 208408, adopted July 12, 1973, to 9:30 a.m., Thursday, September 27, 1973.

Also, the following Resolution was adopted unanimously on motion of Councilman Landt:

RESOLUTION 208523, declaring the months of August and September, 1973 "Balboa Park Pedestrian Months," and authorizing the City Manager to temporarily close the section of El Prado from the east side of Plaza de Panama to Plaza de Balboa to motor vehicles from 6:00 a.m. to 7:00 p.m. daily.

Additionally, on motion of Councilman Bates, the City Manager was directed to stop work on Quince Street and Richmond Street crossing and South Road, and to accept all citizen input and report back to Council.

(Item 110)

A proposed Resolution, continued from the Meeting of July 24, 1973, for cost estimate of public hearings, directing the Planning Commission to hold public hearings on the matter of an amendment to Municipal Code Section 101.0452 to provide that penthouse type appurtenances may not cause a building to exceed height limitations in various areas of the City, said amendment to include a precise and uniform definition of "finished grade" in connection with construction, was presented.

Planning Director Goff answered questions directed by the Council.

RESOLUTION 208524, directing the Planning Commission to hold public hearings on the matter of an amendment to Municipal Code Section 101.0452 to provide that penthouse type appurtenances may not cause a building to exceed height limitations in various areas of the City, said amendment to include a precise and uniform definition of "finished grade" in connection with construction, was adopted on motion of Councilman Johnson.

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(Item 113)

RESOLUTION 208525, authorizing an agreement with San Diego Chamber of Commerce, through its Economic Research Bureau, to compile and evaluate statistical data and publish reports which indicate trends in community economic conditions, was adopted on motion of Councilman Morrow.

(Item 117)

RESOLUTION 208526, authorizing the City Manager to submit an application to the U. S. Department of Transportation, Urban Mass Transportation Administration for a fellowship grant, and to transfer \$6,062 from the General Purpose Revolving Fund 534, and to accept any grant offer, was adopted on motion of Councilman Landt.

(Item 120)

RESOLUTION 208527, establishing Council Policy No. 700-31 regarding Guidelines for City Participation in Acquisition by Special Assessment Procedures of Park Reserve Lands, was adopted on motion of Councilman Landt.

(Item 121)

A proposed Resolution, urging that the State sales tax increase be repealed immediately upon reconvening of the California Legislature; informing the City's legislative delegation of this recommendation, was presented.

City Manager Moore answered questions directed by the Council.

A motion made by Councilman Bates to adopt the proposed Resolution received no vote at this time.

A motion made by Councilman Landt to continue the proposed Resolution for two weeks, to Tuesday, August 14, 1973, for input from Legislative Committee failed, due to the lack of five affirmative votes, by the following vote: Yeas-Councilmen Johnson, Landt, and Deputy Mayor Martinet. Nays-Councilmen Morrow and Bates. Absent-Councilmen O'Connor, Williams, Hitch, and Mayor Wilson.

RESOLUTION 208528, urging that the State sales tax increase be repealed immediately upon reconvening of the California Legislature; informing the City's legislative delegation of this recommendation, was adopted on motion of Councilman Bates.

(Item 122)

A proposed Resolution, directing the City Attorney to rewrite the entire Municipal Code, observing the guidelines given wherever possible, with 25% completed for Council approval within six months, and every successive three months an additional 25% completed, until entire Code is modernized, was presented.

Assistant City Attorney Teaze answered questions directed by the Council.

On motion of Councilman Morrow, said item was moved to a Council Conference to be held on Wednesday, October 31, 1973.

On the docket, there appeared a General Notice of the Mayor's intention to appoint Robert M. Hinshaw to the Affirmative Action Program Citizens Advisory Committee to fill the vacancy of Dr. Donald Foster, who has resigned.

The Council at this time discussed recommendations regarding the Environmental Protection Agency.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Landt, at 3:35 p.m.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Howard Tindler

City Clerk of The City of San Diego, California