

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - THURSDAY, AUGUST 16, 1973  
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING  
COMMUNITY CONCOURSE

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

Absent--Councilwoman O'Connor.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 9:41 a.m.

Mayor Wilson welcomed members of Girl Scout Troop 205 from  
San Ysidro, accompanied by Gloria Nichols.

Councilman Bates addressed the group.

Mayor Wilson welcomed Counselor Frederick Balcome, Collegiate  
Church Ward of Manchester, England, and presented him with the key to  
the City.

(Item 1)

A communication from James W. Barnett, representing the Mission  
Beach Town Council, continued from the Meetings of August 7 and 9, 1973,  
for full Council, requesting permission to address the Council to  
present for their consideration additional information relevant to  
Belmont Park lease Resolution, was presented.

James Barnett appeared to speak regarding said communication.

A motion made by Councilman Morrow to return said communication  
to the City Manager and, when it comes back for bids, to have viable  
alternatives on the docket at the same time, received no vote.

A motion made by Councilman Bates to rescind action taken earlier  
(May 31, 1973) and reopen the question of appropriateness of Belmont  
Park as an amusement park site or as a passive park site and to explore  
other sites for the amusement park to be heard on Tuesday, September 18,  
1973, 2:00 p.m., Time Certain, hearing limited to 1½ hours, passed by the  
following vote: Yeas--Councilmen Johnson, Williams, Morrow, Martinet,  
Bates, and Mayor Wilson. Nays--Councilmen Landt and Hitch. Absent--  
Councilwoman O'Connor.

By the same motion, the communication was filed.

There were no requests for continuances.

The Council considered the Consent Agenda, which consisted of  
Items 9, 10, 11, 12, 100, 102, 104, and 107.

(Item 9)

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

RESOLUTION 208606, Environmental Care, Inc. for furnishing complete landscape maintenance of five natural open space parks, Phase I, as may be required for a twelve month period ending July 31, 1974; and for furnishing complete landscape maintenance of five natural open space parks, Phase II, as may be required for a period of five months and twenty-three days beginning February 9, 1974 through July 31, 1974, located within Scripps-Miramar Open Space Maintenance District #1, for a total actual cost of \$30,156.30, with option to renew contract for an additional twelve month period, subject to price escalation not to exceed 5% of bid prices;

RESOLUTION 208607, J. G. Tucker & Son, Inc. for the purchase of monitoring devices for the Metro Sewer System, Metro Pump Stations Nos. 1 and 2, for a total cost of \$4,642.80, including tax and terms;

RESOLUTION 208608, R. L. Polk and Company for the purchase of forty-seven 1973 City Directories, for an actual cost of \$4,044.35, including tax, terms, and delivery charges;

RESOLUTION 208609, Myers Equipment Co. for the purchase of 100 clothes lockers, for an actual cost of \$2,880.60, including tax, terms, installation, and freight; and

RESOLUTION 208610, Cummins - Chicago Corp. for the purchase of one perforator, for an actual estimated cost of \$1,545.13, including tax, terms, and estimated freight.

(Item 10)

RESOLUTION 208611, inviting bids for construction of Riverview Well Fields Phase III-A, in accordance with Specifications Document No. 744500, was adopted on motion of Councilman Bates.

(Item 11)

RESOLUTION 208612, rejecting all bids received on June 28, 1973 for construction of traffic signal and safety lighting systems at the intersections of 19th Street and Coronado Avenue; Genesee Avenue and Appleton Street/Lehrer Drive; La Jolla Village Drive, Villa La Jolla Drive and Veteran's Administration Drive; 30th Street and El Cajon Boulevard; and the modification of an existing traffic signal system at 54th Street and Trojan Avenue; authorizing the Purchasing Agent to readvertise for bids for the construction of said traffic signal and safety lighting systems at Genesee-Appleton intersection and the La Jolla Village Drive - Veteran's Administration Drive intersection, in accordance with Specifications Document No. 744501, was adopted on motion of Councilman Bates.

(Item 12)

RESOLUTION 208613, rejecting all bids received on July 25, 1973 for improvements to Copper Room, Community Concourse; authorizing the Purchasing Agent to readvertise for bids for said improvements, in accordance with Specifications Document No. 744502, was adopted on motion of Councilman Bates.

(Item 100)

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

RESOLUTION 208614, Larwin Mesa View Unit 8; and  
RESOLUTION 208615, Larwin Mesa View Unit 12.

(Item 102)

RESOLUTION OF INTENTION 208616, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Clove Street between Ingelow Street and Jarvis Street and fixing a time and place for hearing thereof, was adopted on motion of Councilman Bates.

(Item 104)

RESOLUTION 208617, authorizing the City Manager to execute Grant Contract (No. 30073-G-73-04) with the National League of Cities/U.S. Conference of Mayors accepting a grant to operate Veterans Outreach Program, was adopted on motion of Councilman Bates.

(Item 107)

RESOLUTION 208618, authorizing Deputy City Attorney Eugene P. Gordon to travel to Oakland, California to attend a two-day seminar on August 20 and 21, 1973, sponsored by the Police Administrative Law Center, Arizona State University Law School, and to incur all necessary expenses, was adopted on motion of Councilman Bates.

(Item 108)

A proposed Resolution, authorizing the Assistant City Auditor and Comptroller to travel to Grenada, British West Indies, August 20 through 31, 1973 for the purpose of conducting a study of the Water Commission of the Island of Grenada, at no expense to City, was filed on motion of Councilman Bates.

(Item 2)

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 10, 1973, for E.I.R., on the appeal of Saratoga Development Corporation, by Donald R. Worley, attorney, from the decision of the City's Subdivision Engineer in denying its application for a Land Development Permit on a portion of Section 32, Township 14 South, Range 2 West (proposed Scripps Mesa Center Unit 4), located at the northwest corner of Scripps Ranch Boulevard and Erma Road, in the A-1-10 Zone. It was reported that no written protests had been received.

Floyd Moore, Community Development Department, Ken Klein, Planning Department, and City Manager Moore answered questions directed by the Council.

Attorney Donald Worley and Abe Kalatsky appeared to speak in favor of the appeal.

(Item 2 Continued)

The hearing was closed and the following Resolution adopted on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, Landt, Williams, Martinet, Hitch, and Mayor Wilson. Nays-Councilmen Morrow and Bates. Absent-Councilwoman O'Connor:

RESOLUTION 208619, granting the appeal of Saratoga Development Corporation, by Donald R. Worley, attorney, from the decision of the City Engineer in denying its application for a Land Development Permit on a portion of Section 32, Township 14 South, Range 2 West (proposed Scripps Mesa Center Unit No. 4) located at the northwest corner of Scripps Ranch Boulevard and Erma Road; instructing the City Engineer to issue a Land Development Permit to Saratoga Development Corporation, said permit to specify that not more than 60,000 cubic yards of fill shall be permitted.

Mayor Wilson recessed the Meeting at 10:49 a.m. Upon reconvening at 11:09 a.m., the roll call showed Councilwoman O'Connor absent.

(Item 3)

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 August 2, 1973, at applicant's request, on the appeal of Robert & Lola Ward from the decision of the Board of Zoning Appeals which denied their appeal from the decision of the Zoning Administrator in Case No. 11898, in denying their request to maintain approximately 145' of 5' solid masonry wall with two 11' high arches observing 0' front yard where maximum 3' high fence is permitted in established 20' front yard. Subject property is located at 8359 La Jolla Scenic Drive North, between Cliffridge Avenue and Via Posada, on Lot 1, Miradon Hill, in the R-1-10 Zone. It was reported that no written protests had been received.

Zoning Administrator Beights, Assistant City Attorney Teaze, E. A. Meier, Building Inspection Department, and City Manager Moore answered questions directed by the Council.

James Wilson appeared to speak in favor of the appeal.

A motion made by Councilman Martinet to close the hearing and grant the appeal, overruling the decision of the Board of Zoning Appeals, received no vote at this time.

A motion made by Councilman Landt to amend the motion to provide that the fence be reduced to a solid 3' failed by the following vote: Yeas-Councilmen Johnson and Landt. Nays-Councilmen Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Absent-Councilwoman O'Connor.

The Council at this time voted on the original motion. The hearing was closed and the following Resolution adopted on motion of Councilman Martinet, by the following vote: Yeas-Councilmen Williams, Morrow, Martinet, Hitch, and Bates. Nays-Councilmen Johnson, Landt, and Mayor Wilson. Absent-Councilwoman O'Connor:

RESOLUTION 208620, granting the appeal of Robert and Lola Ward from the decision of the Board of Zoning Appeals and granting to Robert and Lola Ward a variance in the form and with the terms and conditions as set forth in that original variance, Case No. 11898.

(Item 3 Continued)

In addition, on motion of Councilman Hitch, the City Manager and Planning Department were directed to look into the possibility of revising the Ordinance regarding fences.

Also, on motion of Councilman Martinet, the City Attorney was directed to prepare a study on what can be done to collectors who perform work in the City without a building permit.

(Item 4 - CASE NO. 11957)

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 R. V. Powell and others, from the decision of the Board of Zoning Appeals which granted the appeal of Phil and Eva Marx, from the decision of the Zoning Administrator (Zoning Administrator Case No. 11957) in denying their request to maintain existing single family dwelling observing 15 ft. setback where 25 ft. is established. Subject property is located on Lot 8, Block 9, Del Mar Heights, at 13922 Mercado Drive, between El Amigo Road and Lozana Road, in the R-1-6 Zone. It was reported that written protests had been received.

Mrs. Powell and William Fields appeared to speak and report that they were withdrawing their protest.

Clarence Schrock appeared to speak in favor of the appeal.

On motion of Councilman Landt, said hearing was continued to a Supplemental Docket for Tuesday, August 21, 1973, Time Certain 2:00 p.m., due to lack of time.

(Item 5 - LCP 30)

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 J. R. Shattuck for Shattuck Construction Company, owner/permittee, from the decision of the Planning Commission in failing to approve his application under Land Conservation Permit No. 30, to grade and fill property located south of Mt. Acapa Drive, between Mt. Carol Drive and Genesee Avenue, more particularly described as a portion of Pueblo Lot 1204, in the R-1-5 (IC Overlay) Zone.

On motion of Councilman Landt, said hearing was continued to a Supplemental Docket for Tuesday, August 21, 1973, Time Certain 2:00 p.m., due to lack of time.

(Item 101)

A proposed Resolution, acknowledging receipt of the petition for the formation of a Park District in the Mt. Acadia Area; directing the City Manager to prepare plans for the acquisition, improvement and maintenance of the lands, together with the estimates of the costs and expenses of such acquisition, improvement and maintenance, to prepare an estimate of the assessment to be levied on each parcel of property within the proposed district, and to furnish description and plat of said district, was continued to a Supplemental Docket for Tuesday, August 21, 1973, Time Certain 2:00 p.m., due to lack of time, on motion of Councilman Landt.

Mayor Wilson recessed the Meeting at 12:18 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:10 p.m., the roll call showed Councilmen O'Connor and Williams absent.

(Item 8)

A proposed Ordinance, dedicating portions of Pueblo Lands in the City for a public park and naming said park "Mission Beach Park," was presented.

City Manager Moore answered questions directed by the Council.

A proposed Ordinance, dedicating portions of Pueblo Lands in the City for a public park and naming said park "Mission Beach Park," was introduced on motion of Councilman Martinet, by the following vote: Yeas-Councilmen Johnson, Landt, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilmen O'Connor and Williams.

(Item 7)

A proposed Ordinance, continued from the Meetings of April 24, May 8, June 5, and July 3, 1973, for further review, amending Chapter II of the San Diego Municipal Code by adding Article 9, Division 1, Sections 29.0101 through 29.0116 relating to the Registration of Municipal Advocates, was presented.

Chief Deputy City Attorney Katz and City Manager Moore answered questions directed by the Council.

The Council discussed the matter at length.

Jack Conway, Marshall Lewis, Miss Avila, Mac Strobl, Louis Gobel, and Clara Jo Brown appeared to speak in favor of the proposed Ordinance.

Councilman Williams entered the Chamber.

Councilman Morrow left the Chamber.

Councilman Morrow entered the Chamber.

(Item 7 Continued)

The Council resumed discussion of the item.

Attorney Allen Perry, James Anderson, and Attorney Dick Burt appeared to speak in opposition to said proposed Ordinance.

Mayor Wilson recessed the Meeting at 3:54 p.m. Upon reconvening at 4:10 p.m., the roll call showed Councilwoman O'Connor absent.

(Item 7 Continued)

The Council resumed discussion of the item.

A motion made by Councilman Bates to Introduce the draft Ordinance including revision suggested by Clara Jo Brown, with the Ordinance reviewed again after six months, received no vote at this time.

(Item 7 Continued)

A motion made by Councilman Morrow to amend the Ordinance on page 3 to include the bracketed language in the Ordinance itself died for lack of a second.

A motion made by Councilman Martinet to amend the Ordinance by excluding Deputy City Attorney and Associate Members of the City Attorney's office in the definition of Municipal Officers died for lack of a second.

A motion made by Councilman Morrow to amend the Ordinance on page 5, subparagraph f, under the definition of Municipal Official to remove the word Unclassified, passed by the following vote: Yeas-Councilmen Johnson, Williams, Morrow, Martinet, Bates, and Mayor Wilson. Nays-Councilmen Landt and Hitch. Absent-Councilwoman O'Connor.

A motion made by Councilman Morrow to amend the Ordinance by deleting paragraph c on page 14, passed by the following vote: Yeas-Councilmen Johnson, Landt, Williams, Morrow, Martinet, Bates, and Mayor Wilson. Nays-Councilman Hitch. Absent-Councilwoman O'Connor.

A motion made by Councilman Morrow to amend the Ordinance to include the suggested additional language on pages 6 and 7, passed by the following vote: Yeas-Councilmen Johnson, Landt, Williams, Morrow, Martinet, Bates, and Mayor Wilson. Nays-Councilman Hitch. Absent-Councilwoman O'Connor.

A motion made by Councilman Martinet to amend the Ordinance by deleting Section h on page 15 died for lack of a second.

The Council at this time voted on the original motion.

A proposed Ordinance, amending Chapter II of the San Diego Municipal Code by adding Article 9, Division 1, Sections 29.0101 through 29.0116 relating to the Registration of Municipal Advocates was introduced, as amended, including revision by Mrs. Brown to amend the Ordinance on page 2 to read, "nor shall requests for information nor the giving of technical information be deemed to be advocacy," and Ordinance to be reviewed again in six months, on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, Landt, Williams, Morrow, Martinet, Bates, and Mayor Wilson. Nays-Councilman Hitch. Absent-Councilwoman O'Connor.

The Council requested no testimony be taken on the date of adoption.

(Item 106)

Two proposed Resolutions, relative to the establishment of a Precise Planned District for the Middletown Area, directing the Planning Commission and Planning Department to consider the establishment of said District at the earliest practicable date; and designating the Middletown Property Owners Association as the officially recognized community planning body for said area; directing all appropriate City personnel and departments to cooperate to the fullest extent possible in the formation of said District, and that all portions of the Uptown Community Plan affecting said area be submitted by the Uptown Planners to the Middletown Property Owners Association for review and recommendation prior to submittal to City, were presented.

(Item 106 Continued)

Mr. Ludlow appeared to speak regarding said proposed Resolutions.

Councilman Johnson left the Chamber.

Councilman Johnson entered the Chamber.

(Item 106 Continued)

The Council resumed discussion of the item.

Dan Roche appeared to speak in favor of a continuance.

On motion of Councilman Hitch, said proposed Resolutions were continued to October 18, 1973, Time Certain 2:00 p.m., to allow the Uptown Planners to work with the Middletown Property Owners Association on a Precise Plan.

(Item 6)

A proposed Ordinance, continued from the Meeting of August 9, 1973, introduced at the Meeting of July 26, 1973, amending Chapter II, Article 7, of the San Diego Municipal Code by adding Division 30, Sections 27.3001 through 27.3005 Establishing a Campaign Fairness Ordinance, was continued for one week, to Thursday, August 23, 1973, due to lack of time, on motion of Councilman Martinet.

(Item 103)

A proposed Resolution, continued from the Meetings of July 12 and 19, and August 9, 1973, at City Manager's request, authorizing the City Manager to modify the San Diego Regional Summer Youth Program upon receipt of the Neighborhood Youth Corps (NYC) Department of Labor funds as follows: 1) Increase the number of hours per participant; and 2) Reallocate previously authorized PEP funds for use as follows: City of San Diego PEP - \$94,200, County of San Diego PEP - \$251,760; and Reallocate General Revenue Sharing funds and interest to supplement City of San Diego PEP - \$297,360, was presented.

A revised Resolution was presented, changing the wording.

City Manager Moore answered questions directed by the Council.

RESOLUTION 208621, authorizing the City Manager to modify the San Diego Regional Summer Youth Program upon receipt of the Neighborhood Youth Corps (NYC) Department of Labor funds as follows: 1) Increase the number of hours per participant; and 2) Reallocate previously authorized PEP funds for use as follows: City of San Diego PEP - \$94,200, County of San Diego PEP - \$251,760; and Reallocate General Revenue Sharing funds and interest thereon as follows: (1) Accelerated acquisition of Centre City properties - \$175,000 (2) Funding certain critical jobs in various City Departments - \$122,360, was adopted on motion of Councilman Landt.

(Item 105)

RESOLUTION 208622, going on record in support of HR 5307 by Congressman Sisk which would provide for the reimbursement to a medical facility of emergency medical treatment given to aliens unlawfully in the United States, was adopted on motion of Councilman Martinet.

At this time, the Council voted unanimously for the reconsideration of Item 110 from the docket of Tuesday, August 14, 1973. Said Item will be considered at the Meeting of Tuesday, August 21, 1973.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Landt at 5:58 p.m.

Floyd L Morrow  
Mayor of The City of San Diego, California

ATTEST:

Edward Wilber  
City Clerk of The City of San Diego, California