

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, AUGUST 21, 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 9:34 a.m.

(Item 1)

Mayor Wilson introduced Reverend Howard Eicher, Pastor of North Park Baptist Church, who gave the Invocation.

(Item 2)

Councilman Williams led the Pledge of Allegiance.

(Item 3)

Minutes of the Regular Council Meetings of Tuesday, June 19, 1973; Thursday, July 26, 1973; Thursday, August 2, 1973; and Tuesday, August 7, 1973, were presented by the City Clerk.

On motion of Councilman Bates, said Minutes were approved without reading, after which they were signed.

(Item 4)

The following Resolution, authorizing Suggestion Awards and making presentations to the following employees, was adopted on motion of Councilman Martinet.

RESOLUTION 208623, Robert E. McDaniel - Police Department - \$360; and John E. Polloreana - Park & Recreation - \$160.

(Item 5)

A communication from Olive Wehbring, representing Citizens Coordinate Century 3, requesting permission to address the Council to request study and endorsement of two bills presently before Congress, HR9018 - to acquire the Tia Juana Estuary as a Federal wildlife refuge, and HR7454 - establishing a Federal floodplain policy, was presented.

Olive Wehbring appeared to speak regarding said communication.

On motion of Councilman Hitch, said communication was referred to the Legislative Committee.

(Item 6)

A communication from Darla Peterson and Debbie Bigley, University Hospital employees, requesting permission to address the Council regarding proposed changes to the two hour parking limit on Lewis and Albatross Streets, and presentation of petitions, was presented.

Darla Peterson and Debbie Bigley appeared to speak regarding said communication.

On motion of Councilman Hitch, the matter was referred to the City Manager for a report back to Darla Peterson and Debbie Bigley and to Council within three weeks. Said report to include contact by the City Manager with University Hospital to explore the possibility of the hospital providing adequate parking for its employees and also contact the Transit Corporation to see about possible rescheduling of busses in the area.

There were no requests for continuances.

The Council considered the Consent Agenda, which consisted of Items 12, 13, 14, 100, 101, 102, 103, 104, 105, 106, 108, 110 and 111.

The following Ordinance was introduced at the Meeting of August 7, 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 Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-None.

(Item 12 - CASE NO. 43-70-2/EOT)

ORDINANCE 11106 (New Series), amending Sections 1 and 2 of Ordinance No. 10561 (New Series), adopted April 29, 1971, incorporating portions of Lots 2 and 5, Block 4, and a portion of Lot 10, Block 3, Rosedale, into M-IP and A-1-10 Zones, as defined by Sections 101.0435.1 and 101.0404, respectively, of the San Diego Municipal Code.

(Item 13)

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

RESOLUTION 208624, San Diego Harley-Davidson Company for the purchase of 13 Police motorcycles, for an actual estimated cost of \$37,425.65, including tax and terms; and

RESOLUTION 208625, South Bay Foundry for the purchase of 250 each cast iron meter box covers for an actual cost of \$2,385, including tax and terms.

(Item 14)

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

RESOLUTION 208626, construction of traffic signal and safety lighting systems at Fifth Avenue and Upas Street, and Quince Street and Sixth Avenue in accordance with Specifications Document No. 744536; and

RESOLUTION 208627, construction of traffic signal and safety lighting systems at Felspar and Ingraham Streets, and 65th Street and Imperial Avenue, in accordance with Specifications Document No. 744537.

(Item 100)

RESOLUTION 208628, accepting the work done and authorizing a Notice of Completion in Bay Terraces Unit 1 Subdivision, was adopted on motion of Councilman Hitch.

(Item 101)

The following Resolutions relative to paving and otherwise improving Streamview Drive, between Lynn Street and Gayle Street, were adopted on motion of Councilman Hitch:

RESOLUTION 208629, approving the plans, specifications and Plat No. 3868 of the assessment district; and

RESOLUTION OF INTENTION 208630, setting the time and place for hearing protests.

(Item 102)

RESOLUTION OF INTENTION 208631, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate a portion of the alley in Block 7, Bird Rock Addition adjacent to Lots 4, 5 and 6; fixing the time and place for hearing thereof, was adopted on motion of Councilman Hitch.

(Item 103)

RESOLUTION OF INTENTION 208632, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Roselle Street, between Iris and Kochia Streets; Kochia, Jasmine and Iris Streets, between Roselle Street and the A.T.&S.F. R.R.; and the alleys in Blocks 6, 7, & 8, Sorrento Lands and Townsite; fixing the time and place for hearing thereof, was adopted on motion of Councilman Hitch.

(Item 104)

RESOLUTION OF INTENTION 208633, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Wing Street, adjacent to Lots 12 and 17, Point Loma Park southwesterly of the northwesterly prolongation of the southerly line of the northerly 112.30 feet of Lot 17, Point Loma Park; fixing the time and place for hearing thereof, was adopted on motion of Councilman Hitch.

(Item 105)

RESOLUTION 208634, authorizing the expenditure of \$30,000 out of the Revolving Fund created by Resolution No. 206866, to be used for the purpose of providing funds for one independent fee appraisal, preliminary title reports and private engineering work on the property to be acquired for the Park Northeast Open Space District, was adopted on motion of Councilman Hitch.

(Item 106)

RESOLUTION 208635, authorizing the execution of a deed conveying to the San Diego Gas and Electric Company an easement for underground electrical facilities affecting a portion of Lot 4, Block 54 of Sherman's Addition, was adopted on motion of Councilman Hitch.

(Item 108)

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

RESOLUTION 208636, Saratoga Development Corporation (street purposes) - SCRIPPS RANCH BOULEVARD;

RESOLUTION 208637, United States of America (Grant of Easement for sewer pipe line purposes) affecting Lots 51 and 52 of Rancho Mission of San Diego and portion of Lot 46, Rosedale Tract; and

RESOLUTION 208638, Charles H. and Marie L. Dobson (street purposes) - 47TH STREET; authorizing the expenditure of \$8,200 from Gas Tax Funds for the purpose of providing acquisition funds to acquire said property.

(Item 110)

RESOLUTION 208639, authorizing a lease agreement with John Amador leasing approximately 1250 square feet located at 1808 Logan Avenue at a rental of \$115 per month for the first year and \$125 per month during any extension thereof, said premises to be used as a Community Relations Office of the San Diego Police Department, was adopted on motion of Councilman Hitch.

(Item 111)

RESOLUTION 208640, authorizing Supplement No. 11 to Master Topics Agreement No. 7 with the State of California, Division of Highways, Department of Public Works, relating to the installation of traffic signals and safety lighting at the intersections of Felspar Street and Ingraham Street, and 65th Street and Imperial Avenue, was adopted on motion of Councilman Hitch.

Mayor Wilson recessed the Meeting at 10:36 a.m. Upon reconvening at 10:51 a.m., the roll call showed all present.

(Item 7)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearings, continued from the Meeting of July 24, 1973, due to lack of 8 votes, on paving and otherwise improving Mango Drive southerly from Lots 4-10, Block 42, Del Mar Heights - on Resolution of Intention 208197. It was reported that written protests had been received.

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

Russell Thomas appeared to speak in favor of the proposed improvement.

David Haut and Christina Drake appeared to speak in opposition to the proposed improvement.

The hearings were closed on motion of Councilman Hitch and the following Resolutions adopted:

RESOLUTION 208641, overruling the protest of Christina M. Drake against the proposed improvement; sustaining the protest of David and Carolyn Haut and the protest of Anthony and Vera Newton; determining that there is no benefit to Lots 7 and 10, Del Mar Hills and instructing the Street Superintendent to place a nil assessment on said lots;

RESOLUTION 208642, ruling upon all oral and written protests against said improvement in the manner indicated by Resolution No. 208641; determining that the proposed improvement within the limits mentioned in Resolution of Intention 208197 is feasible, and that the lands to be assessed therefor will be able to carry the burden of the proposed assessment, and that the public convenience and necessity require the proposed improvement, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 208643, ordering work to improve Mango Drive.

Councilman Bates asked for a report from the City Manager with pros and cons regarding allowing property owners more input into determining feasible alternatives in assessment districts.

(Item 10)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearings on paving and otherwise improving the alleys in Block F and in Block G, Riviera Villas, and in Block 26, Loma Alta No. 2, and establish the grade on alley, Block F, Riviera Villas - on Resolution of Intention 208360. It was reported that written protests had been received.

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

By mutual agreement, the Council trailed the remainder of the hearing until after consideration of the following Supplemental Docket Item.

(Item 1 - Supplemental Docket)

The following proposed Resolution, adopted August 14, 1973, was presented to the Council for reconsideration, authorizing a consultant agreement with Frank Willard for the purpose of rendering certain technical and professional services in connection with implementing a computerized information and document retrieval system (IDRS).

On motion of Councilman Morrow, the matter was continued to Thursday, August 23, 1973, for further review.

The Council then resumed consideration of Item 10.

(Item 10 - Continued)

Willane Belden and Vance Dickerman spoke in opposition to the proposed improvement.

Roma Shaffer spoke in favor of the proposed improvement.

The hearing was closed and the following Resolutions adopted on motion of Councilwoman O'Connor:

RESOLUTION 208644, approving plans and profiles showing the contemplated changes and modifications in the work described in Resolution of Intention No. 208360, for the improvement of the alley in Block 26, Loma Alta No. 2 and sustaining the majority protests pertaining to the alleys in Blocks F and G, Riviera Villas, and establishment of the grade on alley, Block F, Riviera Villas;

RESOLUTION 208645, overruling and denying all oral and written protests against the proposed improvement pertaining to the alley in Block 26, Loma Alta No. 2; determining that the proposed improvement within the limits mentioned in Resolution of Intention No. 208360, as amended by Resolution No. 208644 is feasible, and that the lands to be assessed therefor will be able to carry the burden of such proposed assessment, and that the public convenience and necessity require the proposed improvement, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 208646, ordering work to pave and otherwise improve the alley in Block 26, Loma Alta No. 2

Councilman Bates asked that the Council be notified when petitions are ready for acceptance but before they come up for the hearing.

Mayor Wilson left the Chamber.

(Item 8 - CASE NO. 33-73-3)

The hour of 9:30 a.m. having arrived, the Mayor announced that this was the time and place set for the hearing, continued from the Meeting of August 2, 1973, at applicant's request, on the matter of rezoning a portion of Lot 65, Rancho Mission of San Diego, located on the southeasterly side of Mission Gorge Road and north of Zion Avenue, from Zone R-1-5 to Zone R-3.

Ken Klein, Planning Department, and James McLaughlin, Community Development Department, answered questions directed by the Council. Steve Drogen appeared to speak in favor of the proposed rezoning. Evelyn Orcutt appeared to speak in opposition to the proposed rezoning.

A motion by Councilman Morrow to close the hearing and deny the rezoning died for lack of a second.

Mayor Wilson recessed the Meeting at 12:10 p.m., to reconvene at 2:00 p.m.

Upon reconvening at 2:06 p.m., the roll call showed Councilmen O'Connor and Williams, and Mayor Wilson absent.

(Item 8 - Continued)

The Council discussed the item.

Councilwoman O'Connor entered the Chamber.

Councilman Williams entered the Chamber.

The hearing was closed on motion of Councilman Hitch.

A proposed Ordinance, incorporating a portion of Lot 65, Rancho Mission of San Diego, into R-3 Zone, as defined by Section 101.0411 of the San Diego Municipal Code, and repealing Ordinance No. 8014 (New Series), adopted December 2, 1958, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Hitch, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Hitch, Bates and Deputy Mayor Martinet. Nays-Councilmen Williams and Morrow. Absent-Mayor Wilson.

(Item 11)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on establishing an underground utility district to be known and denominated as the La Jolla Community Center, Olive Grove Park and Recreation Center Underground Utility District. It was reported that no written protests had been received.

No one appeared to be heard.

Mayor Wilson entered the Chamber.

The hearing was closed and the following Resolution was adopted on motion of Councilman Johnson.

RESOLUTION 208647, establishing an underground utility district to be known and denominated as the La Jolla Community Center, Olive Grove Park and Recreation Center Underground Utility District.

(Item 9)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearings on paving and otherwise improving Miramar Road from I-805 Freeway to Old Miramar Road - on Resolution of Intention 208358. It was reported that no written protests had been received.

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

No one appeared to be heard.

The hearings were closed and the following Resolutions were adopted on motion of Councilman Johnson:

RESOLUTION 208648, overruling and denying all oral and written protests against said improvement; determining that the proposed improvement within the limits mentioned in Resolution of Intention 208358 is feasible, and that the lands to be assessed therefor will be able to carry the burden of such proposed assessment, and that the public convenience and necessity require the proposed improvement, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 208649, ordering work to pave and otherwise improve Miramar Road from I-805 Freeway to Old Miramar Road.

(Item 107)

The following Resolutions relative to Miramar Road and other easements were adopted on motion of Councilman Bates:

RESOLUTION 208650, approving the acceptance by the City Manager of a deed from Penasquitos, Inc. (street & storm drain purposes) - MIRAMAR ROAD;

RESOLUTION 208651, approving the acceptance by the City Manager of a deed from A. M. Livingston and Virginia Caspe Livingston (street, earth excavation or embankment, slope or slopes, storm drain or drains purposes) - MIRAMAR ROAD;

RESOLUTION 208652, approving the acceptance by the City Manager of a deed from Miramedical Associates (street purposes) - MIRAMAR ROAD;

RESOLUTION 208653, approving the acceptance by the City Manager of a deed from Old Miramar Ltd. (street purposes) - MIRAMAR ROAD; and

RESOLUTION 208654, setting aside and dedicating for street purposes a portion of Pueblo Lot 1306 and portions of Lots 8 and 9 in H. L. Barrows Subdivision, naming same MIRAMAR ROAD; setting aside an easement for storm drain purposes in Lot 9, H. L. Barrows Subdivision.

(Item 109 - Continued from the Meeting of August 7, 1973.)

RESOLUTION 208655, authorizing the Water Utilities Department, when issuing any portable water meters of any type, to collect a refundable deposit in the amount of the replacement cost of the meter issued and collect non-refundable service charges in addition to all other usual and regular charges of the Department including any charges for water use and meter damage, was adopted on motion of Councilman Martinet.

(Item 112)

A proposed Resolution, confirming the following appointments by the Mayor to the Sign Code Board of Appeals for terms expiring as indicated: Fred W. Jacobs, Jr., Chairman - March 1, 1975, Marian Reed Bear - March 1, 1974, Robert La Rosa - March 1, 1974, Ted P. Odmark - March 1, 1975, and Thomas G. Van Dyke - March 1, 1975, was presented.

Councilman Landt moved to adopt the proposed Resolution. No vote was taken on the motion.

The Council discussed the item.

On motion of Councilman Morrow, the matter was continued to Thursday, August 23, 1973, for further review, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Hitch, Bates, and Mayor Wilson. Nays-Councilmen Landt and Martinet. Absent-None.

(Item 113)

RESOLUTION 208656, requesting consolidation of the General and Special Municipal Elections with the Special Statewide Election to be held November 6, 1973, was adopted on motion of Councilman Johnson.

(Item 114)

The following Resolutions relative to In Lieu Taxes regarding water districts, were adopted on motion of Councilman Hitch, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Martinet, Hitch, and Mayor Wilson. Nays-Councilmen Williams, Morrow, and Bates. Absent-None.

RESOLUTION 208657, electing to pay out of Municipal Funds one hundred percent (100%) of an amount in lieu of taxes which would otherwise be levied upon property within the City by the San Diego County Water Authority for the Fiscal Year beginning July 1, 1973, and ending June 30, 1974; and

RESOLUTION 208658, electing to pay out of Municipal Funds one hundred percent (100%) of an amount in lieu of taxes which would otherwise be levied upon property within the City by the Metropolitan Water District of Southern California for the Fiscal Year beginning July 1, 1973, and ending June 30, 1974, and appropriating such in-lieu amount.

(Item 1 - Supplemental Docket #2 - CASE NO. 11957)

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 August 16, 1973 due to lack of time, 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 Lazana Road, in the R-1-6 Zone.

Zoning Administrator Beights, Deputy City Attorney Bulens, and City Manager Moore answered questions directed by the Council.

Mrs. James Beckman appeared to speak in favor of granting the appeal of R. V. Powell and others.

Phil Marx and Clarence Shrock appeared to speak in opposition to granting the appeal of R. V. Powell and others.

Councilman Martinet moved to continue the matter for one week to August 28, 1973. The motion died for lack of a second.

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

RESOLUTION 208659, granting the appeal of R. V. Powell, et al, and denying the application of Phil and Eva Marx for a zone variance under Zoning Administrator Case No. 11957.

Councilman Bates left the Chamber.

Mayor Wilson recessed the Meeting at 3:32 p.m. Upon reconvening at 3:50 p.m., the roll call showed Councilmen O'Connor, Williams, and Bates absent.

(Item 2 - Supplemental Docket #2 - LCP 30)

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 August 16, 1973 due to lack of time, 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 (LC Overlay) Zone.

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

Councilwoman O'Connor entered the Chamber.

Councilman Williams entered the Chamber.

Thomas Showalter and J. R. Shattuck appeared to speak in favor of granting the appeal.

Councilman Bates entered the Chamber.

Marian Bear and Eloise Battle appeared to speak in opposition to granting the appeal.

(Item 2 - Supplemental Docket #2 - LCP #30 - Continued)

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

RESOLUTION 208660, denying the appeal of J. R. Shattuck and denying Land Conservation Permit No. 30.

(Item 3 - Supplemental Docket #2)

A proposed Resolution, continued from the Meeting of August 16, 1973, due to lack of time, 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 presented.

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

Sue Chalmers appeared to speak in favor of the proposed Resolution.

RESOLUTION 208661, 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 adopted on motion of Councilman Martinet.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Bates at 5:03 p.m.



DEPUTY Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California