

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, AUGUST 30, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

Present--Councilmen Johnson, O'Connor, Landt, Williams, Martinet,
Hitch, and Mayor Wilson.
Absent--Councilmen Morrow and Bates.
Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 9:34 a.m.

The Council considered requests for continuances: Items 103,
107, and 3.

(Item 103)

RESOLUTIONS--MISCELLANEOUS: Two proposed Resolutions, relative
to the San Pasqual Vineyard lease area.

On motion of Councilman Martinet, said Resolutions were returned
to the City Manager, at his request.

(Item 107)

RESOLUTIONS--MISCELLANEOUS: Authorizing an Agreement with Stanford
Research Institute for technical assistance in implementing during the
First Action Year, portions of the Comprehensive Management Planning
(CMP) Project.

On motion of Councilman Martinet, said Resolution was continued
for two weeks, to Thursday, September 13, 1973, at City Manager's
request.

(Item 3 - CASE NO. 61-72-4)

CONTINUED HEARINGS: (Continued from the Meetings of August 17 and
October 19, 1972, and April 19, 1973), continued for E.I.R., Matter of
rezoning property in the Miramar Reservoir Area, from Zone R-1-5 to
Zone A-1-10.

Councilman Morrow entered the Chamber.

(Item 3 - Continued)

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

Gilbert Dreyfus appeared to request a continuance of the matter.

On motion of Councilman Martinet, the matter was continued for one
month to Thursday, September 27, 1973, at applicant's request.

The Council considered the Consent Agenda, which consisted of Items 7, 8, 9, 100, 104, 105, 106, 108, 109 and 110.

The following Ordinance was introduced at the Meeting of August 16, 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, a written or printed copy of each Ordinance.

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

(Item 7)

ORDINANCE 11110 (New Series), dedicating portions of Pueblo Lands in The City for a public park and naming said park "Mission Beach Park."

(Item 8)

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

RESOLUTION 208706, International Harvester Co. for the purchase of International Harvester tractor and industrial repair parts as may be required, for a period of one year ending October 31, 1974, for an actual estimated cost of \$14,000, including tax and terms, with option to renew contract for one additional year; and

RESOLUTION 208707, Triangle Steel for the purchase of various items of chain link fence, for an actual cost of \$3,337.12, including tax and terms.

(Item 9)

RESOLUTION 208708, inviting bids for furnishing one 1250-gallon triple combination pumper, one 15-foot elevating platform fire truck and one motorized tractor-drawn, 100-foot aerial ladder truck, in accordance with Specifications Document No. 744653, was adopted on motion of Councilman Johnson.

(Item 100)

The following Resolutions relative to the final subdivision map of Division Highlands Unit 2, were adopted on motion of Councilman Johnson:

RESOLUTION 208709, authorizing an agreement with Hallcraft Homes of San Diego, Inc. for completion of improvements in Division Highlands Unit 2, a 20-lot subdivision located southerly of Division and 61st Streets; and

RESOLUTION 208710, approving the final map of Division Highlands Unit 2.

(Item 104)

RESOLUTION 208711, authorizing a lease agreement with Pardee Construction Company, for the use of a former sales office in Del Mar Heights for the operation of a City fire station, was adopted on motion of Councilman Johnson.

(Item 105)

RESOLUTION 208712, authorizing an agreement with George S. Nolte and Associates for design and related engineering services in connection with the reconstruction of the existing Harbor Drive Bridge over Switzer Slough and the A.T. & S.F. Railroad; authorizing the expenditure of \$75,000 out of Gas Tax Fund 220 for said purpose and related expenses, was adopted on motion of Councilman Johnson.

(Item 106)

RESOLUTION 208713, authorizing an agreement with Alfredo Larin, Architect, for professional services for the proposed various City building and improvement projects of minor scope and with short design/construction period; authorizing the expenditure of \$15,000 out of General Fund 100 for said purpose and related work, was adopted on motion of Councilman Johnson.

(Item 108)

RESOLUTION 208714, authorizing an agreement with the University of California for a program of workshops on audiences and participation in leisure arts in order to expand the impact of cultural programs on the minority community; authorizing the City Auditor to transfer from the Unallocated Reserve to the Park and Recreation Department within the General Fund 100, a sum not to exceed \$8,000; authorizing the expenditure of said sum from General Fund 100 for said services, was adopted on motion of Councilman Johnson.

(Item 109)

RESOLUTION 208715, authorizing a representative of the Police Department to attend the Delinquency Control Institute to be held in Los Angeles, California, September 10 - November 16, 1973 (10 weeks), and to incur all necessary expenses (City to be totally reimbursed); authorizing the City Auditor and Comptroller to expend \$1,540 from the General Purpose Revolving Fund (534) for said purpose, City to be reimbursed by Peace Officers' Standards and Training, State of California, for all expenses, was adopted on motion of Councilman Johnson.

(Item 110)

RESOLUTION 208716, excusing Deputy Mayor Bob Martinet from Council Meetings for the period September 25 to October 25, 1973, was adopted on motion of Councilman Johnson.

(Item 1 - CASE NO. 60-72-9 and PRD NO. 69)

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 December 7,, 1972, January 4 and July 19, 1973 for revised E.I.R., on the matters of (a) Rezoning a portion of Section 23, Township 14 South, Range 4 West, located on the northeast side of Carmel Valley Road, between Del Mar Scenic Parkway and North Torrey Pines Road from Interim Zone A-1-1 to Zone R-3; and (b) Appeal of Thomas G. Uter from the decision of the Planning Commission in approving the application under Planned Residential Permit No. 69, to construct and operate a condominium project consisting of 76 dwelling units on a 4.1 acre site together with recreation facilities, located on the northeast side of Carmel Valley Road, between Del Mar Scenic Parkway and North Torrey Pines Road, on a portion of Section 23, Township 14 South, Range 4 West, in the Interim Zone A-1-1 (proposed R-3) Zone. It was reported that no written protests had been received.

Ken Klein, Planning Department, and Assistant City Attorney Teaze answered questions directed by the Council.

Councilman Williams left the Chamber.

Councilman Williams entered the Chamber.

Councilman Bates entered the Chamber.

(Item 1 - Continued)

James Miller and William Rick appeared to speak in opposition to the proposed rezoning.

Roger Hedgecock, James Whitehead, Thomas Uter, Dr. John Bradshaw, Don Marsh, Abe Kalatsky, and Stuart Resor appeared to speak in opposition to granting the proposed planned residential development permit.

Mayor Wilson recessed the Meeting at 10:38 a.m. Upon reconvening at 10:55 a.m., the roll call showed all present.

By common consent, the Council agreed to consider Item 102 out of order, and trail the remainder of Item 1.

(Item 102)

A proposed Resolution, continued from the Meeting of August 23, 1973, at City Manager's request, authorizing the City Manager to execute an Agreement with the University of California at San Diego - Special Educational Programs for the purpose of implementing the San Diego Third Action Year Model Cities Scholarship Program, was presented.

On motion of Councilman Morrow, the matter was continued to 2:00 p.m., Time Certain.

The Council returned to consideration of Item 1.

(Item 1 - Continued)

The motion of Councilman Johnson to close the hearing, grant the appeal on the PRD, deny the proposed rezoning, sustain the Planning Commission, and amend the Ordinance to rezone the property to R-1-10 died for lack of a second.

On motion of Councilman Morrow, the hearing was closed and the following Resolution adopted, granting the appeal on the PRD, overruling the Planning Commission and denying the permit:

RESOLUTION 208717, granting the appeal of Thomas G. Uter and denying Planned Residential Development Permit No. 69.

On motion of Councilman Johnson, the proposed Ordinance, rezoning a portion of Section 23, Township 14 South, Range 4 West from Interim Zone A-1-1 to Zone R-3 was amended to Zone R-1-10 and the following Ordinance was introduced as amended, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Bates and Mayor Wilson. Nays-Councilmen Landt and Hitch.

Incorporating a portion of Section 23, Township 14 South, Range 4 West, into R-1-10 Zone, as defined by Section 101.0407 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 2 - CASE NO. 18-72-8 and PRD NO. 63)

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 November 16, 1972 and February 18 and July 19, 1973, at Developer's request, on the matters of (a) Appeal of Richard K. Livett from the decision of the Planning Commission in failing to approve his application to rezone portions of Pueblo Lots 1290 and 1291, located on the southeast side of La Jolla Scenic Drive North, between Gilman Drive and Ardath Road, from Zone R-1-40 to Zone R-1-10 and R-1-20; and (b) Appeal of Richard K. Livett from the decision of the Planning Commission in failing to approve his application, under Planned Residential Development Permit No. 63, to construct and operate a 72-unit planned residential development, located at the easterly end of Woodford Drive, between La Jolla Scenic Drive North and Interstate Highway 5, on portions

(Item 2 - Continued)
of Pueblo Lots 1290 and 1291, in the R-1-40 (proposed R-1-10 and R-1-20) Zone. It was reported that written protests had been received.

Councilman Bates left the Chamber.

Councilwoman O'Connor left the Chamber.

Councilman Bates entered the Chamber.

Councilwoman O'Connor entered the Chamber.

(Item 2 - Continued)

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

By common consent, the Council agreed to trail the remainder of Item 2 until after hearing Items 101 and 102.

(Item 101)

Two proposed Resolutions, relative to H. & N. Construction Co., Inc., (a) Declaring said company to be in default of the agreement relating to improvement of Coronado Glen Unit 1; authorizing the City Attorney to give notice of said default; authorizing the City Manager to complete or cause to be completed said improvements; and (b) Declaring said company to be in default of the agreement relating to improvement of Coronado Glen Unit 2; authorizing the City Attorney to give notice of said default; authorizing the City Manager to complete or cause to be completed said improvements, were presented.

Floyd Moore, Community Development, and Assistant City Attorney Teaze answered questions directed by the Council.

Michael Gettys appeared to speak in favor of a continuance.

By common consent, the Council agreed to trail Item 101 until the afternoon session.

Mayor Wilson recessed the Meeting at 11:58 a.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:13 p.m., the roll call showed Councilmen O'Connor and Williams absent.

Councilman Williams entered the Chamber.

Councilwoman O'Connor entered the Chamber.

The Council returned to consideration of Item 101.

(Item 101 - Continued)

On motion of Councilman Morrow, the following Resolutions relative to H. & N. Construction Co., Inc., were adopted:

RESOLUTION 208718, declaring said company to be in default of the agreement relating to improvement of Coronado Glen Unit 1; authorizing the City Attorney to give notice of said default; authorizing the City Manager to complete or cause to be completed said improvements; and

RESOLUTION 208719, declaring said company to be in default of the agreement relating to improvement of Coronado Glen Unit 2; authorizing the City Attorney to give notice of said default; authorizing the City Manager to complete or cause to be completed said improvements.

The Council resumed consideration of Item 102.

(Item 102 - Continued)

Clarence M. Pendleton, Model Cities Director, and Assistant City Attorney Teaze, answered questions directed by the Council.

Mr. Reid appeared to speak regarding said proposed Resolution.

On motion of Councilman Johnson, the matter was continued for two weeks to Thursday, September 13, 1973 and the City Manager was directed to prepare a new agreement designating the Cooperative Educational Systems, Inc. as the agency for performance of the Third Action Year Model Cities Scholarship Program and bring back to Council in two weeks.

The Council returned to consideration of Item 2.

(Item 2 - Continued)

Richard Livett appeared to speak in favor of the appeals.

Councilwoman O'Connor left the Chamber.

Councilman Martinet left the Chamber.

Councilwoman O'Connor entered the Chamber.

Councilman Martinet entered the Chamber.

(Item 2 - Continued)

The Council discussed the item at length.

Mayor Wilson recessed the Meeting at 3:42 p.m. Upon reconvening at 3:55 p.m., the roll call showed Councilmen O'Connor and Williams absent.

Councilwoman O'Connor entered the Chamber.

Councilman Williams entered the Chamber.

(Item 2 - Continued)

On motion of Councilman Johnson, the hearing was closed and the following Resolution was adopted, denying the appeal on the PRD and sustaining the decision of the Planning Commission:

RESOLUTION 208720, denying the appeal of Richard K. Livett and denying Planned Residential Development Permit No. 63.

By the same motion, the proposed Ordinance was amended to rezone the property in question to R-1-20 and the following Ordinance was introduced as amended, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-None.

Incorporating portions of Pueblo Lots 1290 and 1291, into R-1-20 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 7670 (New Series), adopted December 3, 1957, of the Ordinances of The City of San Diego, insofar as the same conflicts herewith.

(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 June 28, 1973, for a report, on the appeal of Southeast San Diego Development Committee, by Brister Murdock, Chairman, from the decision of the Planning Commission approving the application of San Diego Cemetery Association, owner/permittee, for an amendment to Conditional Use Permit No. 7297 to add 3200 crypts to an existing mausoleum building, located on the south side of Imperial Avenue between Ada and 40th Streets, being portions of Lots E and F, Block 1, Central Homestead and Block 2, F. H. Zschockel's Subdivision, in the R-4 Zone. It was reported that no written protests had been received.

Ken Klein, Planning Department, and Assistant City Attorney Teaze answered questions directed by the Council.

Fred Walton appeared to speak in opposition to the appeal.

On motion of Councilman Williams, the Planning Commission was directed to hold hearing regarding the Community Plan to remove 27 acres from designated cemetery use, and in addition to the survey conducted by the Planning Department, the City Attorney was directed to ascertain what the precise legal status is in regard to the land, what process is available to change its character, and to advise the Council as to the possibilities of removing some land from cemetery use, as well as the legal availability to deter future interments in the Southeast San Diego area, other than in crypts.

(Item 4 - Continued)

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

RESOLUTION 208721, denying the appeal of Southeast San Diego Development Committee and granting to San Diego Cemetery Association Conditional Use Permit No. 7297, Amendment No. 2.

(Item 5)

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 May 3 and 24, and August 2, 1973, 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 34, Township 18 South, Range 2 West, located at the southeast corner of 27th Street and Interstate 5, in the A-1-5 (proposed R-2A) Zone. It was reported that no written protests had been received.

Councilman Johnson left the Chamber.

Floyd Moore, Community Development Department, Ken Klein, Planning Department; and Assistant City Attorney Teaze, answered questions directed by the Council.

No one appeared to be heard.

Councilman Williams left the Chamber.

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

RESOLUTION 208722, 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 34, Township 18 South, Range 2 West, located at the southeast corner of 27th Street and Interstate 5; instructing the City Engineer to issue a Land Development Permit to Saratoga Development Corporation, said permit to limit grading on subject property in the area between Interstate 5 and the proposed flood control levee as shown in Plan III-A of the report dated May 1973, entitled "Tia Juana River Valley Land Use and Flood Control Alternatives."

The following Ordinance was introduced at the Meeting of August 16, 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 Bates, by the following vote: Yeas-Councilmen O'Connor, Landt, Morrow, Martinet, Bates and Mayor Wilson. Nays-Councilman Hitch. Absent-Councilmen Johnson and Williams.

(Item 6)

ORDINANCE 11111 (New Series), 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.

(Item 111)

RESOLUTION 208723, authorizing the City Manager to execute a Settlement Agreement with the Zoological Society of San Diego, a California Nonprofit Corporation, and Everdon, Inc., a California Corporation, covering the settlement of the cases of Everdon, Inc. v. Zoological Society of San Diego, et al, Superior Court No. 324529, and Ernest R. Blake, et al, v. City of San Diego, et al., Superior Court No. 326676, under the terms and conditions set forth in said agreement, 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 Morrow, at 4:50 p.m.


Mayor of The City of San Diego, California

ATTEST:


City Clerk of The City of San Diego, California