

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, SEPTEMBER 4, 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 9:44 a.m.

(Item 1)

Mayor Wilson introduced Reverend Heber H. Pitman, Central Christian Church, who gave the Invocation.

(Item 2)

Councilman Bates led the Pledge of Allegiance.

(Item 3)

A communication from Robert J. McPherson, requesting permission to address the Council regarding the feasibility study of the Smithsonian Institution of Washington, D.C. of an Aerospace Museum Branch in the western United States, was presented.

Robert J. McPherson appeared to speak regarding said communication.

On motion of Councilman Bates, said communication was referred to the City Manager and the Legislative Committee to take appropriate action to urge the Smithsonian to reconsider its study.

Councilwoman O'Connor entered the Chamber.

(Item 4)

A communication from Reverend Heber Pitman, representing various Senior Citizen Organizations, requesting permission to address the Council regarding the process for approving Revenue Sharing Funds for programs for the elderly, was presented.

Reverend Heber Pitman appeared to speak regarding said communication.

On motion of Councilman Hitch, said communication was referred to the City Manager for a report back to the Council and to the Reverend Pitman.

(Item 5)

A communication from Laura Nichols Griffin, requesting permission to address the Council and present petitions in opposition to the proposed construction of a school on property at 7464 and 7466 Hyatt Street, was presented.

Mr. Espinoza appeared to speak in place of Laura Nichols Griffin, who was present but sightless and unable to read the text of the communication.

On motion of Councilman Morrow, the communication was referred to the City Manager, City Attorney, Planning Department, and Zoning Administrator for a report back to Council, Mrs. Griffin, and Mr. Espinoza within two weeks.

The Council considered Item 109 out of order, by common consent.

(Item 109)

RESOLUTION 208724, authorizing an agreement with the Redevelopment Agency of The City of San Diego regarding the Linda Vista Shopping Center Redevelopment Project and providing for \$30,000 for professional and administrative services in connection with the redevelopment of said Center; authorizing the City Auditor and Comptroller to transfer the sum of \$30,000 from the Environmental Quality Improvements, CIP 34-007(4) to Redevelopment Agency - Linda Vista Shopping Center Redevelopment Fund 985 to be used for said purpose, was adopted on motion of Councilman Morrow.

The Council considered requests for continuances: Items 8, 111, 112, and 14.

(Item 8)

HEARINGS: Vacating portions of Garnet Avenue and Mission Bay Drive in Pueblo Lots 1208 and 1797 - Resolution of Intention 208589.

On motion of Councilman Landt, said hearing was continued for two weeks to September 18, 1973, at City Manager's request, and the following Resolution adopted:

RESOLUTION 208725, continuing the hearing on the proposed vacation of portions of Garnet Avenue and Mission Bay Drive in Pueblo Lots 1208 and 1797, under Resolution of Intention No. 208589, adopted August 14, 1973, to the hour of 9:30 a.m., Tuesday, September 18, 1973.

(Item 111)

RESOLUTIONS-MISCELLANEOUS: A proposed Resolution, declaring the building owned by San Diego Neighborhood Development Corporation at 3765 Franklin Avenue to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was continued for one week to September 11, 1973, on motion of Councilman Williams.

(Item 112)

RESOLUTIONS-MISCELLANEOUS: A proposed Resolution, declaring the building owned by San Diego Neighborhood Development Corporation at 3925-27 and 3935-37 Newton Avenue to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was continued for one week to September 11, 1973, on motion of Councilman Williams.

(Item 14)

RESOLUTIONS-MISCELLANEOUS: A proposed Resolution, authorizing the allocation of \$25,274 from the Unallocated Reserve and transferring this amount to the 100 Fund, Environmental Quality Department, for implementation of Noise Ordinance for the remainder of Fiscal Year 1974, and establishing \$35 fees to cover administrative costs of variance and permit applications, was continued for two weeks to September 18, 1973, on motion of Councilman Hitch.

By common consent, the Council continued the hearing on Belmont Park, originally scheduled for the docket of September 18, 1973 to the docket of Thursday, October 25, 1973, at 2:00 p.m., Time Certain.

The Council considered the Consent Agenda, which consisted of the following items: 15, 16c, 17, 18, 103, 104, 105, 106, 107, 110, and 114.

(Item 15)

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

RESOLUTION 208726, United States Envelope Company for the purchase of envelopes, for an actual cost of \$5,862.86, including tax and terms; and

RESOLUTION 208727, Center City Ford for the repair of 3 City trucks, for an actual cost not to exceed \$2,100.

(Item 16c)

RESOLUTION 208728, inviting bids for furnishing seal coat and striping of parking areas at the San Diego Transit Central Operating Facility, in accordance with Specifications Document No. 744711, was adopted on motion of Councilman Hitch.

(Item 17)

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

RESOLUTION 208729, repairs to Metro Pump Station No. 1, in accordance with Specifications Document No. 744712; and

(Item 17 - Continued)

RESOLUTION 208730, modification of the traffic signal system at 54th Street and Trojan Avenue and construction of safety lighting and traffic signal system at the intersection of 30th Street and El Cajon Boulevard, in accordance with Specifications Document No. 744713.

(Item 18)

RESOLUTION 208731, authorizing the Purchasing Agent to advertise for sale and sell approximately 4 tons of scrap brass, no longer needed or desirable for use by the City, was adopted on motion of Councilman Hitch.

(Item 103)

RESOLUTION 208732, accepting the work done and authorizing a Notice of Completion in Roane Subdivision, was adopted on motion of Councilman Hitch.

(Item 104)

RESOLUTION 208733, authorizing the execution of a quitclaim deed conveying to the Owners in Fee Simple of Record an unneeded water easement affecting a portion of Rancho San Bernardo, was adopted on motion of Councilman Hitch.

(Item 105)

RESOLUTION 208734, authorizing the execution of a quitclaim deed conveying to the Owners in Fee Simple of Record a general utility, sewer, and drainage easement, affecting a portion of Parcel A & B of Parcel Map No. 1051, was adopted on motion of Councilman Hitch.

(Item 106)

RESOLUTION 208735, authorizing the sale by negotiation of a portion of Lot 103, La Mesa Colony, for the sum of \$45,100 to Frank R. Brown and James E. and Catherine Frank; authorizing the execution of a grant deed, granting to Frank R. Brown and James E. and Catherine Frank said property, was adopted on motion of Councilman Hitch.

(Item 107)

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

RESOLUTION 208736, Russell E. and Setsuko T. Dodge (street purposes) - 67TH STREET;

RESOLUTION 208737, Edna Fern Shell (street purposes) - 67TH STREET;

(Item 107 - Continued)

RESOLUTION 208738, Eugene N. and Geraldine Cooley (street purposes) - 67TH STREET;

RESOLUTION 208739, Joseph and Madeleine E. Michel (street purposes)- 67TH STREET;

RESOLUTION 208740, Jennie C. Stephens (street purposes) - 67TH STREET;

RESOLUTION 208741, Harry W. and Lucille M. Ogilvie (street purposes)- 67TH STREET; and

RESOLUTION 208742, Sweetwater Union High School District of San Diego County, California (street purposes) - HOLLISTER STREET.

(Item 110)

RESOLUTION 208743, authorizing the expenditure of \$4,876 out of Capital Outlay Fund 245 for the purpose of providing funds to increase the electrical power capability at the Central Operations Station, 20th and B Streets; authorizing the use of City forces to do all the necessary work for said project, was adopted on motion of Councilman Hitch.

(Item 114)

RESOLUTION 208744, authorizing a representative of the Police Department to attend the F.B.I. Fingerprint School to be held in Quantico, Va., September 10-21, 1973; all expenses, excluding salary, to be paid by the F.B.I., was adopted on motion of Councilman Hitch.

(Item 108)

A proposed Resolution, continued from the Supplemental Dockets of August 21 and 23, 1973, for further review, and from the docket of August 14, 1973 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), was presented.

City Manager Moore answered questions directed by the Council.

Frank Willard appeared to speak in favor of the proposed Resolution

The Council considered the item at length.

A motion of Councilman Morrow to adopt the proposed Resolution and rescind Resolution No. 208596, adopted August 14, 1973 received no vote at this time.

A motion of Councilman Martinet to cut off debate failed for lack of a two-thirds majority vote, by the following vote: Yeas-Councilmen Williams, Morrow, Martinet, Hitch, and Councilman Bates. Nays-Councilmen Johnson, O'Connor, Landt, and Mayor Wilson. Absent-None.

A motion by Councilman Johnson to continue the matter for two weeks to September 18, 1973 for further study and formation of a sub-committee to be appointed by the Mayor, failed for lack of five affirmative votes, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, and Mayor Wilson. Nays-Councilmen Williams, Morrow, Martinet, Hitch, and Bates. Absent-None.

(Item 108 - Continued)

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

RESOLUTION 208745, 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), rescinding Resolution No. 208596.

Councilwoman O'Connor asked for a report from the City Manager about procedures for procurement of professional services.

Mayor Wilson recessed the Meeting at 11:22 a.m. Upon reconvening at 11:36 a.m., the roll call showed Councilmen Williams and Bates absent.

(Item 12)

Two proposed Ordinances, continued from the Meetings of July 26, and August 28, 1973, for further review, amending Chapter II, Article 2, of the San Diego Municipal Code by adding Division 23, Sections 22.2301 through 22.2303 establishing a Financial Disclosure by City Officials Ordinance; and amending Chapter II, Article 2, of the San Diego Municipal Code by adding Division 23, Sections 22.2301 through 22.2306 establishing a Financial Disclosure by City Officials Ordinance, were presented.

Councilman Bates entered the Chamber.

Councilman Williams entered the Chamber.

By common consent, the Council agreed to consider Item 9 out of order, and to trail the remainder of Item 12.

(Item 9 - LC PERMIT NO. 11, AMENDMENT NO. 2)

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 Peter H. Flournoy, and other residents, from the decision of the Planning Commission in approving the application of Esao Sumida, owner/permittee, under Land Conservation Permit No. 11, Amendment No. 2, to install sewer, water and power facilities on the east side of the right-of-way of Allen Road to the approved residence approximately 25 feet north of Ft. Stockton Drive, more particularly described as the westerly 150 feet of Lot 20, Mission Hills, in the R-1-5 (LC Overlay) Zone.

On motion of Councilwoman O'Connor, the matter was continued for two weeks to September 18, 1973 at 11:00 a.m., Time Certain, for lack of time.

By common consent, the Council agreed to consider Item 6, before returning to consideration of Item 12, which had previously been trailed.

(Item 6 - CASE NO. 29-72-1, PRD NO. 71)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matters of (a) Appeal of Lawrence Construction Company, Inc., by C. B. Lawrence, President, from the decision of the Planning Commission, in failing to approve his application to rezone a portion of Lot 13, Rancho Mission of San Diego, and portions of Lots 36 and 37, Sonka Urban Heights, located on the north side of Mallard Street, between 69th Street (extended) and Laconia Street, from Zone A-1-1 to Zone R-1-5; and (b) Appeal of Lawrence Construction Company, Inc., by C. B. Lawrence, President, from the decision of the Planning Commission in denying its application, under Planned Residential Development Permit No. 71, to construct and operate a 154-unit planned residential development, located on the north side of Mallard Street, between 69th Street (extended) and Laconia Street, on a portion of Lot 13, Rancho Mission of San Diego and portions of Lots 36 and 37, Sonka Urban Heights, in the A-1-1 (proposed R-1-5) Zone.

C. B. Lawrence appeared to speak regarding a proposed continuance.

On motion of Councilman Landt, the matter was continued one week to Tuesday, September 11, 1973 at 11:00 a.m., Time Certain, due to lack of time.

The Council resumed consideration of Item 12.

(Item 12 - Continued)

City Attorney Witt answered questions directed by the Council.

Councilman Morrow moved to continue the matter two weeks to Tuesday, September 18, 1973 at 2:00 p.m. Time Certain, which received no vote.

Councilman Bates moved to amend the motion to change the date to Tuesday, October 30, 1973, and to set up a Task Force to consider a conflict of interest Ordinance with minor disclosure, which amended motion passed unanimously.

The following people were named to the Task Force: Mike Walsh, Chairman, Mayor Wilson, Councilman Morrow, City Attorney Witt, Admiral Karaberis, and anyone else who might be interested.

Mayor Wilson recessed the Meeting at 12:07 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:12 p.m., the roll call showed Councilmen Martinet and Hitch absent.

(Item 13)

Two proposed Ordinances, (a) Amending Chapter V, Article 6, of the San Diego Municipal Code by repealing Sections 56.35 and 56.35.1 relating to Loud, Unusual Noises, and by adding Article 9.5 relating to Noise Abatement and Control; and (b) Amending Chapter III, Article 3 of the San Diego Municipal Code by amending Section 33.0203 relating to Loud Speakers -- Sound Amplifiers, and Section 33.0702.1 relating to Commercial Use Sound Truck Regulation -- License Required, were presented.

City Manager Moore, Environmental Quality Director Gleason, and Deputy City Attorney Detisch answered questions directed by the Council.

Councilwoman O'Connor left the Chamber.

(Item 13 - Continued)

Virginia Taylor and Dr. Earl Cowan appeared to speak in favor of the proposed Ordinances.

Councilwoman O'Connor entered the Chamber.

(Item 13 - Continued)

Capt. Robert Cantrell, Dr. Maurice Schiff, and Dr. Albert W. Young appeared to speak in favor of the proposed Ordinances.

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, Martinet, and Hitch absent.

(Item 13 - Continued)

Robert Gales appeared to speak in favor of the proposed Ordinances.

Councilman Williams entered the Chamber.

Councilwoman O'Connor entered the Chamber.

(Item 13 - Continued)

Lucy Pryde, Albert Paul, Ed Witek and C. W. Sherwin appeared to speak in favor of the proposed Ordinances.

Councilman Bates moved to close the hearing, introduce the Ordinances and to thank the Noise Task Force. No vote was taken at this time.

(Item 13 - Continued)

The Council discussed the item at length.

The Council directed the Environmental Quality Department to examine the revisions suggested by Mr. Witek affecting Page 22, specifically regarding buffer zones.

The vote was then taken on Councilman Bates' motion and the following Ordinances were introduced by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Bates, and Mayor Wilson. Nays-None. Absent-Councilmen Martinet and Hitch.

Amending Chapter V, Article 6, of the San Diego Municipal Code by repealing Sections 56.35 and 56.35.1 relating to Loud, Unusual Noises, and by adding Article 9.5 relating to Noise Abatement and Control; and Amending Chapter III, Article 3 of the San Diego Municipal Code by amending Section 33.0203 relating to Loud Speakers -- Sound Amplifiers, and Section 33.0702.1 relating to Commercial Use Sound Truck Regulation -- License Required.

Councilman Morrow asked Environmental Quality Director Gleason for background data on establishment of noise levels for the various zones in the City.

(Item 7)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on vacating Revere Avenue between Glendora Street and Bunker Hill Street - Resolution of Intention 208557. It was reported that no written protests had been received.

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

No one appeared to be heard.

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

RESOLUTION 208746, vacating portions of Revere Avenue between Glendora Street and Bunker Hill Street.

The following Ordinance was introduced at the Meeting of August 21, 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 Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Bates, and Mayor Wilson. Nays-Councilman Morrow. Absent-Councilmen Martinet and Hitch.

(Item 10 - CASE NO. 33-73-3)

ORDINANCE 11112 (New Series), 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.

Jim McLaughlin, Community Development Department, answered a question directed by the Council.

(Item 11)

A proposed Emergency Zoning Ordinance to limit development to that permitted in the R-1-5 Zone on certain M-1, C, CA, R-4 and R-2 zoned property in the Middletown area, was presented.

Ken Klein, Planning Department, City Deputy City Attorney Conrad, and City Manager Moore answered questions directed by the Council.

The Council discussed the item at length.

On motion of Councilman Landt, the proposed Emergency Zoning Ordinance was filed.

(Item 16a and b)

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

RESOLUTION 208747, leasing of data processing equipment for a period of 5 years ending October 31, 1978, in accordance with Specifications Document No. 744709; and

RESOLUTION 208748, construction of Water Main Replacement Group 196, in accordance with Specifications Document No. 744710.

(Item 100)

RESOLUTION 208749, granting a one-year extension of time to Larwin San Diego, Inc. for completion of improvements in Larwin Mesa View Unit 1, said time to commence upon adoption of this resolution, was adopted on motion of Councilman Landt.

(Item 101)

A proposed Resolution, granting a one-year extension of time to J. R. Shattuck and Deborah Shattuck for completion of improvements in Riverview Unit 2 Subdivision, said time to commence upon adoption of this resolution; substituting Bond No. 2062870 in the amount of \$6,842 and Bond No. 2062871 in the amount of \$500 as Exhibits C and D in the agreement, and releasing Bond Nos. H 37332 and H 37333 issued by Houston Fire and Casualty Insurance Company, was presented.

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

(Item 101 - Continued)

RESOLUTION 208750, granting a one-year extension of time to J. R. Shattuck and Deborah Shattuck for completion of improvements in River-view Unit 2 subdivision, said time to commence upon adoption of this resolution; substituting Bond No. 2062870 in the amount of \$6,842 and Bond No. 2062871 in the amount of \$500 as Exhibits C and D in the agreement, and releasing Bond Nos. H 37332 and H 37333 issued by Houston Fire and Casualty Insurance Company, was adopted on motion of Councilman Morrow.

(Item 102)

A proposed Resolution, granting a one-year extension of time to J. R. Shattuck and Deborah Shattuck for completion of improvements in Royal Park Unit 3 subdivision, said time to commence upon adoption of this resolution; substituting Bond No. 2062868 in the amount of \$54,702 and Bond No. 2062869 in the amount of \$1,000 as Exhibits C and D in the agreement, and releasing Bond Nos. H 37201 and H 37206 issued by Houston Fire and Casualty Insurance Company, was presented.

Chief Deputy City Attorney Conrad, Jim Mc Laughlin, Community Development Department, and City Manager Moore answered questions directed by the Council.

Councilman Morrow moved to deny the proposed extension of time. No vote was taken on the motion.

On motion of Councilman Bates, the matter was continued for one week to Tuesday, September 11, 1973 and the City Manager was directed to bring back a report on the feasibility of an assessment district for the area north of this area.

Councilwoman O'Connor left the Chamber.

(Item 113)

RESOLUTION 208751, declaring the building owned by San Diego Neighborhood Development Corporation at 3224 K Street to be a public nuisance; authorizing and instructing the City Attorney to take appropriate legal action to abate the aforesaid nuisance, was adopted on motion of Councilman Williams.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Landt, at 5:35 p.m.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Edward Vidner

City Clerk of The City of San Diego, California