

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - TUESDAY, SEPTEMBER 11, 1973  
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING  
COMMUNITY CONCOURSE

Present-Councilmen Johnson, O'Connor, Landt, Williams, Martinet, Hitch,  
Bates, and Mayor Wilson.

Absent--Councilman Morrow.

Clerk---Edward Nielsen.

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

(Item 1)

Mayor Wilson introduced Pastor A. R. Herbert Johnson, Pastor of  
the Lemon Grove Lutheran Church, who gave the Invocation.

(Item 2)

Councilman Johnson led the Pledge of Allegiance.

Councilman Morrow entered the Chamber.

(Item 3)

A communication from Roger Hedgecock, Chairman of the Conserva-  
tion Committee, San Diego Chapter of the Sierra Club, requesting  
permission to address the Council to present a report and request  
action by the Council to limit and plan future growth in San Diego  
region.

Roger Hedgecock and Pete Nelson, Chairman of the San Diego  
Chapter of the Sierra Club, appeared to speak regarding said communi-  
cation.

On motion of Councilman Hitch, the communication was referred to  
the City Manager, City Attorney and Planning Department for a report  
back to Council, Mr. Hedgecock, Mr. Nelson, and to a Council Conference  
to be held on the subject after the report has been made. The report  
is to be considered with reports from the staff, and with representatives  
of IREM and CPO in attendance. Also to be discussed is implementation  
of 600-18.

(Item 4)

The Model Cities Staff Report was presented by Model Cities  
Director Pendleton.

Said report was accepted on motion of Councilman Williams.

The Council considered requests for continuances: Item 100.

(Item 100)

RESOLUTIONS-SUBDIVISIONS: (Continued from the Meeting of September 4, 1973, for City Manager report) Granting a one-year extension of time to J. R. Shattuck and Deborah Shattuck for completion of improvements in Royal Park Unit 3 subdivision.

On motion of Councilman Bates, the matter was continued to the docket of Thursday, September 13, 1973, for further review.

The Council considered the Consent Agenda, which consisted of Items 9, 10, 11, 12, 101, 102, 103, 104, 105, 109, and 110.

(Item 9)

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

RESOLUTION 208767, Whitewater Trout Co. for the purchase of approximately 90,000 pounds of live Rainbow Trout, as may be required for the period of 10 months ending August 31, 1974, for an estimated cost of \$116,388, including tax and terms, subject to price escalation not to exceed 30% of bid price;

RESOLUTION 208768, Cataphote Division, Ferro Corporation, for the purchase of thermoplastic traffic marking materials as may be required for the period of one year ending August 31, 1974, with option to renew for an additional one-year period, for a total estimated cost of \$10,750, including tax and terms (Base Bid and Alternate);

RESOLUTION 208769, Crystal Silica Company for the purchase of approximately 576 tons of filter sand for an actual cost of \$6,526.08, including tax, terms and freight; and

RESOLUTION 208770, Southwest Safety & Supply Co. for the purchase of 16 elevating stretcher ambulance cots for a total cost of \$3,476.12, including tax and terms.

(Item 10)

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

RESOLUTION 208771, furnishing printing and delivery of the Model Cities News, as may be required for a period of one year ending October 31, 1974, in accordance with Specifications Document No. 744756;

RESOLUTION 208772, furnishing 350 tons of anthracite filter media, in accordance with Specifications Document No. 744757;

RESOLUTION 208773, furnishing 655.5 tons of filter rock, in accordance with Specifications Document No. 744758; and

RESOLUTION 208774, furnishing stump removal-grinding service, as may be required for a period of one year ending October 31, 1974, in accordance with Specifications Document No. 744759.

(Item 11)

RESOLUTION 208775, inviting bids for rental of 1 Gradall for a 12 month period, with an option to continue rental for an additional 12 month period and with purchase options at the end of 12 months and 24 months, in accordance with Specifications Document No. 744760, was adopted on motion of Councilman Martinet.

(Item 12)

RESOLUTION 208776, rejecting all bids received on July 26, 1973 pursuant to publication of notice calling for bids on installation of 4th pump at Metro Pump Station No. 1; inviting bids for installation of 4th pump at Metro Pump Station No. 1, in accordance with Specifications Document No. 744761, was adopted on motion of Councilman Martinet.

(Item 101)

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

RESOLUTION 208777, Villa Monserate Unit 2; and  
RESOLUTION 208778, Villa Monserate Unit 3.

(Item 102)

The following Resolutions, setting public hearings on the intention for the vacation of the following, were adopted on motion of Councilman Martinet:

RESOLUTION OF INTENTION 208779, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Dewey Street between National Avenue and Logan Avenue; fixing the time and place for hearing thereof;

RESOLUTION OF INTENTION 208780, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Home Place between Home Avenue and Euclid Avenue; fixing the time and place for hearing thereof; and

RESOLUTION OF INTENTION 208781, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Reservoir Drive in Lot 30 and Lot A, La Mesa Colony; and a portion of Mohawk Street adjacent to Lot 1, College Vista; fixing the time and place for hearing thereof.

(Item 103)

RESOLUTION 208782, authorizing the sale by negotiation of a portion of Lot 6, Genesee Vista, for the sum of \$110 to the Owner in Fee Simple of Record; authorizing the execution of a quitclaim deed to the Owner in Fee Simple of Record, was adopted on motion of Councilman Martinet.

(Item 104)

The following Resolutions, authorizing the sale by negotiation to the Owners in Fee Simple of Record; authorizing the execution of quitclaim deeds to the Owners in Fee Simple of Record of the following, were adopted on motion of Councilman Martinet:

RESOLUTION 208783, a portion of Lot 1, Point Loma Medical Tract, for the sum of \$67.50; and

RESOLUTION 208784, a portion of Lots 12 and 17, Point Loma Park, for the sum of \$67.50.

(Item 105)

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

RESOLUTION 208785, Douglas W. and Anita C. Reid (street purposes) - REVERE AVENUE;

RESOLUTION 208786, Robert H. and Florence B. Franks and Arthur S. and Edith E. Cox (street purposes) - REVERE AVENUE; and

RESOLUTION 208787, V. R. Dennis Construction Co. and Mission Gorge Development Co. (street purposes) - MISSION GORGE ROAD and OLD CLIFFS ROAD.

(Item 109)

RESOLUTION 208788, granting a revocable permit to the San Diego and Arizona Eastern Railway Company to construct, operate and maintain a spur track across a City easement, easterly of 54th Street and southerly of Market Street, to serve property owned by Dan McKinney Company, was adopted on motion of Councilman Martinet.

(Item 110)

RESOLUTION 208789, authorizing Deputy City Manager John Lockwood to travel to Detroit, Michigan, to attend a two-day conference on the Crime Control Act of 1973 to be conducted September 17 and 18, 1973, by the National League of Cities - U. S. Conference of Mayors, said travel to be performed at no expense to the City, was adopted on motion of Councilman Martinet.

(Item 5 - CUP NO. 369-PC)

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 12, 1972 and February 6, 1973, for E.I.R., on the appeal of Mrs. Elaine C. Bradley from the decision of the Planning Commission in approving the application of Standard Oil Company of California owner/permittee, for a Conditional Use Permit Case No. 369-PC, to construct and operate a gasoline service station with car wash and accessory sales, located on the north side of El Cajon Boulevard, between 54th and Berting Streets, being a portion of Lot 1, Lemon Villa, in the C Zone. It was reported that written protests had been received.

(Item 5 - Continued)

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

Mayor Wilson recessed the Meeting at 10:50 a.m. Upon reconvening at 11:10 a.m., the roll call showed Councilmen Landt and Morrow absent.

(Item 5 - Continued)

Mrs. Elaine C. Bradley appeared to speak in favor of the appeal.

Councilman Morrow entered the Chamber.

Councilman Landt entered the Chamber.

Bernice Crust, Dr. Norman Mann, and Registered Nurse Margaret Bruhn appeared to speak in favor of the appeal.

Councilman Bates left the Chamber.

Councilman Bates entered the Chamber.

By common consent, the Council agreed to trail the remainder of Item 5 and hear Item 6 out of order.

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

The hour of 11:00 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meetings of December 21, 1972, March 15 and September 4, 1973, for E.I.R., 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. It was reported that written protests had been received.

(Item 6 - Continued)

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

Councilman Johnson left the Chamber.

C. B. Lawrence and Kenneth Russell appeared to speak in favor of granting both appeals.

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

RESOLUTION 208790, denying the appeal of Lawrence Construction Company, Inc., 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; denying the request for said rezoning; and

RESOLUTION 208791, denying the appeal of Lawrence Construction Company, Inc., and denying Planned Residential Development Permit No. 71.

Mayor Wilson recessed the Meeting at 12:03 p.m., to reconvene at 2:00 p.m.

Upon reconvening at 2:15 p.m., the roll call showed all present.

The Council resumed consideration of Item 5.

(Item 5 - Continued)

Attorney Jerry Dawson appeared to speak in opposition to granting the appeal.

Mayor Wilson recessed the Meeting at 3:35 p.m. Upon reconvening at 3:56 p.m., the roll call showed Councilman Williams absent.

By common consent, the Council agreed to trail the remainder of Item 5 and to hear Item 7 out of order.

(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 a portion of the alley in Block 7, Bird Rock Addition, adjacent to Lots 4, 5 and 6 - Resolution of Intention 208631. It was reported that no written protests had been received.

No one appeared to be heard.

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

RESOLUTION 208792, vacating a portion of the alley in Block 7, Bird Rock Addition adjacent to Lots 4, 5 and 6.

The Council resumed consideration of Item 5.

(Item 5 - Continued)

Edward Pack and Tom Thatcher appeared to speak in opposition to granting the appeal.

Elaine Bradley appeared to speak again, in rebuttal to the opposition to granting the appeal.

Councilman Williams entered the Chamber.

(Item 5 - Continued)

The Council discussed the item at length.

A motion of Councilman Hitch to close the hearing, deny the appeal, uphold the decision of the Planning Commission and grant the Conditional Use Permit with the following conditions: (1) That the driveway be limited to 30 feet; and (2) That the hours of operation be limited to 7:00 a.m. to 10:00 p.m., received no vote at this time.

On motion of Councilman Bates, the motion was amended to change the hours of operation from 7:00 a.m. to 8:00 p.m., by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Hitch, Bates, and Mayor Wilson. Nays-Councilman Martinet. Absent-None.

On motion of Councilman Morrow, the motion was amended to add a third condition as follows: (3) That the operation meet or exceed the standards of the Noise Ordinance adopted by The City of San Diego.

Councilman Morrow moved to send the matter back to the Planning Department for consideration but was advised by Chief Deputy City Attorney Conrad that the motion was out of order.

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

(Item 5 - Continued)

RESOLUTION 208793, denying the appeal of Mrs. Elaine C. Bradley and granting to Standard Oil Company of California, a Delaware corporation, Conditional Use Permit No. 369-PC, subject to conditions.

Councilman Johnson asked that a study be made by the Traffic Department, with a report back by the City Manager, on traffic problems related to this CUP, with recommendations, specifically including a right hand turn only from the car wash and a traffic signal.

Councilman Bates requested a report from the Planning Department on how they develop criteria for need for service stations in a particular area and recommendations regarding a proposed policy.

(Item 8 - CASE NO. 12024)

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 William F. and Nancy Pickett from the decision of the Board of Zoning Appeals which denied their appeal from the decision of the Zoning Administrator in Case No. 12024, denying their request to construct an 18' x 25' 7" family room addition to existing single-family dwelling, addition to observe an 18' rear yard where 20' rear yard is required. Subject property is located on Lot 1952, Clairemont Unit 22, at 4970 Mt. Ashmun Drive, in the R-1-5 Zone. It was reported two letters in favor of granting the appeal had been received.

Assistant Zoning Administrator Herrick answered questions directed by the Council.

William F. Pickett appeared to speak in favor of granting the appeal.

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

RESOLUTION 208794, granting the appeal of William and Nancy Pickett from the decision of the Board of Zoning Appeals and granting to William and Nancy Pickett a variance.

Councilman Morrow left the Chamber.

(Item 111)

A proposed Resolution, disposing of the request of Tuesday, August 28, 1973, made by Communication to the Council by Mr. Joe Carpenter, representing the San Diego County and Municipal Employees Union, for an Impasse Meeting regarding the negotiability of class specifications, was presented.

City Manager Moore, Chief Deputy City Attorney Katz, Deputy City Manager Blair, and Assistant Personnel Director Schwartz answered questions directed by the Council.

A motion of Councilman Bates that the thirty job classifications in question be referred to the Civil Service Commission for public hearings, died for lack of a second.

A motion of Councilman Landt to file the matter received no vote at this time.

A motion of Councilman Bates that the matter be continued and also referred to the Civil Service Commission for hearings to be held by them, died for lack of a second.

The vote was then taken on Councilman Landt's motion to file, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Martinet, Hitch, and Mayor Wilson. Nays - Councilman Bates. Absent-Councilman Morrow.

Councilwoman O'Connor left the Chamber.

(Item 106)

A proposed Resolution, continued from the Meeting of September 4, 1973, at Councilman Williams' request, 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 presented.

Chief Deputy City Attorney Conrad answered questions directed by the Council.

RESOLUTION 208795, 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 adopted on motion of Councilman Williams.

(Item 107 - Continued from the Meeting of September 4, 1973.)

RESOLUTION 208796, 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 adopted on motion of Councilman Williams.

(Item 108)

RESOLUTION 208797, authorizing the expenditure of \$2,946 from Capital Outlay Fund 245 for the installation of safety lighting systems in conjunction with private utility undergrounding of overhead facilities; authorizing the City Manager to do by City forces all necessary work in conjunction with the above project, was adopted on motion of Councilman Landt.

There being no further business to come before the Council at this time, by Unanimous Consent granted to Councilman Hitch, the Regular Meeting was adjourned in memory of Irvin J. Kahn, at 6:02 p.m.



Mayor of The City of San Diego, California

ATTEST:

  
City Clerk of The City of San Diego, California