

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, OCTOBER 4, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

Present--Councilmen Johnson, O'Connor, Landt, Hitch, and Acting Mayor
Morrow.

Absent--Councilmen Williams, Martinet, Bates, and Mayor Wilson.
Clerk---Edward Nielsen.

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

Councilman Williams entered the Chamber.

(Item 1)

The Purchasing Agent reported on all bids opened Wednesday,
October 3, 1973, on the following:

a - Paving and otherwise improving Miramar Road from I-805 Freeway
to Old Miramar Road; four bids received.

Finding was made on motion of Councilman Johnson, that bids had
been opened and declared as reported. By the same motion, report was
referred to the City Manager and the City Attorney for recommendation.

b - Paving and otherwise improving Camino de la Reina, between
Camino del Este and a point approximately 550 feet westerly of Mission
Center Road; Mission Center Road between Camino del Rio North and a
point approximately 950 feet northerly of Camino de la Reina; and cer-
tain drainage easement thereto.

On motion of Councilman Johnson, the date for the Purchasing Agent
to open bids was continued to Wednesday, October 10, 1973 and the
report to the City Council was continued to Thursday, October 11, 1973,
at the City Manager's request.

(Item 2)

A communication from Roberta Marie McGill, requesting permission
to address the Council regarding proposed change in format of "State-
ment on Qualifications of Candidates" pamphlet, was presented.

Roberta Marie McGill appeared to speak regarding said communication.

The motion of Councilman Johnson to refer the matter to the City
Attorney for a report back to Council died for lack of a second.

The motion of Councilman Landt to note and file was withdrawn.

On motion of Councilman Williams, the matter was referred to the
Legislative Committee for a report back to Council and Miss McGill.

The Council considered requests for continuances: Items 8, 11,
and 12.

(Item 8 - CASE NO. 1-73-2)

HEARINGS: Appeal of Max A. Treece from the decision of the Planning Commission in denying the City-Initiated request to rezone a portion of Pueblo Lot 1783 "Park La Jolla Area," located on the east side of La Jolla Boulevard, between Bird Rock Elementary School and Turquoise Street, from Zone R-4 to Zone R-3A, R-3, R-2A, or any combination thereof.

Max A. Treece appeared to speak regarding a continuance of this matter.

Attorney Michael Thorsnes appeared to stipulate that there would be no building permits requested by the developer during the period until the appeal will be heard.

On motion of Councilman Johnson, the matter was continued to Thursday, November 1, 1973, at the owner's request.

(Item 11)

ORDINANCES TO BE INTRODUCED: Amending the Municipal Code to conform to changes in State law in regard to sales tax.

On motion of Councilman Williams, the matter was continued to Thursday, October 11, 1973, at City Attorney's request.

(Item 12)

RESOLUTIONS - MISCELLANEOUS: Authorizing an agreement with the State Board of Equalization for administration of the local sales tax.

On motion of Councilman Williams, the matter was continued to Thursday, October 11, 1973, at City Attorney's request.

The Council considered the Consent Agenda, which consisted of Items 9, 13, 14, and 100.

The following Ordinance was introduced at the Meeting of September 20, 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, and Hitch, and Acting Mayor Morrow. Absent-Councilmen Martinet and Bates, and Mayor Wilson.

(Item 9 - CASE NO. 38-71-34)

ORDINANCE 11136 (New Series), incorporating Lot 217, Harborview Heights Unit 7, into CN Zone, as defined by Section 101.0426 of the San Diego Municipal Code, and repealing Ordinance No. 9201 (New Series), adopted April 22, 1965, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 13)

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

RESOLUTION 208957, Arrow Electric, for the construction of traffic signal and safety lighting systems at the intersection of 19th Street and Coronado Avenue, for the sum of \$39,599; authorizing the expenditure of \$46,500 out of Gas Tax Funds (220) for said purpose and related costs; and

RESOLUTION 208958, Equipment Specialist Co. for the purchase of 1 each exhaust analyzer, for an actual cost of \$1,643, including tax and terms.

(Item 14)

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

RESOLUTION 208959, furnishing vehicle loop detectors, as may be required for the period of one year ending October 31, 1974, in accordance with Specifications Document No. 744979; and

RESOLUTION 208960, construction of Gompers Neighborhood Park, in accordance with Specifications Document No. 744980.

(Item 100)

The following Resolutions, relative to the following final subdivision map, were adopted on motion of Councilman Williams:

RESOLUTION 208961, authorizing an agreement with Sero Amusement Company for completion of improvements in South Bay Trailer Park, a 2-lot subdivision located on the north side of Coronado Avenue, southerly of Elm Street, westerly of Montgomery Freeway; and

RESOLUTION 208962, approving the final map of South Bay Trailer Park.

(Item 3 - CASE NO. 61-72-3 - portion - Drawing No. B-2620.2)

The hour of 9:30 a.m. having arrived, Acting Mayor Morrow announced this was the time and place set for the hearing, continued from the Meeting of February 15, 1973, for Environmental Impact Report, on the matter of Council-initiated rezoning of portions of Section 5, Township 15 South, and portions of Section 32, Township 14 South, Range 2 West, located east of Interstate 15 and north of Willow Creek Road, from Zone A-1-10 to Zone M-IP. It was reported that no written protests had been received.

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

Attorney H. Cushman Dow and Attorney Ron Currey appeared to speak in favor of the proposed rezoning.

Ruth Peyton appeared to speak in opposition to the proposed rezoning.

The Council requested a report from the Planning Department on whether land should be designated agricultural as distinguished from land which should be designated as "holding zone" land.

(Item 3 - Continued)

The hearing was closed on motion of Councilman Landt.

A proposed Ordinance, incorporating a portion of Section 5, Township 15 South, and a portion of Section 32, Township 14 South, Range 2 West, into M-IP Zone, as defined by Section 101.0435.1 of the San Diego Municipal Code, and repealing Ordinance No. 9932 (New Series), adopted December 12, 1968, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, and Acting Mayor Morrow. Nays-None. Absent-Councilmen Martinet, Bates, and Mayor Wilson.

(Item 4 - CASE NO. 60-73-5)

The hour of 9:30 a.m. having arrived, acting Mayor Morrow announced this was the time and place set for the hearing, continued from the Meeting of September 27, 1973, for Planning Department report, on the matter of rezoning portions of Lots 3 and 4, Section 1, Township 15 South, Range 3 West, located south of Tisha Street, between Baroness Avenue and Camino Ruiz, in the Mira Mesa area, from Zone A-1-10 to Zone R-1-5. It was reported that no written protests had been received.

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

Norman Hedenberg appeared to speak in favor of the proposed rezoning.

Councilman Hitch was excused from consideration of this item, at his own request, because he had not had the opportunity to review the tapes of the Meeting of September 27, 1973.

The hearing was closed on motion of Councilman Johnson.

A proposed Ordinance, incorporating portions of Lots 3 and 4, Section 1, Township 15 South, Range 3 West, into R-1-5 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 10936 (New Series), adopted October 5, 1972, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, and Acting Mayor Morrow. Nays-None. Excused-Councilman Hitch. Absent-Councilmen Martinet, Bates, and Mayor Wilson.

(Item 5 - CASE NO. 42-73-6)

The hour of 9:30 a.m. having arrived, Acting Mayor Morrow announced this was the time and place set for the hearing on the matter of rezoning a portion of Pueblo Lot 1110, located on the south side of Camino del Rio South between Texas Street and I-805, from Zone R-1-40 to Zone CO. It was reported that no written protests had been received.

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

Attorney Eric Lodge appeared to speak in favor of the proposed rezoning.

The hearing was closed on motion of Councilman Landt.

(Item 5 - Continued)

A proposed Ordinance, incorporating a portion of Pueblo Lot 110, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 1947 (New Series), adopted October 1, 1940, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, and Acting Mayor Morrow. Nays-None. Absent-Councilmen Martinet, Bates, and Mayor Wilson.

(Item 6 - CASE NO. 42-73-5)

The hour of 9:30 a.m. having arrived, Acting Mayor Morrow announced this was the time and place set for the hearing on the matter of rezoning Executive House Subdivision, located on the south side of Camino del Rio South between Mission Center Road and Texas Street, from Zone CR to Zone CO. It was reported that no written protests had been received.

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

No one appeared to be heard.

The hearing was closed on motion of Councilman Landt.

A proposed Ordinance, incorporating Executive House Subdivision into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code and repealing Ordinance No. 8330 (New Series), adopted August 4, 1960, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, and Acting Mayor Morrow. Nays-None. Absent-Councilmen Martinet, Bates, and Mayor Wilson.

(Item 7 - CASE NO. 1-73-1 - City-initiated)

The hour of 9:30 a.m. having arrived, Acting Mayor Morrow announced this was the time and place set for the hearing on the matter of rezoning all that land in the "Crescent Bay" area in Pacific Beach generally bounded by Pacific Beach Drive on the north, Riviera Drive on the east, and Moorland Drive on the south and Mission Bay and Dawes Street on the west, from Zone R-4 to Zone R-3A, R-3, R-2A, or any combination thereof. It was reported that two letters in opposition had been received.

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

Philip Shafer, Max Treece, Ruth Peyton, and Betty Vincent appeared to speak in favor of the proposed rezoning.

Acting Mayor Morrow recessed the Meeting at 10:35 a.m. Upon reconvening at 10:49 a.m., the roll call showed Councilmen Martinet, Bates, and Mayor Wilson absent.

(Item 7 - Continued)

Mrs. Vesta Bagley, Vernon Taylor, Patrick Millay and Adele Felix appeared to speak in opposition to the proposed rezoning.

The motion of Councilwoman O'Connor to close the hearing and continue the matter to October 9, 1973 for a full Council received no vote at this time.

Councilwoman O'Connor accepted a proposed amendment by Councilman Landt, changing the date to November 1, 1973.

The vote was then taken on Councilwoman O'Connor's amended motion, which passed unanimously and the hearing was closed and the matter continued to November 1, 1973, for full Council.

The Council noted that they wished to hear Items 7 and 8 together on November 1, 1973.

(Item 10)

A proposed Ordinance, amending Chapter IX, Article 3, Division 1 of the San Diego Municipal Code by adding Section 93.00.1007, Section 1007(d) of the Uniform Plumbing Code, relating to pressure relief valves on new water heaters, was introduced on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Hitch, and Acting Mayor Morrow, Nays-None. Absent-Councilmen Martinet, Bates, and Mayor Wilson.

(Item 103)

A proposed Resolution, directing the City Manager and City Attorney to take steps to terminate agreements between The City of San Diego and the State of California relative to construction of Freeway 252; and directing the City Manager to explore with the State alternate uses for land already acquired for right of way, was presented.

City Clerk Nielsen and Assistant City Attorney Teaze answered questions directed by the Council.

Albert McLean, Carol Waymon, and Rudy Bautista appeared to speak in opposition to the proposed Resolution.

Acting Mayor Morrow recessed the Meeting at 12:04 p.m., to reconvene at 2:00 p.m.

Upon reconvening at 2:07 p.m., the roll call showed Councilmen Morrow, Martinet, Bates, and Mayor Wilson absent.

By common consent, the Council agreed to trail the remainder of Item 103 and consider Item 101 out of order.

(Item 101)

A proposed Resolution, authorizing the City Manager to execute an application for a Federal grant in the amount of \$1,776,477 on behalf of the San Diego Transit Corporation with the Urban Mass Transit Administration (UMTA), U. S. Department of Transportation, to aid in the financing of a mass transportation capital improvement grant for twenty-five 53-passenger buses; one sign truck, van type; one 3/4-ton pick-up truck; three automobiles, numerous supporting equipment to be used in conjunction with City transit service; and remodeling of existing facilities, was presented.

City Manager Moore answered questions directed by the Council.

RESOLUTION 208963, authorizing the City Manager to execute an application for a Federal grant in the amount of \$1,776,477 on behalf of the San Diego Transit Corporation with the Urban Mass Transit Administration (UMTA), U. S. Department of Transportation, to aid in the financing of a mass transportation capital improvement grant for twenty-five 53-passenger buses; one sign truck, van type; one 3/4-ton pick-up truck; three automobiles; numerous supporting equipment to be used in conjunction with City transit service; and remodeling of existing facilities, was adopted on motion of Councilman Johnson.

The Council returned to consideration of Item 103.

Acting Mayor Morrow entered the Chamber.

(Item 103 - Continued)

Tom McPhattes appeared to speak in opposition to the proposed Resolution.

Councilwoman O'Connor left the Chamber.

Jose Diaz appeared to speak in opposition to the proposed Resolution.

Councilwoman O'Connor entered the Chamber.

The Council discussed the item at length.

On motion of Councilman Williams, an alternate form of the proposed Resolution was presented, and the following Resolution adopted, with the stipulation that the information be back to Council within three weeks.

RESOLUTION 208964, directing the City Manager and City Attorney, in conjunction with the State Division of Highways, to prepare a status report regarding the State's proposed construction of Freeway 252; directing that when said report is made available, a joint presentation shall be made to Council regarding the aforesaid construction plans.

(Item 102)

A proposed Resolution, directing the City Manager to request General Services Administration to grant to The City of San Diego ownership and possession of the Clair Engle Desalinization Plant; and to seek management and potential purchasers, and operational grant funds for possible continued operation of the plant, was presented.

City Manager Moore answered questions directed by the Council.

Dr. N. Malley, Fred Moody, Robert Mannion, and Jon Hardway spoke regarding the proposed Resolution.

The Council discussed the item at length.

The motion of Councilman Johnson to close debate died for lack of a second.

The motion of Councilman Landt to file failed for lack of five affirmative votes, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, and Hitch. Nays-Councilman Williams and Acting Mayor Morrow. Absent-Councilmen Martinet, Bates, and Mayor Wilson.

The motion of Councilman Landt to adopt the proposed Resolution failed for lack of five affirmative votes, by the following vote: Yeas-Councilmen Williams and Acting Mayor Morrow. Nays-Councilmen Johnson, O'Connor, Landt, and Hitch. Absent-Councilmen Martinet, Bates, and Mayor Wilson.

The Chair declared the item to be unfinished business, to be brought to the Supplemental Docket for the Meeting of Tuesday, October 9, 1973.

The Mayor announced there would be an Executive Session at the conclusion of the Meeting for the purpose of discussing pending litigation and meeting with the Meet and Confer Team.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Hitch at 3:21 p.m.

Bob Martinet
DEF. TY Mayor of The City of San Diego, California

ATTEST:

Edward J. ...
City Clerk of The City of San Diego, California