

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, OCTOBER 18, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

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

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

(Item 1)

The thirty-five students from Lincoln High School did not attend this Meeting.

(Item 2)

The Purchasing Agent reported on all bids opened Wednesday, October 17, 1973 on 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 certain drainage easements thereto; three bids received.

Councilman Bates entered the Chamber.

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 City Attorney for recommendation.

(Item 3)

A communication from Rich Wise (Curley the Clown), representing SOFA (Strongly Oriented For Action) and student organizations at San Diego State University, requesting permission to address the Council to ask support for a water-skiing fund raising activity at Crown Point in Mission Bay, Saturday, October 27, 1973 at 11:00 a.m., was presented.

Councilman Williams entered the Chamber.

Rich Wise appeared to speak regarding said communication. On motion of Councilman Johnson, the communication was referred to the City Manager and Mayor for issuance of proclamation.

There were no requests for continuances.

Councilman Bates moved for reconsideration of Item No. 7 from the docket of October 16, 1973, height limitation zone restricting the maximum height of all future buildings and structures in the whole or any part of the Grant Hill Park area to 15 feet or to any height limit greater than 15 feet. No vote was taken at this time.

Councilman Morrow entered the Chamber.

Mayor Wilson excused himself from voting on the motion as he was absent October 16, 1973.

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

Mrs. Beck appeared to speak in favor of the proposed reconsideration.

The vote was then taken on Councilman Bates motion to reconsider Item No. 7 from the docket of October 16, 1973, height limitation zone restricting the maximum height of all future buildings and structures in the whole or any part of the Grant Hill Park area to 15 feet or to any height limit greater than 15 feet, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, and Bates. Nays-Councilmen Landt and Hitch. Excused-Mayor Wilson. Absent-Councilman Martinet.

The City Clerk was directed to renote the matter and set for a new hearing.

The Council considered the Consent Agenda, which consisted of Items 11, 12, 13, 14, 18, 19, 100, 101, and 104.

The following Ordinances were introduced at the Meeting of October 4, 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 their passage, a written or printed copy of each Ordinance.

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

(Item 11 - CASE NO. 61-72-3 - portion - Drawing No. B-2620.2)

ORDINANCE 11141 (New Series), 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.

(Item 12 - CASE NO. 60-73-5)

ORDINANCE 11142 (New Series), 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.

(Item 13 - CASE NO. 42-73-6)

ORDINANCE 11143 (New Series), incorporating a portion of Pueblo Lot 1110, 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.

(Item 14 - CASE NO. 42-73-5)

ORDINANCE 11144 (New Series) incorporating Executive House Sub-division, 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.

(Item 18)

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

RESOLUTION 209046, American Electric Contracting Corporation, for the construction of Southcrest Park safety lighting, for the sum of \$13,750; authorizing the expenditure of \$17,800 out of Capital Outlay Fund (245) for said purpose and related costs;

RESOLUTION 209047, Champion Construction Co. to remodel Copper Room, Community Concourse, for the sum of \$14,933; and

RESOLUTION 209048, Luna Beach Pebbles for the purchase of 655.5 tons of filter rock, for a total cost of \$22,751.66, including tax and terms.

(Item 19)

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

RESOLUTION 209049, Reading Anthracite Coal Company for the purchase of 350 tons of anthracite filter media, for an actual cost as follows: Material (including tax and terms) \$5,861.63, Freight estimate \$9,348.50, Hopper Car Cover \$266.00, Total \$15,476.13;

RESOLUTION 209050, Dave Martin for the purchase of unloading and trucking services as required for delivery of approximately 350 tons of anthracite filter media, for an actual estimated cost of \$2,590.88, including tax and terms;

RESOLUTION 209051, Acme Visible Records, Inc. for the purchase of 1 rotary file for an actual cost of \$2,290, including tax and terms; and

RESOLUTION 209052, Calgon Corporation for furnishing and installing vapor emission control equipment at various City gasoline service stations for a period of 90 days, at no charge to the City.

(Item 100)

The following Resolutions relative to construction of ornamental lighting systems, traffic signal modifications and related work on Market Street, between State Street and Fifth Avenue, and Sixth Avenue between Market Street and Island Avenue, were adopted on motion of Councilman Landt:

RESOLUTION 209053, approving the plans, specifications and Plat No. 3861 of the assessment district; and

RESOLUTION OF INTENTION 209054, setting the time and place for hearing protests.

(Item 101)

RESOLUTION 209055, 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 Pueblo Lot 1296, was adopted on motion of Councilman Landt.

(Item 104)

RESOLUTION 209056, authorizing and directing the City Manager to waive The City of San Diego's eligibility for \$15,000 in planning revenue available under Part B of the Omnibus Crime Control Act; that such revenue be passed through to the San Diego Regional Criminal Justice Planning Board to be used for the purpose of improving the coordination of Criminal Justice Planning between The City of San Diego, County of San Diego and the Regional Justice Planning Board, was adopted on motion of Councilman Landt.

The Council considered the Supplemental Docket out of order.

(Supplemental Docket Item 1)

RESOLUTION 209057, authorizing an agreement with the State of California, Department of Water Resources, for the evaluation and study of the corrosive effect of desalted water through the removal, inspection and replacement of selected test sections of the San Diego Desalted Water Transportation Facility; authorizing the use of City Forces to remove, inspect and replace certain material testing sections of said facility, the cost of which will be reimbursable by the State in an amount not to exceed \$6,000, was adopted on motion of Councilman Landt.

(Item 4 - CASE NO. 27-73-1)

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 October 11, 1973, for further review, on the appeal of Irwin L. Schroeder, from the decision of the Planning Commission in denying his application to rezone Lots 1 and 2, Delta No. 1, located on the north side of Federal Boulevard, between 50th Street and Euclid Avenue, from Zone R-4 to Zone C. It was reported that no written protests had been received.

Assistant Planning Director Van Cleave answered questions directed by the Council.

No one appeared to be heard.

Mayor Wilson and Councilman Johnson excused themselves from voting as they had been absent on October 11, 1973.

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

RESOLUTION 209058, denying the appeal of Irwin L. Schroeder, from the decision of the Planning Commission in denying his application to rezone Lots 1 and 2, Delta No. 1, located on the north side of Federal Boulevard, between 50th Street and Euclid Avenue, from Zone R-4 to Zone C, denying the application to rezone said property.

(Item 5 - CASE NO. 35-73-2)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of rezoning a portion of Pueblo Lot 1199, located west of I-805 and south of the easterly terminus of Birmingham Drive, from Zone R-1-5 (LC) to Zone CO (LC). It was reported that no written protests had been received.

Assistant Planning Director Van Cleave answered questions directed by the Council.

Councilman Williams left the Chamber

City Manager Moore answered questions directed by the Council.

Councilman Williams entered the Chamber.

(Item 5 - Continued)

Sam Lundgren appeared to speak in favor of the proposed rezoning. The hearing was closed on motion of Councilman Hitch.

A proposed Ordinance, incorporating a portion of Pueblo Lot 1199, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 13457, approved February 15, 1932, 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, Williams, Morrow, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Martinet.

Mayor Wilson recessed the Meeting at 10:22 a.m. Upon reconvening at 10:44 a.m., the roll call showed Councilmen Williams and Martinet absent.

(Item 6 - CASE NO. 60-73-2)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of rezoning portions of Sections 1, 6, 10, 11, and 12, Township 15 South, Range 2 and 3 West, located along Miramar Road between I-15 and A.T. & S.F. R.R. right-of-way, from Zone M-1A to Zone M-1B. It was reported that no written protests had been received.

Assistant Planning Director Van Cleave answered questions directed by the Council.

Councilman Williams entered the Chamber.

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

Attorney Paul Peterson appeared to speak regarding the proposed rezoning.

The Council discussed the matter at length.

On motion of Councilman Morrow, the proposed Ordinance was amended to delete from the M-1B Zoning the property to the east and west of the Gentry and Watts parcel on Miramar Road and to include a Grandfather Clause that the Ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of the Ordinance shall be issued unless application therefor is made prior to October 18, 1973.

The hearing was closed on motion of Councilman Morrow.

A proposed Ordinance, incorporating portions of Sections 1, 6, 10, 11, and 12, Township 15 South, Range 2 and 3 West, into M-1B Zone, as defined by Section 101.0435.2 of the San Diego Municipal Code and repealing certain Ordinances of the Ordinances of The City of San Diego insofar as the same conflict herewith, was introduced on motion of Councilman Morrow, as amended, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Hitch, and Mayor Wilson. Nays-Councilman Bates. Absent-Councilman Martinet.

(Item 6 - Continued)

On motion of Councilman Landt, that property located to the east and west of the Gentry & Watts parcel on Miramar Road and property at Black Mountain and Miramar Roads was referred to the Planning Commission to initiate C-1S Zoning, plus any of the property that may be grandfathered out of the M-1B Zone.

(Item 7 - CASE NO. 15-73-1 - City-initiated)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of rezoning all that property bounded by Grape Street and I-5 on the north, I-5 on the east, "E" and "L" Streets on the south, and Pacific Highway on the west, from Zones C and C-1 to Zone CBD. It was reported that no written protests had been received.

Assistant Planning Director Van Cleave answered questions directed by the Council.

Roy Potter and Robert Brown appeared to speak in favor of the proposed rezoning.

The hearing was closed on motion of Councilman Landt.

A proposed Ordinance, incorporating all that property bounded by Grape Street and I-5 on the north, I-5 on the east, "E" and "L" Streets on the south, and Pacific Highway on the west, into CBD Zone, as defined by Section 101.0433 of the San Diego Municipal Code and repealing certain ordinances of the Ordinances of The City of San Diego insofar as the same conflict herewith, was introduced on motion of Councilman Landt, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Hitch, Bates, and Mayor Wilson. Nays-None. Absent-Councilman Martinet.

(Item 8 - APPLICATION NO. 62135)

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 Rick Engineering Company, by William B. Rick, from the decision of the City Subdivision Engineer in denying the application of Robert O. Peterson for a Land Development Permit (Application No. 62135) on a portion of Lot 67, Rancho Mission of San Diego, located at the northwest corner of Waring Road and Interstate 8, in the C and R-1-5 Zones. It was reported that no written protests had been received.

Floyd Moore, Community Development Department, answered questions directed by the Council.

Councilman Morrow left the Chamber.

Attorney Ray Saatjian, William B. Rick, and Attorney Alex Harper appeared to speak in favor of granting the appeal.

Councilwoman O'Connor excused herself from voting because of the possibility of a conflict of interest.

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

RESOLUTION 209059, granting the appeal of Rick Engineering Company, by William B. Rick, from the decision of the City Engineer in denying the application of Robert O. Peterson for a land development permit

(Item 8 - Continued)

(Application No. 62135) on a portion of Lot 67, Rancho Mission of San Diego, located at the northwest corner of Waring Road and Interstate 8; instructing the City Engineer to issue a land development permit to Robert O. Peterson. Said permit shall be in substantial conformance with the plans presented to the City Council and comply with applicable provisions of Chapter VI, Article 2 of the San Diego Municipal Code.

Mayor Wilson recessed the Meeting at 12:05 p.m., to reconvene at 2:00 p.m.

Upon reconvening at 2:11 p.m., the roll call showed Councilmen Williams, Martinet, Hitch, and Mayor Wilson absent.

(Item 102)

Two proposed Resolutions relative to the establishment of a Precise Planned District for the Middletown area, as follows: (a) Directing the Planning Commission and Planning Department to consider the establishment of said District at the earliest practicable date; and (b) Designating the Middletown Property Owners Association as the officially recognized community planning body for said area; directing all appropriate City personnel and departments to cooperate to the fullest extent possible in the formation of said District, and that all portions of the Uptown Community Plan affecting said area be submitted by the Uptown Planners to the Middletown Property Owners Association for review and recommendation prior to submittal to City, were presented. It was reported that one petition in protest had been received.

Mayor Wilson entered the Chamber.

Carl Ludlow appeared to speak in opposition to the proposed Resolutions.

On motion of Councilman Bates, the proposed Resolutions were filed.

(Item 9)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposed amendment to Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0409 R-2 Zone. This amendment would revise Paragraph D (Density Regulations) by deleting the present limitation of four dwelling units per lot. It was reported that one letter in favor had been received.

Assistant Planning Director Van Cleave answered questions directed by the Council.

The hearing was closed on motion of Councilman Bates.

A proposed Ordinance, amending Chapter X, Article 1, Division 4, Section 101.0409 of the San Diego Municipal Code relating to the R-2 Zone, was introduced on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Morrow, Bates, and Mayor Wilson. Nays-None. Absent-Councilmen Williams, Martinet, and Hitch.

(Item 10)

The hour of 9:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposed amendment to Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0423 CO Zone. This amendment would revise Paragraph E (Off-Street Parking Regulations) by increasing the off-street parking requirements for business and professional office uses and other uses not otherwise provided for, from one space for each 400 square feet to one space for each 300 square feet of gross floor area; and by adding a new provision requiring medical and dental buildings to provide one off-street parking space for each 250 square feet of gross floor area. It was reported that no written protests had been received.

Councilman Williams entered the Chamber.

Assistant Planning Director Van Cleave answered questions directed by the Council.

The hearing was closed on motion of Councilman Bates.

A proposed Ordinance, amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code by amending Section 101.0423 relating to the CO Zone, was introduced on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Bates, and Mayor Wilson. Nays-None. Absent-Councilmen Martinet and Hitch.

(Item 15)

A proposed Ordinance, introduced at the Meeting of October 4, 1973, 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 presented.

City Manager Moore answered questions directed by the Council.

No one appeared to be heard.

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 said Ordinance.

ORDINANCE 11145 (New Series), 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 adopted on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Bates, and Mayor Wilson. Nays-None. Absent-Councilmen Martinet and Hitch.

Councilman Morrow left the Chamber.

(Item 16)

A proposed Ordinance, amending Chapter V, Article 6, of the San Diego Municipal Code by amending Section 56.42 relating to tampering with or removal of City refuse, was presented.

City Manager Moore answered questions directed by the Council.

Councilman Johnson asked the City Manager to inform the public of the Ordinance provisions making it a possible misdemeanor to tamper with or remove City refuse. It was suggested that notices might be included with utility bills.

A proposed Ordinance, amending Chapter V, Article 6, of the San Diego Municipal Code by amending Section 56.42 relating to tampering with or removal of City refuse, was introduced on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Bates, and Mayor Wilson. Nays-None. Absent-Councilmen Morrow, Martinet, and Hitch.

(Item 17)

RESOLUTION 209060, authorizing the Purchasing Agent to advertise for sealed bids for the contracted collection and disposal of waste newspapers, in accordance with Specifications Document No. 745119, was adopted on motion of Councilman Bates.

(Item 20)

RESOLUTION 209061, inviting bids for Bayview Reservoir - Lining, in accordance with Specifications Document No. 745118, was adopted on motion of Councilman Bates.

(Item 103)

RESOLUTION 209062, authorizing the City Attorney and Claims Division to settle the claim of the Pacific Telephone and Telegraph Company in the amount of \$12,335.38, the cost of repair resulting from damages to the underground cable at 3775 Morena Boulevard on April 25, 1973; authorizing the City Auditor and Comptroller to draw his warrant-check in favor of the Pacific Telephone and Telegraph Company in the amount of \$12,335.38 in full settlement of said claim, was adopted on motion of Councilman Johnson.

(Item 105)

A proposed Resolution, that the week of October 14 through 20, 1973, be proclaimed as Prisoner of Conscience Week, was presented.

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

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

There being no further business to come before the Council at this time, by Unanimous Consent granted to Councilman Johnson, the Regular Meeting was adjourned at 2:44 p.m. in memory of Harold B. Starkey, Sr., of Starkey Investment Company, who passed away October 17, 1973.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Edward Wilson

City Clerk of The City of San Diego, California