

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, NOVEMBER 27, 1973
IN THE CHAMBER OF THE COUNCIL - ADMINISTRATION BUILDING
COMMUNITY CONCOURSE

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

Deputy Mayor Martinet called the Regular Meeting to order at
9:42 a.m.

(Item 1)
Roll Call was taken.

(Item 1a)
Deputy Mayor Martinet introduced the Reverend Martin Mc Manus,
Associate Pastor at St. Joseph's Cathedral, who gave the Invocation.

(Item 2)
Councilman Morrow led the Pledge of Allegiance.

(Item 3)
Deputy Mayor Martinet welcomed a group of new employees, who
were present in the Chamber.

Deputy Mayor Martinet welcomed twenty-seven students from the
San Diego Adult School from the Naval Air Station at 32nd Street,
accompanied by Col. Reilly.

(Item 4)
Minutes of the Regular Council Meetings of Thursday, September 6,
Tuesday, September 18, Tuesday, September 25, Thursday, September 27, and
Thursday, November 1, 1973, were presented by the City Clerk.
On motion of Councilman Johnson, said Minutes were approved with-
out reading, after which they were signed.

The Council considered requests for continuances: Items 23c, 106, and 119.

(Item 23c)

RESOLUTIONS-PURCHASING: Awarding a contract to Crown Coach Corporation for the purchase of one 1,250-gallon triple combination pumper for a cost of \$59,606.83; one 75-foot elevating platform fire truck for a cost of \$109,714.71, and one motorized tractor-drawn 100-foot aerial ladder truck for a cost of \$107,004.18; for a total estimated cost of \$290,142.01, including sales tax; authorizing the expenditure of \$110,000 from Community Building and Improvements Bond Fund (726) and \$180,142.01 from Capital Outlay Fund (245) for said purpose and related costs.

On motion of Councilman Hitch, the matter was continued to Tuesday, December 11, 1973, at City Manager's request.

(Item 106)

RESOLUTIONS-STREET WORK, ASSESSMENT PROCEEDINGS: Two Resolutions relative to paving and otherwise improving Bonita Drive from Cervantes Avenue to Olvera Drive, as follows: (a) Awarding a contract to Pacific Engineers for said construction; and (b) Authorizing the expenditure of a sum not to exceed \$4,469.13 from Sewer Revenue Fund (506) for the City's contribution and related costs.

On motion of Councilman Hitch, the matter was continued to the Supplemental Docket of Thursday, November 29, 1973, at City Manager's request.

(Item 119)

RESOLUTIONS-MISCELLANEOUS: Viewing with alarm and disfavor the apparent plans of certain automobile manufacturers to place the burden of their 1974 price increases almost entirely upon the smaller models, while regular-sized vehicles receive only minimum levies; requesting of Office of Energy Policy to review any such price increases with the Cost of Living Council, and to do whatever is possible to cause the distribution of such increases to be placed equitably among all models on the market.

On motion of Councilman Hitch the matter was continued for three weeks to December 18, 1973, for further review.

The Council considered the consent agenda, which consisted of Items 14, 15, 16, 17, 18, 19, 23a, 23b, 24, 25, 26, 101, 102, 103, 104, 105, 109, 110, 112, 113, 114, 115, 116, and 117.

The following Ordinances were introduced at the Meeting of November 8, 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 Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Landt, Williams, Morrow, Hitch, Bates, and Deputy Mayor Martinet. Nays-None. Absent-Mayor Wilson.

(Item 14 - CASE NO. 42-73-7)

ORDINANCE 11163 (New Series), incorporating a portion of Reiner's Subdivision of Pueblo Lot 1103, into CN Zone, as defined by Section 101.0426 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 15 - CASE NO. 18-73-1 - City-Initiated)

ORDINANCE 11164 (New Series), incorporating a portion of Pueblo Lot 1286, into CS Zone, as defined by Section 101.0432 of the San Diego Municipal Code and repealing Ordinance No. 13294, approved August 31, 1931, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 16 - CASE NO. 18-73-5 - City-Initiated)

ORDINANCE 11165 (New Series), incorporating all that property on both sides of La Jolla Boulevard between Camino de la Costa and the southern boundaries of Lot C, Bird Rock Villas and Lot 3, Block 22, Bird Rock Addition (approximately 9.28 acres) into CS Zone, as defined by Section 101.0432 of the San Diego Municipal Code and repealing Ordinance 242 (New Series), adopted May 29, 1933 of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 17 - CASE NO. 18-73-2 - City-Initiated)

ORDINANCE 11166 (New Series), incorporating all that property on the north and south sides of Pearl Street, from the alley east of Girard Avenue to the alley west of La Jolla Boulevard; and east and west sides of La Jolla Boulevard from Pearl Street to the alley south of Marine Street, (approximately 8.20 acres), into CS Zone, as defined by Section 101.0432 of the San Diego Municipal Code and repealing Ordinance No. 13294, approved August 31, 1931, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 18 - CASE NO. 18-73-3 - City-Initiated)

ORDINANCE 11167 (New Series), incorporating all that property on the east and west sides of La Jolla Boulevard, between Westbourne Street and Gravilla Street (approximately 5.61 acres) into CS Zone, as defined by Section 101.0432 of the San Diego Municipal Code and repealing Ordinance No. 245 (New Series), adopted June 19, 1933 and Ordinance No. 4432 (New Series), adopted June 8, 1950, of the Ordinances of The City of San Diego insofar as the same conflict herewith.

The following Ordinance was introduced at the Meeting of November 13, 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 said Ordinance.

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

(Item 19 - CASE NO. 48-72-11, portion)

ORDINANCE 11168 (New Series), incorporating Lots 1-9, Ocean Bluffs, into R-2 Zone, as defined by Section 101.0409 of the San Diego Municipal Code, and repealing Ordinance No. 10463 (New Series), adopted December 17, 1970, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Items 23a, and 23b)

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

RESOLUTION 209293, Wilco General Engineering Contractors for the construction of Gompers Neighborhood Park for the sum of \$117,300; authorizing the expenditure of \$96,320 out of Capital Outlay Fund (245), \$17,000 out of Gas Tax Fund (220) and \$16,680 out of Park Service District Fund (663) Park Ord. No. 11663, for said purpose and related costs; and

RESOLUTION 209294, Perry Electric for the construction of traffic signal and safety lighting systems at Genesee Avenue and Mt. Etna Drive for \$31,496; authorizing the expenditure of \$35,700 out of Gas Tax Fund (220) and \$1,800 out of Capital Outlay Fund (245) for said purpose and related costs.

(Item 24)

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

RESOLUTION 209295, Carde Pacific Corporation for the rental of a Gradall for a period of 12 months for a cost of \$3,500 per month plus sales tax, with an option to continue rental for an additional 12 months for a cost of \$3,200 per month plus sales tax, with an option to purchase at the end of 12 months for a cost of \$72,980.63 plus sales tax and with an option to purchase at the end of 24 months rental for a cost of \$41,294.14 plus sales tax; estimated annual rental cost of \$44,100; and

RESOLUTION 209296, Automatic Signal Division, United Signal, Inc., and Econolite for the purchase of 3 traffic signal controllers, for a total estimated cost of \$36,779.40, including sales tax; authorizing the expenditure of \$36,780 out of Gas Tax Fund (220) for said purpose and related costs.

(Item 25)

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

RESOLUTION 209297, John Hine Pontiac, Mira Mesa Dodge, Hertz Corporation, and Tudor Motors for the purchase of 7 automobiles for a total estimated cost of \$18,348.75, including sales tax; and

RESOLUTION 209298, Proprietary Computer Systems, Inc. for computer time-sharing services in support of a text-editing capability, for a total cost not to exceed \$8,000 but dependent upon actual usage.

(Item 26)

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

RESOLUTION 209299, furnishing paints and coatings as may be required for a period of one year ending December 31, 1974, in accordance with Specifications Document No. 745511;

RESOLUTION 209300, furnishing rental of tanker trucks for hauling sewage sludge as may be required for a period of 18 months ending June 30, 1975, in accordance with Specifications Document No. 745512;

RESOLUTION 209301, furnishing 2 bulldozers and 1 motor grader, in accordance with Specifications Document No. 745513;

RESOLUTION 209302, furnishing 20 spotlights, in accordance with Specifications Document No. 745514;

RESOLUTION 209303, furnishing 8 triplex power lawn mowers, in accordance with Specifications Document No. 745515;

RESOLUTION 209304, furnishing 9 electric typewriters, in accordance with Specifications Document No. 745516; and

RESOLUTION 209305, furnishing breathing apparatus, in accordance with Specifications Document No. 745517.

(Item 101)

RESOLUTION 209306, authorizing an agreement with Pacific Bay Land Co. and Gilbert Dreyfuss for completion of improvements in Halecrest Heights Unit 1 Subdivision, guaranteed by Bond No. 205389, issued by American Empire Insurance Company; terminating the Subdivision Improvement Agreement, Document No. 726733, heretofore executed by The City of San Diego and Pacific Bay Land Co. and Gilbert Dreyfuss and releasing Bond No. 545007, issued by General Insurance Company of America, was adopted on motion of Councilman Williams.

(Item 102)

RESOLUTION 209307, granting a one-year extension of time to San Diego Medical Center for completion of improvements in San Diego Medical Center Resubdivision, said time to commence upon adoption of this resolution; substituting Bond No. 3980790 in the amount of \$6,795 as Exhibit C in the agreement, and releasing Bond No. 958494, issued by Hanover Insurance Company, was adopted on motion of Councilman Williams.

(Item 103)

RESOLUTION 209308, granting a one-year extension of time to Kaiser Foundation Hospitals and Cesarine Cerise for completion of improvements in Cerise Subdivision, said time to commence upon adoption of this resolution, was adopted on motion of Councilman Williams.

(Item 104)

RESOLUTION 209309, accepting the work done and authorizing a Notice of Completion in Piazza Subdivision, was adopted on motion of Councilman Williams.

(Item 105)

RESOLUTION 209310, granting the petition for improvements in Home Avenue between Ash Street and Spillman Drive, under the Improvement Act of 1911; directing the City Manager to furnish description and plat of the district, was adopted on motion of Councilman Williams.

(Item 109)

RESOLUTION 209311, authorizing the divestment of City's easement interest by negotiated sale for the sum of \$55 of a portion of Lot 2, Block 155, University Heights; authorizing the execution of a quitclaim deed quitclaiming to Safeway Stores, Inc., said interest, was adopted on motion of Councilman Williams.

(Item 110)

RESOLUTION 209312, authorizing a consent to sublease agreement subleasing a portion of Vacation Village, Inc., lease premises to Bordy Music & Vending Corporation for the installation of various amusement devices and vending machines for a term of two years, was adopted on motion of Councilman Williams.

(Item 112)

RESOLUTION 209313, authorizing a first amendment to County Contract No. 4382-5050 E/R with the County of San Diego rescinding a joint thoroughfare agreement providing for the improvement of Pomerado Road from State Highway 15 to the Navy Fire Fighting School, was adopted on motion of Councilman Williams.

(Item 113)

RESOLUTION 209314, authorizing the City Manager to extend agreements with The Regents of the University of California and California State University, San Diego and enter into agreements with Grossmont Community College District, United States International University and California School of Professional Psychology, to continue the City's involvement in the College Work-Study Program for the 1973-74 school year, was adopted on motion of Councilman Williams.

(Item 114)

RESOLUTION 209315, authorizing an agreement with San Diego Junior Chamber of Commerce for the construction and entry of a float in the annual Tournament of Roses Parade on January 1, 1974, and to administer the allocation of funds granted for the marching band representing the City and County in said Rose Parade; authorizing the expenditure of \$12,000 out of Fiscal 1974 Budget, Special Promotional Programs, Fund 223, for said purpose, was adopted on motion of Councilman Williams.

(Item 115)

The following Resolutions, relative to authorizing an agreement to provide electrical engineering services for the Water Utilities Department with the following, were adopted on motion of Councilman Williams:

RESOLUTION 209316, Mitchell-Webb and Associates; and
RESOLUTION 209317, Brown & Zammit Engineering, Inc.

(Item 116)

The following Resolutions, relative to authorizing joint City-County agreements with the following community agencies for the operation of Human Care Services Programs, were adopted on motion of Councilman Williams:

RESOLUTION 209318, Episcopal Community Services, opening non-traditional vocational opportunities for women;

RESOLUTION 209319, Beach Area Community Clinic, establishing a health care clinic;

RESOLUTION 209320, Beach Area Community Clinic, providing specialized medical care for women; and

RESOLUTION 209321, Beach Area Community Clinic, establishing a health screening and education program.

(Item 117)

RESOLUTION 209322, authorizing agreements with Susan Himes Stuart, Project Analyst, and Karen Simmons, Research Assistant/Typist, to provide consultant services which are specified in the "Strike Force-Robbery" grant application, was adopted on motion of Councilman Williams.

The Council agreed to consider the following item out of order.

(Item 120)

A proposed Resolution, consenting to the annexation of a portion of The City of San Diego into County Service Area No. 52 for the purpose of taxation for park services only, was presented.

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

Verna Quinn appeared to speak in favor of the proposed Resolution.

RESOLUTION 209323, consenting to the annexation of a portion of The City of San Diego into County Service Area No. 52 for the purpose of taxation for park services only, was adopted on motion of Councilman Landt.

(Item 5)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearings on the construction and modification of an ornamental lighting system and the removal of the existing lighting system in Market Street, between State Street and Fifth Avenue, and Sixth Avenue, between Market Street and Island Avenue - on Resolution of Intention 209054. It was reported that one written protest had been received.

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

No one appeared to be heard.

(Item 5 - Continued)

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

RESOLUTION 209324, overruling and denying all oral and written protests against said improvement; determining that the proposed improvement within the limits mentioned in Resolution of Intention 209054 is feasible, and that the lands to be assessed therefor will be able to carry the burden of such proposed assessment, and that the public convenience and necessity require the proposed improvement, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 209325, ordering work to improve Market Street and Sixth Avenue.

(Item 6)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearings on paving and otherwise improving the alley contiguous to Lots 1, 2 and 3, Block 23, Linda Vista Subdivision Unit No. 8 - on Resolution of Intention 209073. It was announced 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 on motion of Councilman Morrow and the following Resolutions were adopted:

RESOLUTION 209326, overruling and denying all oral and written protests against said improvement; determining that the proposed improvement within the limits mentioned in Resolution of Intention 209073 is feasible, and that the lands to be assessed therefor will be able to carry the burden of such proposed assessment, and that the public convenience and necessity require the proposed improvement, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 209327, ordering work to improve the alley contiguous to Lots 1, 2 and 3, Block 23, Linda Vista Subdivision Unit No. 8.

The Deputy Mayor announced some changes to the agenda as published for the Council Conference of November 28, 1973.

(Item 7)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on construction of sidewalks - Linda Vista CHIRP Sidewalk Project Phase II - PREECE STREET, et al - on Resolution of Intention 209135. It was reported that one petition in protest had been received.

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

Leonard Stavenau, Donald Filippilli, and Lovelace Evans appeared to speak in opposition to the proposed improvements.

The Council discussed the item at length.

On motion of Councilman Morrow, the four Comley Court property owners who had protested in writing were deleted from the sidewalk installation, with the other two remaining property owners to be also deleted if they indicated in writing that this was their desire.

The Council requested a report from the City Manager on the flooding problem testified to and how it is going to be resolved, plus a study of the costs involved.

Councilman Bates' motion to continue the matter for three weeks was withdrawn.

The hearings were closed on motion of Councilman Williams and the following Resolutions were adopted:

RESOLUTION 209328, amending Resolution of Intention No. 209135 by approving plans and profiles showing changes and modifications in the work described therein for the improvement of Linda Vista CHIRP Sidewalk Installation Project Phase II;

RESOLUTION 209329, overruling and denying all oral and written protests against said improvement; determining that the proposed improvement within the limits mentioned in Resolution of Intention 209135, adopted on November 1, 1973, as amended by Resolution No. 209328, adopted on November 27, 1973 is feasible, and that the lands to be assessed therefor will be able to carry the burden of such proposed assessment, and that the public convenience and necessity require the proposed improvement, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 209330, ordering work to improve construction of Linda Vista CHIRP Sidewalk Installation Project Phase II.

(Item 8)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearings on the installation of ornamental street lighting system and planting of trees in Burton, Coolidge, and Tait Streets - on Resolution of Intention 209172. It was reported that one written protest and one petition in protest had been received.

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

Loretta Thorpe appeared to speak in opposition to the proposed improvements.

Jim Strassberg appeared to speak in favor of the proposed improvements.

The Council discussed the item at length.

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

RESOLUTION 209331, abandoning the proceedings heretofore taken for the proposed installation of an ornamental street lighting system and the planting of trees in Burton, Coolidge, and Tait Streets, under Resolution of Intention No. 209172, adopted November 6, 1973.

Deputy Mayor Martinet recessed the Meeting at 10:46 a.m. Upon reconvening at 11:05 a.m., the roll call showed Mayor Wilson absent.

(Item 10)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearings on the matter of the proposed Soledad Mountain Park District - Park District No. 4, of protests and objections on the Report of the City Manager, prepared pursuant to Resolution of Intention No. 209037, dated October 16, 1973. That any and all persons having any protest or objection to the proposed assessment may appear before the Council and show cause why the same should not be carried out and ordered in accordance with the Report and Resolution of Intention. The Deputy Mayor announced that this was also the time and place fixed for the public hearing on whether the public convenience and necessity require the acquisition and whether it should be ordered without application of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931. It was reported that 5 letters in favor and 16 letters, 1 telegram and 1 petition in opposition had been received.

(Item 10 - Continued)

The City Clerk reported that the Report of the City Manager was available in the Council Chambers. That the affidavit of publication of the Notice of Improvement and certificates of posting and mailing Notices of Adoption of the Resolution of Intention and the filing of the Report are on file in the office of the City Clerk.

The City Clerk further reported that pursuant to Resolution No. 209039, notice was given and sealed bids for the purchase of bonds to be issued were received. The City Clerk then gave the report as to the best responsible bids for the purchase of the bonds.

Jim McLaughlin, Community Development Department, reported that written protests filed with the City Clerk, and not withdrawn represent 49.4% of the area of the property to be assessed for the proposed acquisition.

Special Bond Counsel R. F. Burt gave the Council and the audience a brief explanation of the nature, purpose and procedure for the hearings.

Jim McLaughlin, Community Development Department, answered questions directed by the Council and testified concerning the following matters:

(a) Preparation and filing of Report at the direction of the City Manager, giving a very brief summary.

(b) Proposed amendment to assessment to reflect bond bid.

(c) Proposed diagram and assessment, stating that in his opinion all lands within the proposed district will be benefited by the proposed acquisition and that the proposed assessment has been apportioned upon the several parcels and subdivisions of land in the district in proportion to the estimated benefits to be received from the proposed acquisition.

Mr. McLaughlin stated that he was available to answer questions concerning the Report.

The City Clerk read the names and addresses of thirteen individuals who had protested the spread of the assessment in writing and the name and address of one who had protested by telegram, the names and addresses of three individuals who had protested the boundaries of the assessment district, and announced the receipt of one petition carrying forty names protesting the spread of the assessment and the boundaries. Jim McLaughlin, Community Development Department, asked to have read into the record the five written communications in favor of the proposed project.

Deputy Mayor Martinet recessed the Meeting at 11:58 a.m., to reconvene at 2:00 p.m. Upon reconvening at 2:10 p.m., the roll call showed Councilmen Landt, Williams, Bates, and Mayor Wilson absent.

(Item 10 - Continued)

Edward Pawka appeared to speak in opposition to the proposed project. Louise Spizizen, Ruth Gonzales, H. H. Fisher, and Nathan Naylor appeared to speak in favor of the proposed project.

Councilman Williams entered the Chamber.

Bob Hoe, Dorothy Conway, Hugh Norton, Attorney Jeanne Chancer, and Mrs. Nat Cordova appeared to speak in opposition to the proposed project.

Nat Cordova appeared to speak regarding the proposed project.

Mrs. Edwin Lennox appeared to speak in favor of the proposed project.

It was reported that one more letter protesting the boundaries and amount of the assessment had been received and two more names added to the beforementioned petition during the lunch recess.

All persons having been heard, the Council discussed the item at length.

The Council directed the City Manager to prepare reports on all future open space assessment districts, giving the fair market value on the property to be acquired and to obtain letters from the County Assessor stating this value for all such future hearings.

The Council directed that City Manager reports on valuation of property are to be a standard procedure from this date forward.

The Council directed the City Manager to send a letter to the County Assessor asking for a report on the determination of the fair market value of this park property to be acquired.

The Council directed Jim McLaughlin, Community Development Department, to get together with a committee of property owners to study various ways of cutting down or changing the size or spread of the assessments.

On motion of Councilman Johnson, the matter was continued to Thursday, December 27, 1973, for further study, and the following Resolution was adopted:

RESOLUTION 209332, continuing the hearings on the proposed improvement of Soledad Mountain Park, to be known as San Diego Park District No. 4, under the provisions of the San Diego Park Procedural District Ordinance of 1969, under Resolution of Intention No. 209037, adopted October 16, 1973, to the hour of 9:30 a.m., Thursday, December 27, 1973.

(Item 9)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on vacating Laurel Street between Elkhart and 51st Streets; 51st Street between Laurel and Elkhart Streets; and Unnamed Street (extension of Laurel Street) between 51st and 52nd Streets; and a portion of Elkhart Street between Laurel and 51st Streets - Resolution of Intention 209173. 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 on motion of Councilman Hitch and the following Resolution was adopted.

RESOLUTION 209333, vacating Laurel Street between Elkhart and 51st Streets; 51st Street between Laurel and Elkhart Streets; and unnamed street (extension of Laurel Street) between 51st and 52nd Streets; and a portion of Elkhart Street between Laurel and 51st Streets.

(Item 11 - ZONING ADMINISTRATOR CASE NO. 12225)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the appeal of Herbert E. Nation from the decision of the Board of Zoning Appeals which denied his appeal from the decision of the Zoning Administrator in Case No. 12225 in approving the request of Lloyd K. Vensand to complete and maintain a fireplace chimney which extends approximately 4 inches into the required side yard. Subject property is located on Lot 116, San Clemente Park Estates No. 1, at 2775 Curie Place, in the R-1-5 Zone. It was reported that one written protest had been received.

Councilman Bates entered the Chamber.

Zoning Administrator Beights answered questions directed by the Council.

Herbert Nation appeared to speak in favor of granting the appeal.

Joe Petrino appeared to speak in opposition to granting the appeal.

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

RESOLUTION 209334, denying the appeal of Herbert E. Nation from the decision of the Board of Zoning Appeals and granting to Lloyd K. and Beverly E. Vensand a zone variance as set forth in Zoning Administrator Case No. 12225.

Councilman Johnson left the Chamber.

(Item 12 - C.U.P. 393-PC)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the appeal of Fairmont Foods Company, by Lawrence Wasserman, attorney, from the decision of the Planning Commission in denying the application of Phillip J. Weber, owner, and Fairmont Foods Company, permittee, under Conditional Use Permit No. 393-PC, to install and operate two gas pumps with related signs and light standard (U-TOTEM), located on the northeast corner of Morena Boulevard and Frankfort Street, more particularly described as Lots 17, 18, and 19, Block 3, Corella Tract, in the CS Zone. It was reported that no written protests had been received.

Councilman Johnson entered the Chamber.

Councilman Hitch left the Chamber.

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

Attorney Larry Wasserman and John Van Arsdale appeared to speak in favor of granting the appeal.

Marian Bear appeared to speak in opposition to granting the appeal.

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

RESOLUTION 209335, denying by a vote of 6 to 0 the appeal of Fairmont Foods Company, by Lawrence Wasserman, attorney and upholding the decision of the Planning Commission denying Conditional Use Permit No. 393-PC to construct and operate said gasoline service island.

Deputy Mayor Martinet recessed the Meeting at 3:32 p.m. Upon reconvening at 3:46 p.m., the roll call showed Councilmen O'Connor, Landt, Hitch, and Mayor Wilson absent.

Councilwoman O'Connor entered the Chamber.

(Item 13 - PRD NO. 76)

The hour of 9:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the appeal of John W. Bradford and T. Hiebert, by Edward T. Butler, attorney, from the decision of the Planning Commission in granting the application of James O. Buckles, owner/permittee, under Planned Residential Development Permit No. 76, to construct and operate a 22-unit planned residential development with a recreation building and swimming pool on approximately 3.35 acres. The property is a portion of Acre Lot 2, Pacific Beach, located on the west side of Fanuel Street, north of Archer Street, in the R-1-5 Zone. It was reported that one letter in protest had been received.

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

Attorney Ed Butler, Robert McDonald, and Robert Balian appeared to speak in favor of granting the appeal.

Ronald Hogan appeared to speak in opposition to granting the appeal.

The Council discussed the item at length.

The hearing was closed on motion of Councilman Morrow and the following Resolution was adopted by the following vote: Yeas- Councilmen Johnson, O'Connor, Williams, Morrow, and Bates. Nays- Councilman Martinet. Absent-Councilmen Landt, Hitch, and Mayor Wilson.

RESOLUTION 209336, granting the appeal of John W. Bradford and T. Hiebert, by Edward T. Butler, attorney, by a vote of 5 to 1, and denying Planned Residential Development Permit No. 76.

(Item 108)

A proposed Resolution, closing a portion of Allen Road northerly of a line between the most easterly corner of Lot 8 and the most northerly corner of Lot 20, Mission Hills, to vehicular traffic pursuant to Section 21101(a) of the Vehicle Code of the State of California, was presented.

Mrs. Whitney Young appeared to speak in favor of the proposed Resolution.

RESOLUTION 209337, closing a portion of Allen Road northerly of a line between the most easterly corner of Lot 8 and the most northerly corner of Lot 20, Mission Hills, to vehicular traffic pursuant to Section 21101(a) of the Vehicle Code of the State of California, said portion of Allen Road shall remain open for pedestrian traffic and other appropriate, non-motor-vehicular street purposes, was adopted on motion of Councilwoman O'Connor.

The following Ordinance was introduced at the Meeting of November 13, 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 said Ordinance.

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

(Item 20)

ORDINANCE 11169 (New Series), amending Chapter VI, Article 4 of the San Diego Municipal Code by amending Sections 64.32.2 and 64.35, both relating to sewer service charges.

(Item 21)

A proposed Ordinance, dedicating Lots 1, 2, 3, 8 and 9, Block 14 of Encanto Heights for a public park and naming said park "Encanto Community Park," was introduced on motion of Councilman Williams, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Bates, and Deputy Mayor Martinet. Nays-None. Absent-Councilmen Landt, Hitch, and Mayor Wilson.

(Item 22)

Two proposed Resolutions, continued from the Meeting of November 6, 1973, at City Manager's request, relative to awarding a contract as follows: (a) R. E. Hazard Contracting Co. & W. T. Maxwell Co., a joint venture, for construction of Miramar Road Overpass at the A. T. & S. F. R.R. tracks, including Alternate "A", for the sum of \$272,326.15; authorizing the expenditure of \$127,500 out of Gas Tax Fund (220) and \$190,000 out of Capital Outlay Fund (245) for said purpose and related costs, and (b) Authorizing the use of City Forces to do all the work to place highlines and make the necessary connections in relocating the existing 16" steel water main as required in connection with above project; cost of said work not to exceed \$6,700, were presented.

Assistant City Manager Graham answered questions directed by the Council.

The following Resolutions were adopted on motion of Councilman Bates:

RESOLUTION 209338, R. E. Hazard Contracting Co. & W. T. Maxwell Co., a joint venture, for construction of Miramar Road Overpass at the A. T. & S. F. R.R. tracks, including Alternate "A", for the sum of \$272,326.15; authorizing the expenditure of \$127,500 out of Gas Tax Fund (220) and \$190,000 out of Capital Outlay Fund (245) for said purpose and related costs; and

(Item 22 - Continued)

RESOLUTION 209339, authorizing the use of City Forces to do all the work to place highlines and make the necessary connections in re-locating the existing 16" steel water main as required in connection with above project; cost of said work not to exceed \$6,700.

(Item 100)

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

RESOLUTION 209340, authorizing an agreement with Jo-Van Homes, Inc., and Sun Kist Plaza for completion of improvements in Ryan Subdivision, a 4-lot subdivision located westerly of Elkhart Street in the R-1-5 Zone; and

RESOLUTION 209341, approving the final map of Ryan Subdivision.

(Item 107)

The following Resolutions, relative to paving and otherwise improving Miramar Road from I-805 Freeway to Old Miramar Road, as follows, were adopted on motion of Councilman Johnson:

RESOLUTION 209342, awarding a contract to R. E. Hazard Company for said construction; and

RESOLUTION 209343, authorizing the expenditure of a sum not to exceed \$146,243.55 from Gas Tax Fund (220) and a sum not to exceed \$1,806 from Capital Outlay Fund (245) for the City's contribution and related costs.

(Item 111)

RESOLUTION 209344, authorizing a tenth amendment to agreement with National League of Cities extending completion dates for National Agenda Project #6, Local Agenda Project #6, and Local Agenda Project #7 to December, 1973, was adopted on motion of Councilman Bates:

(Item 118)

A proposed Resolution, authorizing the Mayor to submit an application to the American Revolution Bicentennial Commission for creation of the San Diego American Revolution Bicentennial Committee to act as the central bicentennial planning and coordinating group for The City of San Diego in the bicentennial observation of the American Revolution in 1976, was presented.

Assistant City Manager Graham answered questions directed by the Council.

RESOLUTION 209345, authorizing the Mayor to submit an application to the American Revolution Bicentennial Commission for creation of the San Diego American Revolution Bicentennial Committee to act as the central bicentennial planning and coordinating group for The City of San Diego in the bicentennial observation of the American Revolution in 1976, was adopted on motion of Councilman Bates.

(Item 121)

RESOLUTION 209346, authorizing the Police Legal Advisor to travel to New Orleans, Louisiana, to attend the Police Legal Advisor Training Seminar sponsored by the International Association of Chiefs of Police, Inc., December 1-7, 1973, and to incur all necessary expenses, was adopted on motion of Councilman Bates.

(Item 122)

RESOLUTION 209347, excusing Mayor Pete Wilson from the Council meetings of Tuesday, November 27 and Thursday, November 29, 1973, due to his being on vacation, was adopted on motion of Councilman Bates.

(Item 123)

RESOLUTION 209348, confirming the appointment by the Mayor of Mrs. Quincella Kimbrough to the International Affairs Board for a term ending March 1, 1974, to fill the vacancy of Tom Hom, who has resigned, was adopted on motion of Councilman Bates.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Bates at 4:56 p.m.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California