

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

Present-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow,  
Martinet, Ellis, Bates, and Mayor Wilson.

Absent--None.

Clerk---Edward Nielsen.

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

(Item 1)

Roll call was taken.

(Item 2)

Mayor Wilson introduced Reverend Leon F. Wyss, Pastor of the  
University Avenue Church of The Nazarene, who gave the Invocation.

(Item 3)

Councilman Bates led the Pledge of Allegiance.

(Item 4)

Mayor Wilson introduced eighteen students from San Diego Adult  
School - Navy Station, 32nd Street, accompanied by Mrs. Melinda  
Green.

Councilman Bates addressed the group.

Mayor Wilson introduced students from Horace Mann Junior High  
School, accompanied by Mr. Tom Karnes.

Councilman Ellis addressed the group.

Councilman Ellis, presented Mayor Wilson with petitions, consisting  
of 27,000 names, requesting The City of San Diego to host a Carnation  
Bowl, and introduced Dave and Sandy Stickels who were responsible for  
the petition drive.

Mayor Wilson appointed Councilmen Ellis, Hubbard, and Johnson to  
serve on an Ad Hoc Committee to examine the question of whether the  
City can wisely and adequately host a Carnation Bowl and report back  
to Council, with Councilman Hubbard serving as Chairman of said  
Committee.

Councilman Hubbard commended the School Patrol Boys and Girls of San Diego for their hard work, efforts and dedication.

(Item 5)

Mayor Wilson welcomed a group of new employees, who were present in the Chamber.

(Item 6)

Minutes of the Regular Meetings of Tuesday, October 2, 1973, Thursday, October 18, 1973, Tuesday, November 13, 1973, Friday, November 23, 1973, Tuesday, December 4, 1973, and Thursday, December 6, 1973, the Adjourned Regular Meeting of Tuesday, December 4, 1973 - adjourned to Thursday, December 6, 1973, and the Adjourned Regular Meeting of Friday, November 23, 1973, adjourned to Tuesday, November 27, 1973, were presented by the City Clerk.

On motion of Councilman Martinet, said Minutes were approved without reading, after which they were signed.

(Item 7)

A communication from Donald Erwin, representing United Business Commission, requesting permission to address Council relative to the Commission's report back to Council on action during 60-day moratorium on Ordinance 11000 (N.S.) and recommendations, was presented.

Donald Erwin appeared to speak regarding said communication.

City Manager Moore answered questions directed by the Council.

On motion of Councilman Bates, the recommendations by the United Business Commission were referred to the City Manager and Planning Director for a report back to Council on possible revisions to the Ordinance.

Councilman Morrow left the Chamber.

(Item 8)

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

City Manager Moore answered questions directed by the Council.

Said Report was accepted on motion of Councilman Williams.

The Council considered requests for continuances: Items 104, 107, 15b, and 103b.

Councilman Morrow entered the Chamber.

(Item 104)

RESOLUTIONS - MISCELLANEOUS: (Continued from the Meeting of November 20, 1973, at applicant's request.) Granting or denying the request of Thomas F. Kelly to file a new application with the Planning Commission to rezone a portion of Lot 13, Rancho Mission of San Diego, located on 69th Street, between San Miguel Ave. and Mallard St., from Zone A-1-1 to Zone R-1-6.

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

Verna Quinn appeared to speak in opposition to the proposed continuance.

A motion by Councilman Hubbard to continue the matter to December 20, 1973, at applicant's request, died for lack of a second.

RESOLUTION 209461, denying the request of Thomas F. Kelly to file a new application with the Planning Commission to rezone a portion of Lot 13, Rancho Mission of San Diego, located on 69th Street, between San Miguel Avenue and Mallard Street, from A-1-1 Zone to R-1-6 Zone, was adopted on motion of Councilman Martinet, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Ellis, Bates, and Mayor Wilson. Nays-Councilman Hubbard. Absent-None.

(Item 107)

RESOLUTIONS - MISCELLANEOUS: Authorizing Lease Agreement with the San Diego Unified School District of San Diego County, whereby City leases approximately 10,000 square feet of the Cabrillo Elementary School Playground for construction and operation of a new 1,350 square foot addition to an existing fieldhouse and sports field for a period of 5 years.

On motion of Councilwoman O'Connor, the matter was returned to the City Manager at his request.

(Item 15b)

RESOLUTIONS - PURCHASING: Curve correction in Foothill Boulevard between Tourmaline Street and Vickey Drive - Specifications Document No. 745535.

On motion of Councilman Martinet, the matter was returned to the City Manager at his request.

(Item 103b)

RESOLUTIONS - DEEDS: Approving the acceptance by the City Manager of a deed from United States of America (public park and public recreation purposes).

On motion of Councilman Morrow, the matter was continued to December 27, 1973, at City Manager's request.

At this time, Councilman Morrow moved to reconsider Item 5 from the Docket of Thursday, December 13, 1973, on the matter of rezoning a portion of Section 24, Township 14 South, Range 4 West, (approximately 5.3 acres), located on the south side of Cordero Road between Durango Road and Recuerdo Drive, from Zone R-1-6 to Zone R-1-15, Case No. 60-73-3 - City-Initiated, which motion died for lack of a second.

By common consent, the Council agreed to trail Councilman Morrow's request for discussion of the proposed reconsideration.

The Council considered the Consent Agenda, which consisted of Items 12, 13, 14, 15a, 16, 100, 101, 102, 103a, 108, 109, 110, 111, 112, 114, 116, and 117.

(Item 12)

RESOLUTION 209462, awarding a contract to Kenneth Fraser Company, Inc., for installation of 4th pump at Metro Pump Station No. 1 for the sum of \$189,891; authorizing the expenditure of \$211,500 out of Sewer Revenue Fund (506) for said purpose and related costs; adopting the Environmental Impact Report No. 72-11-004C, dated February 1, 1973, was adopted on motion of Councilman Johnson.

(Item 13)

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

RESOLUTION 209463, GFA Electric for construction of traffic signal and safety lighting systems at Front Street and Washington Street for the sum of \$18,185; authorizing the expenditure of \$20,700 out of Gas Tax Fund (220) and authorizing the expenditure of \$2,300 out of Capital Outlay Fund (245) for said purpose and related costs; and

RESOLUTION 209464, M. P. Mitrovich for construction of Beech Street and G Street interceptor sewers, Schedule III, for the sum of \$324,730; authorizing the expenditure of \$370,000 out of Sewer Revenue Fund (506) for said purpose and related costs; authorizing the City Auditor to transfer \$38,000 within the Sewer Revenue Fund (506) from the Unallocated Reserve (68.91-3495) to Construction Contract (68.58-3275) for said purpose; adopting Environmental Impact Reports Nos. 72-12-002C, dated February 26, 1973, and 72-12-003C, dated February 23, 1973.

(Item 14)

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

RESOLUTION 209465, American Electric Contracting Corporation for modification of pedestrian traffic signals at various locations City-wide for the sum of \$259,524; authorizing the expenditure of \$325,000 out of Gas Tax Fund (220) for said purpose and related costs;

RESOLUTION 209466, authorizing the use of City Forces to do all the work of modifying controllers at 54 locations to provide for flashing mode for pedestrian indications as required in connection with modification of pedestrian traffic signals at various locations City-wide, cost of said work not to exceed \$6,000;

RESOLUTION 209467, Squires-Belt Material Co. for the purchase of Portland Cement as may be required for a period of one year ending November 30, 1974, for an estimated cost of \$8,730, including tax and terms;

RESOLUTION 209468, Cheverton-Bach, Bayly, Martin & Fay, Inc., for automobile liability insurance for Model Cities and Linda Vista Supplementary Transportation Systems for a period of one year beginning December 6, 1973, for an estimated cost of \$8,010;

RESOLUTION 209469, O & G Water Conditioning for the purchase of two filter tanks for actual cost of \$4,013.10, including tax and terms; and

RESOLUTION 209470, San Diego Gas & Electric Company for the installation of gas main at the Balboa Park Golf Course Clubhouse for an actual cost of \$2,305.10.

(Item 15a)

RESOLUTION 209471, inviting bids for miscellaneous parts for Jeffrey Primary Sludge Collectors in accordance with Specifications Document No. 745744, was adopted on motion of Councilman Johnson.

(Item 16)

RESOLUTION 209472, rejecting all bids received on November 7, 1973, pursuant to publication of notice calling for bids on rental of a truck-mounted crane; inviting bids for rental of a truck-mounted crane as may be required for a period of one year ending January 31, 1975 in accordance with Specifications Document No. 745745, was adopted on motion of Councilman Johnson.

(Item 100)

The following Resolutions, relative to the final subdivision map of Penasquitos View Unit 7, were adopted on motion of Councilman Johnson:

(Item 100 - Continued)

RESOLUTION 209473, authorizing an agreement with Penasquitos, Inc., and Pardee Construction Company for completion of improvements in Penasquitos View Unit 7, a 23-lot subdivision located westerly of Rancho Penasquitos Boulevard;

RESOLUTION 209474, authorizing an agreement with Penasquitos, Inc., providing for a surety bond in lieu of cash payment for park fees, in Penasquitos View Unit 7; and

RESOLUTION 209475, approving the final map of Penasquitos View Unit 7.

(Item 101)

RESOLUTION 209476, ordering the summary vacation of Paseo Montril between Rancho Penasquitos Boulevard and Lots 454 and 464, Penasquitos View Unit No. 4; adopting the Environmental Impact Report No. 73-1-1056P, dated February 28, 1973, was adopted on motion of Councilman Johnson.

(Item 102)

RESOLUTION 209477, authorizing the divestment of City's easement interest by negotiated sale for the sum of \$55 of portion of Lot 67 of Rancho Mission of San Diego; authorizing the execution of a quitclaim deed, quitclaiming to the Owners in Fee Simple of Record said easement interest, was adopted on motion of Councilman Johnson.

(Item 103a)

RESOLUTION 209478, approving the acceptance by the City Manager of a deed from San Diego & Arizona Railway Company (street purposes) - 47TH STREET, was adopted on motion of Councilman Johnson.

(Item 108)

RESOLUTION 209479, authorizing a lease agreement with Edward G. Rodriguez whereby the City leases Senior Citizens Project Facilities for a term of 6 months, at a monthly rental of \$200 plus utilities, was adopted on motion of Councilman Johnson.

(Item 109)

RESOLUTION 209480, authorizing a first amendment to Agreement No. B-51184 with the State of California, Department of Water Resources, for removal, inspection, and replacement of selected test sections of pipe from the Claire Engle Desalting Plant, by extending the termination date from December 1, 1973 to June 30, 1974, was adopted on motion of Councilman Johnson.

(Item 110)

RESOLUTION 209481, approving Change Order No. 1, dated November 2, 1973, issued in connection with the contract with R. E. Hazard Contracting Company for construction of improvements at the entrance to Montgomery Field; said change amounting to an increase in the contract price of \$2,400, was adopted on motion of Councilman Johnson.

(Item 111)

RESOLUTION 209482, authorizing the expenditure of \$20,000 from Gas Tax Fund 220 for the acquisition for public purposes of a portion of the north half of Lot 1, in Block 3 and a portion of Lots 1 and 2, Block 4, all of Homedale, in connection with the 47th Street and Logan Avenue Project, was adopted on motion of Councilman Johnson.

(Item 112)

RESOLUTION 209483, authorizing the expenditure of \$10,926.06 from Gas Tax Fund 220 solely and exclusively for the purpose of reimbursing the County for its costs of acquiring the right of way within the City for Poway Road Phase II, was adopted on motion of Councilman Johnson.

(Item 114)

RESOLUTION 209484, approving the use and occupancy by the Park and Recreation Department of Water Utilities Department Acre Lots 1, 2 and 3, Tia Juana City (subdivision) for park purposes; during such times that a park is operated on this land the General Fund 100 shall, subject to the allocation of funds, pay the sum of \$4,100 annually to the Water Utilities Fund (500); adopting the Environmental Impact Report No. 72-12-013C, dated December 7, 1972, was adopted on motion of Councilman Johnson.

(Item 116)

RESOLUTION 209485, authorizing a representative of the Police Department to participate in the Field Management Program at the Los Angeles Police Department, January 6-18, 1974, and to incur all necessary expenses (all expenses, excluding salary, to be reimbursed by P.O.S.T.); authorizing the expenditure of \$290 from the General Purpose Revolving Fund (534) for said purpose, was adopted on motion of Councilman Johnson.

(Item 117)

RESOLUTION 209486, authorizing a License for Non Federal Use of Real Property from the United States of America allowing the construction and use of a temporary automobile turnaround on Magnatron Boulevard, part of which is located on Federal property, was adopted on motion of Councilman Johnson.

Mayor Wilson recessed the Meeting at 10:34 a.m. Upon reconvening at 10:51, the roll call showed Councilman Morrow absent.

(Item 11)

A proposed Ordinance, continued from the Meeting of November 20, 1973, for E.P.A. Task Force Committee Report, changing the basic parking rate by establishment of Parking Rate Zone A in all locations previously established as Zone B, was presented.

Councilman Morrow entered the Chamber.

City Manager Moore answered questions directed by the Council.

Frank Curran appeared to speak in favor of the proposed Ordinance.

A proposed Ordinance, changing the basic parking rate by establishment of Parking Rate Zone A in all locations previously established as Zone B, was introduced on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis, Bates, and Mayor Wilson. Nays-None. Absent-None.

(Item 9 - CUP NO. 392-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 Meeting of November 13, 1973, at appellant's request, on the appeal of The Bubble Machine Company, by Gerald M. Dawson, attorney, from the decision of the Planning Commission in failing to approve the application of Harry A. Azus, owner and Standard Oil Company of California, under Conditional Use Permit No. 392-PC, to construct and operate an exterior car wash with gasoline dispensing facilities on 20,000 square feet, located on the north side of G Street, between 11th and 12th Avenues, more particularly described as Lots E, F, G, and H, Block 76, Horton's Addition, in the M-1 Zone. It was reported that written protests had been received.

Ken Klein, Planning Department, Chief Deputy City Attorney Conrad, City Manager Moore, and James Dukes, Environmental Quality Department, answered questions directed by the Council.

Councilwoman O'Connor left the Chamber.

(Item 9 - Continued)

Gerald Dawson appeared to speak in favor of the appeal.

Councilwoman O'Connor entered the Chamber.

Roger Hedgecock, Ron Schaam and Joe Lopez appeared to speak in opposition to the appeal.

A motion by Councilman Ellis to close the hearing and deny the appeal died for lack of a second.

The hearing was closed and the following Resolution adopted on motion of Councilman Morrow, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Martinet, Bates, and Mayor Wilson. Nays-Councilman Ellis. Absent-None.

RESOLUTION 209487, granting the appeal of The Bubble Machine Company, by Gerald M. Dawson and granting to Harry A. Azus and Standard Oil Company of California Conditional Use Permit No. 392-PC, subject to conditions; considering and adopting Environmental Impact Report No. 73-2-1017P, dated June 26, 1973.

Mayor Wilson recessed the Meeting at 11:57 a.m., to reconvene at 2:00 p.m.

Upon reconvening at 2:04 p.m., the roll call showed Councilmen Williams and Bates absent.

(Item 10 - ZONING ADMINISTRATOR CASE NO. 12205)

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 D. M. and Judith Kozmary, from the decision of the Board of Zoning Appeals in granting to Edward & Pat Souza under Zoning Administrator Case No. 12205, permission to construct a 15'9" x 34' family room and bedroom addition to existing single-family dwelling, observing a 16-foot rear yard, where 20-feet is required. Subject property is located on Lot 90, University City Manor No. 2, at 6230 Buisson Street between Briand and Ducommun Avenues, in the R-1-5 Zone. It was reported that no written protests had been received.

Councilman Williams entered the Chamber.

Councilman Bates entered the Chamber.

(Item 10 - Continued)

Voyd Beights, Zoning Administration, answered questions directed by the Council.

D. M. Kozmary appeared to speak in favor of the appeal.

Richard Fernandez, Alice Steele, Kathleen Harris, and Pat Souza appeared to speak in opposition to the appeal.

RESOLUTION 209488, denying the appeal of D. M. and Judith Kozmary from the decision of the Board of Zoning Appeals and granting to Edward and Pat Souza a variance as approved by the Board of Zoning Appeals on November 12, 1973 under Zoning Administrator Case No. 12205, was adopted on motion of Councilman Martinet.

(Item 105)

A proposed Resolution, continued from the Meeting of November 27, 1973, for further review, viewing with alarm and disfavor any policy such as the previously proposed 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 the Federal Energy Administration 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, was presented.

RESOLUTION 209489, viewing with alarm and disfavor any policy such as the previously proposed 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 the Federal Energy Administration 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, was adopted on motion of Councilman Bates.

(Item 106)

A proposed Resolution, continued from the Meeting of November 20, 1973, for E.P.A. Task Force Committee Report, authorizing the City Auditor and Comptroller to transfer \$28,100 within General Fund 100 from the Unallocated Reserve (53.30) to Public Works Fund 100 (35.06), for the purpose of providing funds for the conversion of parking meters by City forces; authorizing the City Manager to do by City Forces all necessary work in conjunction with said project, was presented.

(Item 106 - Continued)

RESOLUTION 209490, authorizing the City Auditor and Comptroller to transfer \$28,100 within General Fund 100 from the Unallocated Reserve (53.30) to Public Works Fund 100 (35.06), for the purpose of providing funds for the conversion of parking meters by City forces; authorizing the City Manager to do by City Forces all necessary work in conjunction with said project, was adopted on motion of Councilman Johnson.

(Item 113)

A proposed Resolution, authorizing the City Attorney to submit a Grant Application for Law Enforcement Purposes to CCCJ; authorizing the City Attorney to execute a Grant Award Contract; agreeing to provide matching funds as may be required for said project; resolving that grant funds received hereunder shall not be used to supplant ongoing law enforcement expenditures, was presented.

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

RESOLUTION 209491, authorizing the City Attorney to submit a Grant Application for Law Enforcement Purposes to CCCJ; authorizing the City Attorney to execute a Grant Award Contract; agreeing to provide matching funds as may be required for said project; resolving that grant funds received hereunder shall not be used to supplant ongoing law enforcement expenditures, was adopted on motion of Councilman Martinet.

(Item 115)

A proposed Resolution, declaring the building owned by the Estate of Mary B. Lacy at 109 South 17th Street to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was presented.

City Manager Moore answered questions directed by the Council.

RESOLUTION 209492, declaring the building owned by the Estate of Mary B. Lacy at 109 South 17th Street to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Morrow.

The Council, at this time, returned to Councilman Morrow's request for discussion of reconsideration of Item 5 from the Docket of Thursday, December 13, 1973.

Chief Deputy City Attorney Conrad stated that a 2/3 majority vote was required to suspend the rules of Council Policy 000-6 and the prohibition of reconsideration of a matter decided at a noticed hearing.

A motion by Councilman Morrow to suspend the rules was deemed denied due to lack of the 2/3 required vote, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, and Bates. Nays-Councilmen Hubbard, Martinet, Ellis, and Mayor Wilson. Absent-None.

City Manager Moore presented a report in response to a communication from Barry L. Hammitt, representing San Diego Municipal Employees Association (MEA), requesting additional City holidays on December 24 and December 31, 1973.


Deputy City Manager Blair answered questions directed by the Council.

On motion of Councilman Morrow, the City was directed to prepare a resolution and place it on the Supplemental Docket of Thursday, December 20, 1973.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Johnson, at 2:29 p.m., and the Mayor announced the Council would hold an Executive Session immediately thereafter for the purpose of holding a Meet & Confer session on labor negotiations.

  
Deputy Mayor of The City of San Diego, California

ATTEST:

  
City Clerk of The City of San Diego, California