

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, JANUARY 22, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M.

Present--Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and
Mayor Wilson.

Absent--Councilwoman O'Connor.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 8:53 a.m.

(Item 250)

Roll Call was taken.

(Item 251)

Mayor Wilson introduced The Reverend Joe W. Farrow, Linda Vista Church of
the Nazarene, who gave the Invocation.

(Item 252)

Councilman Gade led the Pledge of Allegiance.

Councilwoman O'Connor entered the Chambers.

(Item 253)

Mayor Wilson welcomed thirty students from Saint Martin Academy, accompanied
by Miss Jeanne Geiselhart.

(Item 255)

Mayor Wilson welcomed new employees who were present in the Chambers.

There were no requests for continuances.

(Item 300)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on vacating Miramar Road (R.S. 304) in Sections 10 and 11, Township 15 South, Range 3 West - Resolution of Intention No. 214878. It was reported that no written protests had been received.

City Manager McKinley answered questions directed by the Council.

No one appeared to be heard.

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

RESOLUTION 215157, certifying that the information contained in Environmental Negative Declaration No. 74-1-012P, as amended, has been reviewed and considered by the Council;

RESOLUTION 215158, vacating Miramar Road (R.S. 304) in Sections 10 and 11, Township 15 South, Range 3 West, San Bernardino Meridian;

RESOLUTION 215159, approving the acceptance by the City Manager of deed of S. R. Frazee Company conveying abutter's rights of access in and to Miramar Road (exchange of easements).

(Item 301 - H.R.P. NO. 66)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of Jewell D. Hooper, for Southeast San Diego Development Committee, from the decision of the Planning Commission in granting the application of Pacific Bay Development Corporation, under Hillside Review Permit No. 66, for grading in the R-1-5 (Hillside Review Overlay) Zone, in order to develop property located on the east side of Imperial Avenue between Lisbon Street and Canton Drive. The property is more particularly described as a portion of Lot 12, Rancho Mission of San Diego, a portion of Lot B and all of Blocks 1-6, Angelus Heights, a portion of Lots 35, 41 and 57, Subdivision No. 5 of Lot 12, Licensed Survey No. 63 and Lots 17-22, Halecrest Heights Unit 1.

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

Jewell Hooper, Verna Quinn, Kay Cook, Eugene Cook, and Gilbert Dreyfus appeared to speak.

Mr. Klein and J. R. Crosby, Engineering and Development, answered questions directed by the Council.

The motion of Councilman Morrow to close the hearing, deny the appeal and grant the Hillside Review Permit, was not voted on at this time.

Discussion followed.

The vote was then taken on the previous motion of Councilman Morrow which resulted in the following actions:

The hearing was closed.

RESOLUTION 215161, stating findings; denying by a vote of 6 to 3, the appeal of the Southeast San Diego Development Committee and granting to Pacific Bay Development Corporation, Permittee, Hillside Review Permit No. 66, was adopted on motion of Councilman Morrow by the following vote: Yeas-Councilmen Johnson, Hubbard, Morrow, Gade, Ellis, and Mayor Wilson. Nays-Councilmen O'Connor, Williams, and Haro.

(Item 301 - H.R.P. NO. 66 - Continued)

RESOLUTION 215162, certifying that the information contained in Environmental Impact Report No. 75-07-13P has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Report has been reviewed and considered by the Council, was adopted on motion of Councilman Morrow, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow, Gade, Ellis, and Mayor Wilson. Nays-Councilmen Williams and Haro.

The motion of Councilman Morrow to direct the department to accept land in lieu of Park fees, died for lack of a second.

Discussion followed.

The motion of Councilman Morrow to refer to the Public Facilities and Recreation Committee the proposal to accept land in lieu of park fees and possible amendment to Park Fees Ordinance, was not voted on at this time.

Discussion followed.

The vote was then taken on the previous motion of Councilman Morrow, which passed unanimously.

(Item 302)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the Application of Cush Tours, Inc., by Stephen P. Cushman, for Certificates of Public Convenience and Necessity to operate 12 additional sight-seeing vehicles within the City, in accordance with Section 72.0302 of the San Diego Municipal Code.

The hearing was closed and the following Resolution adopted on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-None. Councilman Ellis was excused from voting because of a possible conflict of interest.

RESOLUTION 215163, granting to Mr. Stephen P. Cushman dba Cush Tours, twelve certificates of public convenience and necessity to operate sight-seeing vehicles pursuant to Section 72.0302 of the San Diego Municipal Code, and the City Manager having conducted the required investigation.

(Item 350 - Supplemental Docket)

RESOLUTION 215164, authorizing an Eighth Amendment and Consent to Assignment of Option Agreement with Recreation Specialists, Inc., and High Fliers, Ltd., to revise the Control by Lessee provision, add the City's Affirmative Action requirement, and allow for assignment to High Fliers, Ltd., and extend the option term to July 2, 1976, was adopted on motion of Councilman Morrow.

(Item 152 - Unfinished Business - Docket of January 21, 1976 - First time)

In the matter of a Review of Council Resolution No. 210316, adopted April 4, 1974, designating the area commonly referred to as "Black's Beach" as a Swimsuit Optional Zone.

The motion of Councilman Hubbard to suspend the Rules to allow 30 minutes testimony per side, was not voted on.

The motion of Councilman Morrow to amend the motion to suspend the Rules to allow 20 minutes testimony per side, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Ellis, and Haro. Nays-Councilmen Hubbard, Gade, and Mayor Wilson. Absent-None.

City Attorney Witt commented on proposed Council alternatives relative to Item 152.

(Item 254)

Mayor Wilson and Councilman Morrow acknowledged that forty students from Hale Junior High School, accompanied by Mr. George Hall, had been present and had departed.

Mayor Wilson recessed the Meeting at 10:10 a.m. Upon reconvening at 10:30 a.m., the Roll Call showed Councilmen Williams and Haro absent.

(Item 152 - Unfinished Business - Docket of January 21, 1976 - Second time)

City Manager McKinley answered questions directed by the Council.

Councilmen Williams and Haro entered the Chambers.

Glenn Brandenburg, Park and Recreation Board, appeared to speak.

Harry Atkinson, Park and Recreation Department, answered questions directed by the Council.

The motion of Councilman Ellis to rescind Resolution 210316, adopted April 14, 1974, was not voted on at this time.

James Gleason, Planning Department; Park and Recreation Director Mendoza; and Al Bruton, Park and Recreation Department, answered questions directed by the Council.

(Item 152 - Unfinished Business - Docket of January 21, 1976 - Second time - Continued)

David Irving, Joseph Schirra, Craig Clark, Allen Lord, Jack Sharn, Tom Chadwick, Lewis Berger, David Slamp, Bob Coffey, Julius McDaniel, and Fred Riesson appeared to speak.

The motion of Councilman Johnson to suspend the Rules to continue the Council Meeting beyond 12:00 passed unanimously.

City Attorney Witt and Al Bruton, Park and Recreation Department, answered questions directed by the Council.

The motion of Councilman Ellis to amend his previous motion to rescind Resolution 210316 to close Black's Beach to everybody, received no vote.

Mr. Witt answered questions directed by the Council.

Councilman Ellis withdrew his previous motion to close Black's Beach to everybody.

Discussion followed.

The vote was then taken on the previous motion of Councilman Ellis to rescind Resolution 210316, which was defeated by the following vote: Yeas-Councilmen Hubbard, Gade, Ellis, and Mayor Wilson. Nays-Councilmen Johnson, O'Connor, Williams, Morrow, and Haro. Absent-None.

Councilman Ellis made a motion directing the City Manager to survey all City beaches relative to safety hazards, which was not voted on at this time.

Discussion followed.

The vote was then taken on the previous motion, which passed unanimously.

RESOLUTION 215169, authorizing and empowering the City Manager to inquire on behalf of said Council, as to whether the State of California will permit the City of San Diego to use that portion of state beach situated between the most northerly boundary of City beach and the opening of Indian Canyon for the purposes of a swimsuit-optional bathing zone, or, in the alternative, whether the state will permit said City to use the same for the purposes of swimsuit bathing, was adopted on motion of Councilman Morrow, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Ellis. Absent-None.

There being no further business to come before the Council, the Regular Meeting was adjourned at 12:46 p.m. on motion of Councilman Ellis.

Mayor of The City of San Diego, California

ATTEST:

City Clerk of The City of San Diego, California

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, JANUARY 22, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
2:00 P.M.

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

Absent--None.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 2:08 p.m.

(Item 400)

Roll call was taken.

(Item 401 - T.M. 75-119)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meetings of November 13 and 20, 1975 and January 8, 1976, on the appeals of Mr. and Mrs. John E. Hughes and Edwin P. Balmer from the decision of the Planning Commission in granting the appeal of Leon E. Campbell from the decision of the Subdivision Review Board denying the tentative map of La Jolla Hillside, a 4-lot subdivision of Parcel 2, Parcel Map 2230, which is a consolidation and division of Lots A, C, and D, Resub. of La Jolla Hills No. 2, and also Lot 62 and portions of Lots 61 and 63, La Jolla Hills, located on the south side of Hillside Drive near the easterly terminus of Puente Drive, in the R-1-5 (HR Overlay) Zone, within the La Jolla Community Plan.

Mrs. John Hughes answered questions directed by the Council.

It was reported that Councilmen Gade and Haro had heard the tapes.

A proposed Resolution, certifying that the information contained in Environmental Impact Report No. 74-08-030.1P, as amended, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said amended Report has been reviewed and considered by the Council, was presented.

RESOLUTION 215165, certifying that the information contained in Environmental Impact Report No. 74-08-030.1P, as amended, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said amended Report has been reviewed and considered by the Council, was adopted on motion of Councilman Johnson.

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

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

RESOLUTION 215166, adopting findings of the Planning Commission on tentative subdivision map, La Jolla Hillside; by a vote of 9 to 0, denying the appeals of Mr. and Mrs. John E. Hughes and Edwin P. Balmer; sustaining the decision of the Planning Commission to grant the appeal and overrule the decision of the Subdivision Review Board; and granting said tentative map, was adopted on motion of Councilman Johnson.

(Item 402 - T.M. 74-149)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing continued from the Meetings of November 20 and December 18, 1975, on the appeal of Christiana Community Builders, by William H. Duncan, from the decision of the Planning Commission in denying its appeal from the decision of the Subdivision Review Board in denying the tentative map of a proposed subdivision known as Villas de Tierrasanta North, a 9-lot subdivision of a portion of Lot 8, Rosedale Tract, and a portion of Lot 73, Rancho Mission Section 28, Township 15 South, Range 2 West, S.B.B.M. The property is located on the easterly side of Santo Road extension northerly of El Comal Drive within the boundaries of the Elliott Community Plan, in the R-1-40 Zone.

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

William Duncan appeared to speak.

The motion of Councilman Ellis to close the hearing, adopt the resolution relative to the Environmental Impact Report, and deny the appeal denying the tentative map, was not voted on at this time.

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

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

RESOLUTION 215167, certifying that the information contained in Environmental Impact Report No. 74-10-018P has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Report has been reviewed and considered by the Council; and

RESOLUTION 215168, denying by a vote of 9-0, the appeal of Christiana Community Builders, by William H. Duncan; sustaining the decision of the Planning Commission to deny the appeal and uphold the decision of the Subdivision Review Board; denying said tentative map.

(Item 403)

The hour of 2:30 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of The Sheraton Corporation, by Donal C. Noonan, CPA, from the decision of the City Treasurer with respect to the payment of Transient Occupancy Tax (Room Tax), pursuant to Sections 35.0108 through 35.0110 of the San Diego Municipal Code. The payment due is a result of an audit made by the office of the City Auditor and Comptroller.

City Manager McKinley requested the item be returned to his office.

No one appeared to be heard.

The motion of Councilwoman O'Connor to return the item to the City Manager at his request received no vote.

Discussion followed.

The motion of Councilman Morrow to continue the item to the Meeting of February 2, 1976, 8:30 a.m. and refer to the City Manager for a report, was not voted on at this time.

Assistant City Manager Graham and Chief Deputy City Attorney Conrad answered questions directed by the Council.

On motion of Councilman Morrow, the item was continued to February 2, 1976, 8:30 a.m. and referred to the City Manager for a report, by the following vote: Yeas-Councilmen Johnson, Williams, Morrow, Ellis, and Haro. Nays-Councilmen O'Connor, Hubbard, Gade, and Mayor Wilson.

(Item 103 - Docket of January 21, 1976)

A proposed Ordinance, continued from the Meeting of January 21, 1976, amending Chapter II, Article 2, Division 5 of the San Diego Municipal Code by repealing Sections 22.0507, 22.0508, 22.0522, 22.0523, and 22.0526, and by amending Sections 22.0501, 22.0503, 22.0524, 22.0505, 22.0506, 22.0520, 22.0524 and 22.0525, all relating to the Purchasing Agent, was introduced as amended, on motion of Councilman Ellis by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-None.

The following Ordinance was introduced at the Meeting of January 7, 1976, and continued from the Meeting of January 21, 1976.

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.

(Item 150 - CASE NO. 28-75-2. AREA 1 SUBAREA C.)

ORDINANCE 11763 (New Series), incorporating that property in the Mid-City Planning Area IV, located south of Marilou Road, west of Euclid Avenue, and north of Beech Street, into R-3 and R-2 Zones as defined by Section 101.0411 and Section 101.0409, respectively, of the San Diego Municipal Code and repealing certain Ordinances of The City of San Diego insofar as the same conflict herewith, was adopted on motion of Councilwoman O'Connor by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, Haro, and Mayor Wilson. Nays-Councilmen Johnson, Hubbard, Gade, and Ellis. Absent-None.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 2:54 p.m. on motion of Councilman Ellis.

Mayor of The City of San Diego, California

ATTEST:

Charles G. Delaplanche

City Clerk of The City of San Diego, California