

**AMENDMENT TO THE CITY CHARTER
AND PROPOSED PROPOSITIONS
TO RATIFY ORDINANCES
TOGETHER WITH ARGUMENTS**

To Be Submitted to the Qualified Voters
of The City of San Diego at the

**GENERAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY,
APRIL 18, 1961**

The following proposed propositions for the ratification and approval of ordinances authorizing the sale or conveyance of certain Public Lands of The City of San Diego, a portion of Balboa Park, and the following proposed amendment to the Charter of The City of San Diego will be submitted to the qualified voters of The City of San Diego on Tuesday, April 18, 1961.

PHILLIP ACKER, City Clerk

PROPOSITION I

(THIS PROPOSITION WILL APPEAR ON THE BALLOT
IN THE FOLLOWING FORM)

Failed

PROPOSITION I. Amend paragraph 3 of Section 55 of the Charter of The City of San Diego. This amendment provides that whenever the City Manager recommends and the Council finds that the public interest demands it, the Council may without a vote of the people authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park recreation and cemetery purposes; PROVIDED, HOWEVER, that Balboa Park in San Diego, California, is specifically exempted from the provisions of this paragraph.	YES	
	NO	

This proposed amendment amends Section 55 of the City Charter by the addition of new provisions. The portions to be added are underlined.

Section 55. **PARK AND RECREATION DEPARTMENT.** (As amended April 21, 1953. Effective May 29, 1953.) There is hereby created a department, to be known as the Park and Recreation Department, which shall be under the direction and supervision of a Director of Parks and Recreation, who shall be appointed by the Manager, and who shall have the duty of the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any city playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways

over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes; PROVIDED, HOWEVER, that Balboa Park in San Diego, California, is specifically exempted from the provisions of this paragraph.

The Park and Recreation Director shall have such other duties as may be imposed upon him by ordinance of The City of San Diego or as directed by the City Manager.

The City Manager shall have authority, subject to the approval of the Council, to enter into such contracts as may be deemed desirable for the best interests of the City for the joint operation and control of playgrounds by the San Diego Unified School District and the City. All such contracts shall be executed by the Board of Education of the San Diego Unified School District and the Manager, and may provide:

- (1) For the joint operation and control of playgrounds or recreation fields which may be owned by either the City or the said school district.
- (2) For selection of personnel to control such jointly operated playgrounds and recreation fields.
- (3) For payment of compensation to personnel so selected and by virtue of the authority of said contract.
- (4) For proper maintenance and equipment of such jointly owned and operated playgrounds and recreation fields.

In the event that a contract is entered into with the San Diego Unified School District as herein authorized, the Director of Parks and Recreation shall perform such services in connection with such operation as may be provided for in said contract.

The Director of Parks and Recreation shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least fifty per cent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting whatso-ever expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. Until the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are sufficient to maintain the

cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

There is hereby created a Park and Recreation Commission to consist of seven members, two of whom shall be appointed by the Board of Education of the San Diego Unified School District, one of whom shall be a member of said Board of Education; two of whom shall be appointed by the City Manager; and three of whom shall be appointed by the Mayor with the consent of the Council. The terms of office of the members of the Commission shall be four years. The members of the first commission appointed hereunder shall by lot stagger their terms so that two shall serve for one year, two shall serve for two years, and two for three years, and the remaining one for four years. The Park and Recreation Commission shall advise with and recommend to the Manager and Director of Parks and Recreation with respect to public policy matters relating to the maintenance and operation of parks, playgrounds, recreational activities and cemeteries in The City of San Diego.

ARGUMENT FOR PROPOSITION I

I. This amendment restores to the voters of the City of San Diego the rights over road construction in Balboa Park which they had prior to the Charter Amendment of 1953.

II. It prevents major changes in the park such as the closing of Laurel Street to traffic, the construction of proposed peripheral roads within the park, and the elimination of Florida Drive and of Pershing Drive without a vote of the people.

Since the voters released their rights over the roads in 1953 Balboa Park has suffered a major loss in acreage by the construction of a State Highway Interchange.

This amendment seeks to prevent any further encroachment on Balboa Park territory without a vote of the people.

We recommend a YES vote on PROPOSITION I.

BALBOA PARK PROTECTIVE ASSOCIATION

Mrs. Eleanor B. Edmiston, President.

Mrs. Virginia S. Burrill, Secretary.

ARGUMENT AGAINST PROPOSITION I

The separation of cross-town traffic from that destined for an activity area within Balboa Park is a major objective of the recommended roadway system for the greater convenience of Park visitors. Currently, the great majority of autos passing through Balboa Park via the CABRILLO BRIDGE and the MUSEUM AREAS have a cross-town destination. It is now suggested that non-park cross-town traffic be routed around the "MUSEUM-GALLERY" heart of the Park by using canyons far to the NORTH and SOUTH.

After cross-town traffic has been by-passed from the center of Balboa Park, it is suggested that the pedestrian mall, which was created by the men and women of foresight and vision who brought the great SAN DIEGO

EXPOSITIONS of 1914-1915 and 1935-1936, be again a reality. This pleasant, leisurely and restful pedestrian mall will be completely free of the present hazards of heavy auto traffic between the CALIFORNIA TOWER and the NATURAL HISTORY MUSEUM.

Our many citizens and visitors who wish to enjoy the unparalleled cultural and educational attractions within Balboa Park will use the proposed low speed scenic roadways and convenient beautified parking areas behind but immediately adjacent to these attractions. This proposed improved system will particularly benefit our senior citizens and family groups who currently find parking remote, and traffic and pedestrian travel increasingly hazardous.

The passage of Proposition One would demand periodic, repeated votes of the electorate before the creation, design and specific location of any new scenic drive, service or access road. Prolonged delay in the much-needed improvement and restoration of both developed and undeveloped Park areas would result.

Balboa Park was created through vigorous and ambitious planning of our city's pioneers. Let us assure for our children a continuance of this heritage. The undersigned, long associated with Balboa Park activities, urge a NO vote on Proposition I.

Dr. Douglas McElfresh, Chairman
Balboa Park Citizens' Study Committee

Ivor de Kirby
Chairman Park and Recreation Commission

Michael Ibs Gonzalez
Immediate Past President
Fine Arts Society of San Diego

Paul B. Rayburn, Jr.
Member—Park and Recreation Commission

PROPOSITION II

(THIS PROPOSITION WILL APPEAR ON THE BALLOT
IN THE FOLLOWING FORM)

<p>PROPOSITION II. Shall Ordinance No. 8453 (New Series) of the Ordinances of The City of San Diego, entitled, "An ordinance authorizing the sale and conveyance of a portion of Balboa Park lying south-erly of U. S. Highway 101 crosstown freeway be-tween Cabrillo Freeway and Park Boulevard, con-taining 8 acres more or less, to the San Diego Uni-fied School District for school and community recre-ational purposes, upon such terms and conditions as may be deemed by the City Council to be in the best interests of the people of The City of San Diego," adopted by the Council of said City March 2, 1961, be ratified?</p>	YES	<p><i>Passed</i></p>
	NO	

ORDINANCE NO. 8453 (New Series) reads as follows:

**"ORDINANCE NO. 8453
(New Series)**

AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF A PORTION OF BALBOA PARK LYING SOUTHERLY OF U. S. HIGHWAY 101 CROSSTOWN FREEWAY BETWEEN CABRILLO FREEWAY AND PARK BOULEVARD, CONTAINING 8 ACRES MORE OR LESS, TO THE SAN DIEGO UNIFIED SCHOOL DISTRICT FOR SCHOOL AND COMMUNITY RECREATIONAL PURPOSES, UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the City Manager of The City of San Diego be, and he is hereby authorized and empowered to sell and convey to San Diego Unified School District, for school and community recreational purposes, that portion of Balboa Park in the City of San Diego, County of San Diego, State of California, described as follows, to wit:

All of that portion of Balboa Park lying southerly of the U. S. 101 crosstown freeway between Cabrillo Freeway and Park Boulevard, containing approximately 8 acres.

Section 2. Such sale and conveyance shall be made upon such terms and conditions as may be deemed by the City Council to be in the best interests of the people of The City of San Diego.

Section 3. This ordinance shall become effective only after it is affirmatively approved by a two-thirds vote of the qualified electors of The City of San Diego voting at the general municipal election to be held in said City on the 18th day of April, 1961, at which such proposition of ratifying this ordinance shall be submitted.

Presented by GEORGE E. BEAN

bb

APPROVED as to form by J. F. DuPAUL, City Attorney

By J. F. Du PAUL

City Attorney

Passed and adopted by the Council of the City of San Diego on March 2, 1961 by the following vote:

YEAS—Councilmen: Tharp, Hartley, Schneider, Kerrigan, Curran.

NAYS—Councilmen: None.

ABSENT—Councilman: Evenson, Mayor Dail.

Authenticated by: WILLIAM R. HARTLEY,

Vice Mayor of The City of San Diego, California.

PHILLIP ACKER,

City Clerk of The City of San Diego, California.

By ELFA F. HAMEL, Deputy.

(SEAL)

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to-wit, on the 2nd day of March, 1961, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than four members of the Council, and that there was available for the consideration of each member of the Council prior to the day of its passage a written or printed copy of said ordinance.

PHILLIP ACKER,

(SEAL)

City Clerk of The City of San Diego, California.
By ELFA F. HAMEL, Deputy."

ARGUMENT FOR PROPOSITION II

We favor Proposition II which will transfer 8 1/2 acres of city-owned land to the San Diego City Schools, for the following reasons:

1. The Cross-town Freeway destroys a portion of the physical education areas north of Balboa Stadium now used by San Diego High School and San Diego City College.
2. The 8 1/2 acres to be transferred will provide needed physical education facilities for more than 7000 students at San Diego High School and City College.
3. The area will serve the residents of the community for recreational purposes during the hours of nonschool use.
4. The Cross-town Freeway cuts off this area from the park and makes the proposed use for physical education and recreation the most desirable for the community.
5. The proposition has been endorsed by the Park and Recreation Commission, the Chamber of Commerce, the Ninth District P.T.A., the City Council, and the Board of Education.
6. Proposition II is in harmony with the physical fitness program for our youth and with the recreational needs of the community. We urge a favorable vote by all citizens on Proposition II.

Mrs. Ernest J. Savoy
President, Ninth District P.T.A.

Norman B. Foster
President, San Diego Chamber of Commerce

Ivor de Kirby
Chairman, Park and Recreation Commission

B. F. Coggan
President, Board of Education

Mrs. Eleanor B. Edmiston

ARGUMENT AGAINST PROPOSITION II

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION III

(THIS PROPOSITION WILL APPEAR ON THE BALLOT
IN THE FOLLOWING FORM)

PROPOSITION III. Shall Ordinance No. 8454 (New Series) of the Ordinances of The City of San Diego, entitled, "An ordinance authorizing the sale and conveyance of all of the remaining portions of Pueblo Lots 1253, 1266, 1269, 1272, 1273, 1274, 1275, 1294, 1304, 1305, 1306, 1315, 1316, 1317, 1318, 1319, 1321, 1322, 1326, 1327, 1329, 1330, 1334, 1351, 1353 and 1355, excepting therefrom those portions of Pueblo Lots 1326, 1330 and 1334 lying westerly of U. S. Highway 101, lying north of the San Diego River, upon such terms and conditions as may be deemed by the City Council to be in the best interests of the people of The City of San Diego," adopted by the Council of said City March 2, 1961, be ratified?	YES	
	NO	

ORDINANCE NO. 8454 (New Series) reads as follows:

"ORDINANCE NO. 8454
(New Series)

AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF ALL OF THE REMAINING PORTIONS OF PUEBLO LOTS 1253, 1266, 1269, 1272, 1273, 1274, 1275, 1294, 1304, 1305, 1306, 1315, 1316, 1317, 1318, 1319, 1321, 1322, 1326, 1327, 1329, 1330, 1334, 1351, 1353 AND 1355, EXCEPTING THEREFROM THOSE PORTIONS OF PUEBLO LOTS 1326, 1330 AND 1334 LYING WESTERLY OF U. S. HIGHWAY 101, LYING NORTH OF THE SAN DIEGO RIVER, UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the City Manager of The City of San Diego be, and he is hereby authorized and empowered to sell and convey all of the remaining portions of Pueblo Lots 1253, 1266, 1269, 1272, 1273, 1274, 1275, 1294, 1304, 1305, 1306, 1315, 1316, 1317, 1318, 1319, 1321, 1322, 1326, 1327, 1329, 1330, 1334, 1351, 1353 and 1355 of the Pueblo Lands of San Diego, excepting therefrom those portions of Pueblo Lots 1326, 1330 and 1334 lying westerly of U. S. Highway 101, lying north of the San Diego River.

Section 2. Such sale and conveyance shall be made upon such terms and conditions as may be deemed by the City Council to be in the best interests of the people of The City of San Diego.

Section 3. This ordinance shall become effective only after it is affirmatively approved by a majority vote of the qualified electors of The City of San Diego voting at the general municipal election to be held in said City on the 18th day of April, 1961, at which such proposition of ratifying this ordinance shall be submitted.

Presented by GEORGE E. BEAN

bb

APPROVED as to form by J. F. DuPAUL, City Attorney

By J. F. Du PAUL

City Attorney

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YEAS—Councilmen: Tharp, Hartley, Schneider, Kerrigan, Curran.

NAYS—Councilmen: None.

ABSENT—Councilman: Evenson, Mayor Dail.

Authenticated by: WILLIAM R. HARTLEY,

Vice Mayor of The City of San Diego, California.

PHILLIP ACKER,

City Clerk of The City of San Diego, California.

(SEAL)

By ELFA F. HAMEL, Deputy.

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I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than four members of the Council, and that there was available for the consideration of each member of the Council prior to the day of its passage a written or printed copy of said ordinance.

PHILLIP ACKER,

City Clerk of The City of San Diego, California.

(SEAL)

By ELFA F. HAMEL, Deputy."

ARGUMENT FOR PROPOSITION III

"The basic purpose of this proposition is to clear the way for an orderly development of the Master Plan of the area surrounding the University of California campus. The major portion of fourteen of the above numbered Pueblo Lots have previously been authorized by vote of the people for sale or conveyance for special purposes, such as the General Atomic Division of General Dynamics, University of California, Scripps Hospital and for acquisition of San Clemente Park. The net remaining acreage in the twenty-six Pueblo Lots is 1,870 acres. Of this acreage, 264 acres are required by the State Division of Highways for freeway purposes; 117 acres are needed by the Board of Education for school sites; 30 acres will be sold for church sites

and 413 acres will be retained by the City for parks, playgrounds and open space. This leaves a net remainder of 1,046 acres which will be available for sale at public auction or for property exchanges under which the City would acquire privately owned lands in the vicinity of the University campus that are required for public purposes. The net proceeds derived from the sale of these lands is required to be deposited in the City's Capital Outlay Fund. This revenue will be of material assistance in the financing of many needed capital improvements throughout the City."

The City Council,
City of San Diego

ARGUMENT AGAINST PROPOSITION III

No argument against this proposition was filed in the Office of the City Clerk.