

REGULAR-MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, JULY 21, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M.

Present-Councilmen Johnson, Hubbard, Gade, Ellis, and Deputy Mayor O'Connor.
Absent--Councilmen Williams, Morrow, Haro, and Mayor Wilson.
Clerk---Edward Nielsen.

Deputy Mayor O'Connor called the Regular Meeting to order at 8:35 a.m.

(Item 100)

Roll Call was taken.

(Item 104)

A communication from Bill Parker, requesting permission to address the Council regarding an urgent need to pass a resolution declaring a moratorium on further City support of Transcendental Meditation, warning citizens to be cautious of TM, revoking Resolution 216058 and investigating the secret allocation of \$1,700 of City tax dollars to put 20 Midway High School students through Hindu religious ceremony and have them meditating in class, was presented.

Bill Parker appeared to speak regarding said communication.

The motion of Councilman Johnson to refer said communication to Rules Committee and the City Manager to report to the Rules Committee, received no second at this time.

City Manager McKinley answered questions directed by the Council.

On motion of Councilman Johnson, said communication was referred to the Rules Committee and the City Manager to report to the Rules Committee.

The Council considered requests for continuances: Items 253 and 120.

(Item 253)

OTHER RESOLUTIONS: Authorizing Mr. Coleman Conrad, special attorney for the Police Intelligence Inquiry: (1) to claim the privileges provided to a public entity under Evidence Code Sections 1040 and 1041, and (2) to claim the privilege provided to a local agency under Government Code Section 6254, and (3) to claim any other privileges that are available to the City under State and Federal Law; authorizing Mr. Coleman Conrad, special attorney for the Police Intelligence Inquiry, to apply to a court of competent authority in the State of California, County of San Diego, to designate Mr. Conrad as "a person authorized by law to receive a record" under the provisions of Penal Code Sections 11140 through 11144 and requesting the court to designate Mr. Conrad as "a person authorized by law to receive a record."

(Item 253 - Continued)

The motion of Councilman Gade to continue the proposed Resolution to the Meeting of August 18, 1976, 8:30 a.m. at Mr. Coleman Conrad's request, was not voted on at this time.

Coleman Conrad appeared to speak.

On motion of Councilman Gade, the proposed Resolution was continued to the Meeting of August 18, 1976, 8:30 a.m.

(Item 120 - CASE NO. 10-76-1)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION: Incorporating portions of Villa Lots 195 and 196, Normal Heights, located on the north and south sides of Adams Avenue between 39th Street and Ward Road, into C-1 Zone.

City Manager McKinley stated that the park fees have not been paid and answered questions directed by the Council.

On motion of Councilman Gade, the proposed Ordinance which had been introduced at the Meeting of July 7, 1976, was continued to the Meeting of August 4, 1976 at the City Manager's request.

The Council considered the portion of the Consent Agenda consisting of Ordinances To Be Introduced: Item 200.

(Item 200)

A proposed Ordinance, amending Chapter II, Article 2, Division 9 of the San Diego Municipal Code by amending Section 22.0902.2 relating to real property, was introduced on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, Ellis, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Williams, Morrow, Haro, and Mayor Wilson.

The Council considered the remainder of the Consent Agenda consisting of Resolutions: Items 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, 162, 163, 164, 201, and 202.

(Item 150)

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

RESOLUTION 216433, Brooks Products, Inc. and Precast Concrete Co., for the purchase of concrete utility and water meter boxes as may be required for a period of one year ending June 30, 1977, for an actual estimated cost, including tax and terms, of \$134,203.25; and

RESOLUTION 216434, Stationers Corporation, General Electric Supply Company, a Division of General Electric Company, and Western Radio, for the purchase of dry cell batteries, as may be required for a period of one year ending June 30, 1977, for an actual estimated cost, including tax and terms, of \$41,737.02.

(Item 151)

RESOLUTION 216435, vacating Road Survey 294, adjacent to Beyer Way, under the Summary Vacation Procedure where that portion to be vacated has been superseded by relocation, was adopted on motion of Councilman Johnson.

(Item 152)

RESOLUTION 216436, designating October 1, 1976, as the date upon which all property in the Market Street (Wabash Boulevard to I-805) Underground Utility District must be ready to receive underground utility service and March 1, 1977, as the date for the removal of all overhead utility facilities, was adopted on motion of Councilman Johnson.

(Item 153)

RESOLUTION 216437, authorizing the execution of a deed conveying to the San Diego County Water Authority an easement for water pipeline purposes affecting a portion of Lots 19, 67, 68, and 70, Rancho Mission and portions of La Mesa Colony, was adopted on motion of Councilman Johnson.

(Item 154)

The following Resolutions, relative to exchange of abutter's rights of access located at the intersection of Radcliffe Lane and Genesee Avenue in the University City Area, were adopted on motion of Councilman Johnson:

RESOLUTION 216438, authorizing the acceptance by the City Manager of "Relinquishment of Abbutter's Rights of Access" by Robert A. Collins, Jerome E. Fee, and Collins Development Company; and

RESOLUTION 216439, authorizing execution of a quitclaim deed quitclaiming to Robert A. Collins, Jerome E. Fee, and Collins Development Company, effecting the revestment of those abutter's rights of access affecting a portion of Parcel 1, Parcel Map No. 3979.

(Item 155)

RESOLUTION 216440, approving acceptance by the City Manager of deed of Norman C. Roberts (street purposes) - TOCAYO AVENUE, was adopted on motion of Councilman Johnson.

(Item 156)

RESOLUTION 216441, authorizing an agreement with Glenn W. Rodney, ~~to serve~~ as a full-time coordinator of activities for the City's participation with the San Diego American Bicentennial Committee in the American bicentennial programs for the period July 1, 1976 through December 31, 1976, was adopted on motion of Councilman Johnson.

(Item 157)

RESOLUTION 216442, excusing Mayor Wilson from all Council Meetings from July 13, 1976 through July 28, 1976, due to his being on vacation, was adopted on motion of Councilman Johnson.

(Item 158)

RESOLUTION 216443, excusing Councilman Tom Gade from the Public Facilities and Recreation Committee Meeting on July 19, 1976, in order to attend the Board of Directors meeting of the Comprehensive Planning Organization as the City's alternate representative which is scheduled the same day, was adopted on motion of Councilman Johnson.

(Item 159)

RESOLUTION 216444, authorizing a representative of the Police Department to travel to Seattle, Washington, during the period July 25-28, 1976, for the purpose of attending a workshop sponsored by the National Association of Fleet Administrators, on maintenance and performance of law enforcement fleets, was adopted on motion of Councilman Johnson.

(Item 161)

The following Resolutions, relative to the widening of 61st Street, south of Imperial Avenue, were adopted on motion of Councilman Johnson:

RESOLUTION 216445, certifying that the information contained in the Environmental Impact Report No. 73-4-021C 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 216446, approving the acceptance by the City Manager of deed of Leonard and Joannetta Pritchard (street purposes) - 61ST STREET.

(Item 162)

RESOLUTION 216447, authorizing a First Amendment to Agreement with the Bank of America National Trust and Savings Association which provides for the making and servicing of property rehabilitation loans to clarify certain provisions relating to requirements of the Truth-in-Lending Law, was adopted on motion of Councilman Johnson.

(Item 163)

RESOLUTION 216448, amending Resolution No. 212623, adopted February 13, 1975, to add the appointments of Mr. Joseph H. Snyder, Businessman; Mr. Harold C. Knepper, Businessman; and Mr. Clifton Blevins, Representative At Large; to serve as members of the Dells Redevelopment Project Area Committee, formerly known as Dells Industrial Park Project Area Committee, thereby increasing the number of committee members to twelve, was adopted on motion of Councilman Johnson.

(Item 164)

RESOLUTION 216449, excusing Councilman Leon Williams from all Committee Meetings from July 5 through July 20, 1976 and August 23 through August 31, 1976 for the purpose of vacation, was adopted on motion of Councilman Johnson.

(Item 201)

The following Resolutions, relative to University City Library Site Exchange, were adopted on motion of Councilman Johnson:

RESOLUTION 216450, approving the acceptance by the City Manager of deed of Penasquitos, Inc., conveying Parcel 2 of Parcel Map No. 3979;

RESOLUTION 216451, authorizing the Mayor and City Clerk to execute a grant deed conveying to Penasquitos, Inc., a portion of Lot 2, Collegiate Park Subdivision; expressing City's intent to follow its present practices with regard to revestment of abutter's rights of access if and when the City in the future permits driveway access to Genesee Avenue from Lot 2, Collegiate Park Subdivision;

RESOLUTION 216452, authorizing the Mayor and City Clerk to execute a Parcel Map, TM 76-4, affecting a portion of Lot 2, Collegiate Park Subdivision;

RESOLUTION 216453, authorizing the execution of a quitclaim deed, quitclaiming to The City of San Diego, effecting the revestment of abutter's rights of access in and to Genesee Avenue, Miramar Street, East Gate Mall and Regents Road, affecting Lot 2, Collegiate Park Subdivision;

RESOLUTION 216454, authorizing the transfer of \$37,000 from CIP 29-160.1, Rolando Clay South Park Acquisition to CIP 35-011, University Community Library; authorizing the expenditure of \$37,000 out of Capital Outlay Fund 245 (CIP 35-011) to pay the cash flow and the incidental expenses involved with the proposed land exchange; and

RESOLUTION 216455, approving the acceptance by the City Manager of deed of The City of San Diego (abutter's rights of access purposes) - Genesee Avenue, Miramar Street, East Gate Mall and Regents Road.

(Item 202)

RESOLUTION 216456, supporting the: (1) Establishment of a Criminal Justice Planning District in the San Diego region; (2) Establishment of a governing board to be called the "San Diego Regional Criminal Justice Planning Board" to be made up of five Mayors or Councilpersons and one Supervisor, who are the voting members and first alternate of the Executive Committee of the Comprehensive Planning Organization; one Municipal Court judge, one Superior Court judge (criminal), one Superior Court judge (juvenile), the Sheriff of San Diego County, the District Attorney of San Diego County, the San Diego City Attorney, one Police Chiefs' Association representative, the San Diego City Police Chief, the Chief Probation Officer of San Diego County, one County Bar Association representative, one City Managers' Association representative, the Assistant Chief Administrative Officer for the Fiscal and Justice Agency of the County of San Diego, and five community representatives; totaling 23 members, a majority of whom are elected officials; (3) Further integration of criminal justice and other planning efforts by placing the staff of the

(Item 202 - Continued)

Criminal Justice Planning Board within the administrative structure of the Integrated Planning Office of The County of San Diego; and (4) Assignment of evaluation of criminal justice projects funded by the Board to the areawide A-05 reviewing agency, the Comprehensive Planning Organization, was adopted on motion of Councilman Johnson.

(Item 160)

The following Resolutions, relative to construction of Morrell Street Drain from Fortuna Avenue to Mission Bay, a - Finding that specified factors of eliminating the problem of flooding of the intersection of Crown Point Drive and Fortuna Avenue and the adjacent private property and reducing the amount of storm water flow into the bird sanctuary where the existing system now terminates will result in benefits to the City and its current and future residents, which benefits outweigh the adverse impacts described in Environmental Impact Report No. 75-12-16C; certifying that the information contained in the Environmental Impact Report No. 75-12-16C has been completed in compliance with the California Environmental Quality Act of 1970 and the State guidelines pursuant thereto, and that said Environmental Impact Report has been reviewed and considered by the Council; and b - inviting bids for construction of Morrell Street Drain in accordance with Specifications Document No. 755899, were presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 216457, finding that specified factors of eliminating the problem of flooding of the intersection of Crown Point Drive and Fortuna Avenue and the adjacent private property and reducing the amount of storm water flow into the bird sanctuary where the existing system now terminates will result in benefits to the City and its current and future residents, which benefits outweigh the adverse impacts described in Environmental Impact Report No. 75-12-16C; certifying that the information contained in the Environmental Impact Report No. 75-12-16C has been completed in compliance with the California Environmental Quality Act of 1970 and the State guidelines pursuant thereto, and that said Environmental Impact Report has been reviewed and considered by the Council; and

RESOLUTION 216458, inviting bids for construction of Morrell Street Drain in accordance with Specifications Document No. 755899, were adopted on motion of Councilman Gade.

(Item 101)

Deputy Mayor O'Connor welcomed ten students from San Diego Academy for Neurological Development accompanied by Mr. Springall.

(Item 203)

A proposed Resolution, creating and establishing a Citizens Environmental Quality Advisory Audit Committee (hereinafter referred to as "Citizens Audit Team") to evaluate the general effectiveness and efficiency of the City's processes in implementing CEQA, etc.; the Citizens Audit Team shall consist of one representative

(Item 203 - Continued)

of each of the following groups: Construction Industry Coordinating Council, Taxpayers Association, League of Women Voters, Chairperson of the Community Planners Committee, Citizens Coordinate for Century III, Sierra Club, and Chamber of Commerce, and shall adopt such rules and procedures as it deems necessary to carry out its assigned duties, was presented.

RESOLUTION 216459, creating and establishing a Citizens Environmental Quality Advisory Audit Committee (hereinafter referred to as "Citizens Audit Team") to evaluate the general effectiveness and efficiency of the City's processes in implementing CEQA, etc.; the Citizens Audit Team shall consist of one representative of each of the following groups: Construction Industry Coordinating Council, Taxpayers Association, League of Women Voters, Chairperson of the Community Planners Committee, Citizens Coordinate for Century III, Sierra Club, and Chamber of Commerce, and shall adopt such rules and procedures as it deems necessary to carry out its assigned duties, was adopted on motion of Councilman Johnson.

(Item 250)

A proposed Resolution, authorizing a Second Amendment to Agreement with Lowry and Associates to increase the maximum allotted compensation to \$384,281 for Consultant Engineering Services for the Metropolitan Sewerage System Planning Study (EPA Step 1 Project) and EIR; authorizing the Auditor and Comptroller to transfer the sum of \$98,587 from Sewer Unallocated Reserve 506-69.97-3485 to 506-69:42-3293 for above stated purpose, was presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 216460, authorizing a Second Amendment to Agreement with Lowry and Associates to increase the maximum allotted compensation to \$384,281 for consultant engineering services for the Metropolitan Sewerage System Planning Study (EPA Step 1 Project) and EIR; authorizing the Auditor and Comptroller to transfer the sum of \$98,587 from Sewer Unallocated Reserve 506-69.97-3485 to 506-69.42-3293 for above stated purpose, was adopted on motion of Councilman Ellis.

At this point the Deputy Mayor recognized Tony Yusunas who thanked the Council for its action of Item 201, University City Library Site exchange.

The Council considered Items 251 and 252 simultaneously.

(Items 251 and 252)

The following proposed Resolutions, authorizing an Agreement with Penasquitos, Inc., for the acquisition of Lot No. 270 of Penasquitos Bluffs Unit No. 3, for park purposes; authorizing the expenditure from Park Fee Fund No. 11141 of \$13,600, the release of park fee bonds (District No. 11141) in the amount of \$40,700 and the granting of park fee credits against Penasquitos Bluffs Units No. 7 and No. 8 in the amount of \$39,700, for a total consideration of \$94,000; and, authorizing an

(Items 251 and 252 - Continued)

Agreement with Penasquitos, Inc., for the acquisition of Lot No. 339 Penasquitos Glens Unit No. 6, for park purposes; authorizing the expenditure from Park Fee Fund No. 11145 of \$24,900, the release of park fee bonds (District No. 11145) in the amount of \$24,500, the granting of subdivision park fee credit against Penasquitos Glens Unit No. 7 in an amount not to exceed \$27,000, for a total not to exceed \$76,400; authorizing the expenditure of not to exceed \$41,600 from Capital Outlay Fund No. 245 (CIP 20-008 Cooperative Park Projects) to match the equivalent contribution of Penasquitos, Inc., of park land in an equal value; commending Penasquitos, Inc., for this act of civic generosity and publicly expressing on behalf of the citizens of this City a debt of gratitude to Penasquitos, Inc., were presented.

City Manager McKinley and Dave Roberts, Park and Recreation Department, answered questions directed by the Council.

RESOLUTION 216461, authorizing an Agreement with Penasquitos, Inc., for the acquisition of Lot No. 270 of Penasquitos Bluffs Unit No. 3, for park purposes; authorizing the expenditure from Park Fee Fund No. 11141 of \$13,600, the release of park fee bonds (District No. 11141) in the amount of \$40,700 and the granting of park fee credits against Penasquitos Bluffs Units No. 7 and No. 8 in the amount of \$39,700, for a total consideration of \$94,000; and

RESOLUTION 216462, authorizing an Agreement with Penasquitos, Inc., for the acquisition of Lot No. 339 Penasquitos Glens Unit No. 6, for park purposes; authorizing the expenditure from Park Fee Fund No. 11145 of \$24,900, the release of park fee bonds (District No. 11145) in the amount of \$24,500, the granting of subdivision park fee credit against Penasquitos Glens Unit No. 7 in an amount not to exceed \$27,000, for a total not to exceed \$76,400; authorizing the expenditure of not to exceed \$41,600 from Capital Outlay Fund No. 245 (CIP 20-008 Cooperative Park Projects) to match the equivalent contribution of Penasquitos, Inc., of park land in an equal value; commending Penasquitos, Inc., for this act of civic generosity and publicly expressing on behalf of the citizens of this City a debt of gratitude to Penasquitos, Inc., were adopted on motion of Councilman Johnson.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 9:25 a.m., on motion of Councilman Gade.


(Items 102 and 103)

Thirty students from Point Loma High School accompanied by Mr. Dionisopoulos; and Twenty-nine students from Marston Jr. High School accompanied by Ms. Dorothy Hendersen, did not arrive before Council adjourned.



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 - WEDNESDAY, JULY 21, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
2:00 P.M.

Present--Councilmen Johnson, Hubbard, Gade, Ellis, and Deputy Mayor O'Connor.
Absent--Councilmen Williams, Morrow, Haro, and Mayor Wilson.
Clerk---Edward Nielsen.

Deputy Mayor O'Connor called the Regular Meeting to order at 2:05 p.m.

(Unanimous Consent No. 1)

By Unanimous Consent granted to Deputy Mayor O'Connor, Mayor Russell Hervey of Timeroo, New Zealand was introduced.

Mayor Heryv addressed the Council.

(Item 401)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the second of two public hearings pursuant to the provisions of Section 71 of the City Charter, on the Annual Appropriation Ordinance (Budget) proposed to be adopted for the Fiscal Year 1976-77; the first public hearing was held on July 20, 1976.

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

Mac Strobl, Sue Tucciarone, Ann Davenport, Howard Marks, and Robert Spangler appeared to speak.

The motion of Councilman Ellis to continue the matter to the Meeting of July 28, 1976, 2:00 p.m. Time Certain to consider the suggestions offered at this meeting, was not voted on at this time.

Financial Management Director Haden and City Manager McKinley answered questions directed by the Council.

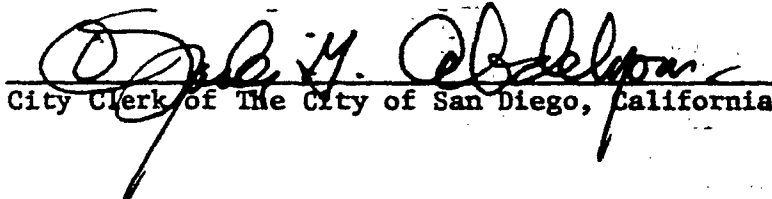
On motion of Councilman Ellis, the proposed Ordinance was continued to the Meeting of July 28, 1976, 2:00 p.m. Time Certain.

There being no further business to come before the Council at this time, by Unanimous Consent granted to Councilwoman O'Connor, the Regular Meeting was adjourned at 3:03 p.m. in memory of Mrs. Mercedes Barrios who passed away on Tuesday, July 20, 1976, on motion of Councilman Johnson:



Pete Wilson
Mayor of The City of San Diego, California

ATTEST:



D. B. Y. O'Connell
City Clerk of The City of San Diego, California