

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, AUGUST 25, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING -
CHARLES C. DAIL CONCOURSE
8:30 A.M. & 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 8:36 a.m.

(Item 100)

Roll Call was taken.

Mayor Wilson entered the Chambers and assumed the Chair.

Councilman Haro entered the Chambers.

Councilman Williams entered the Chambers.

Councilman Morrow entered the Chambers.

(Item 20 - Council Docket of August 24, 1976.)

A proposed Ordinance No. 11872 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1976-77 and Appropriating the Necessary Money to Operate The City of San Diego for Said Fiscal Year."

Mrs. Barbara Shannon, Board of Library Commissioners, appeared to address the Council.

Ann Friestrom, Ocean Beach Library Association, appeared to address the Council.

City Manager McKinley answered questions directed by the Council.

Mrs. Barbara Shannon, Board of Library Commissioners, answered questions directed by the Council regarding the Master Plan of the Library Commissioners, the cost of binding periodicals, and the closing of the Valencia Branch Library.

A motion by Councilman Ellis to allocate \$135,000 to the Library from the Unallocated Reserve Fund for acquisition of new books and periodicals, received no vote at this time.

City Manager McKinley answered questions directed by the Council.

The Council discussed the matter.

RESOLUTION 216636, authorizing the City Auditor and Comptroller to transfer within the General Fund 100 the sum of \$135,000 from the Unallocated Reserve (53.30) to the Library Department (20.00), Non-Personal Expense, for the purchase of new books and periodicals, was adopted on motion of Councilman Ellis.

(Item 101)

Mayor Wilson welcomed ten members of Cub Scouts, Pack 264, Dens #1 and #2, and the Webelow Den, accompanied by Mrs. J. G. Moore.

Councilman Morrow addressed the group.

(Item 102)

Jack H. Morse, representing the San Diego Bicentennial Pageant, requesting permission to address the Council regarding a reduction of the requirement of 10% to 7½% of gross ticket sales for use of the Stadium on July 4, 1976 for the Bicentennial Pageant, in order to provide a scholarship fund for the sponsoring organization, God Bless America Week, Inc.

Mayor Wilson asked the City Attorney to determine whether or not he had a conflict of interest due to his honorary membership on the Bicentennial Pageant Board.

City Attorney Witt answered that there was none.

Jack H. Morse appeared to address the Council.

City Manager McKinley answered questions directed by the Council regarding Stadium rents.

Jack H. Morse answered questions directed by the Council.

A motion by Councilman Ellis requesting the City Manager to provide statistical data and precedence, and abate payment of rent, and refer the matter to the Rules Committee, received no vote.

Jack H. Morse answered questions directed by the Council.

City Manager McKinley answered questions directed by the Council.

Jack H. Morse answered questions directed by the Council.

A motion by Councilman Morrow to grant the request, received no vote at this time.

Councilman Ellis withdrew his motion.

Jack H. Morse answered questions directed by the Council.

City Manager McKinley answered questions directed by the Council regarding the standard clean-up fee.

RESOLUTION 216637, authorizing the City Manager to grant the request of Jack H. Morse, representing the San Diego Bicentennial Pageant, to reduce the requirement of 10% to 7 1/2% of gross ticket sales for use of the San Diego Stadium on July 4, 1976 for the Bicentennial Pageant, in order to provide a scholarship fund for the sponsoring organization, God Bless America Week, Inc.; that Mr. Morse account for the receipt and expenditure of funds derived therefrom to the City Auditor and Comptroller.

(Item 30 - Council Docket of August 24, 1976 - Supplemental No. 1)

A proposed Resolution, awarding a contract to AM General Corporation, for the purchase of forty-five 70-passenger articulated transit buses, for an actual estimated cost, including tax and transportation costs, of \$8,366,552; authorizing the City Manager to execute a modification to the agreement with the Urban Mass Transportation Administration (UMTA), authorized by Resolution No. 214111, adopted August 27, 1975, for the purchase of said buses, associated fare collection and communications support equipment, assorted shop and office equipment, and five road supervisor automobiles, by increasing the amount for purchase from \$6,633,670 to \$9,327,996 and by authorizing the City Auditor and Comptroller to increase the sum transferred from the Public Transportation Reserve Fund 2571 to Transit System Purchase 45 Buses Fund 2578 from \$63,178 to \$88,496 for payment for the one percent sales tax not eligible for Federal participation, was presented.

Councilman Williams presented the report of the Committee on Transportation and Land Use.

A motion by Councilman Gade to adopt the proposed Resolution, received no vote at this time.

General Manager Tom Prior, San Diego Transit Corporation, appeared to address the Council and answered questions directed by the Council.

RESOLUTION 216638, awarding a contract to AM General Corporation, for the purchase of forty-five 70-passenger articulated transit buses, for an actual estimated cost, including tax and transportation costs, of \$8,366,552; authorizing the City Manager to execute a modification to the Agreement with the Urban Mass Transportation Administration (UMTA), authorized by Resolution No. 214111, adopted August 27, 1975, for the purchase of said buses, associated fare collection and communications support equipment, assorted shop and office equipment, and five road supervisor automobiles, by increasing the amount for purchase from \$6,633,670 to \$9,327,996 and by authorizing the City Auditor and Comptroller to increase the sum transferred from the Public Transportation Reserve Fund 2571 to Transit System Purchase 45 Buses Fund 2578 from \$63,178 to \$88,496 for payment for the one percent sales tax not eligible for Federal participation, was adopted on motion of Councilman Gade.

There were no requests for continuances.

The Council considered that portion of the Consent Agenda dealing with Ordinances Introduced at a previous meeting, ready for dispensing with the reading and adoption: Items 120, 121, 122, 123, and 124.

The following Ordinances were Introduced at the Meeting of August 10, 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 their passage, a written or printed copy of each Ordinance.

The following Ordinances were adopted on motion of Councilwoman O'Connor, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 120 - CASE NO. 42-76-1)

ORDINANCE 11883 (New Series), incorporating a portion of Lot 47, partition of Rancho Mission of San Diego, S.C.C. 348, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 11116 (New Series), adopted September 6, 1973, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 121 - CASE NO. 43-76-1)

ORDINANCE 11884 (New Series), incorporating a portion of Lot 45, The Highlands, into CA and M-1B Zones as defined by sections 101.0428.1 and 101.0435.2, respectively, of the San Diego Municipal Code, and repealing Ordinance No. 10936 (New Series), adopted October 5, 1972 of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 122 - CASE NO. 48-76-4 - portion)

ORDINANCE 11885 (New Series), incorporating a portion of the northeast 1/4 of the southwest 1/4, Section 35, Township 18 South, Range 2 West, S.B.B.M., into CR Zone, as defined by Section 101.0421.1 of the San Diego Municipal Code, and repealing Ordinance No. 10862 (New Series), adopted June 29, 1972 of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 123 - CASE NO. 48-76-5)

ORDINANCE 11886 (New Series), incorporating portions of Lots A-43 and A-44, San Ysidro, and portion of Vacated Road and Railway right-of-way, into CA Zone, as defined by Section 101.0428.1 of the San Diego Municipal Code, and repealing Ordinance No. 8028 (New Series), adopted December 18, 1958, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 124 - CASE NO. 60-76-4)

ORDINANCE 11887 (New Series), incorporating the north 1/2 of the northeast 1/4 of the northeast 1/4, Section 11, Township 15 South, Range 3 West, S.B.B.M., into M-1B Zone, as defined by Section 101.0435.2 of the San Diego Municipal Code, and repealing Ordinance No. 10936 (New Series), adopted October 5, 1972, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 125 - CASE NO. 41-73-1/EOT #2)

A proposed Ordinance, amending Section 1 of Ordinance No. 11221 (New Series), adopted January 24, 1974, amended by Ordinance No. 11680 (New Series), adopted October 1, 1975, incorporating portions of Lots 27, 37, 38 and 46, Rosedale Tract, and portions of Lots 54 and 56, Ranch Mission, into R-1-5 Zone, located on the south side of Tierrasanta Boulevard easterly of Santo Road in the Elliot Community - extension of time to August 23, 1977, was introduced on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Gade, Ellis, Haro, Williams, Morrow, and Mayor Wilson. Absent-None.

ORDINANCE NO. _____
(New Series)

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 11221 (NEW SERIES), ADOPTED JANUARY 24, 1974, AMENDED BY ORDINANCE NO. 11680 (NEW SERIES), ADOPTED OCTOBER 1, 1975, INCORPORATING PORTIONS OF LOTS 27, 37, 38 AND 46, ROSEDALE TRACT, AND PORTIONS OF LOTS 54 AND 56, RANCHO MISSION, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO R-1-5 ZONE, AS DEFINED BY SECTION 101.0407 OF THE SAN DIEGO MUNICIPAL CODE.

WHEREAS, Ordinance No. 11680 (New Series), adopted October 1, 1975, provided that the R-1-5 Zone would attach if a final map or maps were recorded on or before August 23, 1976; and

WHEREAS, a request has been received to extend the time within which a final map or maps may be recorded to effect the zone change contemplated by Ordinance No. 11680 (New Series); and

WHEREAS, the requested extension of time will permit the successful conclusion and implementation of the zoning pattern heretofore approved by the Planning Commission; NOW, THEREFORE,

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

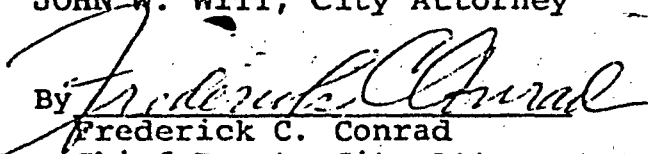
Section 1. That Section 1 of Ordinance No. 11221 (New Series), adopted January 24, 1974, amended by Ordinance No. 11680 (New Series), adopted October 1, 1975, be, and it is hereby amended to read as follows:

Section 1. That in the event that portions of Lots 27, 37, 38 and 46, Rosedale Tract, and portions of Lots 54 and 56, Rancho Mission, in the City of San Diego, California, within the boundary of the district

designated "R-1-5" on Zone Map Drawing No. B-2749.1, are subdivided and a final map or maps thereof duly approved and thereafter recorded on or before August 23, 1977, and within such subdivision or subdivisions, provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of Section 101.0407 of the San Diego Municipal Code shall attach and become applicable to the said subdivided land and the said subdivided land shall be incorporated into R-1-5 Zone, as described by Section 101.0407, the boundary of such zone to be as indicated on Zone Map Drawing No. B-2749.1, filed in the office of the City Clerk as Document No. 745713. Such zoning shall attach only to those areas included in the subdivision map or maps recorded as provided in this section.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:n
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Or. Dept. Plng.

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The Council returned to consideration of the remaining Consent Agenda, which consisted of Items 150, 151, 153, 154, 200, 201, 203, 204, and 205.

(Item 150)

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

RESOLUTION 216639, Ducommun Metals, for the purchase of 3,000 aluminum posts, for an actual cost, including tax and terms, of \$32,118;

RESOLUTION 216640, Environmental Care, Inc., for furnishing complete landscape maintenance of thirty-nine open space areas within the Tierrasanta Assessment District #1, as may be required for the period of one-year ending July 31, 1977, for an actual estimated cost with terms of \$31,873.92, with an option to renew for four additional one-year periods; and

RESOLUTION 216641, Consolidated Facility Services, Inc., for furnishing complete landscape maintenance of thirty-seven open space areas within the Scripps Ranch Assessment District #1, as may be required for the period of one year ending July 31, 1977, for an actual estimated cost with terms of \$27,324, with an option to renew for four additional one-year periods.

(Item 151)

The following Resolutions, relative to La Jolla Scenic Drive and Via Capri right-of-way acquisition located north of Soledad Mountain Road, were adopted on motion of Councilman Gade:

RESOLUTION 216642, approving the acceptance by the City Manager of deed of Midwest Television, Inc., (easement and right-of-way for an earth excavation or embankment, slope or slopes purposes); and (street purposes) - La Jolla Scenic Drive;

RESOLUTION 216643, approving the acceptance by the City Manager of deed of McGraw-Hill Broadcasting Company, Inc. (street purposes) - Via Capri; and

RESOLUTION 216644, setting aside and dedicating for public purposes certain easements in portions of Pueblo Lots 1264 and 1265 for street purposes and for earth excavation or embankment, slope or slopes and incidents thereto; and naming Parcel 2 La Jolla Scenic Drive and Parcel 4 Via Capri.

(Item 153)

RESOLUTION 216645, authorizing the expenditure of \$4,700 from Mt. Hope Park Improvements Fund 2667 for the purchase and installation of miscellaneous material and equipment, plant material and minor drainage facilities, was adopted on motion of Councilman Gade.

(Item 154)

RESOLUTION 216646, authorizing an agreement with John C. Stevenson, Architect, for architectural services for the design of the Stockton Playground Fieldhouse; authorizing the expenditure of \$10,500 from the Capital Outlay Fund 245 solely and exclusively for the purpose of providing funds for design, construction and related costs for said purpose, was adopted on motion of Councilman Gade.

(Item 200)

RESOLUTION 216647, inviting bids for construction of Plaza de Panama - El Prado - Plaza de Balboa, was adopted on motion of Councilman Gade.

(Item 201)

The following Resolutions, relative to exchange of real property in Shepherd Canyon and San Clemente Canyon, were adopted on motion of Councilman Gade:

RESOLUTION 216648, certifying that the information contained in the Negative Declaration No. 73-12-004-C prepared by the State of California has been reviewed and considered by this Council; and

RESOLUTION 216649, authorizing a quitclaim deed, quitclaiming to the United States Department of the Interior-Bureau of Outdoor Recreation portions of Lots 12 and 21, Rosedale Tract (Shepherd Canyon).

(Item 203)

RESOLUTION 216650, authorizing an agreement with the San Diego Convention and Visitors' Bureau, to encourage and promote tourism, trade and commerce through Convention, Marketing and Host Programs, was adopted on motion of Councilman Gade.

(Item 204)

RESOLUTION 216651, authorizing an agreement with San Diego Ecology Centre, Inc., to establish and carry out a program of public environmental education, to respond to citizen inquiries referred by City Council, to develop programs to encourage citizen involvement and to cooperate with judicial authorities to provide misdemeanants with environmental action alternatives to confinement and/or fines, was adopted on motion of Councilman Gade.

(Item 205)

RESOLUTION 216652, authorizing an agreement with the San Diego County Junior Golf Association to conduct the Annual San Diego Junior World Golf Championship to be held in the summer of 1977, was adopted on motion of Councilman Gade.

(Item 152)

A proposed Resolution, authorizing the City Manager to execute an agreement with Leighton and Associates, for geologic-technical services for a period of one year ending June 30, 1977, was presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 216653, authorizing the City Manager to execute an agreement with Leighton and Associates, for geologic-technical services for a period of one year ending June 30, 1977, was adopted on motion of Councilman Gade.

(Item 155)

A proposed Resolution, authorizing the City Manager to continue implementation of the Service Delivery System (Youth Employment) Program for the period from July 1, 1976 through December 31, 1976, in the amount of \$61,833, which shall be operated via the Human Resources Department, was presented.

City Attorney Witt answered questions directed by the Council.

RESOLUTION 216654, authorizing the City Manager to continue implementation of the Service Delivery System (Youth Employment) Program for the period from July 1, 1976 through December 31, 1976, in the amount of \$61,833, which shall be operated via the Human Resources Department, was adopted on motion of Councilman Gade.

(Item 202 - First Time)

A proposed Resolution, authorizing an agreement with Combined Arts of San Diego, to provide an enriched environment for the cultural and performing arts in order to sustain citizens and to attract new residents and businesses, was presented.

The matter was trailed at the request of Councilman Hubbard.

Mayor Wilson recessed the Regular Meeting at 9:46 a.m., to reconvene at 10:00 a.m. Upon reconvening at 10:13 a.m., the Roll Call showed Councilmen Williams and Haro absent.

(Item 250)

A proposed Resolution, 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", was presented.

A motion by Councilwoman O'Connor to continue the matter for three weeks until September 15, 1976, a.m., to review information from various agencies, received no vote at this time.

The Council discussed the matter.

Councilman Williams entered the Chambers.

A motion by Councilwoman O'Connor to continue the matter for three weeks until September 15, 1976, a.m., to review information from various agencies, seconded by Councilman Morrow, passed unanimously.

(Item 202 - Second Time)

Jim Mulvaney, President of COMBO, (Combined Arts of San Diego), answered questions directed by the Council at length.

RESOLUTION 216655, authorizing an agreement with Combined Arts of San Diego, to provide an enriched environment for the cultural and performing arts in order to sustain citizens and to attract new residents and businesses, was adopted on motion of Councilman Hubbard.

(Item 206)

The following Resolutions, relative to the exchange of land between The City of San Diego and the San Diego Unified School District:

- a - Approving the acceptance by the City Manager of a deed of San Diego Unified School District of San Diego County, California, conveying to the City: a portion of Lot 820, East Clairemont Unit No. 6, Andersen Elementary School; Lot 396, San Carlos Estates Unit No. 10, Brewer Elementary School; a portion of Lot 3385, Clairemont Unit No. 16, Cadman Elementary School; a portion of Lot 22, La Mesa Colony, a portion of Clay Elementary School Site; a portion of Lot "J" and a portion of Lot "I" in Lot 70, Rancho Mission, Columbus Elementary School; a portion of Lot 2, and all of Lot 3, in Block 10 Encanto Heights, a portion of Encanto Elementary School Site; a portion of Lot 578, San Carlos Unit No. 7, a portion of Forward Elementary School Site; Lot 222, Park West Unit No. 5, Gershwin Elementary School Site; and portions of Cable Road Addition, and a portion of Lot 1, Pueblo Lot 1186, Rose Elementary School, for park purposes;
- b - Authorizing the execution of a Grant Deed granting to San Diego Unified School District of San Diego County, California, portions of Pueblo Lands of San Diego for high school purposes; and
- c - Authorizing the execution of a Grant Deed granting to the San Diego Unified School District of San Diego County, California, portions of Pueblo Lot 1203, and a portion of Zola Street, for high schools, was presented.

City Manager McKinley presented his report.

Bill Roberts, Planning Department, answered questions directed by the Council.

Assistant Director Hagar, Property Department, answered questions directed by the Council.

Mrs. Marian Bear appeared to address the Council.

Mayor Wilson left the Chambers. Deputy Mayor O'Connor assumed the Chair.

Councilman Haro entered the Chambers.

Assistant Director Hagar, Property Department, answered questions directed by the Council.

(Item 206 - Continued)

A motion by Councilman Morrow to adopt the proposed Resolutions with an amendment to the deeds - add right of first refusal if not used for public purposes, received no vote at this time.

Assistant Director Hagar, Property Department, answered questions directed by the Council.

Bill Roberts, Planning Department, answered questions directed by the Council regarding which parcels are to be turned into parks.

Assistant Director Hagar, Property Department, answered questions directed by the Council.

The Council discussed the matter.

Councilman Williams left the Chambers.

Councilman Haro left the Chambers.

Bill Roberts, Planning Department, answered questions directed by the Council.

Mrs. Arlene Van de Wetering appeared to address the Council.

The Council discussed the matter.

The following Resolutions, relative to the exchange of land between The City of San Diego and the San Diego Unified School District, were adopted on motion of Councilman Morrow:

RESOLUTION 216656, approving the acceptance by the City Manager of a deed of San Diego Unified School District of San Diego County, California, conveying to The City; a portion of Lot 820, East Clairemont Unit No. 6, Andersen Elementary School; Lot 396, San Carlos Estates Unit No. 10, Brewer Elementary School; a portion of Lot 3385, Clairemont Unit No. 16, Cadman Elementary School; a portion of Lot 22, La Mesa Colony, a portion of Clay Elementary School Site; a portion of Lot "J" and a portion of Lot "I" in Lot 70, Rancho Mission, Columbus Elementary School; a portion of Lot 2, and all of Lot 3, in Block 10 Encanto Heights, a portion of Encanto Elementary School Site; a portion of Lot 578, San Carlos Unit No. 7, a portion of Forward Elementary School Site; Lot 222, Park West Unit No. 5, Gershwin Elementary School Site; and portions of Cable Road Addition, and a portion of Lot L, Pueblo Lot 1186, Rose Elementary School, for park purposes;

RESOLUTION 216657, authorizing the execution of a Grant Deed granting to San Diego Unified School District of San Diego County, California, portions of Pueblo Lands of San Diego for high school purposes; and

RESOLUTION 216658, authorizing the execution of a Grant Deed granting to the San Diego Unified School District of San Diego County, California, portions of Pueblo Lot 1203, and a portion of Zola Street, for high school purposes.

Councilman Haro entered the Chambers.

Items 251 and 252 were considered simultaneously.

(Item 251)

The following Resolutions, relative to San Diego County Water Authority in Lieu Taxes:

- a - Electing to pay out of Municipal Funds One Hundred Percent (100%) of an amount in lieu of taxes which would otherwise be levied upon property within the City by the San Diego County Water Authority for the Fiscal Year beginning July 1, 1976 and ending June 30, 1977; and
- b - Declaring intention to pay out of Municipal Funds the whole of the amount of taxes to be derived from that area of the San Diego County Water Authority which is within the City for the Fiscal Year beginning July 1, 1977, in an amount to be fixed in August, 1977, by Resolution of the Board of Directors of the Authority; and

(Item 252)

The following Resolutions, relative to Metropolitan Water District of Southern California in Lieu Taxes:

- a - Electing to pay out of Municipal Funds One Hundred Percent (100%) of an amount in lieu of taxes which would otherwise be levied upon property within the City by the Metropolitan Water District of Southern California for the Fiscal year beginning July 1, 1976, and ending June 30, 1977, and appropriating such in-lieu amount; and
- b - Declaring intention to pay out of Municipal Funds the whole of the amount of taxes to be derived from that area of the Metropolitan Water District of Southern California which is within the City, for the Fiscal Year beginning July 1, 1977, in an amount to be fixed in August, 1977, by Resolution of the Board of Directors of the District, were presented.

A motion by Councilman Ellis to adopt the proposed Resolutions, received no vote at this time.

City Manager McKinley answered questions directed by the Council.

Councilman Williams entered the Chambers.

Assistant City Manager Graham answered questions directed by the Council at length.

City Manager McKinley answered questions directed by the Council.

Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council.

The Council discussed the matter.

Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council.

City Manager McKinley answered questions directed by the Council.

A motion by Councilman Johnson to trail the proposed Resolutions to the August 25, 1976, p.m. Meeting for research regarding conflict of interest regarding Councilman Johnson, received no vote at this time.

Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council.

The Council discussed the matter.

(Items 251 & 252 - Continued)

Assistant City Manager Graham answered questions directed by the Council.
The Council discussed the matter.

A motion by Councilman Johnson to trail the proposed Resolutions to the August 25, 1976, p.m. Meeting for research regarding conflict of interest regarding Councilman Johnson, seconded by Councilman Morrow, passed unanimously.

Councilman Ellis left the Chambers.

Councilman Morrow left the Chambers.

Councilman Haro left the Chambers.

(Item 253)

A proposed Resolution, authorizing the below listed agreements for the purpose of operating the Senior Citizen Nutrition Programs for the period from September 1, 1976 through June 30, 1977; authorizing the expenditure of \$1,250 out of General Fund 100/0553 to cover administrative costs:

<u>Agency</u>	<u>Amount</u>
San Diego Unified School District	\$282,800
San Ysidro Elementary School District	19,900
Pilipino-American Senior Citizens Association of San Diego County Corporation,	37,000

was presented.

A motion by Councilman Williams to adopt the proposed Resolution, received no vote at this time.

RESOLUTION 216659, authorizing the below listed agreements for the purpose of operating the Senior Citizen Nutrition Programs for the period from September 1, 1976 through June 30, 1977; authorizing the expenditure of \$1,250 out of General Fund 100/0553 to cover administrative costs:

<u>Agency</u>	<u>Amount</u>
San Diego Unified School District	\$282,800
San Ysidro Elementary School District	19,900
Pilipino-American Senior Citizens Association of San Diego County Corporation,	37,000

was adopted on motion of Councilman Williams.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

The Council discussed the matter.

(Item 254)

A proposed Resolution, authorizing the City Manager to execute the Urban Mass Transportation Capital Grant Contract offered by the U. S. Government for federal financing assistance for the acquisition and restoration of the Santa Fe Depot Project to provide an intermodal Transportation Center, was presented.

A motion by Councilman Johnson to adopt the proposed Resolution, received no vote at this time.

Councilman Haro entered the Chambers.

City Manager McKinley answered questions directed by the Council regarding his report dated August 18, 1976 regarding future City participation in the project.

RESOLUTION 216660, authorizing the City Manager to execute the Urban Mass Transportation Capital Grant Contract offered by the U. S. Government for federal financing assistance for the acquisition and restoration of the mass transit portion of the Santa Fe Depot Project to provide an intermodal transportation center, was adopted on motion of Councilman Johnson.

Items 255 and 256 were considered simultaneously.

(Item 255)

A proposed Resolution, amending the Capital Improvements Program, as amended, pursuant to Section 2, Subsection 23 of the annual appropriation ordinance, by accelerating C.I.P. Project No. 23-635, Southeast San Diego Sports Field from fiscal year 1981 program and adding said project to fiscal year 1977 C.I.P. programs; authorizing the Auditor and Comptroller to transfer within the 245 Fund the sum of \$186,000 from C.I.P. Project No. 29-160.1(6) and \$44,000 from C.I.P. No. 90-245, Capital Outlay Fund Reserve to provide funds for the above C.I.P. Project No. 23-635; and

(Item 256)

The following Resolutions, approving the filing of an application for Land and Water Conservation Fund Assistance; and certifying that the City understands the assurances in Part V of the application and certifying that it will comply with the regulations, policies, guidelines, and requirements, including Office of Management and Budget circulars Nos. A-87, A-95, and A-102 as they relate to the application; certifying that the City has matching funds and can finance 100 percent of the project, half of which will be reimbursed; certifying that the City meets the planning requirements and that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project; and appointing the City Manager as agent of the City to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, billing statement and so on which may be necessary for the completion of the following projects:

a - Morley Field East Picnic Area in Balboa Park; and

b - Southeast San Diego Sports Field,
were presented.

(Items 255 & 256 - Continued)

A motion by Councilman Haro to adopt the proposed Resolutions, died for lack of a second.

The Council discussed the matters.

Sharon Hartman, Park and Recreation Department, answered questions directed by the Council.

City Manager McKinley answered questions directed by the Council.

A motion by Councilman Hubbard to trail the proposed Resolutions to the August 25, 1976, p.m. Meeting, seconded by Councilman Haro, passed unanimously.

Deputy Mayor O'Connor recessed the Regular Meeting at 11:31 a.m., to reconvene at 2:00 p.m.

(Item 401 - CUP NO. 451-PC)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of John D. Henderson, architect, from the decision of the Planning Commission in failing to approve the application of Catherine C. Ostrander and Lilia B. Barney, owners, and Robert O. Peterson and Richard T. Silberman, permittees, under Conditional Use Permit No. 451-PC, to utilize existing buildings designated "Historical Site" as commercial offices, located on the east side of Seventh Avenue between Upas and Brookes Streets. The property is more particularly described as Lots 12-14, 26-39, and portions of Lots 40 and 41, Block 9, and a portion of Lot 10, and Lots 11-25, Block 12, Crittenden's Addition, including a portion of Alley, Block 9, Crittenden's Addition Vacated, a portion of Eighth Avenue Vacated, a portion of Brookes Street Vacated, and a portion of Lot 10, Block 7, La Canyada Villa Tract along with a portion of Brookes Street Vacated, in the R-1-5 and R-1-40 (portion in Hillside Review Overlay) Zones. It was reported that no written protests had been received.

Councilman-Haro entered the Chambers.

Chief Deputy City Attorney Conrad answered questions directed by Council.

Councilwoman O'Connor left the Chambers.

(Item 401 - CUP NO. 451-PC - Continued)

Ken Klein, Planning Department, answered questions directed by the Council.
Gary Stevenson appeared to speak.

Councilman Williams entered the Chambers.

The motion of Councilman Gade to suspend rules to allow 35 minutes testimony per side, passed unanimously.

Councilman Morrow entered the Chambers.

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

William Rick, John Henderson, Mrs. Peg Marston, and John Easley appeared to speak in favor of the appeal.

Bobby Vatica, Arlene Van de Wetering, and Michael Witte appeared to speak in opposition to the appeal.

Councilman Morrow left the Chambers.

Margaret Myer, Norman Shutte, and Gary Stevenson appeared to speak in opposition to the appeal.

Councilman Morrow entered the Chambers.

Ann Merrill and Marian Bear appeared to speak in opposition to the appeal.
Ken Klein, Planning Department, further answered questions directed by the Council.

Jim Moss and Paul Myer appeared to speak.

The motion of Councilman Johnson to close the hearing, grant the appeal and the permit based on page 3 of findings on the Planning Department report, received no vote at this time.

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

The hearing was closed on motion of Councilman Johnson.

U-11-26

ORDINANCE NO. _____
(New Series)

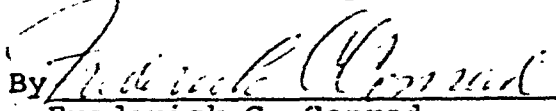
AN ORDINANCE INCORPORATING THOSE HILLSIDES EAST OF HOLLISTER STREET AND WEST OF BEYER BOULEVARD, AND BETWEEN THE CITY BOUNDARY OF THE CITY OF SAN DIEGO ON THE NORTH AND PALM AVENUE ON THE SOUTH, IN THE OTAY MESA COMMUNITY AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO THE HR OVERLAY ZONE, AS DEFINED BY SECTION 101.0454 OF THE SAN DIEGO MUNICIPAL CODE.

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

Section 1. That those hillsides east of Hollister Street and west of Beyer Boulevard, and between the City boundary of The City of San Diego on the north and Palm Avenue on the south, in the Otay Mesa Community Area, in the City of San Diego, California, within the boundary of the district designated "HR Overlay Zone" on Zone Map Drawing No. C-480, filed in the office of the City Clerk as Document No. 756283, be and it is hereby incorporated into the HR Overlay Zone, as such zone is described and defined by Section 101.0454 of the San Diego Municipal Code.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:n
8-2-76
Area A
48-76-3
Or. Dept. Plng.

01425

(Item 401 - CUP NO. 451-PC - Continued)

RESOLUTION 216661, by a vote of 7 to 1, granting the appeal of John D. Henderson and granting to Catherine B. Ostrander and Lilia B. Barney, owners, and Robert O. Peterson and Richard T. Silberman, permittees, Conditional Use Permit No. 451-PC, was adopted on motion of Councilman Johnson, which passed by the following vote: Yeas-Councilmen Johnson, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-Councilwoman O'Connor.

RESOLUTION 216662, certifying that the information contained in Environmental Negative Declaration No. 75-12-25P has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council, was adopted on motion of Councilman Johnson.

(Item 402 - CASE NO. 48-76-3 - City-initiated)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposal to apply the HR (Hillside Review) Overlay Zone over the whole or any part of the following in the Otay Mesa Community Area:

AREA A

Those hillsides east of Hollister Street and west of Beyer Boulevard, and between the City boundary of The City of San Diego on the north and Palm Avenue on the south. It was reported that no written protests had been received.

Councilwoman O'Connor entered the Chambers.

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

Russ Crane appeared to speak in opposition.

Councilman Ellis left the Chambers.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those Hillsides east of Hollister Street and west of Beyer Boulevard, and between the City boundary of The City of San Diego on the north and Palm Avenue on the south, in the Otay Mesa Community Area, into the HR Overlay Zone, as defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-Councilman Ellis.

-72

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ORDINANCE NO. _____
(New Series)

AN ORDINANCE INCORPORATING THOSE HILLSIDES EAST OF BEYER WAY AND WEST OF I-805, AND BETWEEN THE CITY BOUNDARY OF THE CITY OF SAN DIEGO ON THE NORTH AND PALM AVENUE ON THE SOUTH, IN THE OTAY MESA COMMUNITY AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO THE HR OVERLAY ZONE, AS DEFINED BY SECTION 101.0454 OF THE SAN DIEGO MUNICIPAL CODE.

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

Section 1. That those hillsides east of Beyer Way and west of I-805, and between the City boundary of The City of San Diego on the north and Palm Avenue on the south, in the Otay Mesa Community Area, in the City of San Diego, California, within the boundary of the district designated "HR Overlay Zone" on Zone Map Drawing No. C-480, filed in the office of the City Clerk as Document No. 756283, be and it is hereby incorporated into the HR Overlay Zone, as such zone is described and defined by Section 101.0454 of the San Diego Municipal Code.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

C:n
8-12-76
Area B
48-76-3
Or. Dept. Plng.

01427

ORDINANCE NO. _____
(New Series)

AN ORDINANCE INCORPORATING THOSE HILLSIDES EAST OF BEYER BOULEVARD AND WEST OF BEYER WAY, AND BETWEEN CORONADO AVENUE ON THE NORTH AND FERN AVENUE ON THE SOUTH, IN THE OTAY MESA COMMUNITY AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO THE HR OVERLAY ZONE, AS DEFINED BY SECTION 101.0454 OF THE SAN DIEGO MUNICIPAL CODE.

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

Section 1. That those hillsides east of Beyer Boulevard and west of Beyer Way, and between Coronado Avenue on the north and Fern Avenue on the south, in the Otay Mesa Community Area, in the City of San Diego, California, within the boundary of the district designated "HR Overlay Zone" on Zone Map Drawing No. C-480, filed in the office of the City Clerk as Document No. 756283, be and it is hereby incorporated into the HR Overlay Zone, as such zone is described and defined by Section 101.0454 of the San Diego Municipal Code.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

C:n
8-12-76
Area C
48-76-3
Or. Dept. Plng.

01428

(Item 402 - CASE NO. 48-73-3 -City-initiated)

AREA B

Those hillsides east of Beyer Way and west of I-805, and between the City boundary of The City of San Diego on the north and Palm Avenue on the south. It was reported that no written protest had been received.

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

Russ Crane appeared to speak.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those hillsides east of Beyer Way and west of I-805, and between the City boundary of The City of San Diego on the north and Palm Avenue on the south, in the Otay Mesa Community Area, into the HR Overlay Zone, as defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-Councilman Ellis.

AREA C

Those hillsides east of Beyer Boulevard and west of Beyer Way, and between Coronado Avenue on the north and Fern Avenue on the south. It was reported that no written appeals had been received.

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

Russ Crane appeared to speak.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those hillsides east of Beyer Boulevard and west of Beyer Way, and between Coronado Avenue on the north and Fern Avenue on the south, in the Otay Mesa Community Area, into the HR Overlay Zone, as defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-Councilman Ellis.

(Item 21 - Docket of August 24, 1976)

A proposed Ordinance, fixing the Tax Rates and levying taxes for the Fiscal Year 1976-77, was presented.

Assistant City Manager Graham answered questions directed by Council.

A motion of Councilman Haro to introduce and adopt on fixing the tax rate at \$1.548 per \$100 of assessed valuation, received no vote at this time.

Discussion followed.

Councilman Ellis entered the Chambers.

(Item 21 - Docket of August 24, 1976 - Continued)

The following Ordinance was passed on the day of its introduction, to-wit, on August 25, 1976, said Ordinance being of the kind and character authorized for passage on introduction by Section 16 of the Charter.

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 written or printed copies of said Ordinance.

ORDINANCE 11888 (New Series), fixing the tax rates and levying taxes for the Fiscal Year 1976-77, was adopted on motion of Councilman Haro, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Morrow. Absent-None.

Mayor Wilson recessed the Meeting at 5:19 p.m. Upon reconvening at 5:36 p.m., the roll call showed Councilmen Williams, Morrow, and Haro absent.

(Item 403)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of Point Loma College, by W. Shelburne Brown, president, from the decision of the Historical Site Board in designating Cabrillo Hall (Madame Tingley Home) as a Historical Site, pursuant to Section 26.02 (D.7) of the San Diego Municipal Code. The property is located at 3900 Lomaland Drive. It was reported that no written protests had been received.

No one appeared to be heard.

On motion of Councilwoman O'Connor, the matter was continued to September 1, 1976, at the request of the appellant.

(Items 251 and 252 were considered simultaneously - Second Time)

Councilman Morrow entered the Chambers.

Senior Chief Deputy Attorney Fitzpatrick answered questions directed by the Council.

The following Resolutions were adopted on motion of Councilman Ellis, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Gade, Ellis, and Mayor Wilson. Nays-Councilman Morrow. Absent-Councilmen Williams and Haro.

RESOLUTION 216632, electing to pay out of Municipal Funds One Hundred Percent (100%) of an amount in lieu of taxes which would otherwise be levied upon property within the City by the San Diego County Water Authority for the Fiscal Year beginning July 1, 1976 and ending June 30, 1977;

RESOLUTION 216633, declaring intention to pay out of Municipal Funds the whole of the amount of taxes to be derived from that area of the San Diego County Water Authority which is within the City for the Fiscal Year beginning July 1, 1977, in an amount to be fixed in August, 1977, by Resolution of the Board of Directors of the Authority;

RESOLUTION 216634, electing to pay out of Municipal Funds One Hundred Percent (100%) of an amount in lieu of taxes which would otherwise be levied upon property within the City by the Metropolitan Water District of Southern California for the Fiscal Year beginning July 1, 1976, and ending June 30, 1977, and appropriating such in-lieu amount; and

RESOLUTION 216635, declaring intention to pay out of Municipal Funds the whole of the amount of taxes to be derived from that area of the Metropolitan Water District of Southern California which is within the City, for the Fiscal Year beginning July 1, 1977, in an amount to be fixed in August, 1977, by Resolution of the Board of Directors of the District.

(Item 255 - Second Time)

A motion of Councilwoman O'Connor to adopt the proposed Resolution, received no vote at this time.

Jewell Hooper appeared to speak.

Park and Recreation Director Mendoza answered questions directed by the Council.

Councilman Morrow left the Chambers.

(Item 255 - Second Time - Continued)

RESOLUTION 216663, amending the Capital Improvements Program, as amended, pursuant to Section 2, Subsection 23 of the annual appropriation ordinance, by accelerating C.I.P. Project No. 23-635, Southeast San Diego Sports Field from fiscal year 1981 program and adding said project to fiscal year 1977 C.I.P. programs; authorizing the Auditor and Comptroller to transfer within the 245 Fund the sum of \$186,000 from C.I.P. Project No. 29-160.1(6) and \$44,000 from C.I.P. No. 90-245, Capital Outlay Fund Reserve to provide funds for the above C.I.P. Project No. 23-635, was adopted on motion of Councilman Haro.

(Item 256 - Second Time)

The following Resolutions approving the filing of an application for Land and Water Conservation Fund Assistance; and certifying that the City understands the assurances in Part V of the application and certifying that it will comply with the regulations, policies, guidelines, and requirements, including Office of Management and Budget circulars Nos. A-87, A-95, and A-102 as they relate to the application; certifying that the City has matching funds and can finance 100 percent of the project, half of which will be reimbursed; certifying that the City meets the planning requirements and that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project; and appointing the City Manager as agent of the City to conduct all negotiations; execute and submit all documents including but not limited to applications, agreements, amendments, billing statements and so on which may be necessary for the completion of the following projects, were adopted on motion of Councilman Gade:

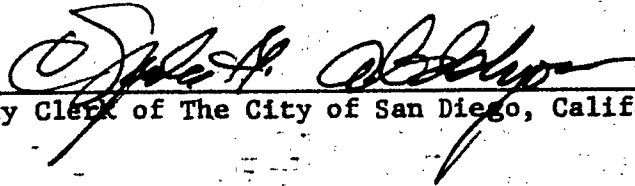
RESOLUTION 216664, Morley Field East Picnic Area in Balboa Park; and
RESOLUTION 216665, Southeast San Diego Sports Field.

There being no further business to come before the Council at this time, by Unanimous Consent granted to the Mayor and Councilman Johnson, the Regular Meeting was adjourned in memory of Norton S. Walbridge, art patron, who passed away on August 19, 1976, at 5:55 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