

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - TUESDAY, AUGUST 1, 1978  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE  
8:30 A.M.

Present--Councilmen Mitchell, O'Connor, Schnaubelt, Gade, Stirling, Haro and  
Mayor Wilson  
Absent--Councilmen Lowery and Williams.  
Clerk---Charles G. Abdelnour.

Mayor Wilson called the Regular Meeting to order at 8:47 a.m.

(ITEM 300)

Roll call was taken.

(ITEM 330)

(Continued from the Meetings of May 16, June 13, and July 18, 1978 due to  
lack of time.)

VACATING the NORTHEASTERLY 100 FEET of PLUM STREET adjacent to LOT 7 of  
BLOCK 70 and LOT 12 of BLOCK 71, MAPS 165 and 305 - on Resolution of Intention No.  
220638.

A motion by Councilwoman O'Connor to close the hearing and adopt a  
resolution of vacation, passed as RESOLUTION 221534 (see attached) by the  
following vote: Yeas-Councilmen Mitchell, O'Connor, Schnaubelt, Gade, Stirling  
and Mayor Wilson. Nays-Councilman Haro. Absent-Councilmen Lowery and Williams.

(ITEM 212)

SUBMITTED BY DOROTHY G. LAZENBY

The San Diego Transit Bus Company should be financed by the City so the Bus  
Service is not reduced.

(1) A motion by Councilman Stirling to limit presentations on ballot  
propositions to ten minutes, passed unanimously with Councilmen Lowery and  
Williams absent.

(2) A motion by Councilwoman O'Connor to file passed by the following  
vote: Yeas-Councilmen Mitchell, O'Connor, Schnaubelt, Stirling, Haro and Mayor  
Wilson. Nays-Councilman Gade. Absent-Councilmen Lowery and Williams.

(ITEM 211)

SUBMITTED BY KING GOLDEN

Shall approximately 40 acres of Balboa Park property in the area north and  
east of the present naval hospital be removed from park use and made available  
for new hospital facilities?

Councilman Williams entered the Chambers.

(ITEM 211 - Continued)

(1) A motion by Councilman Gade to file, received no vote at this time.

Councilwoman O'Connor left the Chambers.

Motion #1 (by Councilman Gade) passed by the following vote: Yeas-Councilmen Mitchell, Schnaubelt, Gade, Stirling and Mayor Wilson. Nays-Councilmen Williams and Haro. Absent-Councilmen O'Connor and Lowery.

Mayor Wilson recessed the Regular Meeting at 10:15 a.m. Upon reconvening at 10:41 a.m., the roll call showed Councilmen Lowery, Williams and Haro absent.

(ITEM 338)

APPEAL of FLETCHER POND, owner/permittee, from the decision of the PLANNING COMMISSION in DENYING the application under PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 123 to construct two additional dwelling units on a 15,625 square feet parcel which is the site of an existing single-family residence along with parking and landscaping in the R-1-5 Zone, located on the south side of Valemont Street between Bangor and Akron Streets. The property is more particularly described as LOTS 13 THROUGH 17, BLOCK 1, ROSEVILLE HEIGHTS, MAP NO. 423.

A motion by Councilwoman O'Connor to continue to the Meeting of September 5, 1978, at the appellant's request, passed unanimously with Councilmen Lowery, Williams and Haro absent.

(ITEM 333)

Matter of REZONING LOT 46, ALLIED GARDENS UNIT NO. 16, MAP NO. 4731 (approximately 11,985 square feet), located on the southeast side of Mission Gorge Road between Zion Avenue and Allied Road, in the Navajo Community Plan area, from ZONE R-1-5 to ZONE R-3.

A motion by Councilman Stirling to close the hearing, adopt RESOLUTION 221535 (see attached) and introduce an Ordinance for R-3 Zoning, passed by the following vote: Yeas-Councilmen Mitchell, O'Connor, Schnaubelt, Gade, Stirling and Mayor Wilson. Nays-None. Absent-Councilmen Lowery, Williams and Haro.

(ITEM 213)

SUBMITTED BY MELVIN SHAPIRO

Amend Article VII of the Charter of the City of San Diego by AMENDING SECTION 77 to read as follows:

Section 77. CAPITAL OUTLAY FUND.

There is hereby created a fund in the City Treasury, to be known as the Capital Outlay Fund. Into this fund each year there shall be placed all moneys derived from taxation required or needed for capital outlay expenditures and all proceeds received from the sale of city-owned real property.

(ITEM 213 - Continued)

The moneys in the Capital Outlay Fund shall be used exclusively for the acquisition, construction and completion of permanent public improvements, including public buildings and such initial furnishings, equipment, supplies, inventory and stock as will establish the public improvement as a going concern. This fund may also be used for the acquisition, construction and completion of real property, water and sewer mains and extensions, and other improvements of a permanent character and also the replacement or reconstruction of the same, but not the repair or maintenance thereof, and shall not be used for any other purpose or transferred from said fund, except with the consent of two-thirds of the qualified electors of said City, voting at a general or special election.

No moneys in said fund shall be transferred at the end of a fiscal year, but shall remain therein as trust moneys for the purposes above outlined, and the said fund shall be used and maintained, if possible, as a cash reserve to enable the City to meet public emergencies or acquire needed permanent public improvements without the issuance of bonds.

Each year the Council may appropriate from said fund in the Annual Appropriation Ordinances, except for use of the Harbor Department, sufficient moneys to care for the needs of the various departments of the City for capital outlay expenditures of a permanent character.

Councilman Williams entered the Chambers.

Discussion followed.

Councilman Haro entered the Chambers.

A motion by Councilwoman O'Connor to place the proposition on the ballot, failed by the following vote: Yeas-Councilmen O'Connor, Williams, Haro and Mayor Wilson. Nays-Councilmen Mitchell, Schnaubelt, Gade and Stirling. Absent-Councilman Lowery.

(ITEM 215)

SUBMITTED BY SAN DIEGO CITIZENS COMMITTEE FOR PARAMEDICS INITIATIVE QUESTION

Do you direct the City Council to immediately implement an Emergency Paramedic Rescue System within the Fire Department? This system shall utilize Paramedic Firefighters operating fully equipped Mobile Intensive Care Rescue Ambulances and shall have a maximum mean city wide primary response time of five (5) minutes and a reserve Fire Department Paramedic backup response time of ten (10) minutes.

The Paramedic Rescue system shall be given first (1st) budgetary priority and shall be fully operational by December 31, 1981.

A motion by Councilman Haro to place the proposition on the ballot, was defeated by the following vote: Yeas-Councilmen Mitchell, Williams and Haro. Nays-Councilmen O'Connor, Schnaubelt, Gade, Stirling and Mayor Wilson. Absent-Councilman Lowery.

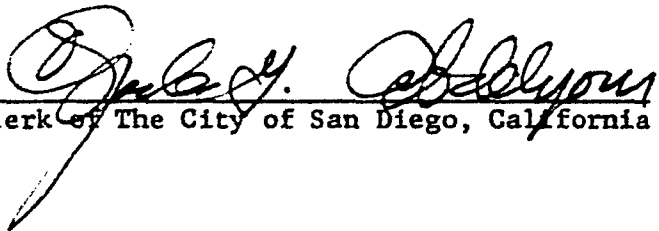
(ITEM 334)

Matter of REZONING a portion of SOUTHWEST 1/4, NORTHWEST 1/4, SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, S.B.B.M., RECORD OF SURVEY 7703 (approximately 7,666 square feet), located on the north side of Avenida de La Madrid between Camino de Las Sonrisas and Camino Esperanza, in the San Ysidro Community Plan area, from ZONE A-1-10 to ZONE R-2.

Councilman Haro left the Chambers.

(1) A motion by Councilman Gade to close the hearing, adopt 334-a and introduce an ordinance for R-2 zoning, received no vote.

Mayor Wilson recessed the Meeting at 11:57 a.m. and announced that the Council would go into executive session on pending litigation at 1:45 p.m., in the 11th floor conference room.

  
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City Clerk of The City of San Diego, California

Upon reconvening at 2:11 p.m., the roll call showed Councilmen Lowery, Williams, Haro and Mayor Wilson absent.

(ITEM 337)

(Continued from the Meeting of July 18, 1978 for the City Manager's report.)

PAVING and otherwise improving IMPERIAL AVENUE from 400 feet east of Euclid Avenue to 61st Street and reestablishing the grade thereon - on Assessment Roll No. 3902.

A motion by Councilman Gade to continue the item to the Meeting of August 8, 1978 at Mr. Estep's request, passed unanimously with Councilmen Lowery, Williams, Haro and Mayor Wilson absent.

(ITEM 345)

TIERRASANTA OPEN SPACE MAINTENANCE DISTRICT NO. 1 - furnishing maintenance for one year ending June 30, 1979 - Resolution of Intention No. 221239.

(1) A motion by Councilman Stirling to refer the item to the Tierrasanta Community Council for review and report and to the City Manager for a report on the two areas excluded which are: (1) slope banks in Villa Martinique, Unit 5, Parcel C and (2) Villa Martinique, Unit 6, Parcel D, received no vote yet.

Mayor Wilson entered the Chambers.

Motion #1 (by Stirling) passed unanimously with Councilmen Lowery, Williams and Haro absent.

(ITEM 340)

(Continued from the Meetings of July 11 and 18, 1978 for City Manager to get independent soil analysis.)

Matters of:

a - REZONING a portion of LOT 70, RANCHO MISSION OF SAN DIEGO, C.C. NO. 15191 (approximately 38.5 acres), located on the north side of Navajo Road between Cowles Mountain Boulevard and Golfcrest Drive, in the Navajo Community Plan area, from ZONE A-1-10 to ZONE R-1-5.

b - APPEALS of NAVAJO COMMUNITY PLANNERS, INC. and MEL DAVID, from the decision of the PLANNING COMMISSION in APPROVING HILLSIDE REVIEW PERMIT NO. 115, for grading in the HILLSIDE REVIEW OVERLAY ZONE to allow development under the regulations of the A-1-10 (proposed R-1-5) ZONE. The property is more particularly described as a portion of LOT 70, RANCHO MISSION OF SAN DIEGO, C.C. NO. 15191, located on the north side of Navajo Road between Cowles Mountain Boulevard and Golfcrest Drive.

(ITEM 340 - Continued)

Mayor Wilson left the Chambers.

(1) A motion by Councilman Gade to adopt the Environmental Impact Report Resolution, received no vote yet.

Councilmen Williams and Haro entered the Chambers.

Motion #1 (by Gade), passed, as RESOLUTION 221537 (see attached) by the following vote: Yeas-Councilmen O'Connor, Williams, Schnaubelt, Gade and Haro. Nays-Councilmen Mitchell and Stirling. Absent-Councilman Lowery and Mayor Wilson.

(2) A motion by Councilman Gade to adopt the resolution denying the appeal concerning the Hillside Review Permit, adopting the findings of the Planning Commission, passed as RESOLUTION 221538 (see attached), by the following vote: Yeas-Councilmen O'Connor, Williams, Schnaubelt, Gade and Haro. Nays-Councilmen Mitchell and Stirling. Absent-Councilman Lowery and Mayor Wilson.

(3) A motion by Councilman Gade to introduce the ordinance for R-1-5 Zoning (see attached), subject to the condition that mitigating measures that were proposed by the consultant be met prior to the issuance of a tentative map, passed by the following vote: Yeas-Councilmen Mitchell, O'Connor, Williams, Schnaubelt, Gade and Haro. Nays-Councilman Stirling. Absent-Councilman Lowery and Mayor Wilson.

(4) A motion by Councilman Gade to adopt the findings, as submitted by the applicant, for Item 340-d as RESOLUTION 221539 (see attached), passed by the following vote: Yeas-Councilmen O'Connor, Williams, Schnaubelt, Gade and Haro. Nays-Councilmen Mitchell and Stirling. Absent-Councilman Lowery and Mayor Wilson.

(ITEM 214)

SUBMITTED BY NUDE BEACHES COMMITTEE

Shall the people of the City of San Diego redesignate Black's Beach a swimsuit-optional zone?

Mayor Wilson entered the Chambers.

(1) A motion by Councilwoman O'Connor to submit the signatures to the County for verification by random sampling, died for lack of a second.

(2) A motion by Councilwoman O'Connor to file the item, passed by the following vote: Yeas-Councilmen Mitchell, O'Connor, Schnaubelt, Gade, Stirling and Mayor Wilson. Nays-Councilmen Williams and Haro. Absent-Councilman Lowery.

(ITEM 207)

SUBMITTED BY DEPUTY MAYOR HARO

Amend Article II of the Charter of the City of San Diego by AMENDING SECTION 10 to read as follows:

Section 10. ELECTIONS.

(ITEM 207 - Continued)

The regular municipal primary election shall be held on the third Tuesday in September in each odd-numbered year, and the general municipal election shall be held on the first Tuesday after the first Monday in November of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday; provided, however, that commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for these offices shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same day as the California State general election for that year. All other municipal elections which may be held under this charter shall be known as special municipal elections.

At the municipal primary election there shall be chosen by the electors of each Council district two candidates for the office of any councilman from a district whose term expires the succeeding December.

There shall be chosen by all of the electors of the City not more than twice the number of candidates necessary to fill any office of any other officer whose term expires the succeeding December.

In the event that any candidate, other than council candidates, for nomination to any office for which only one person is to be elected, shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the Council to be, elected to such office.

At the general municipal election the electors of the whole City each Council district shall select from among the candidates chosen at the primary election in each that district one candidate for the office of the Councilman whose term expires the succeeding December, and there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

After the results of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

A motion by Councilman Haro to place the item on the ballot, was defeated by the following vote: Yeas-Councilmen Williams, Schnaubelt and Haro. Nays-Councilmen Mitchell, O'Connor, Gade, Stirling and Mayor Wilson.

Items 204 and 205 were taken simultaneously.

(ITEM 204)

SUBMITTED BY MAYOR WILSON

RATIFICATION OF PUEBLO LOTS 1317, 1318 AND 1351. Ratification of an

(ITEM 204 - Continued)

ordinance authorizing the sale and conveyance of the remaining unratified portions of Pueblo Lots 1317, 1318 and 1351 of the Pueblo Lands of the City of San Diego 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.

(ITEM 205)

SUBMITTED BY MAYOR WILSON

RATIFICATION OF PUEBLO LOTS 1353 AND 1355. Ratification of an ordinance authorizing the sale and conveyance of the remaining unratified portions of Pueblo Lots 1353 and 1355 of the Pueblo Lands of the City of San Diego 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.

Councilman Williams left the Chambers.

A motion by Councilman Stirling to place this item on the ballot, died for lack of a second.

This item was trailed for Councilman Gade to review a map.

(ITEM 206)

SUBMITTED BY MAYOR WILSON

Amend Article VII of the Charter of The City of San Diego by AMENDING SECTION 71 to read as follows:

Section 71. PREPARATION AND PASSAGE OF ANNUAL APPROPRIATION ORDINANCE.

Upon receipt of the Manager's estimate the Council shall prepare an appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller, and City Attorney. Provision shall be made by the Council for a minimum of two (2) public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings the appropriation ordinances shall take the same course in the Council as other ordinances and shall be adopted during the month of July. The Council may reduce or eliminate any item, may increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department. However, the appropriation for the general operations of the City excluding water utilities funds, bond interest and redemption, retirement system contributions, grant funded programs and all other special funds in existence prior to the effective date of this section shall not exceed the prior year's appropriation for general operations of the City, with the stated exclusions, adjusted by the percentage change in the price index added to any percentage increase in population growth. For purposes of this limitation, the term "percentage change in price index" shall be the percentage change from the first full quarter of the prior calendar year to the first full quarter of the current calendar year in the costs of goods and services purchased by local governments, as determined by the



(ITEM 206 - Continued)

City Auditor and Comptroller from information published by United States Department of Commerce or other official government sources. The term "percentage increase in population growth" shall be any percentage increase from the first full quarter of the prior calendar year to the first full quarter of the current calendar year in the total population of the City as estimated by the Planning Director. This limitation shall not apply to any expenditure approved by a majority of the qualified electors of the City voting at a general or special election subsequent to the effective date of this section. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances.

Councilman Haro left the Chambers.

(1) A motion by Councilman Stirling to amend the item to include at the end of the underlined portion...(see attached X-1), died for lack of a second.

(2) A motion by Councilman Schnaubelt to amend the item to include at the end of the underlined portion...(see attached X-1), passed by the following vote: Yeas-Councilmen O'Connor, Schnaubelt, Gade, Stirling and Mayor Wilson. Nays-Councilman Mitchell. Absent-Councilmen Lowery, Williams and Haro.

(3) A motion by Councilman Schnaubelt to amend the item (see attached X-2), received no vote yet.

Councilwoman O'Connor left the Chambers.

Discussion followed.

Councilwoman O'Connor entered the Chambers.

Motion #3 (by Schnaubelt), and the item was approved to be placed on the ballot, by the following vote: Yeas-Councilmen O'Connor, Schnaubelt, Gade, Stirling and Mayor Wilson. Nays-Councilman Mitchell. Absent-Councilmen Lowery, Williams and Haro.

Councilwoman O'Connor left the Chambers.

(ITEM 331)

Matter of REZONING a portion of PARCEL "A" and all of PARCEL "B", PARCEL MAP NO. 795 and a portion of LOTS 2 AND 3, PARTITION OF PUEBLO LOT 1209 of the PUEBLO LANDS OF SAN DIEGO, S.C.C. NO. 8341 (approximately 10.8 acres), located on the north side of Balboa Avenue between Moraga Street and Clairemont Drive, in the Clairemont Mesa Community Plan area, from ZONES CO, R-1-5 and R-1-15 to ZONE R-2A.

A motion by Councilman Gade to continue this item to the Meeting of August 29, 1978 - 8:30 a.m. time certain due to lack of time, passed unanimously with Councilmen O'Connor, Lowery, Williams and Haro absent.

(ITEM S-501)

Matters of authorizing the City Manager to file and upon approval execute the Fifth Year Community Development Block Grant Application; of certifying ENVIRONMENTAL IMPACT REPORT NO. 75-01-00BG; and of appropriate findings of mitigation, feasibility or project alternatives.

A motion by Councilman Gade to suspend the rules to extend the time of the Meeting past 5:30 p.m., received no vote.

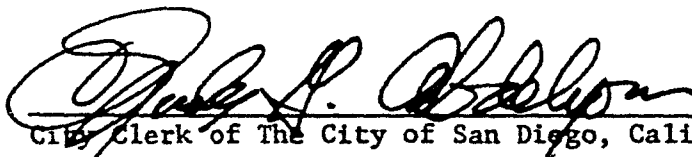
(ITEM 336)

APPEAL of THOMAS H. ROTH, from the decision of the PLANNING COMMISSION in DENYING PRELIMINARY PARCEL MAP NO. 78-155, which proposes a one-parcel parcel map of a portion of PUEBLO LOT 1779, located on the west side of Soledad Road northerly of Bahia Drive, in the R-1-10 Zone, and within the boundaries of the La Jolla Community Plan.

A motion by Councilman Gade to continue the item to the Meeting of August 29, 1978 - a.m. at Don Worley's and Mr. Roth's request, passed unanimously with Councilmen O'Connor, Lowery, Williams and Haro absent.

There being no further business to come before the Council at this time the Mayor announced that Items 200, 204, 205, 208, 209 and 210 of the Regular Docket for Monday, July 31, 1978 and Items S-400, S-401, S-402, S-403, S-404, S-405, S-406, S-408, S-410, S-411, S-412, S-414, S-415, S-416, S-417 and S-419 of the Supplemental Docket of Monday, July 31, 1978 and Items 310, 332, 334, 335, 339, 341, 342, 343 and 344 of the Regular Docket of Tuesday, August 1, 1978 and Items S-500 and S-501 of the Supplemental Docket of Tuesday, August 1, 1978 would be continued to the Meeting of Friday, August 4, 1978 - 8:30 a.m. and the Meeting was adjourned at 5:35 p.m. on motion of Councilman Gade.

ATTEST:

  
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City Clerk of The City of San Diego, California