

ADJOURNED REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, AUGUST 1, 1978
HELD FRIDAY, AUGUST 4, 1978
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

8:00 A.M.

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

Acting Mayor O'Connor called the Adjourned Regular Meeting to order at 8:41
a.m.

(ITEM 1)

Roll call was taken.

A quorum was not present, and the Meeting was delayed awaiting a quorum.

Councilmen Mitchell and Schnaubelt entered the Chambers.

A quorum was now present.

(ITEM 200)

RESOLUTION 221546, APPOINTING COUNCILMAN BILL LOWERY as the City's repre-
sentative to the AD HOC COMMITTEE on COURTROOM SPACE AND DOWNTOWN PARKING
STRUCTURE, was adopted on motion of Councilmen Stirling by unanimous vote with
Councilmen Lowery, Williams, Haro and Mayor Wilson absent.

The Council considered Items 204 and 205 simultaneously.

(ITEM 204 - First Time)

SUBMITTED BY MAYOR WILSON

RATIFICATION OF PUEBLO LOTS 1317, 1318 AND 1351. Ratification of an
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 - First Time)

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.

Items 204 and 205 were trailed for a map to be brought to the Chambers.

(ITEM 208 - First Time)

SUBMITTED BY COUNCILMEMBER STIRLING

CITY OF SAN DIEGO POLICE FACILITIES BOND PROPOSAL. For the purposes of implementing a modernization and decentralization program to better service the law enforcement and public safety needs of the citizens of San Diego, shall the City of San Diego incur a bonded indebtedness in the principal amount of twenty-two million two hundred thousand dollars (\$22,200,000.00) to permit the acquisition, construction or completion of public improvements and facilities for the use by the Police Department?

The motion by Councilman Stirling to approve the wording of the proposed ballot proposition received no vote.

The matter was trailed.

(ITEM 209 - First Time)

SUBMITTED BY CITY CLERK

Amend Article I of the Charter of the City of San Diego by AMENDING SECTION 66 to read as follows:

Section 66. BOARD OF EDUCATION.

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time as the election of councilmen. At the municipal primary election there shall be chosen by the registered voters of each Board of Education District two candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates chosen at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District at least three years next preceeding his taking office and shall have been an actual resident of the election district from which he was seeks to be nominated for one year thirty (30) days immediately preceding his taking office filing of a nominating petition. The members shall serve for a term of four years, from and after 10 a.m. the first Monday after the first day of December next succeeding

(ITEM 209 - First Time - Continued)

this election or and until their successors are elected and qualified, except as herein provided. Any vacancy occurring in the Board shall be filled from the election district in which the vacancy occurs by appointment by the remaining Board members; but in the event that said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term. Each member shall receive a compensation of \$1,200.00 per annum, which compensation shall be paid by the San Diego Unified School District.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

Staff gave a report.

The matter was trailed.

Mayor Wilson entered the Chambers.

Acting Mayor O'Connor recessed the Adjourned Regular Meeting and announced the Council would recess into Executive Session in the eleventh Floor Conference Room on pending litigation. Upon reconvening at 9:12 a.m., the roll call showed Councilmen O'Connor, Lowery, Williams and Haro absent.

Council continued with the consideration of Item 209 - First Time.

The motion by Councilman Mitchell to amend to insert the words "full time" in the first sentence before "five members" was not voted on and was withdrawn.

The motion by Councilman Stirling to approve the wording of the proposed ballot proposition passed unanimously with Councilmen O'Connor, Lowery, Williams and Haro absent.

(ITEM 208 - Second Time)

The motion by Councilman Stirling to table the proposed ballot proposition on advice from the City Attorney passed unanimously with Councilmen O'Connor, Lowery, Williams and Haro absent.

The motion by Councilman Stirling to direct the City Attorney and Special Bond Counsel to explore and determine ways to accomplish the objectives that Councilman Stirling set out to do by submitting his proposed ballot proposition - CITY OF SAN DIEGO POLICE FACILITIES BOND PROPOSAL, passed unanimously with Councilmen O'Connor, Lowery, Williams and Haro absent.

(ITEM 209 - Second Time)

By common consent Council requested the City Attorney to prepare an opinion on whether or not the City Council is empowered to insert "full time" (in Section 66. Board of Education -- 1st Paragraph, 2nd line, between words "composed of" and "five members,") and if not, what would be the proper procedure to do so.

(ITEM 210)

SUBMITTED BY CITY CLERK

Amend Article III of the Charter of The City of San Diego by AMENDING SECTION 18 to read as follows:

Section 18. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within fifteen days after final passage each ordinance or resolution of a general nature shall be published in brief or in full at least once in such manner as may be provided by this Charter or by ordinance.

The motion by Councilman Stirling to approve the wording received no vote and was later withdrawn.

City Clerk Abdelnour presented the following substitute proposed ballot proposition which had been prepared by the City Attorney:

Amend Article III of the Charter of The City of San Diego AMENDING SECTION 18 to read as follows:

Section 18. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS

Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within fifteen days after final passage the title and number of each ordinance or resolution of a general nature, together with a brief synopsis thereof prepared by the City Attorney, shall be published at least once in such manner as may be provided by this Charter or by ordinance. The publication shall be accompanied by the notice that the ordinance or resolution is available for perusal in the office of the City Clerk.

The motion by Councilman Stirling to approve the substitute wording passed unanimously with Councilmen O'Connor, Lowery, Williams and Haro absent.

(ITEMS 204 and 205 - Second Time)

Councilman Lowery entered the Chambers.

Staff gave a report.

The items were trailed for information on adjoining property owners.

(ITEM 332)

Matter of REZONING a portion of LOT 10, LA MESA COLONY, MAP NO. 346 (approximately 38,820 square feet), located on the north side of El Cajon Boulevard between 62nd and 63rd Streets, in the State University Community Plan area, from ZONES C and R-1-5 to ZONE C-1.

Councilman Stirling left the Chambers.

Staff gave a report.

No one appeared to be heard.

The motion of Councilman Lowery to close the hearing, Adopt the END Resolution as RESOLUTION 221547, and introduce the Ordinance for C-1 Zoning passed unanimously with Councilmen O'Connor, Williams, Stirling and Haro absent.

See attached.

(ITEM 335)

Matter of REZONING a portion of EAST 1/2, SOUTHEAST 1/4, SECTION 6, TOWNSHIP 15 SOUTH, RANGE 2 WEST, S.B.B.M. (approximately 40.2 acres), located on the north side of Miramar Road between Black Mountain Road and Maya Linda Road, in the Mira Mesa Community Plan area, from ZONE A-1-10 to ZONE M-1B.

Staff made a report.

No one appeared to speak.

The motion of Councilman Mitchell to close the hearing, adopt the EIR Resolution, RESOLUTION 221548, introduce the ordinance for M-1B Zoning; and adopt the resolution regarding the Findings, RESOLUTION 221549, passed unanimously with Councilmen O'Connor, Williams, Stirling and Haro absent.

See attached.

(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.

Staff gave a report.

Councilman Stirling entered the Chambers.

Public testimony was taken.

The motion of Councilman Mitchell to close the hearing; adopt the END Resolution, RESOLUTION 221550; and introduce an Ordinance for R-2 Zoning, passed unanimously with Councilmen O'Connor, Williams and Haro absent. See attached.

(ITEM S-400)

(Continued from the Meetings of July 10 and 24, 1978 due to lack of time.)
Amending Chapter II, Article 4, Division 5 of the San Diego Municipal
Code by AMENDING SECTIONS 24.0503 and 24.0504.1 and by ADDING SECTIONS 24.0514,
24.0515 and 24.0516 relating to DISABILITY RETIREMENT.

Staff gave a report.

The motion by Councilman Gade to introduce the proposed Ordinance passed
unanimously with Councilmen O'Connor, Williams and Haro absent.

(ITEM 341)

PAVING and otherwise improving ALLEY in BLOCK 3, PACIFIC PINES - on Assessment
Roll No. 3918.

Staff gave a report.

It was reported that no protests had been received.

No one appeared to speak in opposition.

The motion by Councilman Gade to close the hearing and adopt a resolution
confirming the assessment, RESOLUTION 221551, passed unanimously with Councilman
O'Connor, Williams and Haro absent.

(ITEM 342)

DOWNTOWN STREET TREE MAINTENANCE DISTRICT - furnishing maintenance for one
year ending June 30, 1979 - Resolution of Intention No. 221232.

Staff gave a report.

No one appeared in opposition.

The motion of Councilman Mitchell to close the hearing and adopt a
resolution considering the protests, ordering the district formed, confirming
the assessment, and ordering the proposed maintenance, RESOLUTION 221542
(numbered out of order), passed unanimously with Councilmen O'Connor, Williams,
Haro absent.

(ITEM 343)

SAN DIEGO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 - furnishing
maintenance for one year ending June 30, 1979 - Resolution of Intention No.
221234.

Staff gave a report.

No one appeared in opposition.

The motion of Councilman Lowery to close the/ hearing and adopt a Resolution
confirming the assessment, and amending maps, RESOLUTION 221543; and adoption a
resolution awarding contracts to the San Diego Gas & Electric Company for the
furnishing of electrical energy and switching to the San Diego Street Lighting
Maintenance District No. 1 for a one-year time period, RESOLUTION 221544 (both
Resolutions numbered out of order), passed unanimously with Councilmen O'Connor,
Williams and Haro absent.

(ITEM 344)

SCRIPPS MIRAMAR OPEN SPACE MAINTENANCE DISTRICT NO. 1 - furnishing maintenance for one year ending June 30, 1979 - Resolution of Intention No. 221237.

Staff made a report.

No one appeared in opposition.

The motion by Councilmen Mitchell to close the hearing, adopt a resolution considering the protests, ordering the district formed, confirming the assessment, and ordering the proposed maintenance, passed unanimously with Councilmen O'Connor, Williams and Haro absent, RESOLUTION 221545 (numbered out of order).

Mayor Wilson recessed the Regular Meeting at 10:27 a.m. Upon reconvening at 11:05 a.m., the roll call showed Councilmen O'Connor, Williams and Haro absent.

(UNANIMOUS CONSENT NO. 1)

By Unanimous Consent granted to Mayor Wilson the Council considered the adoption of an Emergency Interim Adult Entertainment Ordinance.

By common consent the proposed Ordinance was amended by amending Page 2, Section I from one year to "for a period of 6 months."

The following Ordinance was passed on the day of its introduction, to-wit, on August 4, 1978, 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 12398 (New Series), temporarily prohibiting the establishment in The City of San Diego of "Adult Entertainment" businesses, as defined herein, declaring the existence of an emergency, and declaring that this Ordinance shall take immediate effect, was adopted as amended, on motion of Councilmen Mitchell by the following vote: Yeas-Councilmen Mitchell, Lowery, Schnaubelt, Gade, Stirling and Mayor Wilson. Nays-None. Absent-Councilmen O'Connor, Williams and Haro.

(ITEM S-501 - First Time)

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.

Staff made a report.

Councilwoman O'Connor entered the Chambers.

Public testimony was taken.

Mayor Wilson left the Chambers.

Acting Mayor O'Connor assumed the Chair.

Councilman Lowery left the Chambers.

Public testimony continued.

The special hearing was trailed to consider Item S-500.

(ITEM S-500 - First Time)

(Continued from the Meeting of July 25, 1978 at the appellant's request.)

APPEAL of CLEM ABRAMS from the decision of the PLANNING COMMISSION in DENYING his application to REZONE a portion of SECTION 31, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.B.M. (approximately 1.46 acres), located on the west side of Rickert Road between Mira Mesa Boulevard and Hillery Drive, in the Mira Mesa Community Plan area, from ZONE A-1-1 to ZONE R-2A.

Mr. Abrams appeared to request a Time Certain continuance.

The matter was trailed until later in the Meeting.

(ITEM S-501 - Second Time)

Further public testimony was taken.

Councilman Lowery entered the Chambers.

Councilman Stirling left the Chambers.

Staff answered questions directed by the Council.

The motion by Councilman Lowery to close the hearing and continue the matter to the Meeting of Monday, August 7, 1978 due to lack of time, passed unanimously with Councilmen Williams, Stirling, Haro and Mayor Wilson absent.

Acting Mayor O'Connor recessed the Regular Meeting at 12:01 to reconvene at 2:00 p.m.

Upon reconvening at 2:10 p.m. the roll call showed Councilmen Mitchell, Lowery, Williams and Haro absent.

There was discussion relative to continuing the balance of the docket to the next regularly scheduled Meeting which would be Monday, August 7, 1978.

(ITEM S-500 - Second Time)

Staff made a report.

Public testimony was taken.

The motion by Councilman Schnaubelt to close the hearing,; adopt the END Resolution; and introduce an Ordinance for R-2A Zoning, died for lack of a second.

The motion by Councilwoman O'Connor to close the hearing and continue the matter to the Meeting of September 5, 1978 8:30 a.m. Time Certain for full Council, passed unanimously with Councilmen Mitchell, Lowery, Williams and Haro absent.

(ITEM S-415)

(Continued from the Meeting of July 24, 1978 due to lack of time.)

AWARDING A CONTRACT to Brinegar & Fuller, Inc., for the CONSTRUCTION OF FIRE STATION NO. 9 AND FIRE STATION NO. 21, Schedule III and Additive Alternate I for the sum of \$900,561; authorizing the EXPENDITURE of SUPPLEMENTING FY 79 CAPITAL OUTLAY FUNDING in the amount of \$171,463 for Fire Station No. 9 CIP 33-048 and \$172,462 for Fire Station No. 21 CIP 33-005; authorizing the EXPENDITURE of \$500 out of the COMMUNITY BUILDINGS BOND FUND RESERVE for said project and related costs.

The motion by Councilman Gade to adopt the Resolution passed unanimously with Councilmen Mitchell, Lowery, Williams and Haro absent, RESOLUTION 221552.

(ITEM S-402)

(Continued from the Meeting of July 24, 1978 due to lack of time.)

Approving the FINAL SUBDIVISION MAP of CASA MIRA CREST, a 2-lot subdivision located northwest of Camino Ruiz and Westmore Road.

The motion by Councilman Schnaubelt to adopt the Resolution, RESOLUTION 221553, and refer the subject of park fees to the City Manager and the Public Facilities and Recreation Committee for review, passed unanimously with Councilmen Mitchell, Lowery, Williams and Haro absent.

Mayor Wilson recessed the Regular Meeting at 2:31 p.m. and announced the Council would go into Executive Session in the eleventh Floor Conference Room on pending litigation. He further announced the remaining items on the docket which consisted of Items 204, 205, S-401, S-403, S-404, S-406, S-408, S-410, S-411, S-412, S-414, S-416, S-417, S-419, 310, 339, and S-501 would be trailed to the Meeting of Monday, August 7, 1978, 2:00 p.m.

Mayor Wilson announced that following the Executive Session, the Regular Meeting would be recessed until 2:00 p.m., Monday, August 7, 1978.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Elizabeth J. Robinson
City Clerk of The City of San Diego, California