

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - MONDAY, AUGUST 7, 1978
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
2:00 P.M.

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

Mayor Wilson called the Regular Meeting to order at 2:22 p.m.

(ITEM 1)

Roll call was taken.

(ITEM 10)

Mayor Wilson introduced Reverend Dwane Averill of the San Carlos United Methodist Church, who gave the Invocation.

(ITEM 20)

Councilwoman O'Connor led the Pledge of Allegiance.

Items 151 and S400 were taken simultaneously.

(ITEM 151)

Authorizing and instructing the City's delegate to the Comprehensive Planning Organization of the San Diego Region ("CPO") to vote to APPROVE PROPOSED CPO RESOLUTION 78-99 regarding the MTDB GUIDEWAY PLANNING PROJECT.

(ITEM S-400)

(Continued from the Meetings of July 17, 24 and 31, 1978.)

Matter of the MTDB City Council's delegates' VOTE at the MTDB meeting of Thursday, July 13, 1978.

A motion by Councilwoman O'Connor to continue Items 151 and S-400 to the Meeting of September 11, 1978 for a full Council, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

Items 30 of the August 7, 1978 docket, Item 310 of August 1, 1978 docket and Item S-401 of July 31, 1978 docket were taken simultaneously.

(ITEM 30)

Approval of Council Minutes for:
12-21-77 P.M.
01-18-78 A.M. and P.M.
01-24-78 P.M.
01-25-78 A.M. and P.M.
01-31-78 P.M.
02-01-78 A.M. and P.M.
02-08-78 A.M. and P.M.
02-07-78 P.M.

(ITEM 310)

Approval of Council Minutes for:
12-05-77 A.M.
Adjourned Regular Meeting of 12-06-77 P.M.
12-21-77 A.M.
12-28-77 A.M.
01-04-78 A.M. and P.M.
Adjourned Regular Meeting of 01-03-78 P.M., held 01-04-78 P.M.
Adjourned Regular Meeting of 01-04-78 A.M., held 01-04-78 P.M.
01-10-78 A.M. SPECIAL Meeting

(ITEM S-401)

(Continued from the Meeting of July 24, 1978 due to lack of time.)
Approval of Council Minutes for:
10-11-77 P.M.
11-09-77 P.M. (Special)
11-15-77 P.M.
11-16-77 A.M. AND P.M.
11-22-77 P.M.
11-23-77 A.M. AND P.M.
11-29-77 P.M.
11-30-77 A.M. AND P.M.
12-05-77 A.M. (Special)
Adjourned Regular Meeting of 12-06-77 held on 12-7-77 A.M.
12-07-77 A.M.
Adjourned Regular Meeting of 12-06-77 P.M.; Adjourned to 12-07-77 A.M.;
Adjourned to 12-07-77 P.M.
Adjourned Regular Meeting of 12-07-77 A.M.; Adjourned to 12-07-77 P.M.
Adjourned Regular Meeting of 12-07-77 P.M.; Adjourned to 12-13-77 P.M.
12-14-77 A.M. AND P.M.
12-20-77 P.M.

A motion by Councilman Stirling to approve the minutes in Items 30, 310 and S-401, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

The Council considered the portion of the Consent Agenda dealing with Ordinances introduced at a previous meeting, ready for dispensing with the reading and adoption, which consisted of Items 50, 51, 52, 53, 54 and 55.

The following Ordinances were introduced at the Meeting of July 25, 1978.

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 Councilman Stirling, by the following vote: Yeas-Councilmen O'Connor, Lowery, Gade, Stirling and Mayor Wilson. Nays-None. Absent-Councilmen Mitchell, Williams, Schnaubelt and Haro.

(ITEM 50)

ORDINANCE 12401 (New Series), Incorporating LOTS 25 AND 26, BLOCK 16, GRANTVILLE, MAP NO. 776 (approximately 7,000 square feet), located on the north side of Glacier Avenue between Mission Gorge Road and Holabird Street, in the Navajo Community Plan area into R-3 ZONE.

(ITEM 51)

ORDINANCE 12402 (New Series), Incorporating a portion of LOT 15, ROSEDALE TRACT ; a portion of RESUBDIVISION of LOT 14, ROSEDALE TRACT, MAP NO. 825; and a portion of LOT D, PARTITION LOT 70, RANCHO MISSION OF SAN DIEGO, S.C.C. NO. 15191 (approximately 129.5 acres), located north of Clairemont Mesa Boulevard between Santo Road and San Diego Aqueduct, in the Elliott Community Plan area, into R-1-5 ZONE.

(ITEM 52)

ORDINANCE 12403 (New Series), Incorporating a portion of the NORTHWEST 1/4, SECTION 26, TOWNSHIP 18 SOUTH, RANGE 2 WEST, S.B.B.M., RECORD OF SURVEY 1496 (approximately 5.8 acres), located on the south side of Palm Avenue between Beyer Way and Churrituck Drive, in the proposed Otay Mesa-Nestor Community Plan area into CA ZONE.

(ITEM 53)

ORDINANCE 12404 (New Series), Incorporating a portion of SECTION 31, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.B.M., RECORD OF SURVEY 3511, into R-1-5 ZONE, located on the west side of Rickert Street between Hillery Drive and Mira Mesa Boulevard, in the Mira Mesa Community Plan area.

(ITEM 54)

ORDINANCE 12405 (New Series), Incorporating LOTS 1 THROUGH 4, VIA MIRAMAR, MAP NO. 7139 (approximately 1.9 acres), located on the north side of Miramar Road and east and west of Black Mountain Road, in the Mira Mesa Community Plan area into C-1 ZONE.

(ITEM 55)

Two Ordinances relative to LOT 53, RANCHO MISSION; portions of LOTS 61, 62 AND 63, RANCHO MISSION; portion of LOT E, PARTITION of portion of LOT 70, RANCHO MISSION; and portion of LOT 46, ROSEDALE TRACT (approximately 270 acres), located on the north side of Mission Gorge Road between Old Cliffs Road and Margerum Avenue in the Navajo Community Plan area:

- a - ORDINANCE 12406 (New Series), Rezoning into A-1-10 AND M-1B ZONE; and
- b - ORDINANCE 12407 (New Series), Incorporating into M-1B ZONE.

The Council considered that portion of the Consent Agenda dealing with Ordinances to be Introduced, which consisted of Item 56.

The following ordinance was introduced on motion of Councilman Stirling, by the following vote: Yeas-Councilmen O'Connor, Lowery, Gade, Stirling and Mayor Wilson. Nays-None. Absent-Councilmen Mitchell, Williams, Schnaubelt and Haro.

(ITEM 56)

Amending Chapter VI, Article 2, of the San Diego Municipal Code by AMENDING SECTION 62.0413(b) relating to APPEALS OF THE CITY ENGINEER.

The Council considered that portion of the Consent Agenda dealing with Resolutions, which consisted of Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 and 122.

The following Resolutions were adopted on motion of Councilman Stirling, by a unanimous vote with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM 100)

RESOLUTION 221555, AWARDING A CONTRACT to T.G.S. Electric Inc. dba Arrow Electric for the CONSTRUCTION OF TRAFFIC SIGNAL AND STREET LIGHTING SYSTEMS AT ARDATH LANE AND ARDATH ROAD for the sum of \$31,250; authorizing the CITY AUDITOR AND COMPTROLLER to TRANSFER \$18,000 from CIP NO. 62-128 to GAS TAX UNALLOCATED RESERVE, CIP NO. 90-220 and \$3,100 from CIP NO. 62-128 to CAPITAL OUTLAY RESERVE, CIP NO. 90-245.

(ITEM 101)

RESOLUTION 221556, AWARDING A CONTRACT to Mission Bay Plumbing & Heating, Inc. for REPLACEMENT OF FINE ARTS GALLERY COOLING TOWER, SCHEDULE B, for the sum of \$11,375.

(ITEM 102)

RESOLUTION 221557, INVITING BIDS for CONSTRUCTION OF STREET LIGHTING SYSTEMS ON UNIVERSITY AVENUE FROM 54TH STREET TO COLLEGE AVENUE - Specifications Document No. 764092.

(ITEM 103)

RESOLUTION 221558, INVITING BIDS for CONSTRUCTION OF TRAFFIC SIGNAL AND STREET LIGHTING SYSTEMS AT AERO COURT AND AERO DRIVE - Specifications Document No. 764091.

(ITEM 104)

RESOLUTION 221559, APPROVING THE FINAL SUBDIVISION MAP of PLAYMOR BERNARDO, a 12-lot subdivision located on the west side of Bernardo Center Drive opposite the intersection of Bernardo Center Court and Fairhope Road.

(ITEM 105)

RESOLUTION 221560, APPROVING THE FINAL SUBDIVISION MAP of TERRACE GREEN UNIT NO. 1, a 4-lot subdivision, located on the north side of Appian Drive between Woodman Street and Casey Street.

(ITEM 106)

RESOLUTION 221561, Authorizing an AMENDMENT TO AGREEMENT with Treetops Unlimited and Southern California Terraces, Inc. for the installation and completion of improvements in the subdivision to be known as BAY TERRACES UNIT NO. 11; accepting PERFORMANCE BOND NO. 730 82 08, issued by the American Insurance Company in the amount of \$329,305 as improvement security for the performance of the public improvements, and RELEASING BOND NO. 137383, issued by the Argonaut Insurance Company; declaring that the improvements described above shall be completed by July 11, 1979, as provided by the amendment to the subdivision agreement.

(ITEM 107)

RESOLUTION 221562, Approving the acceptance by the CITY MANAGER of EASEMENT DEED of Maria Soledad Ortiz, conveying the permanent easement and right of way to CONSTRUCT, RECONSTRUCT, MAINTAIN, OPERATE AND REPAIR A STORM DRAIN OR DRAINS including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that portion of LOT A-246 of ADDITION NO. 5 to SAN YSIDRO.

(ITEM 108)

RESOLUTION 221563, Approving the acceptance by the CITY MANAGER of GRANT DEED of Roberto de la Madrid and Elena V. de la Madrid, as to an undivided one-half interest and Juan J. Martinez and Ana Maria Rojo de Martinez, as to an undivided one-half interest, conveying a portion of LOT A-189 of ADDITION NO. 2 to SAN YSIDRO; dedicating said land conveyed as and for a public street and naming the same BLACKSHAW LANE.

(ITEM 109)

RESOLUTION 221564, Approving the acceptance by the CITY MANAGER of GRANT DEED of Luis Araiza and Dominga Lopez Araiza, conveying a portion of LOT A-237 of ADDITION NO. 5 to SAN YSIDRO; dedicating said land as and for a public street and naming the same BLACKSHAW LANE.

(ITEM 110)

RESOLUTION 221565, Authorizing the MAYOR and CITY CLERK to execute a DEED conveying to San Diego Gas & Electric Company, an EASEMENT FOR UNDERGROUND/OVERHEAD ELECTRICAL FACILITIES affecting a portion of LOT 35 in RANCHO MISSION OF SAN DIEGO.

(ITEM 111)

RESOLUTION 221566, Revesting in the City the Abutters' RIGHTS OF ACCESS as shown on the REVESTMENT OF ACCESS RIGHTS DESCRIPTION, affecting a parcel of City-owned land in order to make said parcel available for industrial use according to Dells Redevelopment Plan; relinquishing the Abutters' RIGHTS OF ACCESS to said parcel along that line described on the RELINQUISHMENT OF ACCESS RIGHTS DESCRIPTION.

(ITEM 112)

RESOLUTION 221567, Authorizing an AGREEMENT with the National Center for Municipal Development, Inc., for SERVICING in connection with the City's WASHINGTON, D. C. LEGISLATIVE OFFICE.

(ITEM 113)

RESOLUTION 221568, Authorizing an AGREEMENT with Proprietary Computer Systems, Inc., for COMPUTER TIME-SHARING SERVICES for a period of one year ending June 30, 1979 for a sum not to exceed \$17,900.

(ITEM 114)

RESOLUTION 221569, Authorizing an AGREEMENT with the State of California to participate in the modification of the TRAFFIC CONTROL SIGNAL SYSTEM, CONSTRUCTION OF RIGHT-TURN CHANNELIZATION AND WHEELCHAIR RAMPS at the intersection of Nimitz Boulevard and Rosecrans Street (State Route 209); authorizing the EXPENDITURE of \$10,000 and \$7,100 out of GAS TAX FUND 219 and CAPITAL OUTLAY FUND 245 respectively for the purpose of providing the City's 50% SHARE for the above services.

(ITEM 115)

RESOLUTION 221570, Approving CHANGE ORDER NO. 2, issued in connection with the contract with Wal-Con Construction, Inc. and John M. Artukovich for CONSTRUCTION OF SEWER MAIN REPLACEMENT GROUP 37 - OCEAN BEACH AREA, approving said change amounting to a net INCREASE in the contract price of \$39,719; authorizing the CITY AUDITOR AND COMPTROLLER to TRANSFER \$29,306.32, within SEWER REVENUE FUND 506, from the UNALLOCATED RESERVE, PROGRAM ELEMENT 69.97 to PROGRAM ELEMENT 64.92, CIP 44-000; authorizing the EXPENDITURE of \$39,719 out of SEWER REVENUE FUND 506 for the above purpose.

(ITEM 116)

RESOLUTION 221571, Approving CHANGE ORDER NO. 4, issued in connection with the contract with M. Arrieta and Son, Inc., for CONSTRUCTION OF PACIFIC HIGHWAY SEWER, approving said change amounting to an INCREASE in the contract price of \$16,503.19.

(ITEM 117)

RESOLUTION 221572, CONFIRMING the following APPOINTMENTS by the Mayor to the BOARD OF LIBRARY COMMISSIONERS for terms expiring as indicated:

<u>Name</u>	<u>Term Expires</u>
Michael F. Kingsbury (Replaces Jack Borchers) Council District 3	March 1, 1980
Bernice Rollins (Reappointment) Council District 4	March 1, 1980

(ITEM 118)

RESOLUTION 221573, CONFIRMING the following APPOINTMENTS by the Mayor to the BOARD OF NOISE ABATEMENT AND CONTROL for two-year terms expiring as indicated:

(ITEM 118 - Continued)

<u>Name and Field Represented</u>	<u>Term Expires</u>
Frank L. Seals Council District 6 Building Contractor	January 1, 1980
Vernon T. Yoshioka Council District 7 Member of Public	January 1, 1980
Paul W. Hartman Council District 1 Audiologist	January 1, 1980
William A. Compton (Reappointment) Council District 1 Mechanical Engineer	January 1, 1980
Ernest A. Hamilton (Reappointment) Council District 6 Electronics Engineer	January 1, 1980
Douglas B. Stewart (Reappointment) Council District 7 Economist	January 1, 1980

(ITEM 119)

RESOLUTION 221574, CONFIRMING the following APPOINTMENTS by the Mayor to the LA JOLLA UNDERWATER PARK ADVISORY COMMITTEE for terms expiring as indicated:

<u>Name and Category</u>	<u>Term Expires</u>
Richard Rosenblatt Council District 6 Scripps Institute	March 1, 1980
Robert F. Hudson Council District 1 Dept. of Fish and Game	March 1, 1979

(ITEM 119 - Continued)

Gordon Heck March 1, 1980
(Reappointment)
Council District 6
Member-at-Large

Lawrence E. Beaver March 1, 1980
(Reappointment)
Council District 3
S.D. Council of Diving Clubs

(ITEM 120)

RESOLUTION 221575, CONFIRMING the following APPOINTMENTS by the Mayor to the OLD SAN DIEGO PLANNED DISTRICT REVIEW BOARD for terms expiring as indicated.

<u>Name and Category</u>	<u>Term Expires</u>
Avery A. Wold (Replaces Raymond F. Hall, Jr.) Council District 7 Property Owner	March 1, 1980
Dal A. Watkins (Reappointment) Council District 7	March 1, 1980
Ron Roberts (Reappointment) Council District 8 Architect	March 1, 1980

(ITEM 121)

RESOLUTION 221576, Excusing COUNCILMAN BILL MITCHELL from all COUNCIL AND COMMITTEE MEETINGS from August 7 through 25, 1978 for the purpose of VACATION.

(ITEM 122)

RESOLUTION 221577, Directing the CITY MANAGER to CONTINUE NEGOTIATIONS with the Sweetwater School District for JOINT USE OF THE SOUTHWEST JUNIOR HIGH SCHOOL PLAYGROUND.

(ITEM 150)

Authorizing the CITY MANAGER to negotiate a CONTRACT with Leighton and Associates to provide for ADDITIONAL GEOLOGICAL AND SOIL TESTS in the area and vicinity of Rowena Street and Monte Verde Drive soil slippage in order to protect City properties such as streets and sewers and furnish the City with additional data for future planning and subdivision purposes for a sum not to exceed \$30,000.

A motion by Councilman Stirling to adopt this item, as RESOLUTION 221578, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

Items 204 and 205 (Docket of July 31, 1978) were taken simultaneously.

(ITEM 204)

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)

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.

A motion by Councilwoman O'Connor to adopt the propositions, as ORDINANCE NOS. 12399 and 12400 (New Series), passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM 339 - Docket of July 31, 1978)

Matter of amending Chapter X, Article 3, Division 1, of the San Diego Municipal Code (Planning and Zoning Regulations), by amending Section 103.0101 (Planned Districts), to provide for the possible application of the planned district approach to the development of presently undeveloped areas of the City and to identify typical development controls which may be applied within such districts.

(ITEM 339 - Continued)

A motion by Councilwoman O'Connor to close the hearing and introduce the ordinance, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-501 Docket of August 1, 1978)

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.

(1) A motion by Councilman Stirling to direct staff to prepare an advisory review using the 805 process for the State Clearing House and the Comprehensive Planning Organization without a resolution submitting a Grant Application, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(2) A motion by Councilman Gade to close the hearing and continue the item to the Meeting of September 5, 1978 for a full Council, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM 152)

Two Resolutions relative to REGIONAL AIR QUALITY STRATEGY:

a - Declaring that the City ENDORSES the REGIONAL AIR QUALITY STRATEGY and is committed to participating in the implementation of the RAQS tactics; ADOPTING the RAQS IMPLEMENTATION PROGRAM as accepted by the Environmental Protection Agency in June, 1977; agreeing to implement TACTIC T1 (Modified) - COORDINATED LAND USE AND TRANSPORTATION ACTIONS, which is part of the above program accepted by the EPA, through: (1) Continuing to participate in the biennial Regional Growth Forecasting process; (2) Referring proposed general and community plans or plan amendments which are inconsistent with the location and timing of development in the current Regional Growth Forecasts to the CPO Board of Directors for review and recommendations regarding consistency with tactic T1 (modified), and the RAQS; agreeing to participate in REFINING THE RAQS AND PREPARING THE AIR QUALITY ATTAINMENT AND MAINTENANCE PLAN, and holding any appropriate hearings on adopting the measures and programs proposed; and

b - Supporting and encouraging appropriate LEGISLATIVE and ADMINISTRATIVE ACTIONS by the federal and state governments to achieve further REDUCTIONS IN EMISSIONS OF AIR POLLUTANTS through 1) the application of reasonably available control technology to motor vehicles, (2) a mandatory motor vehicle inspection and maintenance programs, and (3) programs to require substitutes for petroleum based products where feasible.

(ITEM 152 - Continued)

A motion by Councilman Stirling to adopt Item 152-a, as RESOLUTION 221579 and Item 152-b, as RESOLUTION 221580, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM 200)

Incorporating LOTS 2 and 3, VIEW TERRACE, MAP NO. 7054 (approximately 16.9 acres), located north and south of Ariane Drive between Morena Boulevard and Leathers Street, in the Clairemont Mesa Community Plan Area, into R-2 ZONE.

A motion by Councilman Gade to adopt the item, as ORDINANCE 12408 (New Series), passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM 201)

Approving the acceptance by the CITY MANAGER of GRANT DEED of the San Diego Unified School District conveying to City LOT 318 of PRINCESS DEL CERRO UNIT NO. 4; authorizing the EXPENDITURE of not to exceed \$281,000 from ENVIRONMENTAL GROWTH FUND (CIP 20-006) for ACQUISITION PURPOSES AND RELATED COSTS.

(1) A motion by Councilman Lowery to adopt this item, as RESOLUTION 221581, passed unanimously with Mayor Wilson casting a courtesy vote and Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(2) A motion by Councilman Stirling to refer to the City Manager and the Public Facilities and Recreation Committee the issue of an agreement with the citizens to maintain the park, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM 202)

Authorizing an AGREEMENT with Crocker National Bank to provide BANKING SERVICES.

A motion by Councilwoman O'Connor to adopt this item, as RESOLUTION 221582, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM 203)

Declaring the results of the canvass of the SPECIAL MUNICIPAL BOND ELECTION and the SPECIAL MUNICIPAL ELECTION held on June 6, 1978 on one bond measure relating to BONDS OF OPEN SPACE PARK FACILITIES DISTRICT NO. 1; one bond measure relating to CONSTRUCTION OF POLICE FACILITIES and one proposition to AMEND THE CITY CHARTER.

(ITEM 203 - Continued)

A motion by Councilman Gade to adopt the item, as RESOLUTION 221583, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM 204)

Matter of the City Council's position on the proposed Lindbergh Field ALTERNATIVE FLIGHT TAKEOFF PATTERN, as recently implemented for a 90 day test period.

A motion by Councilman Gade to continue this item to the Meeting of August 14, 1978 for a representative of the Federal Aviation Agency to be present, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-401)

Agreeing in principle with the CALLAHAN TASK FORCE REPORT but reserving endorsement of the specific recommendations set forth in paragraph #7 of said report until the Rules Committee of the Council has had an opportunity to REVIEW the RECOMMENDATIONS in further detail during the interim study period of the Mills Bill (SB 1746) and the Kapiloff Bill (AB 3698).

A motion by Councilman Stirling to adopt the item, as RESOLUTION 221584, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-403 - Docket of July 31, 1978)

(Continued from the Meetings of April 24, May 1 and 22, June 5, 12, 19 and 26, and July 10 and 24, 1978 due to lack of time.)

Amending Council Policy No. 000-13 entitled, "PROCEDURE FOR MAYOR AND COUNCIL APPOINTMENTS."

A motion by Councilman Stirling to continue the item to the Meeting of September 11, 1978 for a full Council, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-404 - Docket of July 31, 1978.)

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

Authorizing the SALE of LOT 1 of RESEARCH PARK to Puntamar Investors, Inc. for the sum of \$172,000; authorizing the MAYOR and CITY CLERK to execute a GRANT DEED, granting to PUNTAMAR INVESTORS, INC. said land; determining that a broker's commission shall be paid by City; authorizing payment of related expenses in connection with sale from the proceeds.

(ITEM S-404 - Continued)

A motion by Councilwoman O'Connor to adopt the item, as RESOLUTION 221585, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-405 - Docket of July 31, 1978.)

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

REJECTING all bids for the purchase of LOT 8, RESEARCH PARK SUBDIVISION ADDITION; authorizing the CITY MANAGER to obtain an updated appraisal of said lot so that the property can be offered for sale at a future date.

A motion by Councilman Stirling to adopt the item, as RESOLUTION 221586, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-406 - Docket of July 31, 1978.)

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

Two Resolutions relative to certain property located at the northwest corner of Kurtz and Hancock Streets in the Midway/Frontier Area:

a - Certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NO. 78-05-10 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; and

b - Authorizing a LEASE with Kathryn Crake, dba Triland Development Company for said property, for ANY LAWFUL PURPOSE, for a term of 55 years; authorizing the payment of a real estate broker's commission.

A motion by Councilwoman O'Connor to adopt Item S-406-a, as RESOLUTION 221587 and Item S-406-b, as RESOLUTION 221588, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-408 - Docket of July 31, 1978.)

(Continued from the Meetings of July 10 and 24, 1978 due to lack of time.)

Pursuant to the authority of SECTION 8 of the ANNUAL SALARY ORDINANCE the CLASSIFICATIONS of personnel in the classified service of the City eligible for premium or regular rate overtime are approved, effective July 1, 1978 through June 30, 1979.

(1) A motion by Councilwoman O'Connor to adopt the item, died for lack of a second.

(ITEM S-408 - Continued)

(2) A motion by Councilman Stirling to return the item to the City Manager for review by the Civil Service Commission of payment of all over time to supervisory and high level classifications and the question of the classifications presented a problem insofar as the Memorandum of Understanding is concerned, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-410 - Docket of July 31, 1978.)

(Continued from the Meetings of July 17 and 24, 1978 due to lack of time.)

Amending Chapter V, Article 5, of the San Diego Municipal Code by REPEALING, AMENDING, REVISING or ADDING SECTIONS to the UNIFORM FIRE CODE, all relating to FIRE PROTECTION AND PREVENTION.

A motion by Councilwoman O'Connor to introduce the proposed ordinance, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-411 - Docket of July 31, 1978.)

(Continued from the Meetings of July 17 and 24, 1978 due to lack of time.)

Four Resolutions relative to the SAN DIEGO COUNTY WATER AUTHORITY and the METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA IN LIEU OF 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, 1978, and ending June 30, 1979;

b - 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, 1978, and ending June 30, 1979, and appropriating such in-lieu amount;

c - 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, 1979, in an amount to be fixed in August, 1979, by Resolution of the Board of Directors of the Authority; and

d - 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, 1979, in an amount to be fixed in August, 1979, by Resolution of the Board of Directors of the District.

(ITEM S-411 - Continued)

A motion by Councilwoman O'Connor to adopt Item S-411-a, as RESOLUTION 221589, Item S-411-b, as RESOLUTION 221590, Item S-411-c, as RESOLUTION 221591 and Item S-411-c, as RESOLUTION 221592, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-412 - Docket of July 31, 1978.)

(Continued from the Meetings of June 12, July 10, 17 and 24, 1978 due to lack of time.)

Approving the use of certain CITY-OWNED PARCELS as recommended in memorandums to the Chairman and members of the Transportation and Land Use Committee from the Deputy City Manager, dated May 9, 1978, May 22, 1978 and June 6, 1978 with regard to PARCELS NOS. 1A through 6A, 9A, 10A, 12A and 13A, 1 through 4, 6 through 9, 14 and 16 through 18.

A motion by Councilman Stirling to adopt the item, as RESOLUTION 221593, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-414 - Docket of July 31, 1978.)

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

AMENDING Ordinance No. 12360 (New Series) entitled "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR THE FISCAL YEAR 1978-79."

A motion by Councilwoman O'Connor to introduce the proposed Ordinance, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-416 - Docket of July 31, 1978.)

(Continued from the Meetings of July 18 and 25, 1978 due to lack of time.)

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the SORRENTO VALLEY ROAD (Interstate 5 to Carmel Mountain Road) UNDERGROUND UTILITY DISTRICT.

A motion by Councilman Stirling to adopt the item, as RESOLUTION 221594, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-417 - Docket of July 31, 1978.)

(Continued from the Meeting of July 25, 1978 due to lack of time.)

Two Resolutions relative to ROLLING HILLS AND TWIN TRAILS PARKS:

a - Certifying that the information contained in NEGATIVE DECLARATIONS NO. 77-10-41 and NO. 77-10-42 have been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines and that said Declarations have been reviewed and considered by the Council; and

(ITEM S-417 - Continued)

b - Accepting the generous contribution of \$7,000 from Harry L. Summers, Inc. and directing that said contribution be deposited in CAPITAL OUTLAY FUND 245 and thereafter be matched by an additional \$7,000 from the City of San Diego to be used exclusively for the purpose of DEVELOPMENT of the above parks; accepting the generous contribution of GRADING valued at \$20,000 at the above parks from Tree Tops Unlimited and H.G.H. Incorporated; authorizing the EXPENDITURE of \$7,000 from CAPITAL OUTLAY FUND 245 for the City's share of the development of said parks; authorizing the EXPENDITURE of \$18,420 from CAPITAL OUTLAY FUND 245 COOPERATIVE PARK PROJECTS for the City's share of the above-described improvement; COMMENDING Harry L. Summers, Inc., Tree Tops Unlimited and H.G.H. Incorporated for this act of CIVIC GENEROSITY and publicly expressing on behalf of this City a debt of gratitude to these corporations.

A motion by Councilman Lowery to adopt Item S-417-a, as RESOLUTION 221595 and Item 417-b, as RESOLUTION 221596, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(ITEM S-419 Docket of July 31, 1978.)

SUBMITTED BY COUNCILMAN WILLIAMS

Amend Article V of the Charter of The City of San Diego as follows:

~~Section-57:--POLICE-DEPARTMENT.--~~

~~The Police Department shall consist of a Chief of Police and such other officers, members and employees as the Council may from time to time prescribe by ordinance.--~~

~~The Chief of Police shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council; provided, however, that the Chief of Police may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter.~~

~~The Chief of Police, with the approval of the City Manager, shall appoint, direct and supervise the personnel, subject to Civil Service regulations, have charge of the property and equipment of the department and exercise all powers and duties provided by general laws or by ordinance of the Council.--The Chief of Police shall have all power and authority necessary for the operation and control of the Police Department.~~

~~Section-58:--FIRE-DEPARTMENT.~~

~~The Fire Department shall consist of a Chief of the Fire Department and such other officers, members and employees as the Council may from time to time prescribe by ordinance.~~

~~The Chief of the Fire Department shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council; provided, however, that the Chief of the Fire Department may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter. The Chief of the Fire Department shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.~~

(ITEM S-419 - Continued)

~~The Chief of the Fire Department; with the approval of the City Manager, shall direct and supervise the personnel. Members of the Fire Department shall be subject to all the Civil Service provisions of this Charter contained in Article VIII. This section shall not become effective until July 1, 1974.~~

Section 59. DEPARTMENT OF PUBLIC SAFETY.

The Department of Public Safety shall consist of a Director of Public Safety and such other officers, members and employees as the Council may from time to time prescribe by ordinance.

The Director of Public Safety shall be appointed by the City Manager and the appointments shall be confirmed by a majority of the Council, provided, however, that they may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter.

The Director of Public Safety, with the approval of the City Manager, shall appoint, direct and supervise the personnel, subject to Civil Service regulations, have charge of the equipment of the department and exercise all powers and duties provided by general law or by ordinance of the Council.

The Director of Public Safety, shall have all power and authority necessary for the operation and control of police personnel.

The Director of Public Safety, shall have all power and authority necessary for the operation and control of Fire personnel and the protection of the lives and property of the City from fire.

A motion by Councilman Lowery to file this item at Councilman Williams's request, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(UNANIMOUS CONSENT #1)

A resolution authorizing a representative of the City of San Diego's Fire Prevention Bureau to attend the Western Fire Chief's annual meeting in Las Vegas, Nevada, August 14 to 18, 1978, at no cost to the City except for salary, was adopted as RESOLUTION 221597 by a unanimous vote, on motion of Councilwoman O'Connor with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(UNANIMOUS CONSENT #2)

A resolution, excusing Councilman Schnaubelt from the Council meetings of August 7 and 8, 1978 to attend the CATO Seminar in Palo Alto; said trip is not at taxpayers expense, was adopted as RESOLUTION 221598 by a unanimous vote, on motion of Councilman Gade with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(UNANIMOUS CONSENT #3)

A resolution excusing Councilman Stirling from all Council and Committee meetings of August 14 through August 24, 1978 for the purpose of attending Army Reserve Active Duty, was adopted as RESOLUTION 221599 by a unanimous vote, on motion of Councilwoman O'Connor with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

(UNANIMOUS CONSENT #4)

A resolution excusing Councilwoman O'Connor from the Council Meeting of August 15, 1978 to attend the California Housing Finance Agency meeting in San Jose, was adopted as RESOLUTION 221600 by a unanimous vote, on motion of Councilman Gade with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

Unanimous Consent Items #5 and #6 were taken simultaneously.

(UNANIMOUS CONSENT #5)

Excusing Councilman Lowery from the Public Facilities and Recreation Committee meeting of July 27, 1978 due to his being in Washington, D.C. on City business; and

(UNANIMOUS CONSENT #6)

Excusing Councilman Lowery from the Transportation and Land Use and Public Services and Safety Committee meetings on August 2, 1978 due to fatherhood.

A motion by Councilwoman O'Connor to adopt Unanimous Consent #5, as RESOLUTION 221601 and Unanimous Consent #6, as RESOLUTION 221602, passed unanimously with Councilmen Mitchell, Williams, Schnaubelt and Haro absent.

There being no further business to come before the Council at this time, the Meeting was adjourned on motion of Councilman Lowery, in memory of Pope Paul VI, at 4:33 p.m.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Debra A. Baker
City Clerk of The City of San Diego, California