

ADJOURNED REGULAR MEETING OF THE COUNCIL
OF THE CITY OF SAN DIEGO, CALIFORNIA
TUESDAY, AUGUST 15, 1978
ADJOURNED TO AND HELD MONDAY, AUGUST 21, 1978
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING.
2:00 P.M.

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

Mayor Wilson called the Adjourned Regular Meeting to order at 2:10 p.m.

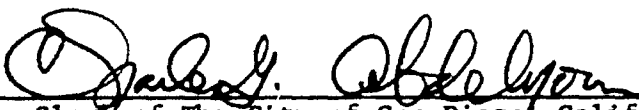
Roll call was taken.

It was reported that this Meeting had been adjourned from Tuesday, August 15, 1978 to this time by order of the City Clerk.

The Clerk reported that copies of the Notice of Adjournment covering adjournment of this Meeting from Tuesday, August 15, 1978 to 2:00 p.m., Monday August 21, 1978, had been posted as required by law, and the Notices of Adjournment had been mailed as required by law, and that the proper Certificates of Posting and Mailing are on file.

The motion of Councilman Lowery to continue the items scheduled for Tuesday, August 15, 1978, which consisted of Items 310, 311, 330, 331, 332, 333, 334, 335, 336 and 337, to the Meeting of August 21, 1978 passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

The motion by Councilman Lowery to adjourn the Adjourned Regular Meeting at 2:13 p.m. passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.



City Clerk of The City of San Diego, California

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - MONDAY, AUGUST 21, 1978
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
2:00 P.M.

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

Mayor Wilson called the Regular Meeting to order at 2:14 p.m.

(ITEM 1)

Roll call was taken.

(ITEM 10)

The Reverend M. Donald Wilhite Jr. Assistant to the Rector, St. James by the Sea Episcopal Church offered the Invocation.

(ITEM 20)

Councilman Gade led the Pledge of Allegiance.

(ITEM 40)

Charlotte Buchanan, requesting permission to address the Council, regarding denial of her right to speak on July 27, 1978 before the Planning Commission.

Ms. Buchanan made presentation.

The motion by Councilman Mitchell to refer the communication to the City Attorney for a report back to Council, passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 54)

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.

The motion by Councilman Gade to continue to August 28, 1978 for further review passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

2:00 p.m.

(ITEM 209)

(Continued from the Meetings of October 12, November 9 and 23, 1977, May 23, and August 15, 1978 due to a lack of quorum.)

APPEAL of JACQUES SYRACUSE from the decision of the PLANNING COMMISSION in DENYING his appeal from the decision of the Subdivision Review Board denying the proposed TENTATIVE MAP for SOLAR CITY, being a proposed subdivision of a portion of LOT 18, RANCHO MISSION, MAP 330; LOTS 1-12, BLOCK 10 and LOTS 1-7, BLOCK 9, LARCHMONT, MAP 1319, located on the west side of 60th Street on the east and west sides of Radio Drive, in the R-1-6 ZONE.

Testimony on continuance by Mr. Worley.

The motion by Councilman Mitchell to continue the hearing to October 24, 1978 at applicant's request, passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 208)

(Continued from the Meetings of April 18 and May 16, and August 15, 1978 due to a lack of quorum.)

APPEALS of ROSS R. TRUESDALE, RONALD J. and CHERYL D. WAGAR, BEN B. and SARALOU G. DAMERON, JERRY and ANNETTE GARNER, JACK A. and CLARA GRAHAM, ROY E. MANN, ANN T. MEADE, RICHARD J. and MARGARET A. ROSSETTER, MARTHA A. SMITH and ROBERT E. TUGEND from the decision of the PLANNING COMMISSION in GRANTING the application of MARBURN CORPORATION, owner/permittee, to construct 52 attached residential units with a tennis court, parking and landscaping on 6.30 acres in the R-1-5 ZONE. The property is located on the east side of College Avenue between I-8 and Del Cerro Boulevard and is more particularly described as a portion of LOT 67, RANCHO MISSION OF SAN DIEGO.

Testimony on continuance by Stephen Wahl and Don Merken.

The motion by Councilman Gade to continue to August 29, 1978 at Councilman Stirling's request, passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

The Council considered ITEMS 210 and 211 simultaneously.

(ITEM 210)

(Continued from the Meetings of August 30, October 4, November 29, December 20, 1977, January 24, and August 15, 1978 due to a lack of quorum.)

Authorizing the execution of an AGREEMENT with Penasquitos, Inc. for the CONVEYANCE FOR PARK PURPOSES OF LAND LYING WITHIN PENASQUITOS CANYON, which conveyances would be phased with the development of adjacent property.

(ITEM 211)

(Continued from the Meetings of August 30, October 4, November 29, December 20, 1977, January 24, and August 15, 1978 due to a lack of quorum.)

Expressing the Council's intention of operating and maintaining the PENASQUITOS REGIONAL PARK at such time as public acquisition is completed.

(ITEMS 210 and 211 - Continued)

Mayor Wilson read a letter from Penasquitos, Inc. requesting a continuance until after the Planning Commission Meeting scheduled for August 31, 1978.

Testimony by Jimmy O'Toole, Cindy Hill, Mary Kelly, Don Osay and Ed Gabrielson.

The motion by Councilman Gade to continue Items 210 and 211 to September 18 after Planning Commission Meeting of August 31, 1978, received no vote.

Discussion followed.

Testimony by Mr. Rick.

By common consent the items were continued to the Meeting of August 28, 1978.

Mayor Wilson recessed the Regular Meeting at 2:54 p.m. Upon reconvening at 3:27 p.m., the roll call showed Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 202)

Matter of the FAIR RENT INITIATIVE PETITION for a Charter Amendment.

Staff gave reports.

The motion by Councilman Lowery to continue to 2:00 p.m. Time Certain, August 24, 1978 passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 100 - a)

AWARDING A CONTRACT to ALZ Industries Inc. for the purchase of REPAIR PARTS FOR HELI-FLOW PUMPS for an actual cost, including tax, terms and estimated freight, of \$41,624.96.

The motion by Councilman Lowery to file the docket item as it had been adopted by Unanimous Consent at previous meeting passed unanimously with Councilmen Williams, Schnaubelt, Stirling 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, 55, 56, 57 and 58.

The following Ordinances were introduced at the Meetings of July 31, (Items 55 and 58), August 1, (Items 50, 51, 52 and 57), August 7 (Item 56) and August 8, 1978 (Item 53).

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

(ITEM 50)

ORDINANCE 12415 (New Series), Incorporating 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, into C-1 ZONE.

(ITEM 51)

ORDINANCE 12416 (New Series), Incorporating a portion of SOUTHWEST 1/4, NORTHWEST 1/4, SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, S.B.B.M., 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, into R-2 ZONE.

(ITEM 52)

ORDINANCE 12417 (New Series), Incorporating a portion of EAST 1/2, SOUTHEAST 1/4, SECTION 6, TOWNSHIP 15 SOUTH, RANGE 2 WEST, S.B.B.M., into M-1B ZONE, located on the north side of Miramar Road between Black Mountain Road and Maya Linda Road, in the Mira Mesa Community Plan Area.

(ITEM 53)

ORDINANCE 12418 (New Series), Incorporating a portion of SECTION 11, TOWNSHIP 15 SOUTH, RANGE 3 WEST, S.B.B.M., into M-1B ZONE, located on the south side of Trade Street and east of Carroll Way, in the Mira Mesa Community Plan area.

(ITEM 55)

ORDINANCE 12419 (New Series), 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.

(ITEM 56)

ORDINANCE 12420 (New Series), Amending Chapter VI, Article 2, of the San Diego Municipal Code by AMENDING SECTION 62.0413(b) relating to APPEALS OF THE CITY ENGINEER.

(ITEM 57)

ORDINANCE 12421 (New Series), Amending Chapter X, Article 3, Division 1 of the San Diego Municipal Code, by AMENDING SECTION 103.0101 relating to DEFINITIONS AND PROCEDURES FOR PLANNED DISTRICTS.

(ITEM 58)

ORDINANCE 12422 (New Series), 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."

The Council considered the portion of the Consent Agenda dealing with Resolutions which consisted of ITEMS 100-b and c, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 112.

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

(ITEM 100 - b and c)

Two Resolutions relative to AWARDING CONTRACTS:

b - RESOLUTION 221653, Worthington Pump Corporation (USA) for the purchase of PARTS FOR WORTHINGTON VERTICAL PUMPS for an actual cost, including tax, terms and estimated freight, of \$27,423.50.

c - RESOLUTION 221654, Star Machine & Tool Company for the purchase of a DOUBLE SPINDLE BRAKE DRUM LATHE for an actual cost, including tax and freight, of \$18,338.35.

(ITEM 101)

RESOLUTION 221655, INVITING BIDS for CONSTRUCTION OF OROWEAT-VOLVO DRAIN - Specifications Document No. 764184.

(ITEM 102)

Two Resolutions relative to the FINAL SUBDIVISION MAP of EASTVIEW UNIT NO. 3, a 3-lot subdivision, located on Malmaison Way north of Fairhope Road:

a - RESOLUTION 221656, Authorizing an AGREEMENT with Avco Community Developers, Inc., for the installation and completion of improvements; and

b - RESOLUTION 221657, APPROVING THE FINAL MAP AND ACKNOWLEDGING RECEIPT OF SUBDIVIDER'S ASSURANCE OF COMPLIANCE WITH THE AFFIRMATIVE MARKETING PROGRAM.

(ITEM 103)

RESOLUTION 221658, Calling a PUBLIC HEARING to determine whether the public health, safety or general welfare requires the formation of an UNDERGROUND UTILITY DISTRICT to be known and denominated as the FOURTH AVENUE (Beech Street to Laurel Street) UNDERGROUND UTILITY DISTRICT.

(ITEM 104)

RESOLUTION 221659, Calling a PUBLIC HEARING to determine whether the public health, safety or general welfare requires the formation of an UNDERGROUND UTILITY DISTRICT to be known and denominated as the ROSECRANS STREET (North Evergreen Street to Pacific Highway) UNDERGROUND UTILITY DISTRICT.

(ITEM 105)

RESOLUTION 221660, Approving the acceptance by the CITY MANAGER of GRANT DEED of A and F Land Investment Company, Inc., as to an undivided one-half interest, and Surf View Development Co., as to an undivided one-half interest, conveying FEE AND EASEMENT INTERESTS AND RIGHT-OF-WAY for earth excavation or embankment, slope or slopes and incidents thereto, over, under, along and across all that portion of the SOUTHWEST QUARTER of the SOUTHWEST QUARTER of SECTION 35, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO; dedicating said land conveyed as Parcel 47 as and for a public street and naming the same DAIRY MART ROAD.

(ITEM 106)

RESOLUTION 221661, Approving the acceptance by the CITY MANAGER of GRANT DEED of Nelson and Sloan, conveying portions of SECTIONS 2 and 3 of TOWNSHIP 19 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN; dedicating said land conveyed as Parcel 3A as and for a public street and naming the same DAIRY MART ROAD.

(ITEM 107)

RESOLUTION 221662, Approving the acceptance by the CITY MANAGER of GRANT DEED of Helen W. Shelton, conveying portions of SECTION 3, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN; dedicating said land conveyed as Parcel 2 as and for a public street and naming the same MONUMENT ROAD.

(ITEM 108)

RESOLUTION 221663, Approving the acceptance by the CITY MANAGER of GRANT DEED of Wilma C. Hunter, who acquired title as Wilma C. Kary, conveying a portion of SECTION 2, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SAN BERNARDINO.

(ITEM 109)

RESOLUTION 221664, Authorizing a LEASE AGREEMENT with Emmett Dykes for the purpose of UTILIZING THE BUILDING AND PROPERTY located at 2356 Irving Avenue as a RESIDENTIAL SETTING for the Southeast Involvement Project for a period from August 1, 1978 to June 30, 1979; authorizing the EXPENDITURE of \$2,596 out of REVENUE SHARING FUND 267 for the above purpose.

(ITEM 110)

RESOLUTION 221665, Authorizing an AGREEMENT with Mission Cable TV, Inc., for CITY'S USE of a portion of Mission Cable TV's building on top of Cowles Mountain for PLACEMENT OF THREE SATELLITE RECEIVERS and associated equipment for a term of five years, at an annual rental of \$60.

(ITEM 111)

RESOLUTION 221666, CONFIRMING the following APPOINTMENTS by the Mayor to the HOUSING ADVISORY AND APPEALS BOARD for terms expiring as indicated:

<u>Name</u>	<u>Term Expires</u>
Robert Mosher (Replaces Albert McCain) Council District 1	March 1, 1980
Philip L. Henry (Replaces Harold Sadler) Council District 1	March 1, 1980
Mary C. Heising (Reappointment) Council District 1	March 1, 1980

(ITEM 112)

RESOLUTION 221667, Excusing COUNCILWOMAN MAUREEN O'CONNOR from the COUNCIL MEETING AND THE RULES COMMITTEE MEETING of July 31, 1978, for reason of illness.

(ITEM 200)

Authorizing the CITY MANAGER to pay the sum of \$10,535.84 in the settlement of each and every claim against the City, its agents and employees, resulting from the termination of Randall McFadden and Harry J. Parker; authorizing the CITY AUDITOR AND COMPTROLLER to issue a WARRANT CHECK in the amount of \$6,934.64 to Randall McFadden and a WARRENT CHECK in the amount of \$3,599.20 to Harry J. Parker in full settlement of all claims.

The motion by Councilman Gade to adopt the resolution as RESOLUTION 221668, passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 201)

VACATING a portion of Market Street - on Resolution of Intention No. 221345.

Staff made a report.

The motion by Councilman Gade to close the hearing and adopt the resolution of vacation as RESOLUTION 221669, passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 203)

(Continued from the Meeting of August 15, 1978 due to a lack of quorum.)

Three Resolutions authorizing SUGGESTION AWARDS to the following employees:

a - Kathleen D. Martinez - Department of the City Clerk - \$60; Ruth Schimerling - Department of the City Council - \$60; Stephen J. Linges and Carl Jackson - Utilities Department - \$50; James R. Cook - Park and Recreation Department - \$50; and Patricia E. Tucker - Department of the City Clerk - \$35.

b - Carmen C. Lutes - Engineering and Development Department - \$25; E. Lorraine Payne and Delorese Shafer - Risk Management Department - \$20; Robert E. Thompson - Police Department - \$10; Clarence Miller - General Services Department - \$10; and

Kathleen D. Martinez - Department of the City Clerk - \$10; and

c - Linda H. Wong - Department of the City Clerk - \$10; Linda H. Wong - Department of the City Clerk - \$10; Val Kisak - Park and Recreation Department - \$10; Val Kisak - Park and Recreation Department - \$10; and Kevin V. Munnely - Financial Management Department - \$10.

The motion by Councilman Gade to adopt the resolutions as RESOLUTION NOS. 221670, 221671 and 221672 passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 204)

(Continued from the Meeting of August 15, 1978 due to a lack of quorum.)
PAVING and otherwise improving ALLEY in BLOCK 22, KENSINGTON PARK -on
Assessment Roll No. 3926.

Staff gave report.

The motion by Councilman Lowery to close the hearing, adopt resolution
overruling the protests and confirming the assessment as RESOLUTION 221673,
passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro
absent.

(ITEM 205)

(Continued from the Meeting of August 15, 1978 due to a lack of quorum.)
Matter of REZONING LOTS 1 THROUGH 4, ST. CATHERINE SUBDIVISION, MAP NO.
8064 (approximately 1.5 acres), located on the northeast side of Mt. Aguilar
Drive between Mt. Alifan Drive and Mt. Abraham Avenue, in the Clairemont Mesa
Community Plan area, from ZONE R-2 to ZONES R-3 and CO.

Staff gave report.

Testimony by Phil Shaefer.

The motion by Councilman Gade to introduce ordinance for CO Zoning died for
lack of a second.

The motion by Councilman Gade to close the hearing, adopt the END
resolution as RESOLUTION 221674, and introduce an ordinance for R-3 Zoning passed
unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent. See
attached.

(UNANIMOUS CONSENT NO. 1)

By Unanimous Consent granted to Mayor Wilson on behalf of Supervisor Bates,
a communication from Ian Boase, Assistant to Supervisor Bates, requesting
permission to address the Council regarding rezoning of property in Old Town near
Juan and Harney Streets, was presented.

The motion by Councilwoman O'Connor to refer the matter to the City
Attorney for comment and to Mr. Bates and to Council, passed unanimously with
Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 206)

(Continued from the Meeting of August 15, 1978 due to a lack of quorum.)
Matter of REZONING a portion of LOT 10, TIBBETTS TRACT, MAP NO. 659
(approximately 7.9 acres), located on the south side of Grove Avenue between I-5
and Hollister Street, in the proposed Otay Mesa-Nestor Community Plan area, from
ZONE R-1-5 to ZONE R-2A.

Staff gave report.

Testimony by David R. Thompson and Ruth Schneider.

(ITEM 206 - Continued)

The motion by Councilman Gade to close the hearing; adopt the END Resolution as RESOLUTION 221675 and introduce amended ordinance for R-2 zoning for entire area with the understanding that in the event the City wishes to acquire the indicated property that it would be available at the price of \$250,000 for a period of six months, passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent. See attached.

(ITEM 207)

(Continued from the Meeting of August 15, 1978 due to a lack of quorum.)

Matter of REZONING a portion of SECTION 31, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.B.M. (approximately 30,492 square feet), located on the south side of Mira Mesa Boulevard between Rickert Road and Marbury Avenue, in the Mira Mesa Community Plan area, from ZONE A-1-1 to ZONE CA.

Staff gave report.

The motion by Councilman Mitchell to close the hearing, adopt the END resolution as RESOLUTION 221676, and introduce ordinance for CA Zoning, passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(ITEM 30)

Approval of Council Minutes for:

01-11-78 P.M.

03-07-78 A.M. and P.M.

03-13-78 P.M.

03-14-78 A.M. and P.M.

Adjourned Regular Meeting of 03-14-78 held 03-15-78.

03-21-78 A.M. and P.M.

03-28-78 P.M.

04-03-78 P.M.

04-04-78 A.M. and P.M.

04-11-78 A.M. and P.M.

04-17-78 P.M.

04-18-78 A.M. and P.M.

04-24-78 P.M.

05-01-78 P.M.

05-02-78 A.M. and P.M.

05-08-78 P.M.

The motion by Councilman Gade to approve the minutes passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(UNANIMOUS CONSENT NO. 2)

Approving Change Order #7 for Pt. Loma Wastewater Treatment Plant Sludge Line Replacement.

The motion by Councilman Gade to adopt the resolution as RESOLUTION 221677, passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

(UNANIMOUS CONSENT NO. 2)

Authorizing the expenditure of \$358 from Police Department Unanticipated Travel Fund for one Police Department representative to attend the bi-zone Law Enforcement Intelligence Unit Conference in Salt Lake City, Utah.

The motion by Councilman Lowery to adopt the resolution as RESOLUTION 221678 passed unanimously with Councilmen Williams, Schnaubelt, Stirling and Haro absent.

The Meeting was adjourned at 4:45 p.m.



City Clerk of The City of San Diego, California