

MINUTES OF THE COUNCIL OF THE CITY OF SAN DIEGO  
FOR THE REGULAR MEETING OF MONDAY, NOVEMBER 6, 1978  
IN THE CHAMBERS OF THE COUNCIL AT 2:00 P.M.

ATTENDANCE:

Present--Mitchell (1), O'Connor (2), Lowery (3), Williams (4),  
Schraubelt (5), Gade (6), Stirling (7), Killea (8) and  
Mayor Wilson (M).  
Absent--None.  
Clerk---Osborne.

Meeting was called to order by Acting Mayor O'Connor at 2:15 p.m.

Meeting was recessed at 4:25 p.m. by Mayor Wilson.

Meeting reconvened at 4:52 p.m. with O'Connor, Lowery and Williams absent.

- ITEM 1: Roll call.  
Present--Mitchell, O'Connor, Schraubelt, Gade, Stirling, Killea.  
Absent--Lowery, Williams, Mayor Wilson.
- ITEM 10: The Invocation was given by City Attorney Witt.
- ITEM 20: The Pledge of Allegiance was led by Councilwoman Killea.
- ITEM 30: Approved.
- Approval of Council Minutes for:
- Adjourned Regular Meeting of 07-11-78 P.M., held 07-12-78 P.M.  
08-14-78 P.M.  
10-02-78 A.M. SPECIAL  
10-02-78 P.M.  
10-03-78 A.M. and P.M.  
Adjourned Regular Meeting of 10-03-78 P.M., held 10-06-78 A.M.  
10-07-78 A.M. SPECIAL  
10-10-78 A.M. and P.M.  
10-11-78 A.M. SPECIAL  
10-16-78 P.M.  
10-17-78 A.M. and P.M.

Motion by Stirling to approve.  
Second by Gade.  
Passed Unanimously. Absent-3,4,M.

ITEM 40: Noted and filed.

Bridget Wilson, representing Save Our Teachers, requesting permission to address the Council regarding the URGING OF COUNCIL TO ADOPT A RESOLUTION AGAINST PROPOSITION 6 (SCHOOL EMPLOYEES - HOMOSEXUALITY).

Motion by Gade to note and file.  
Second by Stirling.  
Passed Unanimously. Absent-M.

ITEM 50: Three Ordinances relative to AMENDING CHAPTER X, ARTICLE 1 of the San Diego Municipal Code:

Subitem a: Adopted as Ordinance 12479 (New Series).

(0-78-305) Division 1, by AMENDING SECTION 101.0101.28 relating to GUEST QUARTERS;

Subitem b: Adopted as Ordinance 12480 (New Series).

(0-78-307) Division 4, by AMENDING SECTION 101.0407 relating to R-1 ZONES; and

Subitem c: Adopted as Ordinance 12481 (New Series).

(0-78-306) Division 5, by AMENDING SECTION 101.0503 relating to the USE OF GUEST QUARTERS UNDER CONDITIONAL USE PERMITS.

Motion by Stirling to adopt.  
Second by Gade.  
Passed Unanimously. Absent-3,M.

ITEM 51: Referred to the Committee on Transportation and Land Use.

(0-79-105) Amending Chapter VI, Article 7 of the San Diego Municipal Code by AMENDING SECTION 67.22 relating to REGULATION OF WATER SYSTEM--METER TESTING.

Motion by Williams to refer to the Committee on Transportation and Land Use.  
Second by Gade.  
Passed Unanimously. Absent-M.

ITEM 52: Two Ordinances relative to setting aside and dedicating certain lands for a PUBLIC PARK and naming:

Subitem a: Introduced, to be adopted 11-20-1978.

(O-79-118) MONTGOMER-WALLER PARK AND RECREATION CENTER; and

Subitem b: Introduced, to be adopted 11-20-1978.

(O-79-119) MURRAY RIDGE PARK.

Motion by Stirling to introduce.

Second by Gade.

Passed Unanimously. Absent-M.

ITEM 100: Adopted as Resolution 222145.

(R-79-801) AWARDING A CONTRACT to Scheidel Corporation, for the CONSTRUCTION OF PEDESTRIAN RAMPS OVER EXISTING BASEMENTS AT VARIOUS LOCATIONS - CONTRACT NO. 9, for the sum of \$88,598.

See ITEM 131 for motion.

ITEM 101: Adopted as Resolution 222146.

(R-79-800) AWARDING A CONTRACT to W. F. Maxwell, Inc., for the REPLACEMENT OF EXISTING ABUTMENTS FOR A TIMBER BRIDGE AT SHAW VALLEY ROAD AND MCGONIGLE CANYON CREEK (STORM DAMAGE REPAIR) Base Bid and Alternate A for the sum of \$63,980; authorizing the CITY AUDITOR AND COMPTROLLER to TRANSFER \$12,420 from the CAPITAL OUTLAY FUND UNALLOCATED RESERVE CIP 90-245 and \$69,960 from the GASOLINE TAX FUND UNALLOCATED RESERVE CIP 90-220 to CIP 53-028; authorizing the ADDITION of CIP NO. 53-028 (REPLACEMENT OF EXISTING ABUTMENTS FOR A TIMBER BRIDGE AT SHAW VALLEY ROAD AND MCGONIGLE CANYON CREEK (STORM DAMAGE REPAIR) to the FY 1979 CAPITAL IMPROVEMENTS PROGRAM).

See ITEM 131 for motion.

ITEM 102: Three Resolutions relative to AWARDING CONTRACTS:

Subitem a: Adopted as Resolution 222147.

(R-79-802) Norris Paint & Varnish Co., Inc. and Pervo Paint Company for the purchase of COLD APPLIED TRAFFIC PAINT for a period of two years ending November 30, 1978, for an actual estimated total cost, including tax and terms, of \$82,562.98, with options to renew for an additional one year period.

ITEM 102 CONTINUED:

Subitem b: Adopted as Resolution 222148.

(R-79-677) Westinghouse Electric Corporation for furnishing ELECTRIC STAIRWAY MAINTENANCE for a period of one year ending October 31, 1979 for an estimated cost of \$48,864, and from year to year thereafter for four additional years.

Subitem c: Adopted as Resolution 222149.

(R-79-799) Sport Fun, Inc. for the purchase of ATHLETIC SUPPLIES - inflatable balls as may be required for a period of one year ending September 30, 1979, for an estimated cost (City portion) of \$12,526.

See ITEM 131 for motion.

ITEM 103: Adopted as Resolution 222150.

(R-79-798) INVITING BIDS for CONSTRUCTION OF CHELSEA AVENUE DRAIN AND WARING ROAD DRAIN - Specifications Document No. 764861.

See ITEM 131 for motion.

ITEM 104: Adopted as Resolution 222151.

(R-79-555) INVITING BIDS for CONSTRUCTION OF MESA VIKING NEIGHBORHOOD PARK IMPROVEMENTS - PHASE II - Specifications Document No. 764510.

See ITEM 131 for motion.

ITEM 105: Adopted as Resolution 222152.

(R-79-797) REJECTING THE SOLE BID of L. R. Hubbard Jr. for the REMOVAL OF ARCHITECTURAL BARRIERS FOR THE HANDICAPPED - CONTRACT 8.

See ITEM 131 for motion.

ITEM 106: Two Resolutions relative to the FINAL SUBDIVISION MAP of BERNARDO INDUSTRIAL PARK WEST, a 4-lot subdivision located west of Bernardo Center Drive and West Bernardo Drive:

Subitem a: Adopted as Resolution 222153.

(R-79-773) Authorizing an AGREEMENT with Avco Community Developers, Inc., for the installation and completion of improvements; and

ITEM 106 CONTINUED:

Subitem b: Adopted as Resolution 222154.

(R-79-772) APPROVING THE FINAL MAP.

See ITEM 131 for motion.

ITEM 107: Two Resolutions relative to the FINAL SUBDIVISION MAP of FASHION VALLEY NORTH, a 4-lot subdivision located on the north side of Friars Road at Fashion Valley Road:

Subitem a: Adopted as Resolution 222155.

(R-79-806) Authorizing an AGREEMENT with D. N. Harman and Joan K. Harman, and A. A. Stadtmiller, for installation and completion of improvements; and

Subitem b: Adopted as Resolution 222156.

(R-79-805) APPROVING THE FINAL MAP.

See ITEM 131 for motion.

ITEM 108: Adopted by Unanimous Consent on October 31, 1978.

Three Resolutions relative to the FINAL SUBDIVISION MAP of SOL-Y-MAR, a 13-lot subdivision located northeast of La Jolla Mesa Drive and Skylark Drive:

Subitem a: (R-79-779) Authorizing an AGREEMENT with Odmark/Welch for the installation and completion of improvements;

Subitem b: (R-79-778) APPROVING THE FINAL MAP; and

Subitem c: (R-79-784) Approving the acceptance by the CITY MANAGER of STREET EASEMENT DEED of Robert F. Burns and Elizabeth L. Burns, conveying the permanent easement and right of way for a public street, and incidents thereto, over, under, upon, along and across a portion of CANALE HEIGHTS; dedicating said land as and for a public street and naming the same SKYLARK DRIVE.

ITEM 109: Two Resolutions relative to the FINAL SUBDIVISION MAP of TENNIS RANCH UNIT 1, a 32-lot subdivision located east of Pomerado Road at Escala Drive:

X Subitem a: Adopted as Resolution 222157.

(R-79-775) Authorizing an AGREEMENT with Avco Community Developers, Inc., for installation and completion of improvements; and

ITEM 109 CONTINUED:

Subitem b: Adopted as Resolution 222158.

(R-79-774) APPROVING THE FINAL MAP AND ACKNOWLEDGING RECEIPT OF SUBDIVIDER'S ASSURANCE OF COMPLIANCE WITH THE AFFIRMATIVE MARKETING PROGRAM.

See ITEM 131 for motion.

ITEM 110: Two Resolutions relative to the FINAL SUBDIVISION MAP of TENNIS RANCH UNIT 2, a 21-lot subdivision located east of Pomerado Road at Escala Drive:

Subitem a: Adopted as Resolution 222159.

(R-79-777) Authorizing an AGREEMENT with Avco Community Developers, Inc., for the installation and completion of improvements; and

Subitem b: Adopted as Resolution 222160.

(R-79-776) APPROVING THE FINAL MAP AND ACKNOWLEDGING RECEIPT OF SUBDIVIDER'S ASSURANCE OF COMPLIANCE WITH THE AFFIRMATIVE MARKETING PROGRAM.

See ITEM 131 for motion.

ITEM 111: Adopted as Resolution 222161.

(R-79-769) GRANTING THE PETITION for PAVING and otherwise improving FAIRMOUNT AVENUE (Extension) between Mission Gorge Road and Twain Avenue under the provisions of the IMPROVEMENT ACT OF 1911; directing the CITY MANAGER to furnish description and plat of the district.

See ITEM 131 for motion.

ITEM 112: Adopted as Resolution 222162.

(R-79-771) SETTING A PUBLIC HEARING on the INTENTION to VACATE a portion of FROST STREET between Berger Avenue and I-805.

See ITEM 131 for motion.

ITEM 113: Adopted as Resolution 222163.

X (R-79-717) SETTING A PUBLIC HEARING on the INTENTION to VACATE a portion of HUENEME STREET between Laretta Street and Mildred Street.

See ITEM 131 for motion.

ITEM 114: Adopted as Resolution 222164.

(R-79-670) SETTING A PUBLIC HEARING on the INTENTION to VACATE an UNSPECIFIED RIGHT-OF-WAY in SECTION 29, T14S, R2W.

See ITEM 131 for motion.

ITEM 115: Adopted as Resolution 222165.

(R-79-721) SETTING A PUBLIC HEARING on the INTENTION to VACATE a portion of UDALL STREET between Rosecrans and Locust Streets.

See ITEM 131 for motion.

ITEM 116: Adopted as Resolution 222166.

(R-79-794) Authorizing the SALE BY NEGOTIATION of an EASEMENT FOR WATERLINE PURPOSES affecting a portion of PUEBLO LOT 1109 of the PUEBLO LANDS OF SAN DIEGO, for the sum of \$70 to Russell V. Grant; authorizing the execution of a QUITCLAIM DEED, quitclaiming to RUSSELL V. GRANT said easement; determining that no broker's commission shall be paid by City on said negotiated sale.

See ITEM 131 for motion.

ITEM 117: Returned to the City Attorney.

(R-79-385) Authorizing a LEASE AGREEMENT with the San Diego Unified School District of San Diego County, California for the purposes of CONSTRUCTION, OPERATION, MAINTENANCE, AND LEASE OF TURFED FIELDS AND RECREATION FACILITIES at Fletcher Elementary School site; authorizing the CITY MANAGER to AMEND FY'78 SB 174 STATE BLOCK GRANT CONTRACT NO. 619.OBG3F-005 to provide for the DEVELOPMENT OF THE FLETCHER ELEMENTARY SCHOOL PLAYGROUND rather than the acquisition of land for Linda Vista Neighborhood Park No. 2.

Motion by Gade to return to the City Attorney.

Second by Williams.

Passed Unanimously. Absent-7,M.

ITEM 118: Adopted as Resolution 222167.

(R-79-440) Authorizing a FIRST AMENDMENT TO AGREEMENT with Drake, Sillman & Wyman, Inc., for ENGINEERING AND OTHER PROFESSIONAL SERVICES for the Park and Recreation Department, said AMENDMENT DELETES the Seasonal Lifeguard Towers project; ADDS two projects: La Jolla Cove Lifeguard Facility and South Pacific Beach Lifeguard Facility; and INCREASES THE TOTAL COMPENSATION to \$52,000 to the existing agreement; authorizing the CITY AUDITOR AND COMPTROLLER to TRANSFER \$4,000 from RESOLUTION NO. 219732, CAPITAL OUTLAY FUND 245 to CIP NO. 27-005, LIFEGUARD TOWERS; authorizing the EXPENDITURES of \$9,000 from 245 FUND CAPITAL OUTLAY CIP 27-006 and \$8,000 from 227 FUND TRANSIENT OCCUPANCY TAX FACILITIES RESERVE SPECIAL REVENUE FUND, CIP 27-010, for the above purpose.

See ITEM 131 for motion.

ITEM 119: Referred to the Committee on Transportation and Land Use.

(R-79-750) Authorizing the CITY MANAGER, in accordance with Council Policy 400-7, to CHANGE THE STANDARD FORM OF WATER AND SEWER REIMBURSEMENT AGREEMENTS to provide that the administrative costs to be paid to the City for the processing of said agreements shall be as follows: 1) The original developer shall pay the City \$300 upon his execution of the agreement; plus 2) One percent of the cost of any project which is \$100,000 or less; payable to the City as reimbursements to the original developer as subsequent developers make such payments; plus 3) An additional one-half percent of the cost of any project which is in excess of \$100,000; payable to the City as reimbursements to the original developer as subsequent developers make such payments; provided that all of the percentage payments set forth above shall be shared equally by the original developer and any subsequent developers.

Motion by Williams to refer to the Committee on Transportation and Land Use.

Second by Gade.

Passed Unanimously. Absent-M.

ITEM 120: Adopted as Resolution 222168.

(R-79-728) Authorizing an ELECTRIC LICENSE AGREEMENT with the San Diego Gas & Electric Company pursuant to which the City subordinates its LEASEHOLD INTEREST in CERTAIN PROPERTY OWNED BY THE SAN DIEGO UNIFIED SCHOOL DISTRICT to the San Diego Gas & Electric Company's LICENSE RIGHTS.

See ITEM 131 for motion.



ITEM 121: Adopted as Resolution 222169.

(R-79-713) Approving CHANGE ORDER NO. 1, issued in connection with the contract with T. B. Penick & Sons, Inc., for the IMPROVEMENT OF BALBOA/ECC BLOCK GRANT STREETS & ALLEYS - CONTRACT 4, and approving said change amounting to a NET INCREASE in the contract price of \$6,587.60 and an extension of time of 25 work days , extending the completion date to 145 work days.

See ITEM 131 for motion.

ITEM 122: Adopted as Resolution 222170.

(R-79-712) Approving CHANGE ORDER NO. 11, issued in connection with the contract with Daley Corporation for the IMPROVEMENT OF 47TH STREET-SOUTH CITY LIMITS TO HARTLEY STREET AND LOGAN AVENUE, 45TH STREET TO 49TH STREET, and approving said change amounting to a NET INCREASE in the contract price of \$8,583.12.

See ITEM 131 for motion.

ITEM 123: Two Resolutions relative to MAKING APPLICATION to the State Department of Health for PERMITS:

Subitem a: Adopted as Resolution 222171.

(R-79-743) To EXPAND Miramar Water Treatment Plant; and

Subitem b: Adopted as Resolution 222172.

(R-79-744) To REPLACE the EXISTING FILTERS AND CHEMICAL SYSTEM FACILITIES at Otay Water Treatment Plant.

See ITEM 131 for motion.

ITEM 124: Adopted as Resolution 222173.

(R-79-793) Authorizing an ENCROACHMENT AGREEMENT with Pacific Credit Corporation, James H. Shannon, the Estate of Normal Schulman and V.J. Lloyd's House of Fine Furniture and Interior Design, providing for the CONSTRUCTION OF A PEDESTRIAN OVERCROSSING OF VAN DYKE AVENUE.

See ITEM 131 for motion.

ITEM 125: Adopted as Resolution 222174.

(R-79-538) CONFIRMING the APPOINTMENT by the Mayor of Kathryn R. Maas to the HOUSING ADVISORY AND APPEALS BOARD for a term ending March 1, 1979, to fill the vacancy created by the resignation of David Buchanan.

See ITEM 131 for motion.

ITEM 126: Adopted as Resolution 222175.

(R-79-621) CONFIRMING the APPOINTMENT by the Mayor of Murray W. Duberstein to the BOARD OF LIBRARY COMMISSIONERS to fill the unexpired term of Harold A. Fletcher ending March 1, 1979.

See ITEM 131 for motion.

ITEM 127: Adopted as Resolution 222176.

(R-79-539) CONFIRMING the following REAPPOINTMENTS by the Mayor to the RELOCATION APPEALS BOARD for terms expiring October 1, 1979: Ruth A. Green (Council District 4), Beverly C. Yip (Council District 5), Loch Crane (Council District 1).

See ITEM 131 for motion.

ITEM 128: Adopted as Resolution 222177.

(R-79-526) Formally approving the SUBMISSION TO THE COASTAL COMMISSIONS of the TORREY PINES AND NORTH CITY WEST ISSUE IDENTIFICATION REPORTS.

See ITEM 131 for motion.

ITEM 129: Adopted as Resolution 222178.

(R-79-635) Authorizing the CITY MANAGER to APPROVE THE PROPOSAL of Centro Cultural de la Raza to PAINT OVER THE SKELETON FIGURE on the mural on the east side of the water tank located on Park Boulevard in BALBOA PARK.

See ITEM 131 for motion.

ITEM 130: Adopted as Resolution 222179.

(R-79-752) Authorizing the CITY CLERK to SIGN CITY COUNCIL MINUTES following their approval by the Council and such signed minutes shall be the OFFICIAL MINUTES OF THE COUNCIL of the City of San Diego.

See ITEM 131 for motion.

ITEM 131: Adopted as Resolution 222180.

(R-79-781) Authorizing two representatives of the POLICE DEPARTMENT to TRAVEL to Brighton, Colorado, during the period November 15-17, 1978, in response to subpoenas received TO APPEAR AT A CRIMINAL TRIAL declaring that the total cost of said travel, excluding salaries, shall be at no expense to City but shall be paid by the State of Colorado.

MOTION FOR ITEMS 100-131 (except ITEMS 108, 117 and 119):

Motion by Gade to adopt.  
Second by Stirling.  
Passed Unanimously. Absent-None.

ITEM 150: Adopted as Resolution 222181.

(R-79-809) Authorizing the CITY MANAGER to REQUEST PROPOSALS for a MANAGEMENT CONTRACT to operate the CONVENTION AND PERFORMING ARTS CENTER.

Motion by Stirling to adopt.  
Second by Schnaubelt.  
Passed Unanimously. Absent-None.

ITEM 151: Defeated.

(R-79-807) Expressing the CITY COUNCIL'S intent to UTILIZE PROCEEDS from the first issue of open space bonds to RETIRE bonds sold in connection with the acquisition of Tecolote Canyon, Navajo Canyon and Crest Canyon and to REIMBURSE property owners for payments made on said bonds and for assessments previously paid for acquisition of said properties; said repayments shall be made pursuant to San Diego Park Facilities District Procedural Ordinance and specifically Section 61.2055 of the Municipal Code.

Motion by Schnaubelt to adopt.  
Second by Gade.  
Defeated. Yeas-2,5,6,M. Nays-1,3,4,7,8. Absent-None.

Motion by Schnaubelt to continue to December 5, 1978, to poll the people who live in the assessment districts.  
Second by Gade.  
Defeated. Yeas-2,3,5,6. Nays-1,4,7,8,M. Absent-None.

ITEM 151 CONTINUED:

Motion by O'Connor to amend to include all assessment districts for reimbursement.  
Died for lack of a second.

Motion by Schnaubelt to authorize the expenditure of \$500 from the Unallocated Reserve to obtain the list of names and addresses of people who live in the assessment districts on labels.

Second by Gade.

Defeated. Yeas-5,6. Nays-1,2,3,4,7,8,M. Absent-None.

ITEM 201: Adopted as ORDINANCE 12482 (New Series).

(O-79-23) Incorporating LOTS 1 THROUGH 5, BLOCK 14, SWAN'S ADDITION, MAP NO. 947 (approximately 17,500 square feet), located on the south side of Maple Street between 4th Street and Highland Avenue, in the Mid-City Community Plan Area, into R-2 ZONE.

Motion by Stirling to adopt.

Second by Gade.

Passed. Yeas-3,5,6,7,8,M. Nays-1,4. Absent-2.

ITEM 202: Adopted as Resolution 222182.

(R-79-783) Authorizing the CITY MANAGER, or his designee, to SUBMIT AN APPLICATION and take other measures as necessary for the City's participation in the CALIFORNIA HOUSING FINANCE AGENCY (CHFA) HOUSING PROGRAM for 1979.

Motion by Killea to adopt.

Second by Stirling.

Passed. Yeas-1,3,4,6,7,8,M. Nays-5. Absent-2.

ITEM S-400: Adopted as Resolution 222183.

(R-79-755) (Continued from the Meeting of October 30, 1978.) Authorizing the CITY MANAGER to INCREASE the FY 1980 RENTAL RATES for the use of the CIVIC THEATRE from \$750 to \$800 per performance date and from \$400 to \$500 per nonperformance date.

Motion by Stirling to adopt.

Second by Lowery.

Passed. Yeas-1,3,4,6,7,8,M. Nays-5. Absent-2.

ITEM S-401: Failed.

(Continued from the Meetings of October 24 and 30, 1978.) Matter of having City staff prepare several alternative maps for REDISTRICTING PURPOSES in light of the district and population imbalances.

Motion by Gade to direct staff to prepare the maps.  
Second by Stirling.  
Failed. Yeas-3,5,6,7. Nays-1,4,8,M. Absent-2.

UNANIMOUS  
CONSENT:

Adopted as Resolution 222184.

(R-79- ) Directing the City Attorney and City Manager to prepare emergency ordinances authorizing the operation of service by carriers to replace service lost to the public upon the contingency of cessation of operations by San Diego Transit Corp. on November 26, 1978 if the present hold on UMTA, Sec. 5 funds is not released.

Motion by Gade to adopt.  
Second by Lowery.  
Passed Unanimously. Absent-None.

UNANIMOUS  
CONSENT:


Adopted as Resolution 222185.

(R-79-853) Authorizing the City Manager to negotiate a contract with a consultant to determine the extent of present life hazards and provide remedial recommendations for the following Balboa Park Buildings and to waive the requirements of Council Policy 300-7: Municipal Gymnasium, House of Hospitality, Palisades Building, House of Charm, El Centro Cultural De La Raza and Conference Building.

Motion by Stirling to adopt.  
Second by Lowery.  
Passed Unanimously. Absent-2.

ADJOURNMENT: The meeting was adjourned at 5:35 p.m. in memory of San Diego Police Officer Archie Buggs on motion of Councilman Mitchell.

ATTEST:

  
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City Clerk of The City of San Diego, California