

MINUTES OF THE COUNCIL OF THE CITY OF SAN DIEGO
FOR THE REGULAR MEETING OF MONDAY, DECEMBER 11, 1978
IN THE CHAMBERS OF THE COUNCIL AT 2:00 P.M.

ATTENDANCE: Councilmembers Present-Mitchell (1), O'Connor (2), Williams (4), Schnaubelt (5), Gade (6), Stirling (7), Killea (8).
Councilmembers Not Present-Lowery (3), Mayor Wilson.
Clerk-Abdelnour.

Meeting called to order at 2:11 p.m. by Deputy Mayor O'Connor.

ITEM 1: Roll call.
Present O'Connor and Stirling.
Absent-Mitchell, Lowery, Williams, Schnaubelt, Gade, Killea, and Mayor Wilson.

A quorum was not present until 2:14 p.m. at which time Councilman Lowery and Mayor Wilson were absent.

Meeting recessed at 3:58 p.m. by Deputy Mayor O'Connor.
Meeting reconvened at 4:23 p.m. with Lowery, Schnaubelt, Gade and Mayor Wilson not present.

ITEM 10: Invocation given by City Clerk.

ITEM 20: Pledge of Allegiance led by Councilman Mitchell.

ITEM 50: Introduced, to be adopted 1/2/79.

(O-79-106 Rev.) Amending Chapter V, Article 3, of the San Diego Municipal Code by ADDING SECTION 53.30 REGULATING DANGEROUS WEAPONS USED DURING PICKETING, DEMONSTRATIONS AND STRIKES.

Motion by Stirling to introduce.

Second by Killea.

Passed Unanimously. Not present-3,M.

ITEM 100: Continued to December 18, 1978.

(R-79-994) AWARDING A CONTRACT to El Cajon Grading & Engineering Co., Inc., for the CONSTRUCTION OF IMPROVEMENTS ON HILLSIDE DR., BETWEEN VIA CAPRI AND RUE ADRIANE AND IN VIA CAPRI BETWEEN HILLSIDE DR. AND RUE MICHAEL IN LA JOLLA (STORM DAMAGE REPAIR), Base Bid, for the sum of \$253,253; authorizing the EXPENDITURE of \$270,000 from the ENVIRONMENTAL GROWTH FUND RESERVE, \$34,393 from DISASTER ASSISTANCE FUND 39024 and \$24,507 from SEWER REVENUE FUND 506 ANNUAL ALLOCATION for said project and related costs.

Motion by Schnaubelt to continue.

Second by Stirling.

Passed Unanimously. Not present-3,M.

ITEM 101: Two Resolutions relative to CONSTRUCTION OF MISSION BAY PARK BOAT RAMP IMPROVEMENTS IN MISSION BAY PARK:

Subitem a: Adopted as Resolution 222356.

(R-79-995) AWARDING A CONTRACT to Zinser-Furby, Inc., for the sum of \$180,000; authorizing the CITY AUDITOR AND COMPTROLLER to TRANSFER \$74,400 from CIP 90-725 PARK AND RECREATION BOND FUND RESERVE to CIP 22-431, and \$1,000 from CIP 90-245 CAPITAL OUTLAY FUND UNALLOCATED RESERVE to CIP 22-431.

See Item 126 for motion.

Subitem b: Adopted as Resolution 222357.

(R-79-1010) Certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NOS. 75-05-17EX-7; 75-05-18EX-7; 75-05-19EX-7; 75-05-20EX 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.

See Item 126 for motion.

ITEM 102: Adopted as Resolution 222358.

(R-79-993) AWARDING A CONTRACT to Rick's Excavating, Inc., for the EXTENSION OF STORM DRAIN SOUTH OF OAKRIDGE ROAD BETWEEN STRATUS COURT AND CIBOLA ROAD (STORM DAMAGE REPAIR) for the sum of \$54,579.26; authorizing the CITY AUDITOR AND COMPTROLLER to TRANSFER \$70,500 from the DISASTER ASSISTANCE FUND 39024 to CIP 11-171; authorizing the CITY AUDITOR AND COMPTROLLER to ADD CIP NO. 11-171 to the FY 1979 Capital Improvements Program; authorizing the EXPENDITURE of \$70,500 out of the DISASTER ASSISTANCE FUND 39024 for said project and related costs.

See Item 126 for motion.

ITEM 103: Two Resolutions relative to AWARDING CONTRACTS:

Subitem a: Adopted as Resolution 222359.

(R-79-992) Seagrave Fire Apparatus, Inc., for ONE 100' TRACTOR DRAWN AERIAL LADDER FIRE APPARATUS for a total cost, including tax and terms, of \$169,481.28 with an option to purchase an additional 100' Tractor Drawn Aerial Fire Apparatus at a price not to exceed 7% of this bid price, within twelve months of bid opening date.

See Item 126 for motion.

Subitem b: Adopted as Resolution 222360.

(R-79-990) Western States Fire Apparatus, for the purchase of TEN EACH POWER RESCUE TOOLS for an actual cost, including tax and terms, of \$53,021.20.

See Item 126 for motion.

ITEM 104: Adopted as Resolution 222361.

(R-79-1003) Amending RESOLUTION NO. 220645, adopted April 17, 1978, AWARDING A CONTRACT to Patrick J. Timmins Construction Inc., as follows: Awarding a Contract to Patrick J. Timmins Construction Inc., for the CONSTRUCTION OF FIRE STATION #29 IMPROVEMENTS, Base Bid with Additive Alternate No. 1 for the sum of \$211,144; authorizing the EXPENDITURE of \$176,000 out of THIRD YEAR BLOCK GRANT FUND 2930, and \$57,444 out of FOURTH YEAR COMMUNITY BLOCK GRANT FUND CONTINGENCIES, and \$19,838 out of CAPITAL OUTLAY FUND 245 for said project and related costs; authorizing the CITY AUDITOR to TRANSFER \$57,444 out of 73.95 FOURTH YEAR COMMUNITY BLOCK GRANT FUND CONTINGENCIES to 73.56 - FIRE STATION 29.

See Item 126 for motion.

ITEM 105: Two Resolutions relative to the FINAL SUBDIVISION MAP of HALEMAKAI, a 1-lot subdivision located north of West Point Loma Boulevard and east of Nimitz Boulevard:

Subitem a: Adopted as Resolution 222362.

(R-79-849) Authorizing an AGREEMENT with Daon Corporation for the installation and completion of improvements; and

See Item 126 for motion.

Subitem b: Adopted as Resolution 222363.

(R-79-848) APPROVING THE FINAL MAP.

See Item 126 for motion.

ITEM 106: Adopted as Resolution 222364.

(R-79-257) GRANTING an EXTENSION OF TIME to July 31, 1979 to Surf View Development Co. and A and F Land Investment Company, Inc., for completion of improvements in DAIRY MART INTERNATIONAL SUBDIVISION.

See Item 126 for motion.

ITEM 107: Adopted as Resolution 222365.

(R-79-953) SETTING A PUBLIC HEARING on the INTENTION TO VACATE BROADWAY AT 31ST STREET.

See Item 126 for motion.

ITEM 108: Adopted as Resolution 222366.

(R-79-951) SETTING A PUBLIC HEARING on the INTENTION TO VACATE LORING STREET between Quincy Street and Lamarque Street.

See Item 126 for motion.

ITEM 109: Adopted as Resolution 222367.

(R-79-969) SETTING A PUBLIC HEARING on the INTENTION TO VACATE MONTECITO WAY between Fourth and Fifth Avenue; FIFTH AVENUE between Montecito Way and Lewis Street; LEWIS STREET easterly of Fourth Avenue.

See Item 126 for motion.

ITEM 110: Adopted as Resolution 222368.

(R-79-968) SETTING A PUBLIC HEARING on the INTENTION TO VACATE UPAS STREET between Ibis Street and Hawk Street.

See Item 126 for motion.

ITEM 111: Adopted as Resolution 222369.

(R-79-949) VACATING a portion of the NORTHWEST QUARTER of the SOUTHWEST QUARTER of SECTION 35, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, said property being surplus to City needs; authorizing the MAYOR and the CITY CLERK to execute a QUITCLAIM DEED, quitclaiming to J. Geoffrey and Ida M. Murray said property.

See Item 126 for motion.

ITEM 112: Adopted as Resolution 222370.

(R-79-944) VACATING an easement for waterline purposes affecting a portion of PUEBLO LOT 1109 of the PUEBLO LANDS OF SAN DIEGO, said property being surplus to City needs; authorizing the MAYOR and the CITY CLERK to execute a QUITCLAIM DEED, quitclaiming to Conrock Company said property.

See Item 126 for motion.

ITEM 113: Adopted as Resolution 222371.

(R-79-943) Authorizing the MAYOR and CITY CLERK to execute a DEED conveying to the San Diego Gas & Electric Company, an easement for overhead electrical facilities affecting CITY-OWNED PROPERTY in RANCHO SAN BERNARDO near Aguaniel Road and West Bernardo Drive.

See Item 126 for motion.

ITEM 114: Adopted as Resolution 222372.

(R-79-672) Authorizing the MAYOR and CITY CLERK to execute a DEED conveying to the San Diego Gas & Electric Company, an easement for an underground electrical system affecting a portion of the SOUTHWEST QUARTER of the SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN.

See Item 126 for motion.

ITEM 115: Adopted as Resolution 222373.

(R-79-1001) Approving the acceptance by the CITY MANAGER of PUBLIC ACCESS and OPEN SPACE EASEMENT DEED of Francis J. Pedace and Elizabeth Pedace conveying a permanent public easement for ingress and egress of pedestrians and a permanent public scenic open space easement across those portions of the UNNUMBERED LOT and NEPTUNIA RUPES in the FIRST ADDITION TO SOUTH LA JOLLA; authorizing an INDEMNIFICATION AND HOLD HARMLESS AGREEMENT whereby the City assumes responsibility for the maintenance of the above described easements.

See Item 126 for motion.

ITEM 116: Adopted as Resolution 222374.

(R-79-982) Approving the acceptance by the CITY MANAGER of STREET EASEMENT DEEDS of Robert and Lillian Wilcox, Plum and Richard Moran, Joseph and Mary Rizzo, Samuel and Ethel Lundgren, Pearl and Seymour Ostrow and Ralph and Yetta Goldvarg, conveying the permanent easement and right-of-way for a public street and incidents thereto, over, under, upon, along and across a portion of the SOUTHWEST QUARTER of SECTION 32, TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN; dedicating said land as and for a public street and naming the same TREENA STREET.

See Item 126 for motion.

ITEM 117: Adopted as Resolution 222375.

(R-79-942) Authorizing an AGREEMENT with George S. Nolte and Associates for ENGINEERING SERVICES required for the MISSION BAY SHORE PROTECTION; authorizing the EXPENDITURE of \$10,000 out of CAPITAL OUTLAY FUND 245, CIP 13-003 for said purpose.

Motion by Mitchell to adopt.

Second by Killea.

Passed Unanimously. Not present-3,M.

ITEM 118: Adopted as Resolution 222376.

(R-79-980) Authorizing a CONSENT TO ASSIGNMENT OF LEASE, pursuant to which James and Violet Huprich assign their rights in a lease from the City, of a portion of OCEAN BEACH PIER for a COFFEE SHOP AND BAIT CONCESSION, to Faud Deddeh and Frank Oraha.

See Item 126 for motion.

ITEM 119: Referred to Public Facilities and Recreation Committee.

(R-79-981) Authorizing the CITY MANAGER to solicit proposals for the exclusive right to provide STREET BUS BENCHES with ADVERTISING for a minimum period of five years; directing the CITY MANAGER to prepare proposed AMENDMENTS to the Municipal Code, Sections 62.0501 and 62.0502 to authorize the City's entering into such an AGREEMENT and to REMOVE THE EXISTING PROVISION that requires permittees to obtain the written consent of property owners adjacent to street benches prior to placement of such benches.

Motion by Stirling to refer.

Second by Killea.

Passed Unanimously. Not present-3,M.

ITEM 120: Adopted as Resolution 222377.

(R-79-686) Declaring that a SEMIANNUAL FEE of one hundred and fifty dollars (\$150), payable to the City Treasurer, prior to the time of license issuance or renewal, shall be established to defray the cost of twenty-five dollars (\$25) per inspection for each of SIX INSPECTIONS of PEEP SHOW ESTABLISHMENTS during each license period; authorizing the CITY MANAGER, where appropriate and necessary, to REVISE the INSPECTION FEE for peep show establishments.

See Item 126 for motion.

ITEM 121: Adopted as Resolution 222378.

(R-79-897) Authorizing the CITY PURCHASING AGENT to DONATE City inventoried surplus, obsolete books and other surplus, obsolete media to the SAN DIEGO FRIENDS OF THE LIBRARY and/or other NONPROFIT ORGANIZATIONS, for disposal as such organization may determine.

See Item 126 for motion.

ITEM 122: Adopted as Resolution 222379.

(R-79-961) Accepting the generous donation of \$400 from the Otay Mesa Homeowner's Association to assist the City in PROVIDING TWO PICNIC TABLES AT SILVERWING PARK; authorizing the EXPENDITURE of \$400 out of CAPITAL OUTLAY FUND 254 for the City's share of said improvement; COMMENDING the Otay Mesa Homeowner's Association for this act of CIVIC GENEROSITY and publicly expressing on behalf of the citizens of San Diego a debt of gratitude to the Otay Mesa Homeowner's Association.

See Item 126 for motion.

ITEM 123: Adopted as Resolution 222380.

(R-79-959) Accepting the generous donation of \$2,500 from the North Clairemont Little League to assist the City in CONSTRUCTING IMPROVEMENTS AT MT. ETNA PARK; authorizing the EXPENDITURE of \$2,500 out of CAPITAL OUTLAY FUND 245 for the City's share of said improvements; COMMENDING the North Clairemont Little League for this act of CIVIC GENEROSITY and publicly expressing on behalf of the citizens of San Diego a dept of gratitude to the North Clairemont Little League.

Motion by Schnaubelt to adopt.

Second by Stirling.

Passed Unanimously. Not present 3,M.

ITEM 124: Adopted as Resolution 222381.

(R-79-986) Approving AMENDMENT of all of the CONFLICT OF INTEREST CODES of the departments, boards and commissions of the City to provide that new employees appointed, promoted or transferred to designated positions shall file STATEMENTS OF FINANCIAL INTEREST not more than ten days after assuming office (or if subject to confirmation, ten days after being confirmed).

See Item 126 for motion.

ITEM 125: Adopted as Resolution 222382.

(R-79-983) Excusing COUNCILWOMAN MAUREEN O'CONNOR from the PUBLIC SERVICES AND SAFETY COMMITTEE MEETING of December 6, 1978, for the purpose of attending to METROPOLITAN TRANSIT MATTERS in Washington, D.C.

See Item 126 for motion.

ITEM 126: Adopted as Resolution 222383.

(R-79-937) Authorizing a member of the WATER UTILITIES DEPARTMENT to TRAVEL to Washington, D.C., March 25-30, 1979 to ADDRESS a WATER REUSE SYMPOSIUM on the subject of San Diego's plans for wastewater reclamation at the request of the American Water Works Association Research Foundation, and to incur all necessary expenses; authorizing the EXPENDITURE of \$677 from WATER OPERATING FUND 500 for the purpose of providing funds for said travel, lodging, meals and related expenses.

Motion by Stirling to adopt.

Second by Gade.

Passed Unanimously. Not present 3,M.

ITEM 150: Adopted as amended as Resolution 222384.

(R-79-999) Approving the Transportation and Land Use Committee RECOMMENDATIONS on those CITY-OWNED SITES numbered 5, 8A, 12, 17A, 20-A, 20-C&D, 21A, 22A, 23, 24A, 25B, 25C, 25D, 74, 109, 117, 123 and 135.

Motion by Stirling to adopt as amended except for Site 109B.

Second by Williams.

Passed Unanimously. Not present 3,M.

Motion by Stirling to refer Site 109B to Transportation and Land Use Committee.

Second by Williams

Passed Unanimously Not present 3,M.

ITEM 151: Adopted as Resolution 222385.

(R-79-850) (Continued from the Meeting of December 4, 1978 at the acting Mayor's request). Authorizing an AGREEMENT for the TRANSFER of \$37,500 to the San Diego County Local Development Corporation for the purpose of funding a portion of the CLEANCRAFT LINEN SUPPLY COMPANY'S DEVELOPMENT in the MARKET STREET INDUSTRIAL PARK.

Motion by Williams to adopt.

Second by Mitchell.

Passed. Yeas-1,2,4,5,7,8.

Nay-5. Not present 3,M.

ITEM 152: Adopted as Resolution 222386.

(R-79-1000) Directing the CITY MANAGER to continue in effect a MORATORIUM on NEIGHBORHOOD PARK SITE ACQUISITION pending review and adoption of revised General Plan Park Standards.

Motion by Stirling to adopt.
Second by Schnaubelt.
Passed. Yeas-2,4,5,6,7,8.
Nay-1. Not present 3,M.

ITEM 200: Continued to December 12, 1978.

(R-79-1007) Authorizing the FIRST AMENDMENT to OPERATING AGREEMENT OF 1977 with the San Diego Transit Corporation, MEMORIALIZING those certain terms and conditions set forth in said First Amendment to Agreement.

Motion by Gade to continue.
Second by Stirling.
Passed Unanimously. Not present 3,M.

ITEM 201: Adopted as Resolution 222387.

(R-79-985) Authorizing the EXPENDITURE of \$75,000 from TRANSIENT OCCUPANCY CONTINGENCY RESERVE FUND 223 and the EXPENDITURE of \$25,000 from TRANSIENT OCCUPANCY UNAPPROPRIATED RESERVE FUND 224 to REVISE THE BALBOA PARK MASTER PLAN.

Motion by Killea to adopt.
Second by Stirling.
Passed Unanimously. Not present 3,M.

ITEM 202: Continued to January 2, 1979.

(R-79-918) Authorizing a TEMPORARY USE AND OCCUPANCY PERMIT for the OLD GLOBE TEMPORARY THEATRE through October 31, 1979.

Motion by Killea to continue.
Second by Stirling.
Passed Unanimously. Not present 3,M.

ITEM 203: Adopted as Resolution 222388.

(R-79-535) Determining and declaring that the public interest, convenience and necessity of the City require the construction, operation and maintenance of a public street and incidents thereto, in portions of LOTS A-250 THROUGH A-256 INCLUSIVE OF ADDITION NO. 5 TO SAN YSIDRO and a portion of LOT A-190 OF ADDITION NO. 2 TO SAN YSIDRO; and that the public interest, convenience and necessity demand the acquisition of fee title to said property for said public street and incidents thereto and declaring the intention of the City to acquire said property under EMINENT DOMAIN PROCEEDINGS; and directing the CITY ATTORNEY to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of CONDEMNING and ACQUIRING said property.

Motion by Killea to adopt.
Second by Williams.
Passed. Yeas-1,2,4,6,7,8.
Nay-5. Not present 3,M.

ITEM 204: Continued to December 12, 1978.

Matter of four items relating to the PASSAGE OF PROPOSITION C on the June 6, 1978 Special Municipal Election:

Subitem a: (R-79-) Providing for the issuance of \$65,000,000 OPEN SPACE PARK BONDS OF 1978 of the SAN DIEGO OPEN SPACE PARK FACILITIES DISTRICT NO. 1;

Subitem b: (R-79-) Providing for the issuance of OPEN SPACE PARK BONDS OF 1978 SERIES 78A \$15,000,000;

Subitem c: (R-79-894 Rev.) Authorizing the CITY MANAGER to accept an OFFER from Jeffries Bank Note Company for the printing of an official statement, a supplemental selling brochure, a notice of sale inviting bids and such other underwriting documents as are customarily given wide circulation within the financial community for the first series of SAN DIEGO OPEN SPACE PARK BONDS OF 1978; authorizing the EXPENDITURE of not to exceed \$15,200 from ENVIRONMENTAL GROWTH FUND NO. 2505 for said services; and

Subitem d: (O-79-112) Amending Section 61.2004 of the San Diego Municipal Code relating to the SAN DIEGO PARK FACILITIES DISTRICT PROCEDURAL ORDINANCE.

Motion by Stirling to continue.
Second by Mitchell.
Passed Unanimously. Not present 3,M.

**UNANIMOUS
CONSENT #1:**

Adopted as Resolution 222389.

(R-79) Excusing Councilman Bill Lowery from Council and Committee meetings December 11-14, 1978, due to vacation.

Motion by Stirling to adopt.

Second by Gade.

Passed Unanimously. Not present 3,M.

**UNANIMOUS
CONSENT #2:**

Adopted as Resolution 222390.

(R-79-1062) Excusing Councilwoman Maureen O'Connor from Council Meeting of December 12, 1978 for the purpose of attending the California Housing Finance Agency.

Motion by Gade to adopt.

Second by Williams.

Passed Unanimously. Not present 3,M.

**UNANIMOUS
CONSENT #3:**

Adopted as Resolution 222391.

(R-79-1075) Amending Resolution 222225 to further provide the City's radio and television rights be waived for the "Holiday Bowl" post-season football game to be held in December 1978. This amendment is to confirm the original Council Resolution to the Council's action and intent of November 13, 1978.

Motion by Gade to adopt.

Second by Schnaubelt.

Passed Unanimously. Not present 3,M.

**UNANIMOUS
CONSENT #4**

Continued to December 12, 1978.

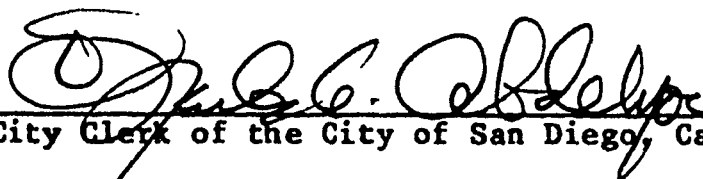
(R-79-857) City Manager to submit an application to the Federal Aid Urban Advisory Committee for funding eight (8) street improvement projects within the City of San Diego under the Federal Aid Urban Program for fiscal years 1979-1982.

Motion by Stirling to continue.

Second by Schnaubelt.

Passed Unanimously. Not present 3,8,M.

ADJOURNMENT: Meeting was adjourned by Deputy Mayor O'Connor at 4:58 p.m.



City Clerk of the City of San Diego, California