

MINUTES OF THE COUNCIL OF THE CITY OF SAN DIEGO
FOR THE REGULAR MEETING OF MONDAY, SEPTEMBER 17, 1979
IN THE CHAMBERS OF THE COUNCIL AT 2:00 P.M.

ATTENDANCE:

Present: Mayor Wilson (M), Councilmembers Mitchell (1), O'Connor (2), Lowery (3), Williams (4), Schnaubelt (5), Gade (6), Stirling (7), and Killea (8).
Clerk: Abdelnour.

Meeting called to order at 2:17 p.m. by Mayor Wilson.

Meeting recessed at 4:00 p.m. by Mayor Wilson.

Meeting reconvened at 4:20 p.m. by Mayor Wilson with Councilmembers O'Connor, Lowery, Williams, and Stirling not present.

Meeting adjourned at 5:50 p.m. by Mayor Wilson into Executive Session.

ITEM 1: Roll Call.
Present-Mayor Wilson, Councilmembers Mitchell, Schnaubelt, Gade, Stirling, and Killea.
Not present-Councilmembers O'Connor, Lowery, and Williams.

ITEM 10: Invocation given by Dr. Larry Dean.

ITEM 20: Pledge of Allegiance led by Councilmember Killea.

ITEM 30: Welcomed. (014 - 020)

Invitation to participate in various events related to the CABRILLO FESTIVAL WEEK, September 22 through September 30, 1979.

ITEM 50: Introduced, to be Adopted October 1, 1979.

(190 - 191)

(O-80-38) Establishing a NEW PARKING METER ZONE on SHELTER ISLAND DRIVE between Shafter Street and traffic circle 2,100 feet easterly of Shafter Street; declaring that a parking time limit of TWO HOURS shall be in effect between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted; authorizing the installation of parking meters and the necessary signs and markings.

See ITEM 116 for motion.

ITEM 100: Two Resolutions relative to AWARDING CONTRACTS:

(190 - 191)

Subitem a: Adopted as Resolution R-250209.

(R-80-436) Treebeard Landscape for furnishing complete LANDSCAPE MAINTENANCE OF DESIGNATED OPEN SPACE AREAS, RIGHTS OF WAY, AND CENTER ISLANDS within the Tierrasanta Assessment District, for a period of twelve months ending August 30, 1980, for an estimated cost of \$39,948, with an option to renew for four additional one year periods.

Subitem b: Adopted as Resolution R-250210.

(R-80-393) Federal Signal Corporation for the purchase of SEVENTY-FOUR SIRENS, for a total cost, including tax and terms, of \$15,664.47.

See ITEM 116 for motion.

ITEM 101: Adopted as Resolution R-250211.

(190 - 191)

(R-80-392) INVITING BIDS for CONSTRUCTION OF VIA ESPERIA STORM DRAIN FROM VIA APRILIA TO STATE PARK LAND - Specifications Document No. A-00002; authorizing a CONTRACT with the lowest responsible and reliable bidder; authorizing the EXPENDITURE, not to exceed \$85,000 from CIP NO. 11-177 for said project and related costs, and authorizing the AUDITOR AND COMPTROLLER, upon advice from the Administering Department to TRANSFER excess budgeted funds, if any, to the appropriate reserves.

See ITEM 116 for motion.

ITEM 102: Three Resolutions relative to the FINAL SUBDIVISION MAP of COLLWOOD MEADOWS, a 1-lot subdivision located southwesterly of Montezuma Road and Collwood Boulevard: (190 - 191)

Subitem a: Adopted as Resolution R-250212.

(R-80-446) Authorizing an AGREEMENT with Collwood Meadows, Ltd., for the installation and completion of improvements;

Subitem b: Adopted as Resolution R-250213.

(R-80-445) APPROVING THE FINAL MAP AND ACKNOWLEDGING RECEIPT OF SUBDIVIDER'S ASSURANCE OF COMPLIANCE WITH THE AFFIRMATIVE MARKETING PROGRAM; and

Subitem c: Adopted as Resolution R-250214.

(R-80-337) Authorizing the execution of a QUITCLAIM DEED, quitclaiming to COLLWOOD MEADOWS, LTD., all the City's right, title and interest in the SLOPE, DRAINAGE AND SEWER EASEMENTS.

See ITEM 116 for motion.

ITEM 103: Adopted as Resolution R-250215. (190 - 191)

(R-80-447) APPROVING THE FINAL SUBDIVISION MAP of CROMWELL COURTYARD, a 4-lot subdivision located at the northerly end of Cromwell Court.

See ITEM 116 for motion.

ITEM 104: Adopted as Resolution R-250216. (190 - 191)

(R-80-448) APPROVING THE FINAL SUBDIVISION MAP of KANTOR VIEW, a 1-lot subdivision located northeast of Milly Way and Camino Del Rio South:

See ITEM 116 for motion.

ITEM 105: Two Resolutions relative to the FINAL SUBDIVISION MAP of SKYLINE VILLAS, a 16-lot subdivision located southwest of Skyline Drive and 61st Street. (190 - 191)

Subitem a: Adopted as Resolution R-250217.

(R-80-354) Authorizing an AGREEMENT with Valencia View, for the installation and completion of improvements; and

Subitem b: Adopted as Resolution R-250218.

(R-80-353) APPROVING THE FINAL MAP.

See ITEM 116 for motion.

ITEM 106: Adopted as Resolution R-250219. (190 - 191)

(R-80-343) SETTING A PUBLIC HEARING on the INTENTION to VACATE a portion of MARILOU ROAD in LOT 4 of DELTA NO. 1, MAP 5007.

See ITEM 116 for motion.

ITEM 107: Adopted as Resolution R-250220. (190 - 191)

(R-80-345) SETTING A PUBLIC HEARING on the INTENTION to VACATE portions of LOTS 1381 and 1382 of MAP 3218 RESERVED FOR FUTURE STREET.

See ITEM 116 for motion.

ITEM 108: Adopted as Resolution R-250221. (190 -191)

(R-80-426) Approving the acceptance by the CITY MANAGER of STREET EASEMENT DEED of Von H. Moore and Judith B. Moore, conveying a permanent easement and right-of-way for a public street and incidents thereto, over, under, along and across a portion of LOT 10 OF BEACON HILL; dedicating said land as and for a public street and naming the same JAMACHA ROAD.

See ITEM 116 for motion.

ITEM 109: Adopted as Resolution R-250222. (190 - 191)

(R-80-428) Authorizing the execution of a DEED conveying to San Diego Gas & Electric Company an easement for underground and aboveground electrical facilities affecting portions of PUEBLO LOTS 1230 and 1231.

See ITEM 116 for motion.

ITEM 110: Adopted as Resolution R-250223. (190 - 191)

(R-80-429) Authorizing the execution of a DEED conveying to San Diego Gas & Electric Company an easement for underground and aboveground electrical facilities affecting a portion of RANCHO SAN BERNARDO.

See ITEM 116 for motion.

ITEM 111: Adopted as Resolution R-250224. (190 - 191)

(R-80-374) Authorizing an AGREEMENT with the County of San Diego to receive \$44,000 as REIMBURSEMENT for a portion of the contracts entered into for the Park and Recreation Department's 1979 summer Recreation Support Program, said funds are to be deposited in the RECREATION SUPPORT PROGRAM FUND 2653 and are available for allocation by Council resolution.

See ITEM for motion.

ITEM 112: Adopted as Resolution R-250225. (190 - 191)

(R-80-414) Authorizing two PIPE LINE LICENSE AGREEMENTS with the Atchison, Topeka and Santa Fe Railway Company for the CONSTRUCTION OF HARBOR DRIVE TRUNK SEWER (C.I.P. No. 43-126).

See ITEM 116 for motion.

ITEM 113: Adopted as Resolution R-250226. (190 - 191)

(R-80-398) Authorizing an AMENDMENT to the SUBDIVISION AGREEMENT for Villa La Jolla Unit No. 3, to provide for the SUBSTITUTION of La Jolla Village Square and La Jolla Village Center, for Donald L. Bren Company, as subdivider; accepting BOND NO. 2889573, issued by Safeco Insurance Company of America, in the amount of \$177,860, as improvement security for the performance of the public improvements, and RELEASING BOND NO. 7204119, issued by the American Insurance Company; declaring that the public improvements to be constructed pursuant to the aforementioned subdivision agreement shall be completed by July 1, 1980, as provided by the above amendment.

See ITEM 116 for motion.

ITEM 115: Adopted as Resolution R-250227. (190 - 191)

(R-80-373) Authorizing the EXPENDITURE of \$154,343 out of CAPITAL OUTLAY FUND 30245 for purchasing one 100-FOOT REAR MOUNTED AERIAL LADDER TRUCK and related equipment.

See ITEM 116 for motion.

ITEM 116: Adopted as Resolution R-250228. (190 - 191)

(R-80-432) Authorizing a representative of the POLICE DEPARTMENT to TRAVEL to Quantico, Virginia, for the purpose of attending the 119TH SESSION of the F.B.I. ACADEMY, during the period September 30 through December 14, 1979; authorizing the EXPENDITURE not to exceed \$400 from GENERAL FUND 100, DEPARTMENT 110, POLICE DEPARTMENT UNANTICIPATED TRAVEL, OBJECT ACCOUNT 4436, for the above purpose; declaring that the balance of expenses, excluding salary, shall be paid by the F.B.I.

MOTION FOR ITEMS 50 THROUGH 116 EXCEPT 114:

Motion by Lowery to introduce the ordinance
and adopt the resolutions.

Second by Schnaubelt.

Passed unanimously. Not present-2,6,7,8.

(106 - 174)

ITEM 207: Matter of a PUBLIC HEARING to consider objections to Council action in declaring the weeds, rubbish, refuse and dirt existing upon certain streets, sidewalks and private property to be a public nuisance and ordering the abatement pursuant to Resolution No. 250180 adopted on September 10, 1979.

Subitem a: Adopted as Resolution R-250229.

Overruling and denying each and every oral and written protest and objection made or filed in the matter of the proposed removal of weeds, refuse, rubbish and dirt.

Subitem b: Adopted as Resolution R-250230.

Ordering the Director of the General Services Department to abate said nuisance by having the weeds, rubbish, refuse and dirt removed.

Subitem c: Adopted as Resolution R-250231.

Authorizing the City Auditor and Comptroller to transfer \$25,000.00 from the Special Unallocated Reserve to fund the cost of removal of weeds, rubbish, refuse and dirt from certain street, sidewalks and private property, and authorizing the City Manager to execute a contract with Rowe Weed Abatement to perform Weed and Litter Abatement as may be required for a period of two (2) months beginning October 1, 1979 through November 30, 1979 in accordance with prices on file in the City's Purchasing Department.

ITEM 207: Continued.

Motion by Williams to close the hearing and direct staff to enforce abatement in regards to Mr. Tom Carlyon's request to hold action till escrow has an opportunity to clear. According to Mr. Carlyon one half of the land across the street from the office has been offered for sale and they have just made an offer for one half of the land, not yet in escrow but will be as soon as all minor details have been cleared up. Owners of both halves of the land plan to build which should commence in the first quarter of 1980. Mr. Carlyon's request is to hold clearing until escrow has an opportunity to clear so they do not have to do it again. (Parcel 548-020-19, 5010 Market, representing Goodall's Carter Bus Company)
Second by Killea.
Passed unanimously. Not present-2,7.

Motion by Williams to afford the 45-day extension at Mr. Barry Crane's request. According to Mr. Crane they fully plan to comply using volunteers to clear the land. A 45-day extension is requested to allow them to do it themselves. (Parcel 548-242-44, representing Catholic Diocese of San Diego)
Second by Lowery.
Passed unanimously. Not present-2,7.

Motion by Williams to close the hearing, instruct staff to work with property owners (Mr. Henry Wilson age 76, his mother-in-law age 95, and his wife age 70), perform the discing required, and abate the nuisance. Mr. Wilson indicated that they fully intend to comply. (Parcel 542-480-18)
Second by Gade.
Passed unanimously. Not present-2,7,8.

ITEM 207: Continued.

Motion by Williams to close the hearing, enforce abatement, if in fact there is a nuisance determined on the basis of photographic evidence, and instruct staff to work with Mr. Donald Norris in regards to his request to be exempted from the abatement. According to Mr. Norris it is not a nuisance. The property is used as a playground by the children in the neighborhood with about 2-3 inches of stubble, one cardboard box, one mattress, and a net. (Parcels 547-132-24 and 547-132-25, representing himself)
Second by Lowery.
Passed unanimously. Not present-2,7,8.

Motion by Williams to close the hearing, instruct staff to work with property owners, and enforce the abatement in regards to Mr. Dwright Wineteer's request to be exempted from the abatement. According to Mr. Wineteer the clearer he keeps the property the more people dump on it. (Parcels 546-131-04, 546-131-05, 546-131-06, 546-131-07, 546-131-08, and 546-131-09, representing himself)
Second by Lowery.
Passed unanimously. Not present-2,7,8.

Motion by Williams to close the hearing and direct staff to work with Mr. R. E. Muga on the abatement in regards to his request that the City hold action for one week after his plan is out of plan check so that he can grade and clear the property at the same time. According to Mr. Muga he submitted a building permit to the City about 10 days ago. (Parcel 548-130-03, representing himself)
Second by Gade.
Passed unanimously. Not present-,7,8.

ITEM 207: Continued.

Motion by Williams to adopt (a).
Second by Gade.
Passed unanimously. Not present-2,7,8.

Motion by Williams to adopt (b).
Second by Gade.
Passed unanimously. Not present-2,7,8.

Motion by Williams to adopt (c).
Second by Gade.
Passed unanimously. Not present-2,7,8.

ITEM S-404: (Continued from the Meetings of August 6 and September 10, 1979
at Councilman Mitchell's request.)

Two Resolutions relative to COMMUNITY PLANS:

Subitem a: Adopted as Amended as Resolution R-250232.

(R-80-129) Amending COUNCIL POLICY NO. 600-5; and

Subitem b: Adopted as Resolution R-250233.

(R-80-130) Directing the CITY MANAGER and PLANNING DIRECTOR to
work with the property owners and community planning groups for
the various communities to DEVELOP A SCHEDULE OF EVENTS for the
processing of these communities.

(Initiated by the TRANSPORTATION AND LAND USE COMMITTEE on
6-13-79. Recommendation to ADOPT. Districts 3, 4, 5, 7 and 8
voted yea.)

Motion by Schnaubelt to approve Mayor
Wilson's amendments.
Second by Lowery.
Passed unanimously.

ITEM S-404: Continued.

Motion by Williams to adopt with
amendments.
No second.

Motion by Lowery to adopt with Mayor
Wilson's amendment.
Second by Schnaubelt.
Passed unanimously.

ITEM S-408: Adopted as Resolution R-250234. (175 - 177)

(R-80-510) Authorizing an AGREEMENT with San Diego Kind Corporation for the purpose of accomplishing OFF-SITE IMPROVEMENTS and PAYMENT OF FEES required in the construction of San Diego Square, a HUD subsidized low-cost housing project located at 10th Avenue and "C" Street; authorizing the EXPENDITURE of not to exceed \$102,226 from the 1979 COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY RESERVE FUND NO. 18515 for said purpose and related costs.

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

ITEM S-410: Adopted as Amended as Resolution R-250235. (177 - 189)

Matter of EXTENDING THE EMPLOYMENT of 3 Groundskeepers whose positions were deleted from the FY 1980 Park and Recreation budget until they can be relocated.

Motion by Gade to adopt a resolution
extending not more than 60 days and
with the understanding to place
employees if positions become available.
Second by Williams.
Passed unanimously. Not present-2,7,8.

EXECUTIVE
SESSION NO. 1:

Adopted as Resolution R-250236.

Authorizing the City Manager to pay the sum of \$89,004.16 in the settlement of claims against the City resulting from increased costs and losses incurred by the contractor, Gentry-Rados in the contract for the Construction of Sedimentation Basins 5 and 6, Point Loma Wastewater Treatment Plan; authorizing the City Auditor and Comptroller to issue a warrant check in the sum of \$89,004.16 to Gentry-Rados in full settlement of all claims; and authorizing the City Auditor and Comptroller to transfer \$89,004.16 from the Sewer Revenue Fund to supplement Resolution No. 211373, which authorized the construction of Sedimentation Basins 5 and 6, Point Loma Wastewater Treatment Plan.

EXECUTIVE
SESSION NO. 2:

Adopted as Resolution R-250237.

Authorizing and empowering the City Manager to pay a total not to exceed \$8,000.00 in the settlement of each and every claim against The City of San Diego, its agent and employees, resulting from the back pay claim of LESLIE CROSS.

EXECUTIVE
SESSION NO. 3:

Adopted as Resolution R-250238.

Authorizing the City Attorney to settle condemnation action authorized by Resolution No. 221269, adopted June 27, 1978, entitled "The City of San Diego v. Salvatore Tringalei, et al.," Superior Court No. 419433, as to Parcel 1, and stipulate to a Judgment therein in the amount of \$197,500.00 which includes approximately \$4,950.00 in statutory interest; and authorizing the City Auditor and Comptroller to issue a check-warrant in the amount of \$21,000.00 to ROBERT D. ZUMWALT, COUNTY CLERK, and supplementing Resolution No. 221270 in the amount of \$12,000.00, in full settlement of Parcel 1.

EXECUTIVE
SESSION NO. 4:


Adopted as Resolution R-250239.

Authorizing and empowering the City Manager to pay the total sum of \$5,874.18 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to Tug's Tavery; and authorizing the City Auditor and Comptroller to issue two checks in the total amount of \$5,874.18: one to the contractor doing the repairs for \$5,534.40 payable to A & J Construction, and one to the owner of Tug's Tavern for \$339.78 made payable to George T. Warren, in full settlement of all claims.

ADJOURNMENT:

Adjourned at 5:50 p.m. by Mayor Wilson.

Mayor Wilson announced that Council would adjourn into Executive Session on pending litigation in the conference room on the west side of the 11th floor.



City Clerk of The City of San Diego, California