

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 8, 1980
AT 8:30 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Wilson at 8:43 a.m. Mayor Wilson recessed the meeting at 10:39 a.m. The meeting reconvened at 11:03 a.m. by Mayor Wilson with Councilmembers Mitchell, Cleator, and Lowery not present. Mayor Wilson recessed the meeting at 11:04 a.m. into Executive Session on pending litigation and meet and confer to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Wilson at 2:23 p.m. with Councilmember Lowery not present. The meeting was adjourned into Redevelopment Agency by Mayor Wilson at 2:24 p.m. The meeting was reconvened at 2:26 p.m. by Mayor Wilson with Councilmember Lowery not present. The meeting was adjourned by Mayor Wilson at 4:50 p.m. into Executive Session on meet and confer matters, and pending litigation which is to be held Wednesday, April 9, 1980, 10:00 a.m., 11th Floor Conference Room West.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Wilson-present.
- (1) Councilmember Mitchell-not present.
- (2) Councilmember Cleator-present.
- (3) Councilmember Lowery-present.
- (4) Councilmember Williams-present.
- (5) Councilmember Schnaubelt-present.
- (6) Councilmember Gotch-present.
- (7) Councilmember Stirling-present.
- (8) Councilmember Killea-present.

Clerk-Abdelnour (kb,bb)

CITY COUNCIL AGENDA:

ITEM-300: Clerk Abdelnour called the roll:

Mayor Wilson-present.
Councilmember Mitchell-not present.
Councilmember Cleator-present.
Councilmember Lowery-present.
Councilmember Williams-not present.
Councilmember Schnaubelt-not present.
Councilmember Gotch-present.
Councilmember Stirling-present.
Councilmember Killea-present.

ITEM-100: Two Resolutions relative to AWARDING CONTRACTS:

Subitem-A: (R-80-1744)

Chemwest Industries, Inc. for the purchase of FERRIC CHLORIDE as may be required for a period of one year ending April 30, 1981 for an actual estimated cost including terms and freight of \$380,291.67.

Subitem-B: (R-80-1689)

Palomar Pipe & SY for GROUP I, TORO SPRINKLERS AND PARTS and GROUP IV, HYDRO RAIN IRRIGATION VALVES AND PARTS; Pacific Products, Inc. for GROUP II, RAINBIRD SPRINKLERS AND PARTS; Hydro-Scape Products, Inc. for GROUP III, BUCKNER SPRINKLER AND PARTS all with an option to renew for an additional one-year period for a total estimated cost including tax and terms of \$152,000.

CITY COUNCIL ACTION: (Cassette tape location: B538-588).

Subitem-A adopted on Monday, April 7, 1980.

Subitem-B adopted as Resolution R-251558.

MOTION BY STIRLING TO ADOPT (B). Second by Killea. Passed by the following vote: Mitchell-not present. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

* ITEM-110: (R-80-1645)

Authorizing the execution of a FIVE-YEAR PREFERENTIAL NON-EXCLUSIVE USE AND OCCUPANCY PERMIT with the Hollins Lake Senior Recreational Facility, Inc. for development, operation and maintenance of a FISH FARM AND RECREATIONAL FACILITY for senior citizens and the general public.

(DISTRICT-7)

NOTE: See City Manager Report CMR-80-161.

CITY COUNCIL ACTION: (Cassette tape location: B593-638).

Adopted as amended as Resolution R-251559.

MOTION BY STIRLING TO ADOPT WITH PF&R'S CONDITION THAT THE PERMIT HOLDER PREPARE AND PRESENT A DEVELOPMENT PLAN TO THE MISSION TRAILS REGIONAL TASK FORCE WITHIN SIX MONTHS. DIRECTION WAS GIVEN TO THE CITY MANAGER TO COOPERATE IN THE DEVELOPMENT OF THE PLAN AND CONSIDER THE FEASIBILITY OF A PARK SENSITIVE MOBILE HOME PARK IN THE AREA. Second by Killea. Passed by the following vote: Mitchell-not present. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

ITEM-330: REZONING LOT B, BLOCK 384, HORTON'S ADDITION LOCKLING, MAP-369 (approximately 5,000 square feet), located on the east side of Third Avenue between Thorn Street and Spruce Street, in the Uptown Community Plan area, from ZONE R-3A to ZONE CO.

(DISTRICT-8)

(CASE-12-80-3)

Subitem-A: (R-80-1654)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-10-41 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

Subitem-B: (O-80-258)

INTRODUCTION of an ORDINANCE for CO Zoning.

CITY COUNCIL ACTION: (Cassette tape location: A079-B102).

Subitem-A adopted as Resolution R-251560.

Subitem-B introduced, to be adopted April 21, 1980.

Hearing began at 8:50 a.m. Hearing halted at 9:35 a.m.

Testimony in favor by James Milch.

Testimony in opposition by Jim Kelly Markham and Elinor Meadows.

Motion by Killea to close the hearing, adopt (a), and file (b) for CO Zoning. Second by Gotch. Defeated by the following vote: Yeas-4,6,8. Nays-2,3,5,7,M. Not present-1.

MOTION BY STIRLING TO CLOSE THE HEARING, ADOPT (A), AND INTRODUCE (B) FOR CO ZONING. Second by Lowery. Passed by the following vote: Mitchell-not present. Cleator-yea. Lowery-yea. Williams-nay. Schnaubelt-yea. Gotch-nay. Stirling-yea. Killea-nay. Mayor Wilson-yea.

ITEM-331: REZONING a portion of PUEBLO LOT 1323 of the PUEBLO LANDS OF SAN DIEGO, MISCELLANEOUS MAP-36 (approximately 1.95 acres), located on the west side of North Torrey Pines Road between Genesee Avenue and Torrey Pines Scenic Drive, in the University Community Plan area, from ZONE R-1-5 to ZONE SR.

(DISTRICT-1)

(CASE-36-80-1)

Subitem-A: (R-80-1655)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-10-35 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

Subitem-B: (O-80-259)

INTRODUCTION of an ORDINANCE for SR Zoning.

CITY COUNCIL ACTION: (Cassette tape location: A015-039).

Subitem-A adopted as Resolution R-251561.

Subitem-B introduced, to be adopted April 21, 1980.

Hearing began at 8:45 a.m. Hearing halted at 8:47 a.m.

MOTION BY GOTCH TO CLOSE THE HEARING, ADOPT (A), AND INTRODUCE (B) FOR SR ZONING. Second by Lowery. Passed by the following vote: Mitchell-not present. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

ITEM-332: REZONING a portion of SECTION 29, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.B.M. (approximately 20 acres), located east of I-15 and north of Erma Road, in the Scripps Miramar Ranch Community Plan area, from ZONE A-1-10 (portions HR) to ZONE R-2.

(DISTRICT-1)

(CASE-61-80-1)

Subitem-A: (R-80-1656)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT EIR-79-11-05 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council;

Subitem-B: (0-80-260)

INTRODUCTION of an ORDINANCE for R-2 Zoning; and

Subitem-C: (R-80-)

Adoption of a RESOLUTION containing the findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT NO. EIR-79-11-05.

CITY COUNCIL ACTION: (Cassette tape location: A041-077).

Subitem-A adopted as Resolution R-251562.

Subitem-B introduced, to be adopted April 21, 1980.

Subitem-C adopted as Resolution R-251563.

Hearing began at 8:47 a.m. Hearing halted at 8:50 a.m.

Schnaubelt in 8:49 a.m.

MOTION BY STIRLING TO CLOSE THE HEARING, ADOPT (A) AND (C), AND INTRODUCE (B) FOR R-2 ZONING. Second by Cleator. Passed by the following vote: Mitchell-not present. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

ITEM-333: (R-80-)

APPEAL of BONNIE DeANGELIS from the decision of the PLANNING COMMISSION in APPROVING CONDOMINIUM CONVERSION PERMIT CCP-69 which proposes the conversion of 157 existing apartment units (EASTGATE VILLAGE) to condominiums. The subject property is located on the north side of Eastgate Mall between Genesee Avenue and Easter Way in the R-3 ZONE, within the boundaries of the University North Community Plan, and is more particularly described as LOTS 3 and 4, GENESEE VISTA, MAP-6311.

(DISTRICT-1)

(CCP-69)

18 Today's action is adoption of a RESOLUTION granting the appeal and denying the permit, or denying the appeal and granting the permit with appropriate findings to support Council action.

CITY COUNCIL ACTION: (Cassette tape location: B106-532).

Appeal deemed denied and permit granted.

Hearing began at 9:35 a.m. Hearing halted at 10:03 a.m.

Motion by Killea to uphold the appeal because tenants were not notified in writing. Second by Gotch Defeated by the following vote: Yeas-4,6,8. Nays-2,3,5,7,M. Not present-1.

Due to the lack of five affirmative votes the appeal is deemed denied and permit stands as approved by Planning.

ITEM-334: (R-80-1398)

(Continued from the Meetings of February 19 and March 17, 1980 at Councilman Cleator's request.)
CONFIRMING the REPORT of the Superintendent (General Services Director) showing the COST OF WEED ABATEMENT against EACH PARCEL of land in said report; authorizing the SUPERINTENDENT to BILL PROPERTY OWNERS for the cost of abatement.

NOTE: See City Manager Report CMR-80-76.

CITY COUNCIL ACTION: (Cassette tape location: D132-G010).

Adopted as Resolution R-251567.

Motion by Cleator to eliminate overhead costs. Second by Mitchell. No vote:

Motion by Williams to sustain staff position and waive administrative costs for Dwight Wineteer. Second by Stirling. Passed by the following vote: Yeas-1, 2, 4, 6, 7, 8, M. Nays-None. Not present-3, 5.

Motion by Williams to sustain staff position and waive administrative costs for Sidney Cooper. Second by Gotch. No vote:

Testimony in opposition by Carroll Hamilton.

Motion by Mitchell to waive all charges for Sophie Zemen. Second by Cleator. Defeated by the following vote: Yeas-1, 2, 8. Nays-4, 6, 7, M. Not present-3, 5.

Motion by Williams to sustain staff position and waive administrative costs for George Oliphant. Second by Stirling. Passed by the following vote: Yeas-1, 4, 6, 7, 8, M. Nays-None. Not present-2, 3, 5.

Motion by Mitchell to reconsider denied appeal of James Falk from meeting of March 18, 1980. Second by Killea. Passed by the following vote: Yeas-1, 2, 4, 6, 7, 8, M. Nays-None. Not present-3, 5.

Motion by Mitchell to sustain staff position and waive administrative costs for James Falk. Second by Cleator. Passed by the following vote: Yeas-1, 2, 4, 6, 7, 8, M. Nays-None. Not present-3, 5.

MOTION BY WILLIAMS TO ADOPT AND WAIVE THE ADMINISTRATIVE COSTS FOR THE REMAINING PROTESTERS, AND CONTINUE THE PROTESTS TO APRIL 29, 1980, 2:00 P.M., WITH RESPECT TO THE CLEAN UP COSTS. ALSO, DIRECT CITY MANAGER TO NOTIFY PROPERTY OWNERS OF WEED ABATEMENT COSTS BY CERTIFIED MAIL (WITH RETURN RECEIPT) USING THE MOST RECENT MICROFICHE INFORMATION AVAILABLE AND BRING BACK ON DOCKET A REPORT AS TO ADMINISTRATIVE CHANGES MADE. Second by Cleator. Passed by the following vote: Mitchell-yea. Cleator-yea Lowery-not present. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

ITEM-335: (R-80-1373)

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the IMPERIAL AVENUE (32nd Street to Wabash Boulevard) UNDERGROUND UTILITY DISTRICT.

(DISTRICT-4.)

Today's action is adoption of a RESOLUTION declaring the area an Underground Utility District.

CITY COUNCIL ACTION: (Cassette tape location: G203-250).

Adopted as Resolution R-251568.

Hearing began at 4:46 p.m. Hearing halted at 4:50 p.m.

MOTION BY WILLIAMS TO CLOSE HEARING AND ADOPT.. Second by Killea.
Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-not
present. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-not
present. Killea-yea. Mayor Wilson-yea.

ITEM-336: Three Resolutions relative to the IMPROVEMENT OF IMPERIAL AVENUE:

Subitem-A: (R-80-1783)

FINDINGS MUST BE MADE PRIOR TO COUNCIL ADOPTION.

Determining and declaring that the public interest, convenience and necessity of the City require the construction, operation and maintenance of a public street or streets and incidents thereto in portions of LOTS 7 THROUGH 10, and LOTS 21 THROUGH 26, in BLOCK 134 of CENTRAL PARK, MAP-435, a portion of LOT 1 IN IMPERIAL VILLAGE, MAP-2576, portions of LOTS 1 THROUGH 14 IN BLOCK 1 OF SPRING GARDEN TRACT, MAP-1331, and portions of the SOUTHWEST QUARTER OF PUEBLO LOT 1152 of the PUEBLO LANDS OF SAN DIEGO; and that the public interest, convenience and necessity demand the acquisition of fee title and easements in said property for said public street or streets and incidents thereto, together with slope or slopes and incidents thereto; and declaring the intention of the City to acquire said property and easements under EMINENT DOMAIN PROCEEDINGS; 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 and easements.

Subitem-B: (R-80-1784)

Authorizing the EXPENDITURE of \$55,000 from GAS TAX FUNDS for the ACQUISITION of the necessary rights of way for the above improvement.

Subitem-C: (R-80-1785)

Certifying that the information contained in NEGATIVE DECLARATION END-77-04-23C 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.

(DISTRICT-4)

NOTE: See City Manager Report CMR-80-185.

CITY COUNCIL ACTION: (Cassette tape location: G010-203).

Subitem-A adopted as Resolution R-251569.

Subitem-B adopted as Resolution R-251570.

Subitem-C adopted as Resolution R-251571.

MOTION BY WILLIAMS TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-not present. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-not present. Killea-yea. Mayor Wilson-yea.

ITEM-S402: (R-80-1376)

(Continued from the Meetings of March 10, 17, 24 and 31, 1980 at the City Manager's request.)

Approving the use of CITY-OWNED PROPERTY at Aero Drive and Ruffin Road for the EASTERN AREA POLICE SUBSTATION; authorizing the CITY MANAGER to PROCEED with preparations to OPERATE the said Substation with PORTABLE FACILITIES until permanent facilities can be constructed.

NOTE: See City Manager Report CMR-80-11.

02269

CITY COUNCIL ACTION: (Cassette tape location: B643-C331 and D056-132).

Referred to Public Services and Safety Committee.

Motion by Killea to continue before Council. No second.

MOTION BY STIRLING TO REFER BACK TO PUBLIC SERVICES AND SAFETY COMMITTEE FOR FURTHER REVIEW OF LOCATION AND FACILITIES. Second by Schnaubelt. Passed by the following vote: Mitchell-yea. Cleator-nay. Lowery-nay. Williams-yea. Schnaubelt-yea. Gotch-yea. Stirling-yea. Killea-nay. Mayor Wilson-nay.

ITEM-S500: (R-80-1775)

Authorizing a PUBLIC HEARING to be held regarding a proposed DISPOSITION AND DEVELOPMENT AGREEMENT executed by Lions Community Service Corporation and on the PROPOSED SALE of property pursuant to the MARINA REDEVELOPMENT PROJECT; authorizing and consenting to holding such public hearing in conjunction, concurrent, and jointly with that to be held by the REDEVELOPMENT AGENCY of the City.

CITY COUNCIL ACTION: (Cassette tape location: D031-050).
Adopted as Resolution R-251572.

MOTION BY STIRLING TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-not present. Williams-yea. Schnaubelt-yea. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

NOTE-1: Welcoming 75 students from Toler Elementary School. (District 6)

CITY COUNCIL ACTION: (Cassette tape location: A660).

Welcomed.

ES-1: (R-80-1898)

A Resolution adopted by the City Council in Executive Session on April 8, 1980:

Authorizing and empowering the City Manager to pay the sum of \$61,170.40 in satisfaction of judgment against the City of San Diego, its agents and employees (S. Lydia Stein, et al. v. The City of San Diego, et al., Superior Court No. 391473) resulting from the death of Patricia Ann Stein; authorizing the City Auditor and Comptroller to issue one check from Public Liability Reserve Fund (81140) in the amount of \$61,170.40 payable to S. Lydia Stein, Victor Michael Stein, Carol Ann Packard and their Attorney Ernest F. Yates in satisfaction of judgment.

CITY COUNCIL ACTION:

Adopted as Resolution R-251564.

ES-2: (R-80-1899)

A Resolution adopted by the City Council in Executive Session on April 8, 1980:

Authorizing and empowering the City Manager to pay the sum of \$98,272.80 in full and final settlement of all claims against the City of San Diego, its agents and employees for damage to the property of Pauline Cantrell as a result of failure to repair storm drain under her residence; authorizing the City Auditor and Comptroller to issue one check from Public Liability Reserve Fund (81140) in the amount of \$98,272.80 made payable to Pauline E. Cantrell.

CITY COUNCIL ACTION:

Adopted as Resolution R-251565.

ES-3: (R-80-1900)

A Resolution adopted by the City Council in Executive Session on April 8, 1980.:

Authorizing the Auditor and Comptroller to transfer the sum of \$250,000.00 from the Public Liability Reserve Fund (81140) to Claims (60100) to provide funds to be used solely and exclusively for payment of certain claims against the City of San Diego for the remainder of the Fiscal Year 1980.

CITY COUNCIL ACTION:

Adopted as Resolution R-251566.

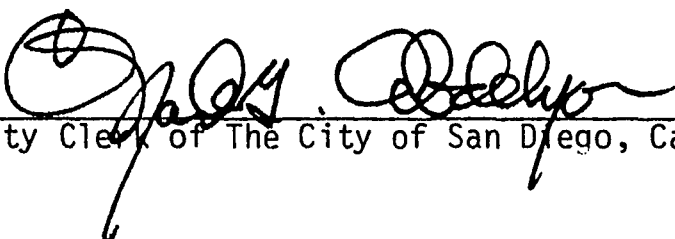
ES-4: (R-80-1940)

A Resolution adopted by the City Council in Executive Session on April 9, 1980:

Casa de Dorado Associates vs. the City of San Diego City Council regarding Condominium Conversion Permit No. 13.

CITY COUNCIL ACTION:

Adopted as Resolution R-251573.



City Clerk of The City of San Diego, California