

FILE: Minutes File

DESCRIPTION:

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 28, 1980.
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Wilson at 2:16 p.m. and recessed by Mayor Wilson at 3:34 p.m. The meeting was reconvened by Mayor Wilson at 3:51 p.m. with Councilmembers Mitchell, Lowery, Williams, Schnaubelt and Stirling not present. Mayor Wilson adjourned the meeting at 5:17 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Wilson-present.

(1) Councilmember Mitchell-present.

(2) Councilmember Cleator-present.

(3) Councilmember Lowery-present.

(4) Councilmember Williams-excused by R-252452 (for vacation).

(5) Councilmember Schnaubelt-excused by R-252371 (for vacation).

(6) Councilmember Gotch-present.

(7) Councilmember Stirling-present.

(8) Councilmember Killea-present.

Clerk-Abdelnour (eb)

Jul-28-1980 ITEM-1:

FILE: Minutes File

DESCRIPTION:

Clerk Abdelnour:

Mayor Wilson-present.

Councilmember Mitchell-present.

Councilmember Cleator-present.

Councilmember Lowery-present.

Councilmember Williams-not present.

Councilmember Schnaubelt-not present.

Councilmember Gotch-present.

Councilmember Stirling-present.

Councilmember Killea-present.

Jul-28-1980 ITEM-10:

FILE: Minutes File

DESCRIPTION:

Invocation was given by City Manager Blair.

Jul-28-1980 ITEM-20:

FILE: Minutes File

DESCRIPTION:

Pledge of Allegiance was led by Councilmember Gotch.

Jul-28-1980 ITEM-30:

FILE: PERM PRD-194.

DESCRIPTION:

Matter of a REQUEST by McDONALD, HECHT & WORLEY, by Paul E. Robinson, for a hearing of an APPEAL from the decision of the PLANNING COMMISSION in DENYING PLANNED RESIDENTIAL DEVELOPMENT PERMIT PRD-194, to construct 13 dwelling units

with parking and landscaping on 3.52 acres in the R-1-20 (proposed R-1-10 ZONE) and within the Mission-Pacific Beach Community Plan. The subject property is located on the north side of Loring Street, east of Windsor Drive and is more particularly described as a portion of LOT 11, PACIFIC BEACH, MAP-854 and a portion of LOT 26, SOLEDAD TERRACE, MAP-1618. (DISTRICT-6) Today's action is a motion granting or denying the request for a hearing of the appeal.

COUNCIL ACTION: (Tape location: A040).

Continued to August 25, 1980.

MOTION BY STIRLING TO CONTINUE TO AUGUST 25, 1980 AT COUNCILMAN STIRLING'S

REQUEST. Second by Lowery. Passed by the following vote: Mitchell-yea.

Cleator-yea. Lowery-yea. Williams-not present. Schnaubelt-not present.

Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Jul-28-1980 ITEM-31:

FILE: MEET

DESCRIPTION:

Approval of the Council Minutes for the Meetings of:

06/24/80 Adjourned to 06/25/80 A.M.

07/07/80 P.M.

07/08/80 A.M. and P.M.

COUNCIL ACTION: (Tape location: A476).

Approved.

MOTION BY LOWERY TO APPROVE. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-50:

FILE: ZONE Z-Case-38-78-5/EOT1.

DESCRIPTION:

(O-80-333) AMENDING Section 1 of Ordinance No. O-12545 (New Series), adopted January 2, 1979, INCORPORATING portions of PUEBLO LOTS 1278, 1293, 1302 and 1303 of the PUEBLO LANDS OF SAN DIEGO, MISCELLANEOUS MAP-36 into R-2A ZONE,

located on the east side of Genesee Avenue between Nobel Drive and AT&SF Railroad right-of-way - extension of time to August 1, 1982.

(CASE-38-78-5/EOT1. Introduced on 7/14/80. Council voted 7-0. District 3 and present.)

COUNCIL ACTION: (Tape location: A485).

Adopted as Ordinance O-15299 (New Series).

MOTION BY GOTCH TO DISPENSE WITH THE READING AND ADOPT. Second by Lowery.

Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea.

Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Jul-28-1980 * ITEM-51:

FILE: ZONE Z-Case-45-80-1.

DESCRIPTION:

(O-80-298) (Continued from the Meetings of June 2, 16 and 30, and July 14, 1980 at the petitioner's request.) Incorporating a portion of PARCEL NO. 2, PARCEL MAP PM-6224 and PARCEL A, PARCEL MAP PM-7345 (approximately 5.9 acres), located on the west side of Rancho Penasquitos Boulevard between I-15 and Paseo Montril, in the Penasquitos East Community Plan Area, into CA ZONE.

(DISTRICT-1) (CASE-45-80-1. Introduced 5/20/80. Council voted 6-0.

Districts 4, 7 and Mayor not present.)

COUNCIL ACTION: (Tape location: A020).

Continued to August 25, 1980.

MOTION BY KILLEA TO CONTINUE TO AUGUST 25, 1980, AT CITY MANAGER'S REQUEST.

Second by Lowery. Passed by the following vote: Mitchell-yea. Cleator-yea.

Lowery-yea. Williams-not present. Schnaubelt-not present. Gotch-yea.

Stirling-yea. Killea-yea. Mayor Wilson-yea.

Jul-28-1980 * ITEM-52:

FILE: ZONE Z-Case-60-78-3/EOT1.

DESCRIPTION:

(O-80-332) AMENDING Section I of Ordinance No. O-12449 (New Series), adopted October 2, 1978, INCORPORATING a portion of the EAST 1/2 of the NORTHEAST 1/4 of the SOUTHEAST 1/4 of SECTION 23, TOWNSHIP 14 SOUTH, RANGE 4 WEST, S.B.B.M.,

into R-1-10 ZONE, located on the north side of Carmel Valley Road adjacent to the Del Mar City Limits between Torrey Pines Road and Caminito Del Barro - extension of time to November 27, 1980. (CASE-60-78-3/EOT1. Introduced on 7/14/80. Council voted 7-0. District 3 and Mayor not present.)

COUNCIL ACTION: (Tape location: A485).

Adopted as Ordinance O-15300 (New Series).

MOTION BY GOTCH TO DISPENSE WITH THE READING AND ADOPT. Second by Lowery.

Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea.

Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Jul-28-1980 * ITEM-53:

FILE: MEET

DESCRIPTION:

(O-80-318 Rev.) Amending Chapter II, Article 1, of the San Diego Municipal Code by AMENDING SECTION 21.04 relating to HOLIDAYS. (Introduced on 7/15/80. Council voted 6-0. Districts 1, 3 and Mayor not present.)

COUNCIL ACTION: (Tape location: A485).

Adopted as Ordinance O-15301 (New Series).

MOTION BY GOTCH TO DISPENSE WITH THE READING AND ADOPT. Second by Lowery.

Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea.

Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Jul-28-1980 * ITEM-54:

FILE: MEET

DESCRIPTION:

(O-80-324 Rev.) Amending Chapter II, Article 3, Divisions 11 and 12 of the San Diego Municipal Code, by AMENDING SECTION 23.1101 (Rule X, Section 1); SECTION 23.1103 (Rule X, Section 3); SECTION 23.1104 (Rule X, Section 4); DELETING SECTION 23.1111 (Rule X, Section 11); RETITLING DIVISION 12 and ADDING SECTION 23.1209 (Rule XI, Section 9); and amending Chapter II, Article 2, Division 10 of the San Diego Municipal Code by ADDING SECTION 22.1019 all relating to LEAVES OF ABSENCE AND RESIGNATION, REMOVAL, SUSPENSION AND REDUCTION IN

COMPENSATION. (Introduced on 7/15/80. Council voted 6-0. Districts 1, 3 and Mayor not present.)

COUNCIL ACTION: (Tape location: A485).

Adopted as Ordinance O-15302 (New Series).

MOTION BY GOTCH TO DISPENSE WITH THE READING AND ADOPT. Second by Lowery.

Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea.

Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea.
Killea-yea. Mayor Wilson-yea.

Jul-28-1980 * ITEM-55:

FILE: MEET

DESCRIPTION:

(O-80-305) Amending Chapter II, Article 3, Division 13 of the San Diego Municipal Code, by AMENDING SECTION 23.1302 (Rule XII, Section 2) relating to PERFORMANCE RATINGS. (Introduced on 7/15/80. Council voted 6-0. Districts 1, 3 and Mayor not present.)

COUNCIL ACTION: (Tape location: A485).

Adopted as Ordinance O-15303 (New Series).

MOTION BY GOTCH TO DISPENSE WITH THE READING AND ADOPT. Second by Lowery.

Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea.

Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Jul-28-1980 * ITEM-56:

FILE: MEET

DESCRIPTION:

(O-80-309 Rev.) Amending Chapter VII, Article 5, Division 1 of the San Diego Municipal Code by AMENDING SECTIONS 75.0104 and 75.0109 relating to ISSUANCE AND DENIAL OF TAXICAB PERMITS. (Introduced as amended on 7/14/80. Council voted 7-0. District 3 and Mayor not present.)

COUNCIL ACTION: (Tape location: A485).

Adopted as Ordinance O-15304 (New Series).

MOTION BY GOTCH TO DISPENSE WITH THE READING AND ADOPT. Second by Lowery.

Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea.

Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Jul-28-1980 * ITEM-57:

FILE: MEET

DESCRIPTION:

(O-80-326) RESCINDING Ordinance No. O-15166 (New Series) relating to a Planned Commercial Development Permit in the Mesa Shopping Center East. (DISTRICT-1)

COUNCIL ACTION: (Tape location: A507-519).

Introduced, to be adopted August 11, 1980.

MOTION BY LOWERY TO INTRODUCE. Second by Gotch. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-yea.

Jul-28-1980 * ITEM-100:

FILE: MEET

DESCRIPTION:

Three Resolutions relative to AWARDDING CONTRACTS:

Subitem-A: (R-81-67)

For the purchase of CONCRETE UTILITY AND WATER METER BOXES as may be required for a one-year period ending July 31, 1981: Brooks Products, Inc. for SECTION I (Items 1 and 2); Precast Concrete Co., Inc. for SECTION II (Items 3 through 8) at prices not to exceed 15% of bid price for an actual estimated cost including tax and terms of \$182,804.42 with an option to renew for an additional one-year period.

Subitem-B: (R-80-2561)

Sim J. Harris Company for the purchase of OIL-MIX BLENDING SERVICE as may be required for a twelve-month period ending July 31, 1981 for an estimated cost including terms of \$52,400.

Subitem-C: (R-80-2560)

Anacomp Micrographics for furnishing MICROFILM AND PROCESSING SERVICE as may be required for a one-year period ending July 31, 1981 for an estimated cost including tax and terms of \$27,825.

COUNCIL ACTION: (Tape location: A520-558).

Subitem-A adopted as Resolution R-252337.

Subitem-B adopted as Resolution R-252338.

Subitem-C adopted as Resolution R-252339.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-101:

FILE: MEET

DESCRIPTION:

(R-81-57) Authorizing the CITY MANAGER to DONATE TWO VARIAN 520i BASIC COMPUTER SYSTEMS to SAN DIEGO STATE UNIVERSITY, said equipment is so used, obsolete and depreciated and no longer needed for City use.

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252340.

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

Jul-28-1980 * ITEM-102:

FILE: SUBD Concord Square Unit No. 2.

DESCRIPTION:

Two Resolutions relative to the FINAL SUBDIVISION MAP of CONCORD SQUARE UNIT
NO. 2, a 4-lot subdivision located easterly of Camino Ruiz and Westmore Road:
(DISTRICT-1)

Subitem-A: (R-80-2513)

Authorizing the execution of an AGREEMENT with Pardee Construction Company for
the installation and completion of improvements.

Subitem-B: (R-80-2512)

Approving the FINAL MAP and acknowledging receipt of SUBDIVIDER'S ASSURANCE OF
COMPLIANCE with the affirmative marketing program.

COUNCIL ACTION: (Tape location: A520-558).

Subitem-A adopted as Resolution R-252341.

Subitem-B adopted as Resolution R-252342.

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

Jul-28-1980 * ITEM-103:

FILE: SUBD Summer House Tract.

DESCRIPTION:

(R-81-86) RESCINDING Resolution No. R-216850; authorizing the CITY MANAGER to
accept the work in connection with SUMMER HOUSE TRACT subdivision and to
execute a NOTICE OF COMPLETION, to have said notice recorded, and to RELEASE
the IMPROVEMENT BONDS; authorizing the CITY ATTORNEY to DISMISS the LAWSUIT
"City of San Diego v. H & M Investments, et al." Superior Court No. 391160.
(DISTRICT-1)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252343.

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

Jul-28-1980 * ITEM-104:

FILE: STRT J-2327 and DEED F-219.

DESCRIPTION:

(R-80-2449) VACATING DELLWOOD STREET southerly of Othello Avenue on Resolution of Intention No. R-252158. (DISTRICT-5)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252344.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-105:

FILE: STRT J-2325 and DEED F-220.

DESCRIPTION:

(R-80-2293) VACATING GUY STREET on Resolution of Intention No. R-252092.

(DISTRICT-2)

COUNCIL ACTION: (Tape location: C573-D144).

Continued to August 25, 1980.

MOTION BY CLEATOR TO CLOSE THE HEARING AND CONTINUE TO AUGUST 25, 1980 AT

COUNCILMAN CLEATOR'S REQUEST. Second by Mitchell. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-not present. Killea-yea. Mayor

Wilson-yea.

Jul-28-1980 * ITEM-106:

FILE: STRT J-2335.

DESCRIPTION:

(R-81-98) SETTING A PUBLIC HEARING on the INTENTION to VACATE INDIA AND COLUMBIA STREETS between "E" and "G" Streets, and "E" and "F" STREETS between Kettner Boulevard and State Street. (DISTRICT-8)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252345.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-107:

FILE: STRT J-2333.

DESCRIPTION:

(R-81-32) SETTING A PUBLIC HEARING on the INTENTION to VACATE a portion of MENLO AVENUE between Olive Street and vacated Maple Street. (DISTRICT-3)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252346.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-108:

FILE: STRT J-2334.

DESCRIPTION:

(R-81-1) SETTING A PUBLIC HEARING on the INTENTION to VACATE 43RD STREET easterly of Home Avenue and I-805, and adjacent to LOT 5, VALLE GRANADO, being also PARCEL MAP-3429. (DISTRICT-3)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252347.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-109:

FILE: DEED F-221.

DESCRIPTION:

(R-81-62) Authorizing the MAYOR and CITY CLERK to execute a DEED conveying to San Diego Gas & Electric Company, an easement for overhead electrical facilities affecting a portion of SECTION 31, TOWNSHIP 12 SOUTH, RANGE 1 WEST, S.B.M.

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252348.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-110:

FILE: DEED F-222.

DESCRIPTION:

(R-81-47) Approving the acceptance by the CITY MANAGER of STREET EASEMENT DEED of Thomas and Jayne McLaughlin, conveying to City an easement for public street purposes over, along and across a portion of LOT 13, BLOCK 14 of ENCANTO HEIGHTS, MAP-1063; dedicating said land therein as and for a public

street and naming the same MADERA STREET. (DISTRICT-3)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252349.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-111:

FILE: DEED F-223.

DESCRIPTION:

(R-81-45) SETTING ASIDE and DEDICATING as and for a public street a portion of BLOCKS 357 and 386 of OLD SAN DIEGO and naming the same NAPA STREET; renaming a portion of GAINES STREET to NAPA STREET. (DISTRICT-6)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252350.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea.

Mayor Wilson-yea.

Jul-28-1980 * ITEM-112:

FILE: DEED F-224.

DESCRIPTION:

(R-81-46) Approving the acceptance by the CITY MANAGER of Street Easement Deed of Good Samaritan Church of San Diego, conveying to City the permanent easement and right-of-way for a public street and incidents thereto, over, under, upon, along and across a portion of QUARTER SECTION LOT 27 of RANCHO DE LA NACION; dedicating said land therein as and for public streets and naming PARCEL 1, SKYLINE DRIVE and PARCEL 2, WOODBINE WAY. (DISTRICT-4)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252351.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-113:

FILE: MEET

DESCRIPTION:

(R-81-87) Authorizing the execution of an AGREEMENT with Proprietary Computer Systems, Inc. for COMPUTER TIME-SHARING SERVICES for a period of one year ending June 30, 1981 for a sum not to exceed \$20,000.

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252352.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-114:

FILE: MEET

DESCRIPTION:

(R-81-80) Authorizing the execution of UTILITIES AGREEMENT NO. 15285 with the State Department of Transportation for RELOCATION of WATER FACILITIES on INTERSTATE 15 between 0.5 mile south and 0.6 mile north of Miramar Road.

(DISTRICT-1)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252353.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-115:

FILE: DEED F-225.

DESCRIPTION:

(R-81-63) Authorizing the execution of an AGREEMENT TO PURCHASE TAX DEEDED PROPERTY for the purpose of purchasing a portion of SECTION 27, TOWNSHIP 18 SOUTH, RANGE 2 WEST, S.B.M.; dedicating said land therein as and for a public street and naming the same MADDEN AVENUE; authorizing the EXPENDITURE not to exceed \$450 from CIP-52-010.2, CORONADO AVENUE, for acquisition costs and related expenses. (DISTRICT-8)

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252354.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-116:

FILE: MEET

DESCRIPTION:

(R-80-2423) Approving the CONFLICT OF INTEREST CODE of the LAND DEVELOPMENT ADVISORY BOARD submitted pursuant to the POLITICAL REFORM ACT OF 1974, as amended.

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252355.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 * ITEM-117:

FILE: MEET

DESCRIPTION:

(R-81-66) Authorizing the CITY MANAGER to amend the current CITY LANDFILL FEE SCHEDULE AND REGULATIONS to INCLUDE a \$15 PROCESSING FEE per month on all DELINQUENT LANDFILL DISPOSAL FEE DEFERRED PAYMENT ACCOUNTS, such fees to

become effective thirty days after adoption of this resolution.

COUNCIL ACTION: (Tape location: A520-558).

Adopted as Resolution R-252356.

MOTION BY LOWERY TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor

Wilson-ye

Jul-28-1980 ITEM-200:

FILE: MEET

DESCRIPTION:

Four Resolutions relative to AGREEMENTS with COMMUNITY AGENCIES:

Subitem-A: (R-81-88)

Authorizing the execution of a FIRST AMENDMENT to AGREEMENT with Alpha Project of San Diego, Inc. for PERSONAL and FAMILY PROBLEM COUNSELING and GUIDANCE for

the period July 1, 1980 through June 30, 1981 for a sum not to exceed \$6,510.

Subitem-B: (R-81-89)

Authorizing the execution of a FIRST AMENDMENT to AGREEMENT with the San Diego Urban League, Inc. for COUNSELING SERVICES in connection with a FAMILY EDUCATIONAL DEVELOPMENT PROGRAM for the period July 1, 1980 through June 30, 1981 for a sum not to exceed \$47,997.

Subitem-C: (R-81-90)

Authorizing the execution of a FIRST AMENDMENT to AGREEMENT with the San Ysidro Elementary School District for CONTRACTUAL SERVICES in regard to ECONOMIC OPPORTUNITY TRAINING for preschool and kindergarten through eighth grade students for the period July 1, 1980 through June 30, 1981 for a sum not

to exceed \$130,291.

Subitem-D: (R-81-91)

Authorizing the execution of a FIRST AMENDMENT to AGREEMENT with the Legal Aid Society of San Diego, Inc. for LEGAL ASSISTANCE for the period July 1, 1980 through June 30, 1981 for a sum not to exceed \$300,000.

COUNCIL ACTION: (Tape location: D165).

Subitem-A adopted as Resolution R-252357.

Subitem-B adopted as Resolution R-252358.

Subitem-C adopted as Resolution R-252359.

Subitem-D adopted as Resolution R-252360.

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

Jul-28-1980 ITEM-201:

FILE: STRT D-2190.

DESCRIPTION:

(R-81-40) Authorizing the execution of an AGREEMENT with Stone & Youngberg Municipal Financing Consultants for PROFESSIONAL SERVICES with respect to the sale of bonds under the Improvement Bond Act of 1915 for the CONSTRUCTION of CAMINO DEL NORTE (SA-680); authorizing the EXPENDITURE not to exceed \$5,000 from CAPITAL OUTLAY FUND 245 (CIP-52-255) for the above services should the project be abandoned prior to sale of the bonds. (DISTRICT-1)

COUNCIL ACTION: (Tape location: D206).

Adopted as Resolution R-252361.

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

Jul-28-1980 ITEM-202:

FILE: MEET

DESCRIPTION:

(R-81-85) Authorizing the TRANSFER of \$520,942 from CAPITAL OUTLAY INDUSTRIAL DEVELOPMENT FUND to the DELLS REDEVELOPMENT PROJECT FUND for construction of

public improvements in said project; declaring that this TRANSFER shall be in the nature of a LOAN to be REIMBURSED to the City from FUTURE TAX INCREMENTS

or other available Dells Redevelopment Project funds. (DISTRICTS-4 and 8)
COUNCIL ACTION: (Tape location: D268).

Adopted as Resolution R-252362.

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

Jul-28-1980 ITEM-203:

FILE: MEET

DESCRIPTION:

(R-81-85) DISBURSEMENT from the City to the REDEVELOPMENT AGENCY of
\$1,746,000
from FUND NO. 10227, CONTRIBUTIONS to the REDEVELOPMENT AGENCY for the
purpose
of ASSEMBLY of a PARKING SITE; declaring that said DISBURSEMENT is an ADVANCE
of funds from CIP-52-286 (Public Improvements in the Marina/Columbia
Residential Project) and CIP-52-0203.1 (Harbor Drive Realignment) to be REPAID
to the City within FISCAL YEAR 1981 from HORTON PLAZA DISPOSITION proceeds and
proceeds from the second issue of HORTON PLAZA LEASE REVENUE BONDS.
(DISTRICTS-4 and 8)

COUNCIL ACTION: (Tape location: D145).

Adopted as Resolution R-252363.

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

Jul-28-1980 ITEM-204:

FILE: MEET

DESCRIPTION:

(R-81-42) Approving CHANGE ORDER NO. 7, issued in connection with the contract
between the City of San Diego and C.E. Wylie Construction Company for
CONSTRUCTION of OTAY FILTRATION PLANT (filter replacement), and approving said
change amounting to an INCREASE in the contract price of \$15,607 and an
EXTENSION of time of 19 work days extending the completion to 269 working
days. (Otay Mesa Community area. DISTRICT-8)

COUNCIL ACTION: (Tape location: D285).

Adopted as Resolution R-252364.

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

Jul-28-1980 ITEM-205:

FILE: MEET

DESCRIPTION:

(R-81-116) (Continued from the Meetings of June 30, July 7 and 14, 1980 for further review.) Authorizing the CITY AUDITOR AND COMPTROLLER to MAINTAIN and ADD CIP NO. 21-110, BALBOA PARK/NURSERY RELOCATION to the Fiscal Year 1980 CAPITAL IMPROVEMENTS PROGRAM; authorizing the CITY AUDITOR AND COMPTROLLER to

TRANSFER the sum of \$40,000 from CIP-90-245, CAPITAL OUTLAY FUND UNALLOCATED

RESERVE to CIP-21-110 BALBOA PARK MAINTENANCE AND NURSERY YARD RELOCATION;

authorizing the execution of an AGREEMENT with Berryman and Stephenson, Inc. for the BALBOA PARK MAINTENANCE AND NURSERY YARD RELOCATION;

authorizing the

EXPENDITURE of \$40,000 from the CAPITAL OUTLAY FUND 30245, CIP-21-110 BALBOA

PARK MAINTENANCE AND NURSERY YARD RELOCATION for said purpose. (Balboa Park

Community area. DISTRICT-8)

COUNCIL ACTION: (Tape location: A020)

Continued to August 11, 1980.

MOTION BY KILLEA TO CONTINUE TO AUGUST 11, 1980 AT CITY MANAGER'S REQUEST.

Second by Lowery. Passed by the following vote: Mitchell-yea. Cleator-yea.

Lowery-yea. Williams-not present. Schnaubelt-not present. Gotch-yea.

Stirling-yea. Killea-yea. Mayor Wilson-yea.

Jul-28-1980 ITEM-206:

FILE: MEET

DESCRIPTION:

Four Resolutions relative to METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA AND SAN DIEGO COUNTY WATER AUTHORITY IN-LIEU TAXES:

Subitem-A: (R-81-81)

Declaring the intention to pay out of MUNICIPAL FUNDS the whole of the amount of taxes to be derived from the area of the Metropolitan Water District of Southern California which is within the City, for the FISCAL YEAR beginning July 1, 1981, in an amount to be fixed in August, 1981, by Resolution of the Board of Directors of the District.

Subitem-B: (R-81-82)

Declaring the intention to pay out of MUNICIPAL FUNDS the whole of the amount of taxes to be derived from that area of the San Diego County Water Authority

which is within the City for the FISCAL YEAR beginning July 1, 1981, in an amount to be fixed in August, 1981, by Resolution of the Board of Directors of the Authority.

Subitem-C: (R-81-83)

Electing to pay out of MUNICIPAL FUNDS 100% of an amount in lieu of taxes which would otherwise be levied upon property within the City by the Metropolitan Water District of Southern California for the FISCAL YEAR beginning July 1, 1980, and ending June 30, 1981, and appropriating such in-lieu amount.

Subitem-D: (R-81-84)

Electing to pay out of MUNICIPAL FUNDS 100% of an amount in lieu of taxes which would otherwise be levied upon property within the City by the San Diego County Water Authority for the FISCAL YEAR beginning July 1, 1980, and ending June 30, 1981.

COUNCIL ACTION: (Tape location: D304).

Subitem-A adopted as Resolution R-252365.

Subitem-B adopted as Resolution R-252366.

Subitem-C adopted as Resolution R-252367.

Subitem-D adopted as Resolution R-252368.

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

Jul-28-1980 ITEM-207:

FILE: ANNX Area 6 "Santee Reorganization"

DESCRIPTION:

(R-81-14) (Continued from the Meeting of July 21, 1980, at the City Manager's request.) Declaring that the City OBJECTS to the ANNEXATION of certain portions of AREA 6 of the "SANTEE REORGANIZATION" which are owned by the City of San Diego.

COUNCIL ACTION: (Tape location: D315).

Adopted as Resolution R-252369.

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

Jul-28-1980 ITEM-208:

FILE: MEET

DESCRIPTION:

SUBMITTED BY THE MAYOR

Amend Article III of the Charter of The City of San Diego by amending Section 11.1 to read as follows:

SECTION 11.1. LEGISLATIVE POWER - nondelegatable.

The same prohibition against delegation of the legislative power which is imposed on the State Legislature by Article XI, Section 11a of the Constitution of the State of California shall apply to the City Council of the City of San Diego, so that its members shall not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution which raises or spends public monies, including but not limited to the City's annual budget ordinance or any part thereof, and the annual ordinance setting compensation for City employees, or any ordinance or resolution setting public policy.

In setting compensation for City employees, the City Council shall adopt an ordinance no later than May 30 of each year after considering all relevant evidence including but not limited to the needs of the citizens of the City of San Diego for municipal services and the ability of the citizens to pay for those services; provided, however, that the City Council shall give priority in the funding of municipal services to the need of the citizens for police protection.

The prohibition imposed by this section against unlawful delegation of the legislative responsibility to set compensation for city employees shall extend to any scheme or formula which seeks to fix the compensation of City of San Diego employees at the level of compensation paid to employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego.

COUNCIL ACTION: (Tape location: B565).

Direct City Attorney to prepare the necessary ordinance or resolution for the Docket of August 11, 1980.

MOTION BY LOWERY TO APPROVE. Second by Cleator. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present.

Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Jul-28-1980 ITEM-209:

FILE: MEET

DESCRIPTION:

SUBMITTED BY COUNCILMAN SCHNAUBELT

Proposal for a People's Ordinance or a Charter Amendment on Right to Just Compensation which would provide: (a) The value of private property shall not be substantially impaired by governmental action without just compensation; and (b) It is the intent ... that all persons or entities with an interest in real property who suffer a financial loss because of governmental action

imposed for the benefit of the public or a sector of the public shall be afforded the opportunity for relief from that financial burden by requiring that such persons or entities be made whole for such loss and be compensated for the financial loss resulting from such governmental action.

COUNCIL ACTION: (Tape location: A403).

Continued to August 4, 1980, 2:00 p.m. Time Certain.

MOTION BY CLEATOR TO CONTINUE TO AUGUST 4, 1980, 2:00 P.M. TIME CERTAIN AT

COUNCILMAN SCHNAUBELT'S REQUEST. Second by Lowery. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Jul-28-1980 ITEM-210:

FILE: MEET

DESCRIPTION:

SUBMITTED BY THE CITY MANAGER

Proposal for an Ordinance to Amend People's Ordinance No. 7691 and Chapter VI, Article 6 of the San Diego Municipal Code by Amending Section 66.0123 relating to the collection and disposal of City refuse.

COUNCIL ACTION: (Tape location: B654)

Continued to August 4, 1980.

MOTION BY CLEATOR TO CONTINUE TO AUGUST 4, 1980, AND DIRECT THE CITY ATTORNEY

TO GIVE COUNCIL AN OPINION AS TO WHETHER OR NOT THERE IS AN EQUAL PROTECTION

PROBLEM POSED BY THE DIFFERENCE IN THE COLLECTION OF REFUSE FROM APARTMENT

UNITS AND OWNER-OCCUPIED HOMES. Second by Lowery. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Jul-28-1980 ITEM-211:

FILE: MEET

DESCRIPTION:

SUBMITTED BY THE COALITION FOR FAIR RENT

Amend the Charter of The City of San Diego by adding Section 43.2 - FAIR RENT BOARDS, which would, for designated properties, provide for control of rent increases, permits for removal of rental units for the rental housing market, and evictions. Control would be accomplished by a system of local boards, one within each Council District, to exercise specific control functions and a control board which would conduct the more general administrative functions. A combination of federal and City monies would be used to fund the boards and

their expenses. Fees would be assessed to abate administrative costs.
NOTE: Full text of the proposal is available in the City Clerk's Office.
COUNCIL ACTION: (Tape location: A559).

Filed.

Motion by Lowery to refer to Rules Committee the subject of support for appropriate legislation in Congress for Federal tax incentives to encourage rental housing and ways to improve the rental stock in San Diego. Second by Cleator. Passed by the following vote: Yeas-1,2,3,6,7,8,M. Nays-none. Not present-4,5.

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

Jul-28-1980 ITEM-212:

FILE: MEET

DESCRIPTION:

SUBMITTED BY WARREN A. NIELSEN

PROPOSITION. As a citizen of San Diego, do you approve of City Council's resolution of June 16, 1980, wherein the City Council offered to exchange with the United States Navy, the unused and former Mt. Hope Cemetery land North of Market St., now known as Helix Heights, as a site for the new Naval Hospital, in exchange for the Navy returning the land it now holds in Balboa Park? Furthermore, shall the City of San Diego cooperate with the Navy to acquire the necessary additional underdeveloped but privately owned land, that the Navy may need for the new Naval Hospital on Helix Heights? Furthermore, shall the City of San Diego be permitted to lease to the Navy for housing and unused and undeveloped L shaped portion of Mt. Hope Cemetery facing 36th St. on West, Market St. on the North and bounded by Whaley Rd. on the South and the East: the lease will run for 50 years with a 25 year extension option.

COUNCIL ACTION: (Tape location: A400).

Continued to August 4, 1980.

MOTION BY STIRLING TO CONTINUE TO AUGUST 4, 1980 AT MR. NIELSEN'S REQUEST.

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

Jul-28-1980 ITEM-UC-1:

FILE: MEET

DESCRIPTION:

(R-81-148) A Resolution presented to the City Council with UNANIMOUS CONSENT: Excusing Councilman Gotch from Public Services and Safety Committee Meeting on Wednesday, July 23, 1980 for the purpose of vacation.

COUNCIL ACTION: (Tape location: D480).

Adopted as Resolution R-252370.

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

Jul-28-1980 ITEM-UC-2:

FILE: MEET

DESCRIPTION:

(R-81-242) A Resolution presented to the City Council with UNANIMOUS CONSENT: Excusing Councilman Schnaubelt from all City Council and Committee meetings during the period July 28 through August 1, 1980, for the purpose of vacation.

COUNCIL ACTION: (Tape location: D485).

Adopted as Resolution R-252371.

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

Jul-28-1980 ADJOURNMENT:

FILE: Minutes File

DESCRIPTION:

Meeting adjourned by Mayor Wilson at 5:17 p.m.