

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, DECEMBER 26, 1974
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

Present--Councilmen Johnson, Hubbard, Williams, Martinet, Ellis and Mayor Wilson.
Absent--Councilman O'Connor, Morrow and Bates.
Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 8:37 a.m.

(Item 1)

Roll call was taken.

(Item 2)

City Attorney Witt gave the Invocation.

(Item 3)

Councilman Johnson led the Pledge of Allegiance.

(Item 5)

A communication from Howard Shore requesting permission to address the Council regarding a proposed Resolution requesting the Port Authority to reconsider its decision to close Fisherman's Grotto and not renew the lease, in view of the Coastal Commission's decision against the demolition of the restaurant, was presented.

Ruth Peyton, representing Howard Shore, appeared to speak regarding said communication.

Councilwoman O'Connor entered the Chambers.

On motion of Councilwoman O'Connor, the communication was referred to the Rules, Legislation and Intergovernmental Relations Committee for hearing on the proposed Resolution, on Friday, January 10, 1975.

Councilman Bates entered the Chambers.

The Council considered requests for continuances. There were no requests for continuances.

The Council considered Item 125 out of order.

(Item 125)

RESOLUTION 212261, appointing Councilman Gil Johnson as Deputy Mayor for the calendar year 1975, effective January 1, 1975, was adopted on motion of Councilwoman O'Connor.

Mayor Wilson presented Councilman Johnson with a Certification of Appointment as Deputy Mayor for the Year of 1975.

(Item 4a)

Mayor Wilson welcomed eighteen students from San Diego Adult School, accompanied by Ms. Melinda Green.

Councilman Bates addressed the group.

The Council considered the portion of the Consent Agenda dealing with Ordinances introduced at a previous Meeting, ready for dispensing with the reading and adoption, which consisted of Item 6.

The following Ordinance was introduced at the Meeting of December 12, 1974.

Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and there was available for the consideration of each member of the Council and the public prior to the day of its passage, a written or printed copy of said Ordinance.

The following Ordinance was adopted on motion of Councilman Martinet by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Martinet, Ellis, Bates and Mayor Wilson. Nays-None. Absent-Councilman Morrow.

(Item 6 - CASE NO. 49-74-3)

ORDINANCE 11460 (New Series), incorporating a portion of Lot 70, Rancho Mission of San Diego, C.C. No. 15191, into CO Zone as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 10893 (New Series), adopted August 22, 1972, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

The Council considered that portion of the Consent Agenda dealing with Ordinances to be introduced, which consisted of Item 7.

(Item 7)

A proposed Ordinance, amending Chapter IX, Article 8, of the San Diego Municipal Code by repealing Section 98.0101 and by amending or adding Sections 98.01, 98.02, 98.02.0202, 98.02.0203, 98.02.0501, 98.02.0503, 98.03, 98.04, 98.05, 98.06, 98.07 and 98.07.1, all relating to housing requirements, was introduced on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Martinet, Ellis, Bates and Mayor Wilson. Nays-None. Absent-Councilman Morrow.

The Council discussed Item 22 and 23 at this time.

Councilman Morrow entered the Chambers.

The Council returned to consideration of the remaining Consent Agenda, which consisted of Items 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 24.

(Item 8)

The following Resolutions, relative to awarding contracts, were adopted on motion of Councilman Johnson:

RESOLUTION 212262, Arrow Electric for construction of safety lighting systems and underground service conversions for City facilities on Grand Avenue between Ocean Boulevard and Ingraham Street for the sum of \$17,917; authorizing the expenditure of \$23,500 out of Capital Outlay Fund No. 245 for said purpose and related costs.

RESOLUTION 212263, Virgil Woolard Const. Co. for construction of a storm drain in Archer Street and Dawes Street, for the sum of \$14,590.88; authorizing the expenditure of \$22,100 out of Capital Outlay Fund No. 245 for said purpose and related costs;

RESOLUTION 212264, Cheverton Bach/Bayly, Martin & Fay for a policy of Automobile Liability Insurance and Products Liability Insurance for a period of one year commencing January 1, 1975, in the amount of \$500,000 combined single limit, on 15 passenger vans (Supplementary Transportation System) for a premium of \$9,999; and

RESOLUTION 212265, Scrap Disposal, Inc. to sell on contract scrap iron and steel for the period ending January 31, 1980, for an estimated Annual Revenue of \$15,100.

(Item 9)

The following Resolutions, relative to awarding contracts, were adopted on motion of Councilman Johnson:

RESOLUTION 212266, J. E. Bauer Coatings, and Pervo Paint Company for the purchase of traffic paint as may be required for a period of two years ending December 31, 1976, for an actual estimated cost, including tax and terms, of \$238,119.67;

RESOLUTION 212267, Tamms Industries Co. for the purchase of cement base nonshrink patching mortar as may be required for the period of one year ending February 28, 1976, with an option to renew for an additional year, subject to escalation not in excess of 10%, for an actual estimated cost, including tax and terms, of \$8,227.30;

RESOLUTION 212268, Connolly-Pacific Co. for construction of underwater reef for the sum of \$39,450; authorizing the expenditure of \$40,000 out of Capital Outlay Fund No. 245 for said purpose and related costs; and

RESOLUTION 212269, Western Water Works Supply for the purchase of 250 3/4" curb stops for an actual estimated cost including tax and terms, of \$2,255.15.

(Item 10)

RESOLUTION 212270, inviting bids for additional improvements to Winterwood Lane Park (Park Service District 214, Mira Mesa), in accordance with Specifications Document No. 749626, was adopted on motion of Councilman Johnson.

(Item 11)

RESOLUTION 212271, authorizing two Agreements with GPS Corporation for engineering design services for the installation of traffic signal and safety lighting systems at the intersection of 63rd Street and Montezuma Boulevard, and the intersection of Beyer Boulevard and Coronado Avenue; and at the intersection of Clairemont Mesa Boulevard and Shawline Drive, and the intersection of Clairemont Mesa Boulevard and Mercury Street; authorizing the expenditure of \$14,000 out of Gas Tax Fund No. 220 for said services and related expenses, was adopted on motion of Councilman Johnson.

(Item 12)

RESOLUTION 212272, authorizing the use of City Forces to do all work to install one double arm ornamental safety light on Palm Avenue, 800 feet westerly of 16th Street, and to underground the traffic signal and safety lighting service at 16th Street and Palm Avenue, and underground the street lighting service at Paradise Valley Road-Meadowbrook Drive, and to provide 40 feet of trench for Pacific Telephone line into the Skyline Hills Branch Library; authorizing the expenditure of \$4,800 out of Capital Outlay Fund No. 245 for this purpose and related costs, was adopted on motion of Councilman Johnson.

(Item 13)

RESOLUTION 212273, authorizing three representatives of the Police Department to travel to Orange County during the period February 17 to February 28, 1975 to attend the Drug Enforcement Administration Law Enforcement School; authorizing the expenditure of \$864 out of General Purpose Revolving Fund No. 534 for the above purpose; the total cost of said travel, excluding salaries, will be reimbursed by the Peace Officers Standards and Training (POST), was adopted on motion of Councilman Johnson.

(Item 14)

RESOLUTION 212274, authorizing suggestion awards to the following employees: Bill Ray Kreder - Policy Department - \$60; Carole J. Sutton - Police Department - \$25; Frank H. Brown - Purchasing Department - Print Shop - \$10; and Virginia R. Edwards - Treasurer - \$10.

(Item 15)

RESOLUTION 212275, approving application of the provisions of Section 23 of The United States Housing Act of 1937, as amended, to locality, was adopted on motion of Councilman Johnson.

(Item 16)

RESOLUTION 212276, declaring the building owned by Mildred Brown at 4592 Ocean View Boulevard to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Johnson.

(Item 17)

RESOLUTION 212277, declaring the building owned by International Recreation Ltd. at 4985 Coronado Avenue to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Johnson.

(Item 18)

RESOLUTION 212278, awarding a contract to Mustang Equipment Co. for the purchase of one 24" bucket for backhoe for the total cost of, \$1,726.42, including tax and terms and delivery charges, was adopted on motion of Councilman Johnson.

(Item 19)

The following Resolutions, relative to the following final Subdivision Maps, were adopted on motion of Councilman Johnson:

RESOLUTION 212279, authorizing an Agreement with Leadership Housing Systems, Inc. for completion of improvements in Miramar Ranch Unit 4, a 10-lot subdivision located northeasterly of Miramar Road and Pomerado Road - Scripps Ranch Area;

RESOLUTION 212280, approving the final map of Miramar Ranch Unit No. 4;

RESOLUTION 212281, authorizing an Agreement with Magnolia Investments, for completion of improvements in Outer Coronado Plaza, a 2-lot subdivision located northerly of Coronado Avenue at the intersection of Outer Road and Coronado Avenue;

RESOLUTION 212282, approving the final map of Outer-Coronado Plaza Subdivision;

RESOLUTION 212283, authorizing an Agreement with The Christiana Companies, Inc. for completion of improvements in Tierrasanta Baptist Church, a one-lot subdivision located south of Tierrasanta Boulevard at Ducos Place; and

RESOLUTION 212284, approving the final map of Tierrasanta Baptist Church.

(Item 20)

The following Resolutions, relative to accepting the work done and authorizing a Notice of Completion in the following Subdivisions, were adopted on motion of Councilman Johnson:

RESOLUTION 212285, Cedarbrae Resubdivision No. 2;

RESOLUTION 212286, Knollwood Park; and

RESOLUTION 212287, Scripps Commercial Subdivision Unit 1.

(Item 21)

RESOLUTION 212288, designating the existing Housing Advisory Board as the official body to study, report on and recommend action on the housing of elderly and handicapped, particularly those of low income, and to report back to the Public Services and Safety Committee within 45 days on the status of specific proposals for such housing, was adopted on motion of Councilman Johnson.

(Item 22)

RESOLUTION 212289, authorizing the Mayor and City Manager to sign a preapplication for the Fiscal Year 1976 Comprehensive Employment and Training Act (CETA) Title I Program, such application to be prepared and submitted by the Regional Employment and Training Consortium (RETC), was adopted on motion of Councilman Johnson.

(Item 24)

RESOLUTION 212290, rescinding Council Policy 600-3, billboards on City-owned lands, adopted by Resolution No. 169961 on March 15, 1962, was adopted on motion of Councilman Johnson.

(Item 4b)

Mayor Wilson welcomed thirty-six foreign students, accompanied by Jean Boardman, Coordinator of Mid-Winter Community Seminar.

Each student addressed the Council stating his name, country and educational background.

Councilman Williams addressed the group.

(Item III)

Two proposed Resolutions, continued from the Meeting of December 12, 1974, due to lack of time, relative to an exchange of land in University City and Torrey Pines-La Jolla Areas, in connection with Black's Beach Area: (a) authorizing the acceptance by the City Manager of a Deed of Inland-Western Corporation, conveying a portion of Lots "A" and "C" of Referees Partition Map of Pueblo Lot 1313; and (b) authorizing the execution of a Grant Deed to Inland-Western Corporation, affecting a portion of Lot 243, University City Manor Unit 3, authorizing the acceptance of \$170,000, the difference in value of the parcels, to be deposited in Capital Outlay Fund No. 245, were presented.

Acting City Manager Graham answered questions directed by the Council.

Mayor Wilson recessed the Meeting at 9:35 a.m. Upon reconvening at 10:00 a.m., the roll call showed all present.

The following Resolutions, relative to an exchange of land in University City and Torrey Pines-La Jolla Areas, in connection with Black's Beach Area, were adopted, on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Martinet, Ellis, Bates and Mayor Wilson. Nays-Councilman Morrow. Absent-None.

(Item 111 - Continued)

RESOLUTION 212291, authorizing the acceptance by the City Manager of a Deed of Inland-Western Corporation, conveying a portion of Lots "A" and "C" of Referees Partition Map of Pueblo Lot 1313; and

RESOLUTION 212292, authorizing the execution of a Grant Deed to Inland-Western Corporation, affecting a portion of Lot 243, University City Manor Unit 3; authorizing the acceptance of \$170,000 the difference in value of the parcels, to be deposited in Capital Outlay Fund No. 245.

(Item 100 - CASE NO. 42-74-4)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meetings of October 31, November 21 and December 12, 1974, due to lack of time, on the matter of Rezoning portions of Lots 1-4 Zchockelt's Subdivision (approximately 11 acres), located on the north side of I-8 to east of I-805 south of extension of Camino Del Rio North, from Zone R-1-40 to Zone CO.

Ken Klein, Planning Department, answered questions directed by the Council.

Donard Worley and Phillip R. Pride appeared to speak before the Council.

J. Crosby, Engineering and Development Department, answered questions directed by the Council.

Councilman Williams left the Chambers.

The motion of Councilman Morrow to continue the matter to January 23, 1975, for review by Committee received no second at this time.

The motion of Councilman Hubbard to close the hearing, introduce the Ordinance for CO Zoning and adopt a Resolution certifying that the information contained in Environmental Impact Report No. 74-2-023P has been reviewed and considered, received no vote at this time.

On motion of Councilman Morrow, the item was continued to January 23, 1975, for review by Committee and referred to the Rules, Legislation and Intergovernmental Relations Committee, to be referred to the Transportation and Land Use Committee for further review, by the following vote: Yeas-Councilmen Johnson, O'Connor, Morrow, Bates and Mayor Wilson. Nays-Councilmen Hubbard, Martinet and Ellis. Absent-Councilman Williams.

(Item 23)

A proposed Resolution, authorizing the President of the Board of Administration of the San Diego City Employees' Retirement System to execute a Letter of Extension with Scudder, Stevens, & Clark, Inc., extending their present agreement under the same terms and conditions for investment counseling services to the Board from January 1, 1975, to June 30, 1975, was presented.

Mr. Joseph Stacey, President of the City Retirement Board, appeared to speak before the Council.

Councilman Williams entered the Chambers.

(Item 23 - Continued)

Chief Deputy City Attorney Katz answered questions directed by the Council.

On motion of Councilman Bates, the following Resolution was adopted and the Mayor was requested to call an Executive Session to fill at least three of the vacancies:

RESOLUTION 212293, authorizing the President of the Board of Administration of the San Diego City Employees' Retirement System to execute a Letter of Extension with Scudder, Stevens, & Clark, Inc., extending their present Agreement under the same terms and conditions for Investment Counseling Services to the Board from January 1, 1975 to June 30, 1975.

(Item 101)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of December 6, 1974, at appellant's request, on the appeal of Mr. and Mrs. Julius Blash, by Clyde E. Louk, accountant, from the decision of the City Treasurer with respect to the payment of Transient Occupancy Tax (Room Tax), pursuant to Sections 35.0108 and 35.0110 of the San Diego Municipal Code. The payment due is a result of a reaudit of the books after a change of ownership of the El Portal Motel at 5252 El Cajon Boulevard. It was reported that no written protests had been received.

Acting City Manager Graham, Assistant City Treasurer Cunningham and Mr. Torres, City Auditor's Office, answered questions directed by the Council.

Mr. Louk appeared to speak before the Council.

The motion of Councilman Morrow to instruct staff to collect the basic amount, but forgive the penalty, received no vote at this time.

The motion of Councilman Ellis to instruct staff to collect the penalty of the amount of the actual one month audited, died for lack of a second.

The vote was then taken on Councilman Morrow's motion to instruct staff to collect the basic amount, but forgive the penalty, and the following Resolution was adopted, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Martinet, Bates and Mayor Wilson. Nays-Councilman Ellis. Absent-None:

RESOLUTION 212294, upon hearing of all of the evidence, the Council finds that the amount of \$499.84 was correctly assessed as the basic amount of tax which is now due and payable. The Council further finds that the penalties assessed in the amount of \$49.98 are hereby forgiven and shall not be collected.

Mayor Wilson recessed the Meeting at 11:48 a.m., to reconvene at 2:00 p.m.

Upon reconvening at 2:15 p.m., the roll call showed Councilmen O'Connor, Williams and Bates absent.

(Item 121)

A proposed Resolution, authorizing a Memorandum of Understanding with the San Diego Unified School District for a cooperative effort in the area of education and recreation, was presented.

Acting City Manager Graham answered questions directed by the Council.

(Item 121 - Continued)

Councilman Williams entered the Chambers.

Councilman Bates entered the Chambers.

A revised Resolution was presented.

RESOLUTION 212295, authorizing a proposed Memorandum of Understanding with the San Diego Unified School District for a cooperative effort in the area of education and recreation, with the added provision to said Memorandum of Understanding that the \$357,000 contingency fund be used, solely and exclusively, for construction of swimming pools, was adopted on motion of Councilman Morrow.

(Item 103 - CASE NO. 33-74-8)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of Rezoning a portion of Lot 36, Rancho Mission of San Diego, C.C. No. 348 (approximately 3.156 acres), located on the west side of Mission Gorge Road at the westerly terminus of Old Cliffs Road, from Zone A-1-1 to Zone M-1B. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by the Council. No one appeared to be heard.

On motion of Councilman Ellis, the hearing was closed.

A proposed Ordinance, incorporating a portion of Lot 36, Rancho Mission of San Diego, C.C. No. 348, into M-1B Zone, as defined by Section 101.0435.2 of the San Diego Municipal Code, and repealing Ordinance No. 9376 (New Series), adopted March 3, 1966, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Ellis, by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Martinet, Ellis, Bates and Mayor Wilson. Nays-None. Absent-Councilwoman O'Connor.

RESOLUTION 212296, certifying that the information contained in Environmental Impact Report No. 74-5-038P 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, was adopted on motion of Councilman Ellis.

(Item 124)

A proposed Resolution, establishing an interim CATV Rate for Rancho Bernardo of \$4.10 per month, was presented.

Councilwoman O'Connor entered the Chambers.

(Item 124 - Continued)

City Attorney Witt and Rules Committee Consultant Conrad answered questions directed by the Council.

Michael McCrudden, James Baldwin, P. J. Skill and Charles A. Ford appeared to speak before the Council.

Manley Edwards, Rate Consultant, Deputy City Attorney Shaffran and Assistant to City Manager Breslauer answered questions directed by the Council.

RESOLUTION 212297, adopting the proposed report of the Transportation and Land Use Committee and finding and concluding that the proposed interim rate of \$4.10 per month is just and reasonable for the future on and after January 1, 1975, was adopted on motion of Councilman Bates by the following vote:

Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Bates and Mayor Wilson.

Nays-Councilman Hubbard, Martinet, and Ellis. Absent-None.

Mayor Wilson recessed the Meeting at 3:55 p.m. Upon reconvening at 4:07 p.m., the roll call showed Councilmen O'Connor and Bates absent.

Councilman Bates entered the Chambers.

Councilwoman O'Connor entered the Chambers.

(Item 103 - CASE NO. 33-74-8)

Jerry Torrance appeared to speak before the Council, asking for reconsideration of the item, but no action was taken.

(Item 102 - CASE NO. 48-74-7)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of Rezoning a portion of Lots 82-86, San Ysidro and a portion of street closing, located on the east side of Olive Avenue between San Ysidro Boulevard and Hall Avenue, from Zones R-4 and C to Zones C and CA-S. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by the Council.

No one appeared to be heard.

The hearing was closed on motion of Councilman Bates.

A proposed Ordinance, incorporating a portion of Lots 82-86, San Ysidro, and a portion of street closing, into CA-S Zone, as defined by Section 101.0428 of the San Diego Municipal Code, and repealing Ordinance No. 8028 (New Series), adopted December 18, 1958, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Bates, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Martinet Ellis, Bates and Mayor Wilson. Nays-None. Absent-None.

RESOLUTION 212298, certifying that the information contained in Environmental Negative Declaration No. 74-5-001P, as amended, has been completed in compliance with the California Environmental Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council, was adopted on motion of Councilman Bates.

(Item 104 - CASE NO. 42-74-7 - City-initiated)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of Rezoning a portion of Pueblo Lot 1120, Record of Survey 2345, located on the south side of Hotel Circle South between Taylor Street and Homeland Place, from Zone CR to Zone R-1-40. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by the Council. No one appeared to be heard.

The hearing was closed on motion of Councilman Morrow.

A proposed Ordinance, incorporating a portion of Pueblo Lot 1120, Record of Survey 2345, into R-1-40 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 8555 (New Series), adopted December 7, 1961, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Morrow, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis, Bates and Mayor Wilson. Nays-None. Absent-None.

RESOLUTION 212299, certifying that the information contained in Environmental Negative Declaration No. 74-4-029.IP 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, was adopted on motion of Councilman Morrow.

(Item 105 - CASE NO. 60-74-8)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of Rezoning a portion of the Northwest 1/4 of the Southwest 1/4, Section 5, Township 15 South, Range 2 West, S.B.B.M., (approximately 1.9 acres), located west of Black Mountain Road approximately 375 feet north of Miramar Road, from Zone A-1-10 to Zone M-1B. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by the Council. No one appeared to be heard.

The hearing was closed on motion of Councilman Johnson.

A proposed Ordinance, incorporating a portion of the Northwest 1/4 of the Southwest 1/4, Section 5, Township 15 South, Range 2 West, S.B.B.M., into M-1B Zone, as defined by Section 101.0435.2 of the San Diego Municipal Code, and repealing Ordinance No. 10935 (New Series), adopted October 5, 1972, insofar as the same conflicts herewith, was introduced on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis, Bates and Mayor Wilson. Nays-None. Absent-None.

RESOLUTION 212300, certifying that the information contained in Environmental Negative Declaration No. 74-7-001P 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, was adopted on motion of Councilman Johnson.

The following Ordinances were introduced at the Meeting of December 12, 1974.

Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and there was available for consideration of each member of the Council and the public prior to the day of their passage, a written or printed copy of each Ordinance.

The following Ordinance was adopted on motion of Councilman Martinet, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis and Mayor Wilson. Nays-Councilman Bates. Absent-None.

(Item 106 - CASE NO. 38-74-3)

ORDINANCE 11461 (New Series), incorporating a portion of Pueblo Lot 1233, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 13456, approved February 15, 1932, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

The following Ordinance was adopted on motion of Councilman Hubbard by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis, Bates and Mayor Wilson. Nays-Councilman Johnson. Absent-None.

(Item 107 - CASE NO. 33-74-2 - City-initiated)

ORDINANCE 11462 (New Series), incorporating that property in the Navajo Community Area, located northwest of Waring Road, into the R-1-40 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 8769 (New Series), adopted December 27, 1962, and Ordinance No. 6488 (New Series), adopted April 1, 1955, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

The following Ordinance was adopted on motion of Councilman Ellis by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis, Bates and Mayor Wilson. Nays-Councilman Johnson. Absent-None.

(Item 108 - CASE NO. 33-74-1 - City-initiated)

ORDINANCE 11463 (New Series), incorporating that property in the Navajo Community, located generally adjacent to Lake Murray, into A-1-10 Zone, as defined by Section 101.0407 and R-1-20 and R-1-40 Zones, as defined by Section 101.0407, of the San Diego Municipal Code, and repealing Ordinance No. 8335 (New Series), adopted August 18, 1960, and Ordinance No. 4011 (New Series), adopted March 22, 1949, of the Ordinances of The City of San Diego insofar as the same conflict herewith.

(Item 109)

A proposed Ordinance, amending Chapter V, Article 5, of the San Diego Municipal Code by repealing certain sections; by amending certain sections and by amending, revising or adding to the 1973 Uniform Fire Code certain sections all relating to Fire Protection and Prevention, was presented.

Chief Anderson and Mr. Varney of the Fire Department answered questions directed by the Council.

The motion of Councilwoman O'Connor to amend page 16 of Fire Code to include Section 55.13.302, received no vote at this time.

On motion of Councilman Johnson, the first paragraph of page 16 of the Fire Code was amended by adding after "two dwelling units" the words "per lot", which passed unanimously.

Assistant City Attorney Teaze answered questions directed by the Council.

On motion of Councilwoman O'Connor, page 17 of Fire Code was amended to include Section 55.13.302, and add a sentence at the end of the second paragraph, "Certification by an insurer that testing of the equipment in a manner satisfactory to the Department has been performed will meet the requirements of this Section", which passed unanimously.

On motion of Councilwoman O'Connor, page 28, Section 55.27.207a was amended to "no person shall flameproof or apply fire-resistive treatment to any Christmas tree unless such person has been issued a permit", which passed unanimously.

(Item 109 - Continued)

A proposed Ordinance amending Chapter V, Article 5, of the San Diego Municipal Code by repealing Sections 55.01.16, 55.01.25, 55.01.31, 55.01.57P, 55.02.04, 55.06.06, 55.12.03, 55.13.29, 55.13.40, 55.15.210, 55.15.211, 55.15.213, 55.15.215, 55.15.218, 55.15.503, 55.17.09, 55.19.02, 55.19.12, 55.20.02, 55.20.04, 55.20.13, 55.20.14, 55.26.12, 55.26.14, 55.26.16, 55.27.01, 55.27.36, 55.27.37, 55.27.38, 55.27.39, 55.27.40, 55.30.01, 55.30.02, 55.30.06, 55.30.02, 55.30.21, 55.30.22, 55.30.23, 55.31.15, 55.31.16, 55.32.01, 55.32.02, 55.32.03, 55.32.04, 55.32.05, 55.32.06, 55.32.07, 55.32.08, 55.32.09, 55.32.10, 55.32.11, 55.32.12, 55.32.13 and 55.32.14; by amending Sections 55.1, 55.2 and 55.3; and by amending, revising or adding to the 1973 Uniform Fire Code Sections 55.01.205, 55.01.207, 55.01.216, 55.01.302, 55.01.309, 55.01.402, 55.01.403, 55.01.406, 55.01.408, 55.01.409, 55.01.411, 55.01.421, 55.10.103, 55.10.104, 55.10.113, 55.10.114, 55.11.102, 55.11.104, 55.12.103, 55.13.208, 55.13.301, 55.13.302, 55.13.306, 55.13.308, 55.13.309, 55.13.311, 55.14.101, 55.14.102, 55.14.202, 55.14.203, 55.14.205, 55.14.206, 55.14.302, 55.14.305, 55.14.308, 55.17.109, 55.18.102, 55.19.103, 55.19.104, 55.19.106, 55.20.113, 55.21.104, 55.25.101, 55.26.114, 55.26.116, 55.26.117, 55.26.118, 55.27.201, 55.27.206, 55.27.207, 55.27.208, 55.30.121, 55.30.123, 55.31.114 and 55.31.115; all relating to fire protection and prevention; was introduced, as amended, on motion of Councilwoman O'Connor, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis, Bates and Mayor Wilson. Nays-None. Absent-None.

(Item 110)

A proposed Resolution, continued from the Meeting of December 19, 1974, inviting Bids for Police Towing Privilege for a period of three years ending November 30, 1977 - Specifications Document No. 748729, was presented.

The motion of Councilwoman O'Connor to adopt the proposed Resolution, as recommended by the Public Services and Safety Committee, received no vote at this time. John A. Rose appeared to speak before the Council.

Lieutenant Manuel C. Guaderrama, Police Department, and Deputy City Manager Blair answered questions directed by the Council.

The vote was then taken on Councilwoman O'Connor's motion to adopt the following Resolution, which passed unanimously:

RESOLUTION 212301, inviting bids for Police Towing Privilege for a period of three years ending November 30, 1977, in accordance with Specifications Document No. 748729.

Mayor Wilson recessed the Meeting at 5:10 p.m. Upon reconvening at 5:22 p.m., the roll call showed Councilmen O'Connor, Morrow, and Bates absent.

(Item 112)

A proposed Resolution, continued from the Meeting of December 12, 1974, due to lack of time, authorizing a Lease Agreement with Hanson's Pipe and Supply Company of California, leasing approximately 12,460 square feet of land on the south side of Market Street between 47th Street and Euclid Avenue for a wholesale plumbing storage yard, for a five year term; property has been appraised at \$11,700 by the Property Department, was presented.

Councilwoman O'Connor entered the Chambers.

Councilman Morrow entered the Chambers.

(Item 112 - Continued)

RESOLUTION 212302, authorizing a Lease Agreement with Hanson's Pipe and Supply Company of California, leasing approximately 12,460 square feet of land on the south side of Market Street between 47th Street and Euclid Avenue for a wholesale plumbing storage yard, for a five year term; property has been appraised at \$11,700 by the Property Department, was adopted on motion of Councilman Williams.

(Item 113)

A proposed Resolution, amending Council Policy No. 700-21 relating to San Diego Stadium Rentals, was presented.

Acting City Manager Graham answered questions directed by the Council.

The motion of Councilman Morrow to adopt the proposed Resolution received no vote at this time.

Ben Hagar, Assistant Property Director, answered questions directed by the Council.

Councilwoman O'Connor left the Chambers.

The vote was then taken on Councilman Morrow's motion to adopt the following Resolution, which passed unanimously:

RESOLUTION 212303, amending Council Policy No. 700-21 regarding San Diego Stadium Rentals.

Councilwoman O'Connor entered the Chambers.

Councilman Bates entered the Chambers.

(Item 114)

On motion of Councilwoman O'Connor, the following Resolutions, authorizing the City Manager to execute four Memoranda of Understanding and an Agreement with the following for the purpose of implementing a public service employment program as established by the United States Department of Labor under Title II of the Comprehensive Employment and Training Act of 1973, were adopted, on motion of Councilwoman O'Connor:

RESOLUTION 212304, Comprehensive Planning Organization;

RESOLUTION 212305, San Diego Community College District;

RESOLUTION 212306, San Diego Unified School District;

RESOLUTION 212307, San Ysidro School District; and

RESOLUTION 212308, Americans for Indian Future and Tradition.

(Item 115)

RESOLUTION 212309, authorizing a First Amendment to Agreement with San Diego Urban League, Inc., for the operation of the Special Services - Project Seniority - Young Unwed Mothers Project, was adopted on motion of Councilwoman O'Connor.

(Item 116)

RESOLUTION 212310, authorizing a First Amendment to Agreement with San Diego Urban League, Inc., for the operation of the Community Organization Project, was adopted on motion of Councilwoman O'Connor.

(Item 117)

RESOLUTION 212311, extending that certain Consultant Agreement, as amended, with Michael Babunakis for the period July 1, 1973, through October 31, 1974, to expire June 30, 1975, was adopted on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Ellis, Bates and Mayor Wilson. Nays-Councilman Hubbard. Absent-None.

(Item 118 & 119 - considered simultaneously)

Nine Resolutions authorizing the City Manager to execute Letters to Proceed with certain agencies, and three Resolutions relative to Model Cities Projects, were presented.

Acting City Manager Graham answered questions directed by the Council. The following Resolutions authorizing the City Manager to execute Letters to Proceed with the following agencies for the purpose of continuing for a period of three months from January 1, through March 31, 1975, with Community Development Block Grant funds, the following Model Cities Agreements, were adopted, on motion of Councilman Williams:

RESOLUTION 212312, County of San Diego, County Health Care

Agency - Comprehensive Health Care Project;

RESOLUTION 212313, California State University San Diego Foundation - Barrio Station Project;

RESOLUTION 212314, Model Ex-Offenders of San Diego, Inc. - Rehabilitation of Ex-Offenders Project and the City Manager was directed to hold this Letter to Proceed until a previous debt was resolved;

RESOLUTION 212315, Legal Aid Society of San Diego, Inc. - Legal Services Project;

RESOLUTION 212316, Cooperative Educational Systems, Inc. - Scholarship Project;

RESOLUTION 212317, Narcotics Prevention and Education Systems, Inc. - Narcotics Abuse Project;

RESOLUTION 212318, San Diego Urban League, Inc. - Business Outreach Project;

RESOLUTION 212319, San Ysidro School District - San Ysidro Schools Project; and

RESOLUTION 212320, Young Women's Christian Association of Southeast San Diego - Community Movie and Cultural Arts Project.

The following Resolutions, relative to Model Cities Projects, were adopted on motion of Councilman Williams:

RESOLUTION 212321, First Amendment to Agreement with County of San Diego, County Health Care Agency for Comprehensive Health Care Project;

RESOLUTION 212322, contract modification to Agreement with Women's Civic League; and

RESOLUTION 212323, First Amendment to Agreement with the County of San Diego for the purpose of amending the Model Cities Child Care Project.

(Item 120)

Four Resolutions relative to authorizing the City Manager to assume full responsibility for the successful operation of the certain projects in accordance with the Grant Agreement with HUD; operation of the projects and costs incurred shall be no more liberal than policies, procedures and practices applied uniformly to federally assisted and other activities of the City; continuing operation of projects using Community Development Block Grant Funds from January 1 through March 1, 1975; continuing the operation of the projects consistent with the Project Work Project Sheets, Project Work Programs and the itemized Program Budgets, were presented.

The motion of Councilman Martinet to adopt the proposed Resolution received no vote at this time.

Model Cities Director Clarence Pendleton answered questions directed by the Council.

On motion of Councilman Martinet, the following Resolutions, relative to authorizing the City Manager to assume full responsibility for the successful operation of the following projects in accordance with the Grant Agreement with HUD; operation of the projects and costs incurred shall be no more liberal than policies, procedures and practices applied uniformly to federally assisted and other activities of the City's continuing operation of projects using Community Development Block Grant Funds from January 1 through March 1, 1975; continuing the operation of the projects consistent with the Project Work Program Sheets, Project Work Programs and the itemized Program Budgets, were adopted:

RESOLUTION 212324, Youth Employment Project by the Human Resources Department;

RESOLUTION 212325, Supplemental Transportation Project by the Transportation Department;

RESOLUTION 212326, Senior Citizens Project by the Recreation Department; and

RESOLUTION 212327, Community Center for Student Development by the Model Cities Department.

Acting City Manager Graham answered questions directed by the Council.

On motion of Councilman Bates, the subject of supplemental transportation was referred to Rules, Legislation and Intergovernmental Relations Committee to be referred to the Transportation and Land Use Committee, for review.

(Item 122)

RESOLUTION 212328, authorizing the City Manager to solicit proposals for professional services in connection with the preparation of a Police Facility Study for the City of San Diego, was adopted on motion of Councilwoman O'Connor.

(Item 123)

A proposed Resolution, authorizing the City Auditor and Comptroller to transfer \$10,800 within General Fund No. 100 to General Services Department, Solid Waste Division, for nonpersonnel expenses related to operation of a city-wide biweekly separate Newspaper Collection Program from April 1, to June 30, 1975, was presented.

Acting City Manager Graham answered questions directed by the Council.

The motion of Councilman Morrow to adopt the proposed Resolution failed due to lack of five affirmative votes, by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, and Mayor Wilson. Nays-Councilmen Johnson, Hubbard, Martinet, Ellis and Bates. Absent-None.

(Item 123 - Continued)

Jim Casey, Assistant Public Works Director, answered questions directed by the Council.

On motion of Councilman Bates, the City Manager was directed to suggest a means whereby private parties may pick up newspapers and how to solve the problem if the newspapers are not picked up on schedule, by the following vote:
Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Martinet, Ellis, Bates and Mayor Wilson. Nays-Councilwoman O'Connor. Absent-None.

By Unanimous Consent granted to the City Manager, a proposed Resolution, authorizing the City Manager to allocate existing Model Cities funds to the Community Development Block Grant fund for the purpose of funding approved Model Cities projects until such time as advance funds are received from HUD, was presented.

Acting City Manager Graham and Model Cities Director Pendleton answered questions directed by the Council.

RESOLUTION 212329, authorizing the City Manager to allocate existing Model Cities funds to the Community Development Block Grant Fund for the purpose of funding approved Model Cities projects until such time as advance funds are received from HUD, was adopted on motion of Councilman Bates.

By Unanimous Consent granted to the City Manager, a proposed Resolution, authorizing the City Manager to forward A-95 Review Comments and other information to HUD regarding City's application for Block Grant Funds under Housing and Community Development Act of 1974, was presented.

The motion of Councilman Bates to adopt the Resolution received no vote at this time.

Deputy City Manager Lockwood answered questions directed by the Council.

The vote was then taken on Councilman Bates motion to adopt the following Resolution:

RESOLUTION 212330, authorizing the City Manager to forward A-95 Review Comments and other information to HUD regarding City's application for Block Grant Funds under Housing and Community Development Act of 1974.

By Unanimous Consent granted to the Mayor, a proposed Resolution, authorizing the Mayor and City Manager to sign preliminary grant application for advance funding under Title VI of CETA Public Service and Employment Grants as required by Department of Labor; and to sign a request for a grant application for the full programmatic period, was presented.

On motion of Councilman Martinet, the following Resolution was adopted:

RESOLUTION 212331, authorizing the Mayor and City Manager to sign a request for a grant application in accordance with Title VI of CETA Public Service and Employment Grants for the full programmatic period.

By Unanimous Consent granted to the City Attorney, a proposed Resolution, authorizing the City Attorney to enter into settlement agreement between City and Atlantic Richfield Company, and a stipulation and order pertaining to the settlement; authorizing the City Manager to execute a final release and discharge regarding antitrust lawsuit against various oil and asphalt companies, was presented.

Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council.

On motion of Councilman Ellis, the following Resolution was adopted:

RESOLUTION 212332, authorizing the City Attorney to enter into settlement agreement between City and Atlantic Richfield Company, and a stipulation and order pertaining to the settlement; authorizing the City Manager to execute final release and discharge, from any and all claims and demands as they relate to the antitrust lawsuit against various oil and asphalt companies.

The Regular Meeting was adjourned at 6:31 p.m., on motion of Councilman Hubbard, into Executive Session in the 12th Floor Council Conference Room, for the purpose of considering a personnel matter and discussing pending litigation. The following Resolution was adopted:

RESOLUTION 212895, appointing, in Executive Session on December 26, 1974, Alois E. Smith to serve as a Commissioner on the Board of Commissioners of the San Diego Unified Port District, to fill the unexpired term of Harvey Furgatch, who has resigned, ending January 2, 1977; Yeas-Councilmen O'Connor, Williams, Morrow, Bates, and Mayor Wilson. Nays-Councilmen Johnson, Hubbard, Martinet, and Ellis. Absent-None.

There being no further business to come before the Council, the Regular Meeting was adjourned.



Mayor of The City of San Diego, California

ATTEST:


City Clerk of The City of San Diego, California