

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, JULY 30, 1975
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

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

Mayor Wilson called the Regular Meeting to order at 2:08 p.m.

(Item 1)

Roll Call was taken.

Councilmen Williams and Haro entered the Chambers.

(Item 2)

RESOLUTION 213871, authorizing Suggestion Awards and making presentations to the following employees: Philip L. Rostadha, Engineering and Development, \$400, presented by Councilwoman O'Connor; John E. Haoglin, Property Department, \$220, presented by Councilman Johnson; and Rita M. Domler, Water Utilities Department, \$100, presented by Councilman Hubbard, was adopted on motion of Councilman Johnson.

(Item 3)

Minutes of the Regular Council Meetings of December 26, 1974, February 13, 1975, April 24, 1975, Special Council Meetings of May 27, 1975, and July 2, 1975, and the Adjourned Regular Council Meeting of June 26, 1975 held July 2, 1975, were presented by the City Clerk. On motion of Councilwoman O'Connor, said Minutes were approved without reading, after which they were signed.

The Council considered requests for continuances: Item 76.

(Item 76)

OTHER RESOLUTIONS: Commending Assistant City Manager Ralph E. (Mike) Graham for his outstanding performance as Acting City Manager during the period of December 14, 1974 through March 31, 1975, for and on behalf of the citizens of the City of San Diego; making said declaration of appreciation and commendation part of the public record; was presented.

On motion of Councilman Johnson, the proposed Resolution was continued to August 7, 1975, 8:30 a.m., at Councilman Johnson's request.

(Item 83)

A proposed Resolution, authorizing a Lease Agreement with Electronics Capital Building, dba Charter Oil Building, whereby City leases a portion of the 18th floor for office space purposes for a term of two years with the right to extend the lease for three additional one-year periods at a monthly rental of \$1,072.40; authorizing the expenditure of not to exceed \$5,376 from Fund No. 2911 to pay the above rental for a period ending December 31, 1975, was presented.

City Manager McKinley requested that the proposed Resolution be returned to his office for further review.

On motion of Councilman Johnson, the proposed Resolution was returned to the City Manager at his request.

(Item 51d)

A proposed Resolution, awarding a contract to the San Diego Daily Transcript, for furnishing official advertising for a period of two years, ending July 31, 1977, for an estimated cost of \$100,000; designating San Diego Daily Transcript as the "City Official Newspaper", was presented.

There was discussion on the proposed Resolution.

The proposed Resolution was trailed to later in the Meeting.

(Item 52b)

A proposed Resolution, awarding a contract to General Electric Company, for furnishing computer services, as may be required for the period of one year ending June 30, 1976, for an estimated cost of \$5,000, was presented.

City Manager McKinley answered questions directed by the Council.

The Council took no action at this time.

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 20.

The following Ordinance was introduced at the Meeting of July 16, 1975.

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, Haro and Mayor Wilson. Nays-None. Absent-Councilman Morrow.

(Item 20)

ORDINANCE 11657 (New Series), establishing a new parking meter zone and a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of El Cajon Boulevard, between 48th Street and the alley west; and authorizing the installation of parking meters and necessary signs and markings.

(Item 69)

A proposed Resolution, authorizing Suggestion Awards to the following employees: Stanley A. Elmore, Police Department, \$650; Ray Haskell, General Services Department, \$25; Bernice F. Webber, Auditor & Comptroller, \$25, was presented.

Mayor Wilson read the Resolution into the record.

The Council took no action at this time.

(Item 58)

A proposed Resolution, employing and appointing Franklin T. Hamilton as Special Bond Counsel for giving an opinion on any bonds that may be issued to pay for the financing and acquisition of approximately 150 acres of undeveloped canyon land in the Del Cerro area for the proposed Navajo Canyon Open Space Park Assessment District (San Diego Park District No. 11) under the Municipal Improvement Act of 1913 and the San Diego Park District Procedural Ordinance of 1969, pursuant to terms and conditions set forth in the letter dated March 28, 1975, City will not be liable for payment of any costs incurred in said employment in the event the proposed proceedings fail to materialize or are abandoned before an assessment has been levied and collected, was presented.

City Manager McKinley and Assistant City Attorney Teaze answered questions directed by the Council.

On motion of Councilman Martinet, the proposed Resolution was continued one week to August 6, 1975, 2:00 p.m. for further review.

Councilman Haro left the Chambers.

The Council considered the remainder of the Consent Agenda, which consisted of Items 50, 51a, 51b, 51c, 52a, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70.

(Item 50)

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

RESOLUTION 213872, C & H Equipment Rentals, for Balboa Park Golf Course Slope Restoration, for the sum of \$11,557; authorizing the expenditure of \$16,000 out of Capital Outlay Fund No. 245 for said purpose and related costs;

RESOLUTION 213873, Owl Crane & Rigging Co.; Calcon Industries; C.P. Hawn Const. & Equip. Co.; National Equipment Rental; and Bud's Trucking & Son for rental of earthmoving equipment, as may be required for a period of six months ending November 30, 1975, for a total estimated cost of \$165,257.60; and

RESOLUTION 213874, Consolidated Electrical Dist., Graybar Electric Co. Inc., and Pacific Union Metal Division for the purchase of electrical maintenance and repair materials, as may be required for a period of one year ending June 30, 1976, for a total estimated cost, including tax and terms, of \$56,107.06.

(Item 51a - c)

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

RESOLUTION 213875, Cal-Western Weed Control, for furnishing weed control services for Brown Field and Montgomery Field as may be required for a period of one year ending June 30, 1976, for an actual cost of \$11,880, including tax and terms; with an option to renew the contract for two additional one-year periods;

RESOLUTION 213876, Gilmore Envelope Corporation, for the purchase of envelopes, for a total cost including tax and terms, of \$8,085.15; and

RESOLUTION 213877, Sturdilite Scientific Furniture Systems, Angle Steel Division, for the purchase of electrical work benches for an actual cost, including terms and estimated freight, of \$3,980.60; authorizing the expenditure of \$3,981.00 out of Capital Outlay Reserve Fund No. 245, for the above purchase.

(Item 52a)

RESOLUTION 213878, awarding a contract to Harco Corporation, Cathodic Protection Division, for the purchase of one hundred each durichlor anodes, for a total estimated cost, including tax and terms, of \$3,581.74, was adopted on motion of Councilman Hubbard.

(Item 55)

RESOLUTION 213879, granting an extension of time to May 5, 1976 to Surf View Development Co., and A and F Land Investment Company, Inc. for completion of improvements in Dairy Mart International Subdivision, was adopted on motion of Councilman Hubbard.

(Item 56)

RESOLUTION 213880, granting an extension of time to July 31, 1976 to Mr. R. C. Jewett, for completion of improvements in Surf and Turf Unit No. 1 Subdivision, was adopted on motion of Councilman Hubbard.

(Item 57)

RESOLUTION 213881, accepting the work done and authorizing a Notice of Completion in Miramar Industrial Tract Unit No. 8, was adopted on motion of Councilman Hubbard.

(Item 60)

RESOLUTION 213882, authorizing the City Manager to execute a Master Agreement with the State of California, to make available to City Federal Funds for implementing the 1973 Federal Highway Act, Title II, Section 203, Rail-Highway Section; authorizing City Manager to make all applications, studies, reports, certifications and execute supplemental funding agreements as may be required under said master agreement, was adopted on motion of Councilman Hubbard.

(Item 61)

RESOLUTION 213883, authorizing the City Manager to execute an Agreement with the State of California, for construction of a bicycle path adjacent to I-805 between Arvinels Avenue (McDowell Elementary School) and Balboa Avenue, was adopted on motion of Councilman Hubbard.

(Item 62)

RESOLUTION 213884, authorizing the City Manager to execute an Agreement with Jo-Van Homes, Inc. and Sun-Kist Plaza for the collection of charges and reimbursement to Jo-Van Homes, Inc. and Sun-Kist Plaza for cost in excess of their pro rata share of the water and sewer mains required for the Ryan Subdivision and Ryan Manor, was adopted on motion of Councilman Hubbard.

(Item 63)

RESOLUTION 213885, authorizing the City Manager to execute an Assignment and Assumption of Lease and Consent to Assignment with Harry E. Trainor and Donald F. Bourgeois, assigning all their rights, title and interest in and to that certain Lease Agreement, Document No. 741577, to John P. Black and Donald F. Bourgeois (Brown Field), was adopted on motion of Councilman Hubbard.

(Item 64)

The following Resolutions, relative to construction of a grade separation under the San Diego and Arizona Eastern Railway Company's track at Smythe Avenue, were adopted on motion of Councilman Hubbard:

RESOLUTION 213886, certifying that the information contained in Environmental Negative Declaration No. 73-10-009C, as amended, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said amended declaration has been reviewed and considered by the Council; and

RESOLUTION 213887, authorizing the City Manager to file an Application with the Public Utilities Commission for construction of a grade separation under the San Diego and Arizona Eastern Railway Company's track at Smythe Avenue.

(Item 65)

The following Resolutions, relative to acquisition of right-of-way for Camino Ruiz, were adopted on motion of Councilman Hubbard:

RESOLUTION 213888, authorizing the expenditure of \$37,000 from Gas Tax Fund No. 220 for the acquisition of right-of-way for Camino Ruiz, and supplementing Resolution No. 209982, adopted February 26, 1974; and

RESOLUTION 213889, amending Resolution No. 209983, passed and adopted by the Council of the City of San Diego on February 26, 1974, and determining and declaring that the public interest, convenience and necessity of the City of San Diego require the deletion of the slope easements described in said Resolution No. 209983, across portions of Section 1, Township 15 South, Range 3 West, San Bernardino Base and Meridian, according to United States Government Survey thereof, in the City of San Diego, County of San Diego, State of California; and declaring the intention of the City of San Diego to delete said slope easements; and directing the City Attorney to amend that action heretofore instituted in the Superior Court of the State of California, in and for the County of San Diego, pursuant to Resolution No. 209983, so as to delete said slope easements

(Item 66)

RESOLUTION 213890, authorizing the expenditure and transfer of \$20,000 from the Capital Outlay Fund No. 245 and \$5,939.17 from the Capital Outlay Fund No. 245 Reserve to San Diego Park District No. 12F, Fund 3713 for the payment of assessments against general City-owned land within San Diego Park District No. 12F, was adopted on motion of Councilman Hubbard.

(Item 67)

RESOLUTION 213891, establishing a parking time limit of one hour between the hours of 8:00 a.m. to 6:00 p.m., Sundays and certain holidays excepted, on the westerly side of La Jolla Shores Drive, between El Paseo Grande and the Museum entrance, and the north side of El Paseo Grande, between La Jolla Shores Drive and the west Museum entrance to the university parking lot; authorizing the installation of necessary signs and markings; rescinding Resolution No. 208480, adopted July 26, 1973, was adopted on motion of Councilman Hubbard.

(Item 68)

RESOLUTION 213892, establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the east side of Draper Avenue, between Silver Street and Kline Street; authorizing the installation of the necessary signs and markings, was adopted on motion of Councilman Hubbard.

(Item 69)

RESOLUTION 213893, authorizing Suggestion Awards to the following employees: Stanley A. Elmore, Police Department, \$650; Ray Haskell, General Services Department, \$25; and Bernice F. Webber, Auditor & Comptroller, \$25, was adopted on motion of Councilman Hubbard.

(Item 70)

RESOLUTION 213894, authorizing a representative of the Fire Prevention Bureau of the San Diego Fire Department to attend the Western Fire Chiefs Conference to be held at Sun Valley, Idaho during the period August 24-28, 1975; that all travel, lodging, food and other expenses associated with the Western Fire Chiefs Conference, with the exception of salary during this period, shall be at no expense to the City, was adopted on motion of Councilman Hubbard.

(Item 52b - Second time)

City Manager McKinley answered questions directed by the Council.

Councilman Haro entered the Chambers.

On motion of Councilman Hubbard, the proposed Resolution, was continued one week to August 6, 1975, for a report from the Planning Department.

(Item 51d - second time)

City Manager McKinley, Assistant City Attorney Teaze and City Clerk Nielsen answered questions directed by the Council.

RESOLUTION 213895, awarding a contract to San Diego Daily Transcript, for furnishing official advertising for a period of two years, ending July 31, 1977, for an estimated cost of \$100,000; designating San Diego Daily Transcript as the "City Official Newspaper", was adopted on motion of Councilman Williams.

(Item 74)

A proposed Resolution, prohibiting parking of vehicles between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. daily on the ocean side of Torrey Pines Road, between Prospect Street and Princess Street; authorizing the installation of the necessary signs and markings, was presented.

The motion of Councilman Johnson to adopt the proposed Resolution, received no second at this time.

Mayor Wilson recessed the Meeting at 2:54 p.m. Upon reconvening at 3:08 p.m., the roll call showed Councilmen Williams and Morrow absent.

Patricia Dahlberg, representing La Jolla Town Council, and Dr. Schmidt appeared to speak in favor of the proposed Resolution.

Councilman Williams entered the Chambers.

Mrs. Barbara Hensch, Raymond Smith and Julie Dahlberg appeared to speak in favor of the proposed Resolution.

Mr. Russ Baily, Mrs. Friedkin and Mr. William Bar appeared to speak in opposition to the proposed Resolution.

Michael Mullin, Mrs. W. R. Baily, Dr. Schmidt and Mr. William Bar spoke in rebuttal.

(Item 74 - Continued)

Don Robbins, Transportation Department, City Manager McKinley and Assistant City Attorney Teaze answered questions directed by the Council.

On motion of Councilman Johnson, the proposed Resolution was continued one week to August 6, 1975, and referred to the City Attorney for proper signing and language for a loading zone to permit special accommodations for any handicapped persons using that stretch of Torrey Pines Road.

(Item 53)

RESOLUTION 213896, Inviting bids for furnishing office furniture as may be required for the period of one year ending August 31, 1976, in accordance with Specifications Document No. 752085, was adopted on motion of Councilman Hubbard.

(Item 54)

The following proposed Resolutions, relative to construction of Silverwing Park - Recreation Building: (a) Certifying that the information contained in the First Amendment to Negative Declaration 72-12-004.1C 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 (b) inviting bids - Specifications Document No. 752086, were presented.

Ruth Schneider, representing the Otay Mesa Homeowners Association, appeared to speak before the Council.

City Manager McKinley answered questions directed by the Council.

On motion of Councilman Haro, the following Resolutions, relative to construction of Silverwing Park - Recreation Building, were adopted:

RESOLUTION 213897, certifying that the information contained in the First Amendment to Negative Declaration 72-12-004.1C 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

RESOLUTION 213898, Inviting bids, in accordance with Specifications Document No. 752086.

(Item 59)

A proposed Resolution, setting a public hearing on the intention to vacate Colima Street between Chelsea Avenue and Sea Rose Place; an unnamed Alley south of Block 36, between Calumet Avenue and Sea Rose Place, Bird Rock Addition, was presented.

Phil Shafer, Assistant to Councilman Morrow, appeared to speak before the Council.

Assistant City Attorney Teaze answered questions directed by the Council.

RESOLUTION OF INTENTION NO. 213899, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Colima Street between Chelsea Avenue and Sea Rose Place; an unnamed Alley south of Block 36, between Calumet Avenue and Sea Rose Place, Bird Rock Addition, Map No. 1083 and fixing a time and place for hearing thereof, was adopted on motion of Councilman Martinet.

(Item 82)

A proposed Resolution, directing the Legislative Representative to support Senate Bill 242 which provides that any person who administers any massage in any massage parlor to any person of the opposite sex is guilty of a misdemeanor, was presented.

Rick Might, President of the San Diego Massage Parlor Association, appeared to speak before the Council.

Assistant City Attorney Teaze answered questions directed by the Council.

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

Assistant City Attorney Teaze answered questions directed by the Council.

Rick Might appeared to speak in opposition to the proposed Resolution.

RESOLUTION 213900, directing the Legislative Representative to support Senate Bill 242 with additional provisions that any person who administers any massage in any massage parlor to any person of the opposite sex, or any owner, licensee or operator of a massage parlor who knowingly permits the administration of any massage to any person of the opposite sex in any massage parlor under his control, or any person who receives any massage, in any massage parlor administered by any person of the opposite sex, is guilty of a misdemeanor, was adopted on motion of Councilman Ellis, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Martinet, Ellis and Mayor Wilson. Nays-Councilmen Williams and Haro. Absent-Councilman Morrow.

(Item 79)

The following Resolutions, relative to acquisition of park reserve land in connection with San Diego Park District #12F (Tecolote Main Canyon), were adopted on motion of Councilman Martinet:

RESOLUTION 213901, authorizing the expenditure of \$460,000 out of Environmental Growth Fund No. 2505, for the purpose of an advance for the acquisition of park reserve land in connection with San Diego Park District 12F (Tecolote Main Canyon); and

RESOLUTION 213902, authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings, a portion of unnumbered Lot lying northeasterly of Pueblo Lot 267 and northwesterly of Pueblo Lot 290; a portion of unnumbered Lot known as Fos Addition; Pueblo Lot 291; portions of Pueblo Lots 265, 267, 289, 290, 292, 293, 1177, 1191, 1195 and 1206 of the Pueblo Lands of San Diego; portions of Blocks 2, 3, 4, 7, 8, 9, 12 and 13, Mission Bay Heights; Lots 89 through 100, Block J, Lot "O" of the Resubdivision of a portion of Lot "J", portions of Blocks D, K and L, Tecolote Heights; a portion of Acre Lot 131, Morena, a portion of Fairfield Street; portions of Arnett Street; portions of the Alley adjoining Lots 3 through 7, Lots 9 through 14 and Lots 21 and 22, Block 4, Mission Bay Heights; portions of ~~the Alley~~ adjoining Lots 25 and 35, Block 8, Mission Bay Heights; and a portion of the unnamed street adjoining Lot 21, Block 4, Mission Bay Heights.

Councilwoman O'Connor left the Chambers.

(Item 80)

RESOLUTION 213903, authorizing a lease agreement with Cornelio and Matiana Rodriguez, leasing a 60' x 125' area including single family residence and appurtenant structures located in dedicated Pottery Canyon Park in La Jolla for a five year period with an option to renew for an additional five year period, at a rental of \$360 per year, was adopted on motion of Councilman Johnson.

(Item 81)

A proposed Resolution, declaring opposition to Senate Bill No. 4 relating to Public Employer-Employee Labor Relations; directing the Legislative Representative to make the Council's opposition known in his contacts with the Legislature of the State of California, was presented.

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

Councilwoman O'Connor entered the Chambers.

Chief Deputy City Attorney Katz, Deputy City Manager Blair, and Personnel Director Sue Williams answered questions directed by the Council.

Ernie Krause, representing the San Diego Public Employees Association, appeared to speak before the Council.

RESOLUTION 213904, declaring opposition to Senate Bill No. 4 relating to Public Employer-Employee Labor Relations; directing the Legislative Representative to make the Council's opposition known in his contacts with the Legislature of the State of California, requesting the League of California Cities to set this item for approval at the 1975 Annual Meeting, was adopted on motion of Councilman Ellis, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Martinet, Ellis, Haro and Mayor Wilson. Nays-Councilman Hubbard. Absent-Councilman Morrow.

On motion of Councilman Ellis, the Regular Council Meeting was extended past 5:30 p.m. to finish the Council docket, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Martinet, Ellis, and Mayor Wilson. Nays-Councilman Haro. Absent-Councilman Morrow.

(Item 71)

A proposed Resolution, directing the Planning Commission to hold hearings on the preparation of an ordinance to regulate and control outdoor advertising display signs and to specifically consider: a) The recommendations of the "Off-Premises Sign Ordinance Committee" dated February 17, 1972; b) The proposed ordinance drafted by Councilman Morrow establishing an Advertising Zone; and c) Any combination of the above two proposals, was presented.

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

The motion of Councilman Martinet to adopt the proposed Resolution, received no vote.

Assistant Planning Department Director Van Cleave answered questions directed by the Council.

On motion of Councilman Martinet, the proposed Resolution was amended by adding "d) Any other proposals".

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

RESOLUTION 213905, directing the Planning Commission to hold hearings on the preparation of an ordinance to regulate and control outdoor advertising display signs and to specifically consider: a) The recommendations of the "Off-Premises Sign Ordinance Committee" dated February 17, 1972; b) The proposed ordinance drafted by Councilman Morrow establishing an Advertising Zone; c) Any combination of the above two proposals; and d) Any other proposals.

(Item 72- CASE NO. 41-72-1/EOT #2)

A proposed Ordinance, amending Section 1 of Ordinance No. 10941 (New Series), adopted October 12, 1972, amended by Ordinance No. 11480 (New Series), adopted January 23, 1975, incorporating portions of Lots 15, 25, and 29, Rosedale Tract, and portions of Lots 1, 2, 15, 16 and 17, Block 16, Resubdivision of Lots 14, 16, 18, 19 and 20, Rosedale Tract, into R-2 Zone, as defined by Section 101.0409 of the San Diego Municipal Code, was introduced on motion of Councilwoman O'Connor, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Martinet, Ellis, Haro and Mayor Wilson. Nays-None. Absent-Councilman Morrow.

(Item 73 - CASE NO. 43-72-9/EOT)

A proposed Ordinance, amending Section 1 of Ordinance No. 11050 (New Series), adopted May 3, 1973, incorporating a portion of Lot 43, The Highlands, into M-1B Zone, as defined by Section 101.0435.2 of the San Diego Municipal Code, and repealing Ordinance No. 10936 (New Series), adopted October 5, 1972, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Haro, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Martinet, Ellis, Haro and Mayor Wilson. Nays-None. Absent-Councilman Morrow.

(Item 75)

RESOLUTION 213906, authorizing the City Auditor and Comptroller to transfer \$5,000 within Fund 100 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) for the purpose of providing funds to augment Resolution No. 208152 for expenses incurred in certain hearings to be held before the California Public Utilities Commission and the Federal Power Commission in the matter of Gas and Electric Rate Increase Applications by Pacific Lighting Service Corporation, Southern California Gas Company and San Diego Gas & Electric Company, was adopted on motion of Councilwoman O'Connor.

(Item 77)

RESOLUTION 213907, awarding a contract to Morton Equipment & Supply Co., for furnishing the rental of a minimum of 3,000 portable free-standing grandstand bleacher seats and two portable exit stairways, for a six-month period ending January 27, 1976 for the sum of \$13,908.60; terms net 30 days, with four six-month renewal period options through January 27, 1980, subject to price escalation, was adopted on motion of Councilman Ellis.

(Item 78)

A proposed Resolution, authorizing a First Amendment to Agreement with the County of San Diego, for the purpose of clearly specifying the Revenue Sharing Contributions of City and County and the method of payment for the 1975 Summer San Diego Recreation Support Program, was presented.

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

City Manager McKinley answered questions directed by the Council.

Councilman Haro left the Chambers.

RESOLUTION 213908, authorizing a First Amendment to Agreement with the County of San Diego, for the purpose of clearly specifying the Revenue Sharing Contributions of City and County and the method of payment for the 1975 Summer San Diego Recreation Support Program, was adopted on motion of Councilman Martinet.

(Item 84)

The following proposed Resolutions, relative to employment of outside Legal Counsel in connection with action on conflict of interest - Joseph Yamada, Park and Recreation Board - awarding of contract for Landscape Architectural Services for preliminary design of the Japanese Garden in Balboa Park:

a) Appropriating necessary funds to pay Legal Counsel selected by City Manager Hugh McKinley to represent himself; and b) Appointing Legal Counsel and appropriating necessary funds to pay said Legal Counsel to represent the City Council, were presented.


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

On motion of Councilman Martinet, (a) was adopted and (b) was amended by appointing the Legal Counsel after Executive Session, and adopted as amended, by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Martinet, Ellis and Mayor Wilson. Nays-Councilwoman O'Connor. Absent-Councilmen Morrow and Haro:

RESOLUTION 213909, authorizing the City Manager to retain a law firm of his choice, White, Price, Peterson & Robinson, to represent him in the matter of the contract with Wimmer, Yamada, Iwanaga & Associates, in connection with the design of a Japanese Garden in Balboa Park, under the terms and conditions set forth in a letter dated July 28, 1975; authorizing the Auditor and Comptroller to transfer within Fund No. 100, the sum of \$5,000 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to be used for said purpose; and

RESOLUTION 213910, authorizing the Auditor and Comptroller to transfer within the Fund No. 100, the sum of \$5,000 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to be used solely and exclusively for payment of legal expenses incurred by the City Council in the matter of the contract with Wimmer, Yamada, Iwanaga & Associates in connection with the design of a Japanese Garden in Balboa Park.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 5:44 p.m. on motion of Councilman Johnson.


Deputy Mayor of The City of San Diego, California

ATTEST:


City Clerk of The City of San Diego, California