

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, OCTOBER 16, 1975
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M.

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

Absent--None.

Clerk---Edward Nielsen.

Mayor Wilson called the regular meeting to order at 8:46 a.m.

(Item 250)

Roll call was taken.

(Item 251)

Mayor Wilson introduced Rev. Nixon McDonald of Mt. Pisgah Baptist Church,
who gave the Invocation.

(Item 252)

Councilwoman O'Connor led the Pledge of Allegiance.

Councilman Williams left the Chambers.

(Item 255)

The Purchasing Agent reported on all bids opened Wednesday, October 15,
1975, for the construction of water mains at Arroyo Sorrento Road, Tierra
Del Sur, and an unnamed street; five bids were received.

Finding was made on motion of Councilman Morrow, that bids had been
opened and declared as reported. By the same motion, report was referred
to the City Manager and City Attorney for recommendation.

Councilman Williams entered the Chambers.

(Item 256)

A communication from Mary A. Williams, representing Clairemont Bobby Sox, requesting permission to address the Council regarding the purchase by the City of school property now up for sale, was presented.

Mary A. Williams appeared to speak regarding said communication.

On motion of Councilman Morrow, the communication was referred to the City Manager for report.

The Council at this time considered requests for continuances: Items 301 and 306.

(Item 301)

NOTICED HEARINGS: (Continued from the Meeting of September 25, 1975.)
Appeal of Lawrence Berry, by Louis S. Katz, attorney, from the decision of the Chief of Police in revoking his Card Room Work Permit at Lucky Lady Cardroom, 4792 El Cajon Boulevard, under the provisions of Section 33.1625.3 of the San Diego Municipal Code.

Louis Katz appeared on the continuance.

On motion of Councilman Morrow, the matter was continued to November 6, 1975, 8:45 a.m. Time Certain, at appellant's request.

(Item 306)

NOTICED HEARINGS: Application of Mr. Andrew E. Louis, doing business as Broadway Drivers, for a Certificate of Public Convenience and Necessity to operate one automobile for hire for the purpose of offering a chauffeur service operating from an office in his home on an "on call" basis, within the City, in accordance with Section 72.0204 of the San Diego Municipal Code.

City Manager McKinley answered questions directed by Council.

On motion of Councilman Martinet, the matter was continued to November 6, 1975 - a.m., at applicant's request.

There was discussion on hearings set for October 23, 1975 which will be continued to October 30, 1975.

(Item 302 - CUP NO. 432-PC)

The hour of 9:00 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of September 18, 1975, for review by Transportation and Land Use Committee, on appeals of Citizens Coordinate for Century 3 and Robert Bregman, M.D., from the decision of the Planning Commission in granting the application of The City of San Diego, owner and the YMCA, permittee, under Conditional Use Permit No. 432-PC, to construct and operate an 80,000 square foot, one-story central YMCA facility with 8 tennis courts, parking and landscaping on 8.6 acres in the R-1-40 and FC Zones. The property is a portion of Pueblo Lot 1101 and is located on the south side of Friars Road between Napa Street and the southerly extension of Benicia Street. It was reported that no written protests had been received.

(Item 302 - CUP NO. 432-PC - Continued)

Committee Consultant Dick Wilken and Ken Klein, Planning Department, answered questions directed by the Council.

Myron Lewis appeared to speak.

Councilman Ellis moved to suspend the rules to permit 25 minutes testimony per side, which passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Martinet, Ellis, Haro, and Mayor Wilson. Nays-Councilmen O'Connor and Morrow. Absent-None.

Arlene Van de Wetering, Arthur Casey, Nancy Henderson, Barbara Shafer, Hamilton Marston, Robert Fauble, and Robert Bregman appeared to speak in favor of the appeal.

Robert Hanson, Emmett Hunt, George Jessop, Richard Capen, Jr., Myron Lewis, and Ruby Zellman appeared to speak in opposition to the appeal.

Mayor Wilson recessed the meeting at 10:02 p.m. Upon reconvening at 10:21 a.m., the roll call showed all present.

By mutual agreement, the Council trailed action on the matter upon consideration of Item 254.

(Item 254)

Mayor Wilson introduced forty students from Patrick Henry High School, accompanied by Mr. Arthur Polk.

Councilman Ellis addressed the group.

(Item 302 - CUP NO. 432-PC - Second Time)

Myron Lewis appeared to speak.

Property Director McFarlane answered questions directed by the Council.

Robert Bregman appeared to speak.

Ken Klein, Planning Department and Chief Deputy City Attorney Conrad answered questions directed by the Council.

Councilman Martinet left the Chambers.

Councilman Martinet entered the Chambers.

(Item 302 - CUP NO. 432-PC - Continued)

A motion by Councilman Morrow to approve the Conditional Use Permit, upon condition that YMCA lease to City its downtown site on same terms as City's lease, failed due to lack of five affirmative votes, by the following vote: Yeas-Councilmen Williams, Morrow and Haro. Nays-Councilmen Johnson, O'Connor, Hubbard, Martinet, Ellis and Mayor Wilson. Absent-None.

The hearing was closed on motion of Councilman Hubbard.

RESOLUTION 214500, by a vote of 5 to 4, denying the appeal of Citizens Coordinate for Century 3 and Robert Bregman, M.D., and granting to The City of San Diego and the YMCA Conditional Use Permit No. 432-PC, was adopted on motion on Councilman Hubbard, by the following vote: Yeas-Councilmen Johnson, Hubbard, Martinet, Ellis and Mayor Wilson. Nays-Councilmen O'Connor, Williams, Morrow and Haro. Absent-None.

RESOLUTION 214501, certifying that the information contained in Environmental Impact Report No. 75-03-13P 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 Hubbard, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Martinet, Ellis and Mayor Wilson. Nays-Councilmen Williams, Morrow and Haro. Absent-None.

Mayor Wilson recessed the Meeting at 12:10 p.m., to reconvene at 1:30 p.m. Council went into Executive Session, 12th Floor, Council Conference Room, to direct the Management Team.

Upon reconvening at 1:45 p.m., the roll call showed Councilmen Williams, Morrow and Haro absent.

(Item 304 - CASE NO. 1-75-1)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on matter of rezoning Lot 4, Pacific Plaza Shopping Center, located at the northeast corner of Garnet Avenue and Jewell Street in the Pacific Beach Community, from Zones C and CP to Zone CA. It was reported that no written protests had been received.

No one appeared to be heard.

The hearing was closed on motion of Councilman Martinet.

RESOLUTION 214502, certifying that the information contained in Environmental Negative Declaration No. 74-10-025P 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 Martinet.

A proposed Ordinance, incorporating Lot 4, Pacific Plaza Shopping Center, into CA Zone, as defined by Section 101.0428.1 of the San Diego Municipal Code, and repealing Ordinance No. 7988 (New Series), adopted October 10, 1958, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Martinet, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Martinet, Ellis, and Mayor Wilson. Nays-None. Absent-Councilmen Williams, Morrow, and Haro.

(Item 305 - CASE NO. 43-75-7)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on matter of rezoning a portion of Lot 43, The Highlands, located south of Ronson Road between Ruffner Street and Convoy Street, from Zone R-1-20 to Zone M-1B. It was reported that no written protests had been received.

No one appeared to be heard.

The hearing was closed on motion of Councilman Johnson.

RESOLUTION 214503, certifying that the information contained in Environmental Negative Declaration No. 74-9-026P 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.

A proposed Ordinance, 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 by 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 Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Martinet, Ellis, and Mayor Wilson. Nays-None. Absent-Councilmen Williams, Morrow, and Haro.

Councilwoman O'Connor left the Chambers.

Councilmen Morrow and Haro entered the Chambers.

(Item 303 - CASE NO. 42-75-3)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on matter of rezoning a portion of Lot 1, Sample-Brown Tract and a portion of Pueblo Lot 1119, located on Hotel Circle, west of Hotel Circle Court, from Zone R-1-40 (HR Zone on a portion) to Zone CO. It was reported that no written protests had been received.

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

Councilman Williams entered the Chambers.

Arthur Peinado appeared to be heard in favor of the matter.

John De Alfonso appeared to be heard in opposition to the rezoning.

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

Councilman Haro left the Chambers.

The hearing was closed on motion of Councilman Martinet.

RESOLUTION 214504, certifying that the information contained in Environmental Impact Report No. 75-05-02P 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 Martinet.

A proposed Ordinance, incorporating a portion of Lot 1, Sample-Brown Tract, and a portion of Pueblo Lot 1119, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code and repealing Ordinance No. 1947 (New Series), adopted October 1, 1940, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Martinet, by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Martinet, Ellis, and Mayor Wilson. Nays-None. Absent-Councilmen O'Connor and Haro.

(Item 402)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, on the matter of City Council consideration of alternatives to be presented by the City Attorney for enabling legislation for conducting Elections of Community Planning Councils. It was reported that no written protests had been received.

Mac Strobl appeared to speak on the continuance.

City Manager McKinley answered questions directed by the Council.

Councilwoman O'Connor entered the Chambers.

Dick Ridenour, G. Neil, Dorothy Leonard, Bruce Hazard, Ted Gavitt, Ruby Zellman, Bob Miller, and Patrick Crowley appeared to speak in favor of the continuance.

Planning Director Goff answered questions directed by the Council.

Ruth Latham appeared to speak in favor of the continuance.

Tom Costic appeared to speak in opposition to the continuance.

Councilman Williams left the Chambers.

Marian Bear appeared to speak in favor of the continuance.

A motion by Councilman Hubbard to continue the matter to December 18, 1975, to coordinate with the McManis Report, received no vote at this time.

Doug Card appeared to speak in opposition to the continuance.

Councilmen Williams and Haro entered the Chambers.

A vote was then taken on the previous motion by Councilman Hubbard to continue to December 18, 1975 - p.m., to coordinate with the McManis Report, which passed by the following vote: Yeas-Councilmen Hubbard, Williams, Ellis, Haro, and Mayor Wilson. Nays-Councilmen Johnson, O'Connor, Morrow, and Martinet. Absent-None.

(Item 401)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, on the matter of City Council consideration of amendments to the Ocean Beach Precise Plan. It was reported that no written protests had been received.

Assistant City Attorney Teaze answered questions directed by the Council.

A motion by Councilman Morrow to file the matter, died for lack of a second.

(Item 401 - Continued)

A motion by Councilman Hubbard to notice the public to entertain amendments to the Ocean Beach Precise Plan, died for lack of a second.

A motion by Councilman Morrow to file the matter, received no vote at this time.

Robert James Burton appeared to speak.

Assistant City Attorney Teaze answered questions directed by the Council.

Doug Card appeared to speak.

Planning Director Goff answered questions directed by the Council.

A vote was then taken on the previous motion by Councilman Morrow to file, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, and Haro. Nays-Councilmen Hubbard, Martinet, Ellis, and Mayor Wilson. Absent-None.

(Item 300)

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 October 2, 1975, for amended plans and specifications, paving and otherwise improving Noell Street between Hancock Street and Pacific Highway; Robinson Avenue easterly of Florida Street; and Archer Street between Fanuel Street and Everts Street - on Resolution of Intention No. 214095. It was reported that no written protests had been received.

No one appeared to be heard.

Assistant City Attorney Teaze answered questions directed by the Council.

The hearings were closed and the following Resolutions adopted on motion of Councilwoman O'Connor:

RESOLUTION 214505, ordering changes and approving plans and profiles showing the contemplated changes and modifications in the work described in Resolution of Intention No. 214095 for the improvement of Noell Street;

RESOLUTION 214506, overruling and denying all oral and written protests filed in the office of the City Clerk, determining that the proposed improvement within the limits mentioned in Resolution of Intention 214095 is feasible, and the lands to be assessed therefor will be able to carry the burden of such proposed assessment, and that the public convenience and necessity require the proposed improvements, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 214507, ordering work to improve Noell Street between Hancock Street and Pacific Highway.

(Item 450)

A proposed Resolution, authorizing a Grant Offer Acceptance in the amount of \$100,000 with the United States Department of Commerce, Economic Development Administration for the purpose of (1) providing staffing capabilities for the planning, coordination and evaluation of economic development activities associated with the City's Community Development Program efforts and (2) providing support to the Growth Management Study so as to analyze major San Diego growth issues and related alternatives for Community Development, was presented.

(Item 450 - Continued)

Planning Director Goff and Committee Consultant Wilken answered questions directed by the Council.

A motion by Councilman Williams to continue to October 29, 1975, pending action by Committee, died for lack of a second.

Planning Director Goff and Committee Consultant Wilken answered questions directed by the Council.

RESOLUTION 214508, authorizing a Grant Offer Acceptance in the amount of \$100,000 with the United States Department of Commerce, Economic Development Administration for the purpose of (1) providing staffing capabilities for the planning, coordination and evaluation of economic development activities associated with the City's Community Development Program efforts and (2) providing support to the Growth Management Study so as to analyze major San Diego growth issues and related alternatives for Community Development, was adopted on motion of Councilwoman O'Connor.

(Item 451)

A proposed Resolution, authorizing the City Manager and the Planning Director to issue a Request for Proposals for the purpose of selecting a consultant to develop a fiscal-impact analysis system in support of the Growth Management Study; authorizing the City Manager or his representative to select a consultant using the applicable selection procedures required by appropriate federal guidelines and City policies, and negotiate the necessary consultant contract, and return to the City Council for approval of said consultant and authority to execute the contract in an amount not to exceed \$50,000; authorizing the use of up to \$25,000 Economic Development Act Funds and up to \$25,000 Community Development Block Grant Funds for said study, conditional upon receipt of said Economic Development Act Grant Funds, was presented.

A motion by Councilman Morrow to continue to October 30, 1975, at Councilman Morrow's request, received no vote at this time.

City Manager McKinley and Planning Director Goff answered questions directed by the Council.

A vote was then taken on the previous motion by Councilman Morrow to continue to October 30, 1975 - p.m., at Councilman Morrow's request.

Mayor Wilson recessed the meeting at 3:58 p.m. Upon reconvening at 4:15 p.m., the Roll call showed Councilmen O'Connor, Williams, and Morrow absent.

(Item 104 - Unfinished Business - Docket of October 15, 1975)

A proposed Ordinance, amending Chapter IV, Article 5, Division 1 of the San Diego Municipal Code by amending Sections 45.0108 and 45.0109 relating to the Prohibition of Smoking in certain areas used by or open to the public, was presented.

Councilmen Williams and Morrow entered the Chambers.

Discussion followed.

Councilwoman O'Connor entered the Chambers.

A motion by Councilman Morrow to introduce the Ordinance, received no vote at this time.

Deputy City Attorney McCartee answered questions directed by the Council. Don Erwin appeared to speak.

A motion by Councilman Haro to continue to January 21, 1976, for annual review of the Ordinance, received no vote at this time.

Angela Sheskey, Frank Brinkman, and Glen McNary appeared to speak.

Deputy City Attorney McCartee answered questions directed by the Council.

A vote was then taken on the previous motion by Councilman Haro to continue to January 21, 1976, for annual review of the Ordinance, which passed by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, Haro, and Mayor Wilson. Nays-Councilmen Johnson, Hubbard, Martinet, and Ellis. Absent-None.

(Unanimous Consent No. 1)

A proposed Resolution, publicly rejecting actions of Local 145 (Firefighters) as being damaging to City's tourism industry, etc. and being potentially harmful economically to fellow union members engaged therein; rescinding Resolution 213371 providing for deductions from wages and salaries of union dues, was presented.

RESOLUTION 214509, publicly rejecting the actions of Local 145 as being damaging to the City's third largest industry and being potentially harmful economically to fellow union members engaged therein; rescinding Resolution No. 213371, dated May 27, 1975, providing for deductions from wages and salaries, until Local 145 acts in a responsible manner by cessation of tactics adversely affecting industry and citizens and restricts its efforts to reach its goals to engaging in good faith meeting and conferring as provided by law, was adopted on motion of Councilman Morrow.

(Unanimous Consent No. 2)

By Unanimous Consent granted to Councilwoman O'Connor, a proposed Resolution, accepting and approving in concept the recommendations of the Public Services and Safety Committee regarding funding of certain Human Care Services Program; the total determining funding sources to be considered; authorizing City Manager to negotiate nature and concept of a new project proposed by Urban League to be presented to Public Services and Safety Committee, etc.; total funding of this project not to exceed \$30,000, was presented.

RESOLUTION 214510, accepting and approving in concept the recommendations of the Public Services and Safety Committee in the matter of funding certain Human Care Service Programs, to wit:

Balance of Fiscal Year 1975-76:

Bridges to Business (full funding)	\$30,400
Centro Juvenil (reduced full funding)	39,416
Legal Aid (full funding)	132,111
Narcotics Abuse (full funding)	56,868
Project Orgullo (full funding)	10,760
Model Ex-Offenders (reduced full funding)	39,332
Young Unwed Mothers (full funding)	30,117

90-Day Phase-Out:

Southeast Involvement Project	20,288
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60-Day Phase-Out:

Community Organization	5,087
Project Seniority	7,462
Senior Citizens Manpower & Employment Program	13,524
Special Services	5,248;

considering funding sources for the purpose of funding these programs:

(1) \$370,001 of revenue sharing monies available in the Fiscal Year 76 Human Resources Department appropriation for this purpose; (2) \$37,000 in surplus prior year encumbered funds from the Fiscal Year 1975 Senior Nutrition Program; and (3) \$13,612 revenue sharing monies available in CIP 58-008, Interim Street Surfacing, a total of \$420,613; empowering the City Manager to negotiate the nature and concept of a new project proposed by the San Diego Urban League to be presented to the Public Services and Safety Committee after review and evaluation by the Human Resources Department. Total funding for this project is not to exceed \$30,000, was adopted on motion of Councilwoman O'Connor, by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Martinet, Ellis, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-None.

(Unanimous Consent No. 3)

By Unanimous Consent granted to Councilman Morrow, a proposed Resolution, directing City Manager to negotiate lease agreement with New World Aviation, Inc. and AGAPI Foundation, Inc. for portion of Brown Field Facilities per letter of understanding, was presented.

RESOLUTION 214511, directing the City Manager to negotiate with New World Aviation and Agapi Foundation, Inc., for lease of certain Brown Field facilities in accordance with a letter of understanding between New World Aviation and Agapi Foundation Inc., was adopted on motion of Councilman Morrow.

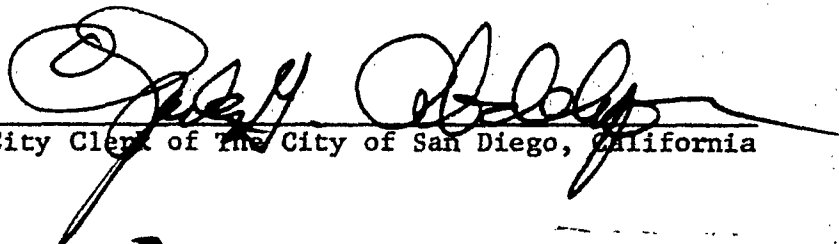
(Item 253)

Twenty students from Point Loma High School did not arrive.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Johnson at 5:06 p.m.

Mayor of The City of San Diego, California

ATTEST:


City Clerk of The City of San Diego, California