

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, JANUARY 21, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

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

Deputy Mayor O'Connor called the Regular Meeting to order at 2:03 p.m.

(Item 1)

Roll Call was taken.

(Item 2)

Minutes of the Regular Meetings September 25, 1975, a.m., and September 25, 1975, p.m., were presented by the City Clerk.

On motion of Councilman Johnson, said Minutes were approved without reading, after which they were signed.

(Item 3)

A communication from Bob Martinet requesting permission to address the Council regarding the review of a budgetary item, was presented.

Councilman Williams entered the Chambers.

Bob Martinet appeared to speak regarding said communication.

On motion of Councilman Morrow, said communication was referred to the City Manager for budgetary review, which passed unanimously.

By Common Consent, the Council considered a second communication from Bob Martinet, was presented.

A communication from Bob Martinet requesting permission to address the Council regarding the rental of office space for local town councils.

Bob Martinet appeared to speak regarding said communication.

On motion of Councilman Morrow, said communication was referred to the Rules Committee for review sometime in late March.

The Council considered requests for continuances: Items 152, 151, 150, 60a, 70f, 71e, 160 and 53c.

(Item 152 - First Time)

In the matter of a review of Council Resolution No. 210316, adopted April 4, 1974, designating the area commonly referred to as "Black's Beach" as a Swimsuit Optional Zone.

A letter from Mayor Wilson was read into the Record requesting a continuance.

Following discussion on the continuance, this item was trailed until 2:30 p.m.

(Item 151)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING: (Continued from the Meeting of October 16, 1975.) 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.

On motion of Councilman Haro, the proposed Ordinance was continued to February 25, 1976, 8:30 a.m., Time Certain, for further review by the Public Services and Safety Committee.

(Item 150)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING: Incorporating that property in the Mid-City Area IV, located south of Marilou Road, west of Euclid Avenue, and north of Beech Street, into R-3 and R-2 Zones.

On motion of Councilman Williams, the item was continued to January 22, 1976 for the full Council.

Items 60a, 70f, and 71e were considered simultaneously.

(Item 60a)

RESOLUTIONS: A proposed Resolution relative to La Jolla Alta PRD Unit No. 2, a 1-lot subdivision located westerly of Soledad Road: a - Renaming a portion of Parkview Drive westerly of Soledad Road, and all of Calle Aventura from Calle Delicada to Calle Miramar, to Alta La Jolla Drive.

On motion of Councilman Johnson, the proposed Resolution was continued to January 28, 1976, at the City Manager's request.

(Item 70f)

RESOLUTIONS: A proposed Resolution approving the acceptance by the City Manager of deeds affecting portions of Pueblo Lot 1780: f - Title Insurance and Trust Company (street purposes) - Alta La Jolla Drive.

On motion of Councilman Johnson, the proposed Resolution was continued to January 28, 1976, at the City Manager's request.

(Item 71e)

RESOLUTIONS: A proposed Resolution approving the acceptance by the City Manager of deeds: e - Title Insurance and Trust Company (street purposes) - Cardeno Drive and Alta La Jolla Drive.

On motion of Councilman Johnson, the proposed Resolution was continued to January 28, 1976, at the City Manager's request.

(Item 160)

OTHER RESOLUTIONS: (Continued from the Meetings of December 24, 1975, and January 14, 1976.) Authorizing an agreement with the Bank of America National Trust and Savings Association, whereby the Bank of America will process; authorize and service Property Rehabilitation Loans; authorizing the expenditure of not to exceed \$200,000 from Community Development Block Grant Fund 2910, to provide funds for the above purpose.

On motion of Councilman Ellis, seconded by Councilman Haro, the item was continued to February 4, 1976 at the City Attorney's request, which passed unanimously.

(Item 53c)

RESOLUTIONS: A proposed Resolution relative to awarding contracts; Livesay Manufacturing for the purchase of one 16' work boat, for an actual cost, including tax and terms, of \$2,120.

On motion of Councilman Ellis, the proposed Resolution was continued to January 28, 1976, at the City Manager's request.

The Council considered that portion of the Consent Agenda dealing with Resolutions, which consisted of Items 50, 51, 52, 53a, 53b, 53d, 54, 55, 56, 57, 58, 59, 60b, 60c, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70a, 70b, 70c, 70e, 71a, 71b, 71c, 71d, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 100.

There was discussion on Items 73, 54b, 75, 77, 78, 79, 80, and 100.

(Item 50)

The following Resolutions, relative to construction of pedestrian overpass (Torrey Pines Road at La Jolla Shores Drive), were adopted on motion of Councilman Gade:

RESOLUTION 215083, awarding a contract, including Agenda and B, to Riha Construction Co. for the sum of \$173,379.88; authorizing the expenditure of \$197,470 out of Gas Tax Fund No. 220 and \$48,500 out of Capital Outlay Fund 245 Reserve for said purpose and related costs; and

RESOLUTION 215084, authorizing a supplemental agreement with the State of California, Department of Transportation, as required by the Master Agreement for Federal-Aid Urban System Projects, for said construction.

(Item 51)

The following Resolutions, relative to construction of sewer and water main replacements - Group 18 - Missions Hills Area, were adopted on motion of Councilman Gade:

RESOLUTION 215085, awarding a contract to Wal-Con Const. Inc., and John M. Artukovich Co. for said construction, for the sum of \$198,783.40; authorizing the expenditure of \$168,000 out of Sewer Revenue Fund No. 506 and \$98,500 out of Water Revenue Fund No. 502 for said purpose and related costs; and

RESOLUTION 215086, authorizing the use of City Forces to do all the work of performing operational checks and making connections where required.

(Item 52)

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

(Item 52 - Continued)

RESOLUTION 215087, Daily Disposal Service for furnishing refuse container service at selected park sites, as may be required for a period of one year ending January 31, 1977; and

RESOLUTION 215088, Nevco Scoreboard Company for the purchase of three each basketball scoreboards with cable, for an actual cost, including tax, terms and freight, of \$2,507.86; and

RESOLUTION 215089, Bill Smith Sporting Goods for the purchase of one each wrestling mat, for an actual cost, including tax and terms, of \$1,673.51; and

RESOLUTION 215090, Disposable Waste Systems, Inc., including tax, terms and estimated freight, of \$11,564.59.

(Items 53a, 53b, and 53d)

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

RESOLUTION 215091, Draco Industrial Equipment, Inc., for the purchase of five one ton cranes, for an actual cost, including tax, terms, and freight, of \$3,497.09; and

RESOLUTION 215092, Equipment Specialists for the purchase of twelve electric hoists, for an actual cost, including tax and terms, of \$1,718.92; and

RESOLUTION 215093, Stoner Ambulance Manufacturing Company for the purchase of eighteen ambulance (modular) interiors, including Option 5, for an actual cost, including tax and terms, of \$17,520.40.

(Item 54)

The following Resolutions, relative to inviting bids, were adopted on motion of Councilman Gade:

RESOLUTION 215094, for rental of a truck mounted crane as may be required for a period of one year ending February 28, 1977; and

RESOLUTION 215095, furnishing one wood chipper; and

RESOLUTION 215096, furnishing one loader/backhoe and two tractor loaders.

(Item 55)

The following Resolutions, relative to inviting bids, were adopted on motion of Councilman Gade:

RESOLUTION 215097, furnishing library furniture; and

RESOLUTION 215098, furnishing concrete and plaster, sand and gravel, as may be required for a period of one year ending February 28, 1977; and

RESOLUTION 215099, furnishing six police motorcycles; and

RESOLUTION 215100, furnishing 1,500 ft. of drive chain.

(Item 56)

The following Resolutions, relative to the comfort station for Pacific Beach Drive, were adopted on motion of Councilman Gade:

RESOLUTION 215101, certifying that the information contained in the Environmental Impact Report No. 74-3-021C 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; and

RESOLUTION 215102, inviting bids.

(Item 57)

RESOLUTION 215103, inviting bids for installation of solar film on

215087 - 215103

id

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(Item 57 - Continued)

windows-Central Library, was adopted on motion of Councilman Gade.

(Item 58)

RESOLUTION 215104, rejecting all bids received on November 17, 1975, pursuant to publication of notice calling for bids on modifications to the Miramar Water Filtration Plant; authorizing the Purchasing Agent to re-advertise for bids, was adopted on motion of Councilman Gade.

(Item 59)

The following Resolutions, relative to Rio Land Subdivision, a 2-lot subdivision located south of Mission Valley Freeway and Camino Del Rio and west of Texas Street, were adopted on motion of Councilman Gade:

RESOLUTION 215105, authorizing an agreement with Rio Land Company, for completion of improvements; and

RESOLUTION 215106, approving the final map and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program.

(Item 60b and 60c)

The following Resolutions, relative to La Jolla Alta PRD Unit No. 2, a 1-lot subdivision located westerly of Soledad Road, were adopted on motion of Councilman Gade:

RESOLUTION 215107, authorizing an agreement with Techbilt Construction Corp., for completion of improvements; and

RESOLUTION 215108, approving the final map and acknowledging receipt of subdivider's Affirmative Marketing Program.

(Item 61)

The following Resolutions, relative to Penasquitos Greens Resubdivision, a 41-lot subdivision located on Carmel Mountain Road between Black Mountain Road and I-15, were adopted on motion of Councilman Gade:

RESOLUTION 215109, authorizing an agreement with Penasquitos, Inc. for completion of improvements; and

RESOLUTION 215110, approving the final map and acknowledging receipt of subdivider's Affirmative Marketing Program.

(Item 62)

The following Resolutions, relative to Valley Crest Unit No. 1, a 36-lot subdivision located northerly of Betelguese Way and northease of Menkar Road, were adopted on motion of Councilman Gade:

RESOLUTION 215111, authorizing an agreement with Southern California Properties, Ltd., for completion of improvements; and

RESOLUTION 215112, approving the final map and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program.

(Item 63)

The following Resolutions, authorizing amendments to agreements with Donald L. Bren Company for completion of improvements in the following subdivisions, were adopted on motion of Councilman Gade:

RESOLUTION 215113, Villa La Jolla No. 2.

RESOLUTION 215114, Villa La Jolla No. 3.

(Item 64)

The following Resolutions, relative to construction of a sewer main in Spalding Place from Georgia Street west to Alley, Block 24, University Heights, were adopted on motion of Councilman Gade:

RESOLUTION 215115, approving the plans, specifications, and Plat No. 3900 of the assessment district; and

RESOLUTION 215116, Resolution of Intention.

(Item 65)

RESOLUTION 215117, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Majestic Drive between Del Sol Boulevard and Picador Boulevard and fixing a time and place for hearing thereof, was adopted on motion of Councilman Gade.

(Item 66)

The following Resolutions, relative to paving and improving Noell Street between Hancock Street and Pacific Highway, were adopted on motion of Councilman Gade:

RESOLUTION 215118, awarding a contract to T. B. Penick & Sons, Inc., for said construction; and

RESOLUTION 215119, authorizing the expenditure of \$7,100 out of Capital Outlay Fund No. 245 for the City's contribution and related costs.

(Item 67)

RESOLUTION 215120, awarding a contract to T. B. Penick & Sons, Inc., for paving and otherwise improving Vega Street between West Morena Boulevard and Naples Street, was adopted on motion of Councilman Gade.

(Item 68)

RESOLUTION 215121, vacating sewer easements affecting Lot 23, Chollas View Subdivision Unit No. 1, and Lot 194, Chollas View Subdivision Unit No. 2, being unnecessary for present or prospective public use by the City, was adopted on motion of Councilman Gade.

(Item 69)

The following Resolutions, authorizing the divestment of City's easement interest by negotiated sale for the sum of \$32.50 each, of Lots 591 and 592 of Talmadge Park Unit No. 3; authorizing the execution of Quit Claim Deeds, conveying said drainage easement to the following, were adopted on motion of Councilman Gade:

RESOLUTION 215122, George A. Gonzalez; and

RESOLUTION 215123, James M. Fleming.

(Items 70a, 70b, 70c, 70d, and 70e)

The following Resolutions, approving the acceptance by the City Manager of Deeds affecting portions of Pueblo Lot 1780, were adopted on motion of Councilman Gade:

(Items 70a, 70b, 70c, 70d, and 70e - Continued)

RESOLUTION 215124, Title Insurance and Trust Company (drainage purposes); and
RESOLUTION 215125, Title Insurance and Trust Company (drainage purposes); and
RESOLUTION 215126, Title Insurance and Trust Company (drainage purposes); and
RESOLUTION 215127, Title Insurance and Trust Company (drainage purposes); and
RESOLUTION 215128, Title Insurance and Trust Company (drainage purposes).

(Items 71a, 71b, 71c, and 71d)

The following Resolutions, approving the acceptance by the City Manager of Deeds, were adopted on motion of Councilman Gade:

RESOLUTION 215129, Richard A. and Michalyn L. Crowther (street purposes) - Vega Street; and

RESOLUTION 215130, Clarence Lee Henderson and Alice Mae Henderson (street purposes) - 47th Street; authorizing the expenditure of not to exceed \$1,050 out of Gas Tax Fund 220 for acquisition of said property; and

RESOLUTION 215131, Barbara J. Taylor and Aaron Taylor (street purposes) - 47th Street; authorizing the expenditure of \$650 out of Gas Tax Fund 220 for acquisition of said property; and

RESOLUTION 215132, Martin H. Rodriguez and Juana M. Rodriguez (street purposes) - Beyer Boulevard.

(Item 72)

RESOLUTION 215133, approving the acceptance by the City Manager of Deed of Ramon Cisneros Morales (street purposes) - Beyer Boulevard; authorizing the expenditure of \$15,000 from Gas Tax Fund No. 220 for acquisition of said property, was adopted on motion of Councilman Gade.

(Item 73)

RESOLUTION 215134, authorizing a tideland use and occupancy permit with the San Diego Unified Port District, whereby City leases approximately 18,500 square feet for the purpose of vehicle parking for the San Diego Police Department located directly across Kettner Boulevard from the Police Station, south of the Wosk Building, at a monthly rental of \$308, for a term of one year, was adopted on motion of Councilman Gade.

(Item 74)

RESOLUTION 215135, authorizing an agreement with Munroe & Reeves for the purpose of architectural services required for the design of two standard comfort stations, was adopted on motion of Councilman Gade.

(Item 75)

RESOLUTION 215136, authorizing an agreement with the State of California, acting by and through its department of Transportation, for preparation by State of Air and Noise Study Reports for proposed street improvements on North Harbor Drive; authorizing the expenditure of \$5,800 out of Gas Tax Fund 220 for above-referenced services, was adopted on motion of Councilman Gade.

(Item 76)

RESOLUTION 215137, authorizing an agreement with the State of California, Division of Forestry, to render aid each to the other to combat the effect of fire when such aid is necessary, was adopted on motion of Councilman Gade.

(Item 77)

The following proposed Resolution was adopted on motion of Councilman Gade at the time the Council considered this portion of the Consent Agenda, but was reconsidered later in the Meeting: Authorizing a First Amendment to Thoroughfare Agreement with the County of San Diego for the improvement of Imperial Avenue (east), from 47th Street to 61st street; the construction costs for said improvements to be shared by both City and County.

(Item 78)

The following proposed Resolution was adopted on motion of Councilman Gade at the time the Council considered this portion of the Consent Agenda, but was reconsidered later in the Meeting: Authorizing a Thoroughfare Agreement with the County of San Diego for the improvement of Palm Avenue, from Interstate 5 to 1,400 feet east of Beyer Boulevard; the construction costs for said improvements to be shared by both City and County.

(Item 79)

The following proposed Resolution was adopted on motion of Councilman Gade at the time the Council considered this portion of the Consent Agenda, but was reconsidered later in the Meeting: Authorizing a Thoroughfare Agreement with the County of San Diego for the improvement of Linda Vista Road, from Morena Boulevard to Via las Cumbres; the construction costs for said improvements to be shared by both City and County.

(Item 80)

The following proposed Resolution was adopted on motion of Councilman Gade at the time the Council considered this portion of the Consent Agenda, but was reconsidered later in the Meeting: Authorizing a Thoroughfare Agreement with the County of San Diego for the improvement of a portion of Imperial Avenue (west), from 32nd Street to Wabash Boulevard; the construction costs for said improvements to be shared by both City and County.

(Item 81)

RESOLUTION 215138, authorizing the expenditure of \$35,000 from Capital Outlay Fund No. 245 for the purpose of providing funds for engineering services and construction of concrete cross gutters throughout the City, as required, and supplementing Resolution No. 177773 in this amount; authorizing the use of City Forces to do all necessary work in conjunction with the above referenced project, was adopted on motion of Councilman Gade.

(Item 82)

RESOLUTION 215139, 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 southerly side of center island on San Ysidro Boulevard, between Interstate 5 on-off ramp and Rail Court; authorizing the installation of necessary signs and markings, was adopted on motion of Councilman Gade.

(Item 83)

RESOLUTION 215140, 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 Paseo del Ocaso, between Camino del Oro and El Paseo Grande; and east side of El Paseo Grande, between Paseo del Ocaso and Camino del Collado; authorizing the installation of necessary signs and markings, was adopted on motion of Councilman Gade.

(Item 84)

The following Resolutions, relative to Amendment to the Settlement Agreement and exchange of easements in San Pasqual Valley for West Zoo Road, were adopted on motion of Councilman Gade:

RESOLUTION 215141, authorizing an Amendment to the Settlement Agreement between the City, the Zoological Society of San Diego, and Rex O. Baker, Beverly K. Baker, John S. Knott, Joyce E. Knott, Warren S. Powell and Leila L. Powell, to reflect a change in the plaintiffs involved in Everdon, Inc. v. Zoological Society of San Diego, et al., San Diego County Superior Court No. 324529 and Ernest R. Blake, et al. v. City of San Diego, et al., San Diego County Superior Court No. 326676, was adopted on motion of Councilman Gade.

RESOLUTION 215142, approving the acceptance by the City Manager of 26 Deeds affecting portions of Sections 27, 28, 29, 32, 33, and 34, Township 12 South, Range 1 West conveying portions of old access roads from the following:

- 1 - John S. and Joyce E. Knott;
- 2 - Warren S. and Leila L. Powell;
- 3 - Beverly K. Baker;
- 4 - Rex O. Baker;
- 5 - Frank R. and Letha L. Lucas;
- 6 - John D. and Betty J. Ingels;
- 7 - Jean West Spencer;
- 8 - James and Jean Howerzyl;
- 9 - Stephen J. and Rhonda J. Howerzyl;
- 10 - Carl J. and Mrs. Carl J. Jendresen;
- 11 - James and Mrs. James Ramelow;
- 12 - John W. and Jane M. Smith;
- 13 - Jeanne A. Wallace;
- 14 - Robert E. and Ruth W. Jensen;
- 15 - Frank H. and Doris A. Siemsen;
- 16 - Stanley A. and Gloria Yalof;
- 17 - Richard H. and Duane G. Wells;
- 18 - Charles and Roberta L. Trinquen;
- 19 - Ralph S. and Margaret Hagloch;
- 20 - G. J. Goble, Jr. and E. Anna-Britt Goble;
- 21 - Mike (Michael M.) and Frances L. Ferrick;

(Item 84 - Continued)

- 22 - B. Carl and Dorothy Bossard;
- 23 - Donald L. and Glenda Blake;
- 24 - Everett F. and Emma Blake;
- 25 - Ernest R. and Virginia L. Blake;
- 26 - Everdon, Inc.; and

RESOLUTION 215143, authorizing the execution of 28 Deeds of Easement granting certain easements or access rights in and to portions of Sections 28 and 29, Township 12 South, Range 1 West, to the following:

- 1 - Ernest R. and Virginia L. Blake;
- 2 - Everdon, Inc.;
- 3 - Everett F. and Emma Blake;
- 4 - Donald L. and Glenda Blake;
- 5 - B. Carl and Dorothy Bossard;
- 6 - Michael M. (Mike) and Frances L. Ferrick;
- 7 - G. J. Goble, Jr. and Anna-Britt Goble;
- 8 - Ralph S. and Margaret Hagloch;
- 9 - Charles and Roberta L. Trinque;
- 10 - Richard H. Wells and Duane G. Wells;
- 11 - Stanley A. and Gloria Yalof;
- 12 - Franz H. and Doris A. Siemsen;
- 13 - Robert E. and Ruth W. Jensen;
- 14 - Jeanne A. Wallace;
- 15 - Carl J. and Mrs. Carl-J. Jendresen;
- 16 - John W. and Jane M. Smith;
- 17 - James and Mrs. James Ramelow;
- 18 - Stephen J. and Rhonda J. Howerzyl;
- 19 - James and Jean Howerzyl;
- 20 - Jean West Spencer;
- 21 - John D. and Betty J. Ingels;
- 22 - Frank R. and Letha L. Lucas;
- 23 - Rex O. Baker;
- 24 - Beverly K. Baker;
- 25 - Warren S. and Leila L. Powell;
- 26 - John S. and Joyce E. Knott;
- 27 - Charles E. and Roberta L. Trinque; and
- 28 - Michael M. and Frances L. Ferrick.

(Item 85)

RESOLUTION 215144, vacating a sewer easement affecting Lot 2, Penasquitos Greens, being unnecessary for present or prospective public use by the City, was adopted on motion of Councilman Gade.

(Item 100)

RESOLUTION 215145, authorizing an agreement with California Leisure Consultants, Inc., to facilitate usage of the Torrey Pines Municipal Golf Course by patrons of said California Leisure Consultants as part of a San Diego vacation package, was adopted on motion of Councilman Gade.

(Item 152 - Second Time)

In the matter of a review of Council Resolution No. 210316, adopted April 4, 1974, designating the area commonly referred to as "Black's Beach" as a Swimsuit Optional Zone.

The motion of Councilman Johnson to continue the item to January 22, 1976, 10:00 a.m., Time Certain, at Mayor Wilson's request, passed unanimously.

Items 77, 78, 79 and 80 were considered simultaneously.

(Item 77)

RESOLUTIONS: Authorizing a First Amendment to Thoroughfare Agreement with the County of San Diego for the improvement of Imperial Avenue (east), from 47th Street to 61st Street; the construction costs for said improvements to be shared by both City and County, was reconsidered by the Council at this time.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, died for lack of a second.

The Council discussed the matter.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, received no vote at this time.

City Manager McKinley answered questions directed by the Council.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, and directing the City Manager to prepare a report on the Capital Improvement Fund, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow and Gade. Nays-Councilmen Williams, Ellis and Haro. Absent-Mayor Wilson.

(Item 78)

RESOLUTIONS: Authorizing a Thoroughfare Agreement with the County of San Diego for the improvement of Palm Avenue, from Interstate 5 to 1,400 feet east of Beyer Boulevard; the construction costs for said improvements to be shared by both City and County, was reconsidered by the Council at this time.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, died for lack of a second.

The Council discussed the matter.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, received no vote at this time.

City Manager McKinley answered questions directed by the Council.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, and directing the City Manager to prepare a report on the Capital Improvement Fund, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow and Gade. Nays-Councilmen Williams, Ellis and Haro. Absent-Mayor Wilson.

(Item 79)

RESOLUTIONS: Authorizing a Thoroughfare Agreement with the County of San Diego for the improvement of Linda Vista Road, from Morena Boulevard to Via las Cumbres; the construction costs for said improvements to be shared by both City and County, was reconsidered by the Council at this time.

The Council discussed the matter.

Director George Simpson, Transportation, answered questions directed by the Council.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, died for lack of a second.

The Council discussed the matter.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, received no vote at this time.

Director George Simpson, Transportation, answered questions directed by the Council.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, and direct the City Manager to prepare a report on the Capital Improvement Fund, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow and Gade. Nays-Councilmen Williams, Ellis and Haro. Absent-Mayor Wilson.

(Item 80)

RESOLUTIONS: Authorizing a Thoroughfare Agreement with the County of San Diego for the improvement of a portion of Imperial Avenue (west), from 32nd Street to Wabash Boulevard; the construction costs for said improvements to be shared by both City And County, was reconsidered by the Council at this time.

The Council discussed the matter.

Director George Simpson, Transportation, answered questions directed by the Council.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, received no vote at this time.

Director George Simpson, Transportation, answered questions directed by the Council.

The motion of Councilman Morrow to refer the matter to the Public Facilities and Recreation Committee for review, and direct the City manager to prepare a report on the Capital Improvement Fund, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow and Gade. Nays-Councilmen Williams, Ellis and Haro. Absent-Mayor Wilson.

(Item 101)

A proposed Resolution, authorizing the San Diego Unified School District to rent Balboa Stadium for professional soccer; reserving the right to revoke approval of the use of Balboa Stadium by a professional sports franchise or franchises by giving one years prior notice of intent to revoke to the San Diego Unified School District, was presented.

The Council discussed the matter.

Councilman Morrow presented a report on the Revised Resolution.

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

(Item 101 - Continued)

The Council discussed the matter.

RESOLUTION 215146, authorizing the San Diego Unified School District to rent Balboa Stadium for professional soccer reserving the right to revoke approval of the use of Balboa Stadium by a professional sports franchise or franchises by giving one years prior notice of intent to revoke to the San Diego Unified School District, was adopted on motion of Councilman Morrow.

(Item 158)

A proposed Resolution, authorizing the South San Diego Community Council Planning Group to represent the South San Diego Community, consisting of that area bounded by Interstate 5 on the east, Imperial Beach city limits on the west, Main Street on the north, and Sunset Avenue on the south, and work with the City Manager's office and Planning Department in the development of a long-range community plan, consistent with community goals and objectives, and be responsible for its presentation as well as the coordination of community support for its adoption and effectuation, was presented.

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

The Council discussed the matter.

Director James Goff, Planning, answered questions directed by the Council.

Mrs. Stella J. Konye appeared to address the Council.

Director James Goff, Planning, answered questions directed by the Council.

The Council discussed the matter.

Director James Goff, Planning, and Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council.

The motion of Councilman Haro to continue the item one week and refer the item to the City Attorney for review regarding the Nestor Town Council, died for lack of a second.

The Council discussed the matter.

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

The motion of Councilman Haro to continue the item one week and refer it to the City Attorney for review, died for lack of a second.

Director James Goff, Planning and Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council.

The Council discussed the matter.

Mrs. Stella Konye answered questions directed by the Council.

The Council discussed the matter at length.

On motion of Councilman Haro, the item was continued to February 4, 1976; referred to the City Attorney for review and a report on the legality of Community groups; and referred to the Rules Committee for review in connection with the McManis Report, which passed unanimously.

(Item 102)

A proposed Resolution inviting bids for seventy passenger articulated transit buses, was presented.

Councilman Williams, Transportation and Land Use Committee Chairman, presented his report.

(Item 102 - Continued)

The Council discussed the matter.

Tom Pryor, San Diego Transit Authority, appeared to address the Council and answered questions directed by the Council at length.

Senior Chief Deputy City Attorney Fitzpatrick presented the Revised Resolution and answered questions directed by the Council.

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

The Council discussed the matter.

Tom Pryor, San Diego Transit Authority, answered questions directed by the Council.

The Council discussed the matter.

Mrs. Notschaele appeared to address the Council in favor of maintaining bus service in the City.

Tom Pryor, San Diego Transit Authority, answered questions directed by the Council.

The Council discussed the matter.

RESOLUTION 215147, authorizing and directing the Purchasing Agent to advertise and cooperatively bid with the State of California for forty-five (45) 70-passenger articulated transit buses, was adopted on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Gade, Ellis and Haro. Nays-Councilmen Hubbard and Morrow. Absent-Mayor Wilson.

Deputy Mayor O'Connor recessed the Regular Meeting at 3:56 p.m. Upon reconvening at 4:16 p.m., the Roll Call showed Councilmen Williams, Morrow, Haro, and Mayor Wilson absent.

Deputy Mayor O'Connor recessed the Regular Meeting at 4:17 p.m. into Executive Session in the 12th Floor Council Conference Room, for the purpose of considering matters of pending litigation. The following Resolution was adopted:

RESOLUTION 215148, approving the acceptance by the City Manager of deed of Alvin J. Hall and Florence C. Hall, conveying to said City portions of the Unnumbered Lot bounded by Pueblo Lots 1194, 1195, 1296 and 1207, known as Fos Addition, portions of Pueblo Lots 1191, 1195 and 1206 of the Pueblo Lands of San Diego, Lots 89 to 100, inclusive, in Block "J" of Wells and Lanes, Tecolote Heights, and Lot "O" of the Resubdivision of portion of Lot "J" of Tecolote Heights; authorizing and directing the City Manager to accept that Bill of Sale executed by Alvin J. Hall and Florence C. Hall, bearing date of January 28, 1976, conveying personal property in the amount of \$65,000.00 to said City; Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, and Haro. Nays-None. Absent-Mayor Wilson.

Deputy Mayor O'Connor reconvened the Regular Meeting at 4:22 p.m. The Roll Call showed Councilman Morrow and Mayor Wilson absent.

(Item 103)

A proposed Ordinance, amending Chapter II, Article 2, Division 5 of the San Diego Municipal Code by repealing Sections 22.0507, 22.0508, 22.0522, and 22.0526, and by amending Sections 22.0501, 22.0503, 22.0504, 22.0505, 22.0506, 22.0520, 22.0524 and 22.0525, all relating to the Purchasing Agent, was presented.

Committee Consultant Conrad, Committee on Rules, Legislation and Inter-governmental Relations, presented his report.

Councilman Morrow entered the Chambers.

The Council discussed the matter.

Councilman Ellis proposed an amendment to the proposed Ordinance, a requirement that the Purchasing Agent seek competitive prices regardless of price of article.

The motion of Councilman Ellis to introduce the proposed Ordinance as amended, received no vote at this time.

Committee Consultant Conrad, Committee on Rules, Legislation and Inter-governmental Relations, answered questions directed by Senior Chief Deputy City Attorney Fitzpatrick.

On motion of Councilman Williams, the item was continued to January 22, 1976, p.m. for a revised Ordinance, which passed unanimously.

(Item 153)

A proposed Resolution, awarding a contract to Barney and Barney for Planetarium Liability Insurance for a period of one year commencing January 1, 1976 at a premium of \$2,000, was presented.

City Manager McKinley presented his report and recommendations.

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

City Manager McKinley answered questions directed by the Council.

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

RESOLUTION 215149, authorizing the City Manager to execute a contract for a policy of Planetarium Liability Insurance for a period of one (1) year commencing January 1, 1976 at a premium of \$2,000.00, was adopted on motion of Councilman Johnson.

(Item 154)

A proposed Resolution, awarding contracts to Center City Ford, Courtesy Chevrolet Center, Carl Burger Dodge, Lamb Chevrolet Company, Townsend AMC/Jeep, Village Chevrolet, and McCune Chrysler-Plymouth, for the purchase of 217 automotive vehicles for a total cost, including tax, terms, less trade-in allowance, of \$796,328.65, was presented.

City Manager McKinley presented his report and answered questions directed by the Council.

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

RESOLUTION 215150, awarding contracts to Center City Ford, Courtesy Chevrolet Center, Carl Burger Dodge, Lamb Chevrolet Company, Townsend AMC/Jeep, Village Chevrolet, and McCune Chrysler-Plymouth, for the purchase of 217

(Item 154 - Continued)

automotive vehicles for a total cost, including tax, terms, less trade-in allowance, of \$796,328.65, was adopted on motion of Councilman Haro.

(Item 155)

A proposed Resolution, authorizing the expenditure of up to \$49,000 from unexpended first year Community Development Block Grant Funds to continue financing the Social Planning Unit of the Human Resources Department in an amount up to \$22,000 and the operation of the Community Center For Student Development in an amount up to \$27,000 until appropriate program reviews concerning 1976 operations can be completed. Said program operations shall cover the time period from January 1, 1976, up to February 29, 1976, was presented.

Vernon Duncan, Human Resources, answered questions directed by the Council.

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

The motion of Councilman Hubbard to refer the matter to the Committee on Public Services and Safety, received no vote at this time.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

By Common Consent, the item was trailed.

(Item 156)

A proposed Resolution, authorizing temporary use of staff assistance from the offices of City Manager, City Attorney, City Auditor, City Clerk, Personnel Director, Planning Director and the Mayor for the purpose of assisting the Metropolitan Transit Development Board in its organization and operation, provided that the cost of such staff assistance be reimbursed to the City at such time as the Board has funds available to it for that purpose, was presented.

RESOLUTION 215151, authorizing temporary use of staff assistance from the offices of City Manager, City Attorney, City Auditor, City Clerk, Personnel Director, Planning Director and the Mayor for the purpose of assisting the Metropolitan Transit Development Board in its organization and operation, provided that the cost of such staff assistance be reimbursed to the City at such time as the Board has funds available to it for that purpose, was adopted on motion of Councilman Johnson.

(Unanimous Consent #1)

By Unanimous Consent granted to Mayor Wilson, the following Resolution was adopted on motion of Councilman Johnson:

RESOLUTION 215152, authorizing the City Auditor & Comptroller to advance the sum of \$500 from the Transit Reserve Fund 2571 for the use of the San Diego Metropolitan Transit Development Board for expenses incurred prior to passage of SB 1413, provided that reimbursement be made to the City as such time as the Board has funds available.

(Item 159)

A proposed Resolution, continued from the Meetings of November 19, and 26, 1976, rescinding a Five-year Permit granted to Sea World, Inc., for aquatic performances in Mission Bay Park, was presented.

(Item 159 - Continued)

Senior Chief Deputy City Attorney Fitzpatrick presented his report.

City Manager McKinley presented his report and recommendation.

Robert C. Surridge, representing Sea World, Inc., appeared to address the Council and answered questions directed by the Council.

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

The Council discussed the matter at length.

The motion of Councilman Haro not to rescind the permit, received no vote at this time.

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

The Council discussed the matter.

The motion of Councilman Morrow to continue the item to January 29, 1976, p.m., for City Attorney's report, received no vote at this time.

The Council discussed the matter.

The motion of Councilman Morrow to continue the item to January 29, 1976, p.m., for City Attorney's report, passed unanimously.

(Item 155 - Second Time)

A proposed Resolution, authorizing the expenditure of up to \$49,000 from unexpended first year Community Development Block Grant Funds to continue financing the Social Planning Unit of the Human Resources Department in an amount up to \$27,000 until appropriate program reviews concerning 1976 operations can be completed. Said program operations shall cover the time period from January 1, 1976, up to February 29, 1976, was reconsidered after being trailed.

Councilman Morrow left the Chambers.

Jim Lester, Financial Management, presented a report on the matter.

The motion of Councilman Ellis to suspend the rules to permit the Council to continue the Meeting 30 minutes beyond 5:30 p.m., passed unanimously.

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

The Council discussed the matter.

RESOLUTION 215153, authorizing the expenditure of up to \$49,000 from unexpended first year Community Development Block Grant Funds to continue financing the Social Planning Unit of the Human Resources Department in an amount up to \$22,000 and the operation of the Community Center For Student Development in an amount up to \$27,000 until appropriate program reviews concerning 1976 operations can be completed. Said program operations shall cover the time period from January 1, 1976, up to February 29, 1976, was adopted on motion of Councilman Williams.

(Item 157)

A proposed Resolution, authorizing the expenditure of \$600 out of Unallocated Reserve (53.30) for payment to the law firm of O'Melveny &

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(Item 157 - Continued)

Myers for additional legal services rendered as Bond Consultant in connection with the general obligation bond election held on November 4, 1975, for certain municipal improvements in the City of San Diego, was presented.

City Manager McKinley presented his report.

RESOLUTION 215154, authorizing the expenditure of \$600 out of Unallocated Reserve (53.30) for the sole and exclusive purpose of providing funds for payment to the law firm of O'Melveny & Myers for additional legal services rendered as Bond Consultant in connection with the general obligation bond election held on November 4, 1975, for certain municipal improvements in the City of San Diego, was adopted on motion of Councilman Johnson.

(Unanimous Consent #2)

By Unanimous Consent granted to City Manager McKinley, a proposed Resolution, authorizing a First Amendment to Agreement with American Freedom Train Foundation, Inc., regarding reimbursement for unused admission tickets; authorizing the expenditure not to exceed \$5,000 for above purpose, and expenditure not to exceed \$3,000 for reimbursement of shuttle bus ticket holders, both out of Transient Occupancy Tax Fund 224, was presented.

Martin Breslauer presented the City Manager's Report.

The Council discussed the matter at length.

The motion of Councilman Ellis to adopt the proposed Resolution, died for lack of a second.

City Manager McKinley answered questions directed by the Council.

The Council discussed the matter.

The motion of Councilman Ellis to adopt the proposed Resolution and issue a public apology, received no vote at this time.

The Council discussed the matter.

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

Martin Breslauer answered questions directed by the Council.

City Manager McKinley answered questions directed by the Council.

The Council discussed the matter.

RESOLUTION 215155, authorizing a First Amendment to Agreement with the American Freedom Train Foundation, Inc.; the form and manner of reimbursement to ticketholders shall be as indicated on the City Auditor's memorandum; authorizing the expenditure of not to exceed \$5,000 from the Transient Occupancy Tax Fund 224 for the sole and exclusive purpose of providing funds for the above stated reimbursement for Freedom Train ticketholders; authorizing the expenditure of not to exceed \$3,000 from the Transient Occupancy Tax Fund 224 for the sole and exclusive purpose of providing funds for the reimbursement of shuttle bus ticketholders, was adopted on motion of Councilman Ellis.

(Unanimous Consent #3)

By Unanimous Consent granted to Mayor Wilson, a proposed Resolution excusing Mayor Wilson from the Council Meeting of January 21, 1976 for the League of California Cities Board Meeting, was presented.

RESOLUTION 215156, excusing Mayor Pete Wilson from the Council Meeting of January 21, 1976, was adopted on motion of Councilman Gade.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 5:58 p.m., on motion of Councilman Johnson.

Mayor of The City of San Diego, California

ATTEST:

Charles G. Robinson

City Clerk of The City of San Diego, California