

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, JANUARY 2 , 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 a.m.

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

Deputy Mayor O'Connor called the Regular Meeting to order at 8:36 a.m.

(Item 250)

Roll Call was taken.

(Item 251)

Deputy Mayor O'Connor introduced Reverend Richard F. Duncanson of the Diocesan Office for Apostolic Ministry/Alcala Park, who gave the Invocation.

(Item 252)

Councilman Johnson led the Pledge of Allegiance.

Councilman Morrow entered the Chambers.

(Unanimous Consent #1)

By Unanimous Consent granted to City Clerk Nielsen, a report of the Purchasing Agent on Bids received for the purchase of Improvement Bonds for San Diego Park District No. 11 (Navajo Canyon), was presented.

City Clerk Nielsen stated that the bids had been opened by the Purchasing Agent on Tuesday, January 27, 1976, 11:00 a.m., and proceeded to read the bids as follows:

Stone & Youngberg, offering to purchase the bonds at an interest rate of 6.0% and for a purchase price of 95.1% of their principal amount, representing a net interest rate of 7.34% per annum;

Oscar & Corrine Palmer, offering to purchase the bonds at an interest rate of 7% and for a purchase price of 96.69% of their principal amount, representing a net interest rate of 7.90% per annum; and

Stern, Brenner & Co., offering to purchase the bonds at an interest rate of 6.45% and for a purchase price of 95.52% of their principal amount, representing a net interest rate of 7.67% per annum.

He reported that the apparent low bidder was Stone & Youngberg and recommended that its bid be accepted on the basis of lowest net interest cost.

(Unanimous Consent #1 - Continued)

RESOLUTION 215227, awarding Improvement Bonds to Stone & Youngberg, was adopted on motion of Councilman Johnson.

(Special Order of Business)

Lucy Killea presented Anne Russell, Director of the Federal Department of Health, Education and Welfare's bicentennial project Fronteras 76.

Anne Russell, representing John Warner, the National Administrator of the American Revolutionary bicentennial Administration, made a presentation of a certificate and a commemorative bicentennial flag to the Council officially recognizing Fronteras 76 as a project of national and international significance.

The Council now considered requests for continuances.

(Item 301)

NOTICED HEARINGS: Proposed acquisition and improvement of Mira Mesa Boulevard between existing Mira Mesa Boulevard near Parkdale Avenue and I-805 north of Carroll Canyon Road - the improvements consisting of grading and the construction of paving, curbs, gutters, ditches, dikes and storm drain facilities - under Resolution of Intention No. 214894. (Mira Mesa Blvd., Phase II Assess. Dist.)

Larry Marshall, Jennings, Engstrand & Hendrikson, and Roger Woolley, San Diego Cemetary-Association, appeared to speak regarding a continuance.

Franklin Hamilton, Special Bond Counsel to the City, answered questions directed by the Council.

RESOLUTION 215228, continuing the hearings on the proposal to pave and otherwise improve Mira Mesa Boulevard between existing Mira Mesa Boulevard near Parkdale Avenue and I-805 north of Carroll Canyon Road, under Resolution of Intention No. 214894, adopted December 17, 1975, to the hour of 9:00 a.m., Thursday, February 12, 1976, was adopted on motion of Councilman Morrow.

City Attorney Witt and Assistant City Manager Graham answered questions directed by the Council.

Ann Lounsberry appeared to speak regarding the continuance.

Jim McLaughlin, Engineering and Development Department, answered questions directed by the Council.

(Item 300)

NOTICED HEARINGS: (Continued from the Meetings of October 9, November 6, and December 11, 1975, and January 15, 1976.) Appeal of Scripps Ranch Civic Association, by Robert Feuge from the decision of the Planning Commission in granting the application of the United States Naval Facilities Engineering Command and The City of San Diego, owners, and the County of San Diego, permittee, under Conditional Use Permit No. 439-PC, to construct and operate a sanitary land fill on the south side of Pomerado Road, 3.8 miles east of I-15. The property is portions of Section 35 and 36, Township 14 South, Range 2 West, and portions of Section 1 and 2, Township 15 South, Range 2 West, S.B.B.M., in the R-1-40 and A-1-10 Zones.

The motion of Councilman Johnson to continue the matter to February 12, 1976, 2:00 p.m., Time Certain, received no vote at this time.

(Item 300 - Continued)

Joseph Rimley and Cynthia Hughes, Home Owners Associations, appeared to speak regarding a continuance.

Councilman Hubbard entered the Chambers.

The vote was then taken on the motion of Councilman Johnson to continue the matter to February 12, 1976, 2:00 p.m., Time Certain, which passed unanimously.

(Item 302)

The hour of 8:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the appeal of Charles J. Biddle, Jr., by Dessau Clarkson, attorney, from the decision of the Planning Commission in denying the City-initiated application to rezone Lots 5-8, Block 5, Del Mar Terrace, from Zone R-1-5 to Zone CN, or any zone in between. The property is located north of Carmel Valley Road on the Corner of Via Donada. It was reported that no written protests had been received.

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

Dessau Clarkson, attorney representing Charles J. Biddle, Jr., Jill Nice, Co-Chairman of the Torrey Pines Community Planning Group, Dick Garlock and Betty Schultz appeared to speak regarding the appeal.

Council discussed the matter at length.

The hearing was closed and the appeal granted on motion of Councilman Johnson.

A proposed Ordinance, incorporating that property in Lots 5-8, Block 5, Del Mar Terrace, located north of Carmel Valley Road on the corner of Via Donada, into CN Zone as defined by Section 101.0426 of the San Diego Municipal Code, and repealing certain Ordinances of The City of San Diego insofar as the same conflict herewith, was introduced, on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, Hubbard, Morrow, Gade, and Ellis. Nays-Councilmen Williams, Haro and Deputy Mayor O'Connor. Absent-Mayor Wilson

RESOLUTION 215229, certifying that the information contained in Environmental Impact Report, as amended, No. 74-3-006C has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said amended report has been reviewed and considered by the Council, was adopted on motion of Councilman Gade.

(Item 253)

Deputy Mayor O'Connor welcomed thirty-five students from Hale Jr. High School, accompanied by Mr. David Lemay.

Councilman Morrow addressed the group.

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, JANUARY 29, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
2:00 p.m.

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

Acting Mayor Johnson called the Regular Meeting to order at 2:04 p.m.

Deputy Mayor O'Connor entered the Chambers.

(Item 450)

ORDINANCES TO BE INTRODUCED: Changing the title of Chapter II, Article 9 of the San Diego Municipal Code to "Governmental Review," and Adding Division 2 under Chapter II, Article 9 relating to Conflict of Interest and Financial Disclosure for City Officials, and creating a Good Government Review Commission.

Deputy Mayor O'Connor stated that the matter had not yet been heard in the Committee on Rules, Legislation and Intergovernmental Relations and had been continued by that Committee to February 9, 1976.

On motion of Councilman Johnson, the matter was continued to February 11, 1976, 2:00 p.m., for Rules Committee Report on proposed Ordinance.

(Item 451)

Councilman Morrow entered the Chambers.

Councilman Haro entered the Chambers.

A proposed Resolution, continued from the Meetings of November 12, and 26, 1975, and January 15, 1976, for City Attorney to give written opinion on Councilman Morrow's proposal, rescinding Resolution No. 208661, adopted August 21, 1973, which directed the City Manager to prepare necessary plans, cost estimates, district description and plats for the acquisition, improvement and maintenance for the Mt. Acadia Open Space Park, was presented.

Jim McLaughlin, Engineering and Development Department, and Assistant City Manager Graham answered questions directed by the Council.

(Item 451 - Continued)

A substitute Resolution, directing the Manager to proceed to acquire by negotiation the 10.6 acres (assessors parcel 426-70-14) owned by the United Jewish Federation for a price not to exceed \$150,000; directing the Manager to negotiate with the owner of the approximately 60 acres of land (assessors parcels 426-70-20 and 426-70-21) for the possible trade of land and/or acceptance of land in-lieu of fees as may be appropriate in connection with a sub-division proposal for the area; requesting the affected property owners and the Councilman of the district to confer and to express in written form those items about which there is consensus regarding the ultimate development of the above parcels and the surrounding neighborhood; directing the Manager, appropriate departments, and the City Attorney to submit their objections, if any, to the proposed plans for development within 10 days of receipt of such plans for development; and rescinding Resolution No. 208661, adopted August 21, 1973, was presented.

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

The Council discussed the matter.

The amendment of Councilman Hubbard to limit the process established by this resolution to six months received no second at this time.

Assistant City Manager Graham answered questions directed by the Council.

Councilman Gade offered the second to the motion of Councilman Hubbard to limit the process established by this resolution to six months, which received no vote at this time.

Laurence Hirsch, Susie Chalmers, Leonard McClintock, Grant Calvany, Marion Bear, and Roy Anderson appeared to speak regarding the substitute Resolution.

Councilman Hubbard withdrew his amendment to limit the process established by this Resolution to six months.

The amendment of Councilman Hubbard to limit the process established by this Resolution to 30 days received no vote at this time.

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

The vote was then taken on the amendment of Councilman Hubbard to limit the process established by the Resolutions to 30 days, which passed unanimously.

RESOLUTION 212231, directing the Manager to proceed to acquire by negotiation the 10.6 acres (assessors parcel 426-70-14) owned by the United Jewish Federation for a price not to exceed \$150,000; directing the Manager to negotiate with the owner of the approximately 60 acres of land (assessors parcels 426-70-20 and 426-70-21) for the possible trade of land and/or acceptance of land in-lieu of fees as may be appropriate in connection with a sub-division proposal for the area; requesting the affected property owners and the Councilman of the District to confer and to express in written form those items about which there is consensus regarding the ultimate development of the above parcels and the surrounding neighborhood; directing the Manager, appropriate departments, and the City Attorney to submit their objections, if any, to the proposed plans for development within 10 days of receipt of such plans for development; rescinding Resolution No. 208661, adopted August 21, 1973; there shall be a 30 day limitation on the process established by this Resolution, was adopted, as amended, on motion of Councilman Morrow.

(Item 452 - Supplemental Docket #1)

A proposed Resolution, continued from the Meetings of November 19 and 26, 1975, and January 14 and 21, 1976, for City Attorney to bring back additional information as to what City's position is, rescinding a five-year permit granted to Sea World, Inc., for aquatic performances in Mission Bay Park, was presented.

Senior Chief Deputy City Attorney Fitzpatrick informed the Council that he had listened to the tapes of previous meetings regarding this issue and presented his view of the City's legal position regarding this issue which is that the City should be paid the pro rata share due the City during the effective period of said permit amounting to \$3,199.96.

Robert Surridge, Sea World, Inc., appeared to speak in opposition to the proposed action.

RESOLUTION 215232, authorizing the City Manager to execute a document rescinding a five-year permit granted to Sea World, Inc., by Council Resolution No. 208306 of July 3, 1973, for aquatic performances in Mission Bay Park; provided, however, that this rescission is effective upon the payment by Sea World of the sum of \$3,199.96, which is the pro rata amount due the City during the effective period of said permit, to wit: July 3 to November 23, 1973, was adopted on motion of Councilman Gade, by the following vote: Yeas-Councilmen Williams, Morrow, Gade, Haro and Deputy Mayor O'Connor. Nays-Councilmen Johnson, Hubbard, and Ellis. Absent-Mayor Wilson.

(Item 453 - Supplemental Docket #2)

A proposed Resolution, requesting that the United States Senate Select Committee on Intelligence and its Chairman, Senator Frank Church, hold hearings in San Diego; that the City have Liaison Representation on the Committee; that the Committee share its information with the Council of the City of San Diego, was presented.

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

The Council discussed the matter.

A substitute Resolution, requesting that the United States Senate Select Committee on Intelligence and its chairman, Senator Frank Church, hold hearings in San Diego and that the Committee share its information with the Council of The City of San Diego; in accordance with City Charter Section 22 (b), for the purpose of inquiry, the City Council acting as the Committee of the Whole shall meet to inquire about intelligence operations by city employees with a view to adopting policies and/or procedures to deal with future city employees participation in such intelligence operations; policies or procedures shall be adopted to deal with such intelligence operations by no later than June 30, 1976; that the Committee of the Whole shall meet the third Tuesday of each month, commencing February 17, 1976, at 2:00 p.m. to conduct inquiries into the intelligence operations of the San Diego Police Department, including but not limited to, its use and recruitment of informants in so far as such use or recruitment violated the civil rights of any citizen; the maintenance of intelligence information which may have violated the civil rights of any citizen; the practices of the Department regarding sharing of intelligence information, which may have violated the civil rights of any citizen, with other law enforcement agencies; and the scope and nature of knowledge or involvement by personnel of the City of San Diego, either during working hours or as a means of second employment, with the Federal Bureau of Investigation's practices of infiltrating organizations, use of informants, or violations of citizen's civil rights for the period beginning in 1967 to

(Item 453 - Supplemental Docket #2 - Continued)

to present; directing the City Manager and City Attorney to provide whatever assistance and personnel necessary to conduct such inquiry and that said Committee shall establish whatever rules and regulations it deems necessary, was presented.

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

City Manager McKinley answered questions directed by the Council.

RESOLUTION 215233, requesting that the United States Senate Select Committee on Intelligence and its chairman, Senator Frank Church, hold hearings in San Diego and that the Committee share its information with the Council of The City of San Diego; acting as the Committee of the Whole, in accordance with paragraph (b) of Section 22 of the Charter, for the purpose of inquiry, the City Council shall meet to inquire about intelligence operations by City employees with a view to adopting policies or procedures or both such policies and procedures to deal with future City employee participation in such intelligence operations; policies or procedures shall be adopted to deal with such intelligence operations by no later than June 30, 1976; commencing February 26, 1976, at 2:00 p.m., that the Committee of the Whole shall meet the fourth Thursday of each month to conduct inquiries into the intelligence operations of the San Diego Police Department, including but not limited to, its use and recruitment of informants insofar as such use or recruitment might violate the civil rights of any citizen; the maintenance of intelligence information which might violate the civil rights of any citizen; the practices of the Department regarding sharing of intelligence information, which might violate the civil rights of any citizen, or other law enforcement agencies; and the scope and nature of knowledge or involvement by personnel of The City of San Diego, either during working hours or as a means of second employment, with the Federal Bureau of Investigation's practices of infiltrating organizations, use of informants, or violations of citizen's civil rights for the period beginning in 1967 to present; directing the Manager and City Attorney to provide whatever assistance and personnel necessary to conduct such inquiry and that said Committee shall establish whatever rules and regulations it deems necessary to conduct such inquiry, was adopted, as amended, by the following vote: Yeas-Councilmen Johnson, Williams, Morrow, Gade, Haro and Deputy Mayor O'Connor. Nays-Councilmen Hubbard and Ellis. Absent-Mayor Wilson.

City Manager McKinley answered questions directed by the Council.

(Item 450 - Second Time)

City Attorney Witt answered questions directed by the Council.

On motion of Councilman Morrow, the City Attorney was directed ~~to provide~~ a written opinion as to whether The City of San Diego can adopt an Ordinance as proposed by Item 450 requiring financial disclosures by City employees and may the City Council adopt conflict of interest regulations.

(Item 303)

The hour of 8:30 a.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the application of Frank R. Azzinaro and Wayne R. Yocum, Jr., doing business as Chair There, for Certificates of Public Convenience and Necessity to operate two Automobiles for Hire within the City, in accordance with Section 72.0202 of the San Diego Municipal Code. It was reported that no written protests had been received.

The motion of Councilman Haro to close the hearing and grant the application received no vote at this time.

Wayne R. Yocum, Jr., appeared to speak regarding the application.

Deputy City Attorney Reese answered questions directed by the Council.

The hearing was closed on motion of Councilman Haro.

RESOLUTION 215230, granting to Frank R. Azzinaro and Wayne R. Yocum, Jr., dba Chair There, the Certificates of Public Convenience and Necessity to operate the vehicles specified in the application subject to compliance with all provisions of the San Diego Municipal Code, was adopted on motion of Councilman Haro, by the following vote: Yeas-Councilmen Johnson, Williams, Morrow, Gade, Ellis, Haro and Deputy Mayor O'Connor. Absent-Mayor Wilson.

(Unanimous Consent #2)

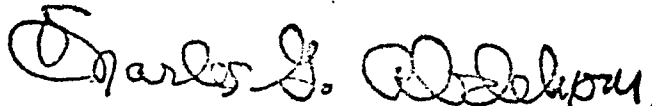
By Unanimous Consent granted to City Clerk Nielsen, a report was presented to the Council regarding continued hearings and other continued items as affected by the recent adoption of the two ordinances which changed the meeting days and the order of business for Council meetings. (The Council had continued items over the past year which are now in conflict with the new schedules.)

On motion of Councilman Hubbard, the suggested change in dates and times for continued hearings and other continued items was approved unanimously.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Johnson at 10:03 a.m.

Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California

