

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, MARCH 10, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

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

Absent--None.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 8:44 a.m.

(Item 100)

Roll Call was taken.

(Item 101)

Mayor Wilson welcomed a group of twelve students from the School Safety Patrol, accompanied by Sergeant Johnson.

Councilman Johnson addressed the group.

(Item 104)

A communication from Nancy Findeisen, representing League of Women Voters and Common Cause, requesting permission to address the Council regarding request for Council action to set specific time for public hearings on City conflict of interest legislation prior to April; and to include within City conflict of interest, legislation provisions for City officials serving on board of non-profit corporations, was presented.

Bill Benjamin, Vice President of Common Cause, appeared to speak.

The motion of Councilman Morrow to refer the communication to the Rules Committee Meeting of March 29, 1976, received no vote at this time.

The Council discussed the matter.

On motion of Councilman Morrow, the matter was referred to the Committee on Rules, Legislation and Intergovernmental Relations Meeting of March 29, 1976.

The Council considered requests for continuances: Item 251.

(Item 251)

ORDINANCES TO BE INTRODUCED: Amending Chapter IV, Article 1 of the San Diego Municipal Code by repealing Section 41.09; by amending Sections 41.08.1, 41.08.2, 41.12 and 41.13; and by adding Sections 41.09, all relating to regulations for food handlers.

On motion of Councilman Johnson, the matter was continued to the Council

(Item 251 - Continued)

Docket of March 17, 1976, a.m., at the City Manager's request.

The Council considered that portion of the Consent Agenda pertaining to Ordinances introduced at a previous meeting, ready for dispensing with the reading and adoption: Item 120.

The following Ordinance was introduced at the Meeting of February 25, 1976.

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

(Item 120 - CASE NO. 12-75-1, AREA 6, SUBAREA 6A - portion)

ORDINANCE NO. 11804 (New Series), incorporating that property in the Uptown Community Plan Area described as that portion consisting of Lots J and K, Block 311, Horton's Addition, Lot D, Block 297, Horton's Addition, located in Maple Canyon, into R-3A and R-1-5 Zones as defined by Sections 101.0412 and 101.0407, respectively, of the San Diego Municipal Code, and repealing certain Ordinances of The City of San Diego insofar as the same conflict herewith.

The Council considered that portion of the Consent Agenda dealing with Ordinances to be Introduced, which consisted of Items 200, 201, 202, and 203.

(Item 200)

A proposed Ordinance, amending Chapter VI, Article 3, of the San Diego Municipal Code by adding Section 63.20.28 relating to endangering aquatic activities, was introduced on motion of Councilman Gade, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro and Mayor Wilson. Nays-None. Absent-None.

(Item 201)

A proposed Ordinance, amending Chapter VI, Article 3, of the San Diego Municipal Code by amending Section 63.20.5 relating to waste, refuse, etc. - fires in beach areas, was introduced on motion of Councilman Gade, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro and Mayor Wilson. Nays-None. Absent-None.

(Item 202)

A proposed Ordinance, amending Chapter V, Article 5 of the San Diego Municipal Code by repealing Section 55.13.306 relating to fire alarm systems, was introduced on motion of Councilman Gade, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 203)

A proposed Ordinance, amending Chapter IX, Article 2, Divisions 1 through 8 and 11, of the San Diego Municipal Code by repealing the titles to Divisions 7, 8 and 11 and repealing Sections 92.0101.10, 92.0101.13, 92.0101.14, 92.0101.15, 92.0101.16, 92.0101.18, 92.0304, 92.0305, 92.0306, 92.0307, 92.0309, 92.0407, 92.0608, 92.0609, 92.0610, 92.0611, 92.0613, 92.0614, 92.0617, 92.0620, 92.0622, 92.0707, 92.0715, 92.0723, 92.0725, 92.0726, 92.0727, 92.0728, 92.0729, 92.0730, 92.1101, 92.1102, 92.1103, 92.1104, 92.1105, 92.1106, 92.1107, 92.1108, and 92.1109; by amending the titles to Divisions 2, 3, 4, 5, and 6 and amending Sections 92.100, 92.0101, 92.0301, 92.0302, 92.0401, 92.0501, 92.0502, 92.0503, 92.0504, 92.0505, 92.0506, 92.0601, 92.0602, 92.0603, 92.0604, 92.0605, 92.0606, and 92.0607; and by adding Sections 92.0102, 92.0103, 92.0104, 92.0105, 92.0106, 92.0107, 92.0108, 92.0201, 92.0202, 92.0203, 92.0204, 92.0205, 92.0206, 92.0207, 92.0208, 92.0303, 92.0507, 92.0508, 92.0509, 92.0511, 92.0512, 92.0513 and 92.0514; all relating to electrical regulations, was introduced on motion of Councilman Gade, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-None.

The Council considered that portion of the Consent Agenda dealing with Resolutions which consisted of Items 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 204, 205, 206, 207, and 208. There was discussion on Item 207.

(Item 150)

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

RESOLUTION 215446, Gene C. Taylor Materials, Nelson & Sloan, Canyon Rock Co., for the purchase of concrete and plaster sand and gravel as may be required for a period of one year ending February 28, 1977, for an actual estimated cost including tax and terms, of \$76,351.38; and

RESOLUTION 215447, Dorado Equipment Co. and Hawthorne Machinery Co. for the purchase of one loader w/backhoe and one tractor loader, for the total cost including tax, terms, less trade-in allowance, of \$64,422.02; and

RESOLUTION 215448, Mission Chemical Co. and San Diego Janitor Supply for the purchase of janitorial supplies as may be required for the period of one year ending February 28, 1977, for an estimated cost including tax and terms, of \$20,271.87, with option to renew for additional one year period; and

RESOLUTION 215449, San Diego Harley-Davidson Co. for the purchase of six police motorcycles for the total cost including tax, terms, and less trade-ins, of \$13,846.52; and

(Item 150 - Continued)

RESOLUTION 215450, Fabcraft Inc., dba Fabco for installation of solar film on windows-Central Library, Schedule II, for the estimated cost of \$6,000.

(Item 151)

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

RESOLUTION 215451, construction of the 36th Street storm drain - Specifications Document No. 754440; and

RESOLUTION 215452, construction of pedestrian ramps for the handicapped - various signalized intersections - Specifications Document No. 754441.

(Item 152)

The following Resolutions, relative to Glidden Court Subdivision, a 9-lot subdivision, located west of Linda Vista Road and south of Goodwin Street, were adopted on motion of Councilman Haro:

RESOLUTION 215453, authorizing an agreement with Raymond St. John and Lillian E. St. John, for the completion of improvements; and

RESOLUTION 215454, approving the Final Map; and

RESOLUTION 215455, setting aside and dedicating for the purpose of a public street portions of Lots 164 and 165 of Alcala Knolls Unit No. 5, marked "Reserved for Future Street", and naming the same Glidden Court.

(Item 153)

The following Resolution, authorizing amendments to agreements with McMillin's Scripps and Leadership Housing Systems, Inc., for completion of improvements in the following subdivisions, were adopted on motion of Councilman Haro:

RESOLUTION 215456, Scripps Ranch Unit No. 8; and

RESOLUTION 215457, Scripps Ranch Unit No. 9.

(Item 154)

RESOLUTION 215458, authorizing an agreement with Kent Land Co. to reimburse them for excess cost, above their proportionate share, of water and sewer mains which are required for Mirador Units 1, 2, and 3, subdivision, was adopted on motion of Councilman Haro.

(Item 155)

RESOLUTION 215459, setting a public hearing on the Intention to Vacate Galveston Street (formerly 6th Avenue) between Clairemont Drive and Gesner Street (vacated); together with the alley in Block 83, all being in Morena, was adopted on motion of Councilman Haro.

(Item 156)

The following Resolutions, approving the acceptance by the City Manager of deeds relative to widening of Linda Vista Road, were adopted on motion of Councilman Haro:

RESOLUTION 215460, Leslie Holden, (conveying right-of-way for an earth excavation or embankment, slope or slopes and incidents); and

RESOLUTION 215461, Charles and Effie Prachyl, (conveying right-of-way for an earth excavation or embankment, slope or slopes and incidents); and

RESOLUTION 215462, Elisabeth W. Agan, (conveying right-of-way for an earth excavation, or embankment, slope or slopes and incidents); and

RESOLUTION 215463, Canada Dry Bottling Co., (conveying right-of-way for an earth excavation or embankment, slope or slopes and incidents).

(Item 157)

RESOLUTION 215464, approving the acceptance by the City Manager of a deed of Mission Valley Development, Inc. - (Open Space Easement) - a portion of Lot 1, Mission Valley Inn, was adopted on motion of Councilman Haro.

(Item 158)

The following Resolutions, approving the acceptance by the City Manager of deeds relative to widening of Palm Avenue, were adopted on motion of Councilman Haro:

RESOLUTION 215465, Solina V. Badillo (street purposes) - Palm Avenue; and

RESOLUTION 215466, Samuel Patrick Badillo (street purposes) - Palm Avenue; and

RESOLUTION 215467, Mary Jane Badillo Green, Andrew John Badillo, and Frederick S. Gutierrez (street purposes) - Palm Avenue.

(Item 159)

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

RESOLUTION 215468, Gilbert and Wanda Avery (street purposes) - Palm Avenue; and

RESOLUTION 215469, Joseph J. P. G. and Yvonne B. Clement (street purposes) - Palm Avenue; and

RESOLUTION 215470, Pauline F. Lathers (street purposes) - Palm Avenue; and

RESOLUTION 215471, Pauline F. Lathers (right-of-way for an earth excavation or embankment, slope or slopes and incidents).

(Item 160)

RESOLUTION 215472, authorizing an agreement with Motorola Communications & Electronics, Inc., in the amount of \$10,257, for the purpose of maintaining software and hardware for the computer system associated with the Police Department's CAD system during the period of March 20, 1976 through June 30, 1976, was adopted on motion of Councilman Haro.

(Item 161)

RESOLUTION 215473, approving Change Order No. 8, issued in connection with the contract with Gentry-Rados, for the construction of Sedimentation Basins 5 & 6 - Point Loma Wastewater Treatment Plant; said changes amounting to a net increase in the contract price of \$77,776 and an extension of time of 60 days extending the completion date to June 12, 1976, was adopted on motion of Councilman Haro.

(Item 162)

RESOLUTION 215474, approving Change Order No. 1, issued in connection with the contract with Ronald A. Martz for the construction of 43rd & Logan Branch Library, amounting to an increase in the contract price of \$4,300, was adopted on motion of Councilman Haro.

(Item 163)

RESOLUTION 215475, approving Change Order No. 2, issued in connection with the contract with Fritz A. Nachant, Inc., for the construction of Gasoline Vapor Recovery System (various locations), amounting to a decrease in the contract price of \$3,500, an extension of time of 246 days extending the completion date to February 17, 1976, and a deletion from the contract of the requirements relating to the completion of piping, conduit and electrical connections to the vapor recovery equipment and assistance on site at the time of start up, was adopted on motion of Councilman Haro.

(Item 164)

RESOLUTION 215476, confirming the reappointment by the Mayor of Oliver B. James to the Funds Commission for a term ending January 28, 1980, was adopted on motion of Councilman Haro.

(Item 165)

RESOLUTION 215477, confirming the appointment by the Mayor of Harold G. Sadler to the Park and Recreation Board for a term ending March 1, 1978, to fill the vacancy created by the resignation of Joseph Y. Yamada, was adopted on motion of Councilman Haro.

(Item 166)

RESOLUTION 215478, authorizing Assistant City Treasurer Donald W. Searles to travel to Portland, Oregon, to attend a three-day seminar (March 21 - April 2, 1976) involving an Introduction to Treasury Management sponsored by the International Municipal Finance Officers Association Career Development Center; authorizing the expenditure of \$159.50 out of General Fund (100) for said purpose. (No expense for travel will be incurred by the City.), was adopted on motion of Councilman Haro.

(Item 167)

RESOLUTION 215479, authorizing three representatives of the Police Department to travel to Long Beach, California during the period March 22 through April 20, 1976, for the purpose of attending a Peace Officers Standards and Training (POST) Middle Management Course; authorizing the expenditure of \$2,166.00 out of General Purpose Revolving Fund (534) for above purpose; City shall be reimbursed the total cost of said travel, including 60% of the Police Lieutenants' salaries by the Peace Officers Standards and Training (POST), was adopted on motion of Councilman Haro.

(Item 168)

RESOLUTION 215480, authorizing the Fire Department to send three representatives to A Fire Service Repair and Maintenance Course to be held in Cupertino, California on March 29, 1976 to April 2, 1976; authorizing the expenditure of \$702.00 out of General Fund (100) for the above purpose, was adopted on motion of Councilman Haro.

(Item 204)

The following Resolutions, relative to a Permit Agreement with the following youth baseball organizations, for the construction, operation and maintenance of Ball Parks in San Diego, were adopted on motion of Councilman Haro:

RESOLUTION 215481, Black Mountain Pony League; and
RESOLUTION 215482, Cowles Mountain/San Carlos Little League; and
RESOLUTION 215483, Del Cerro Little League; and
RESOLUTION 215484, La Jolla Youth, Incorporated; and
RESOLUTION 215485, Loma Portal Little League; and
RESOLUTION 215486, Luckie Waller Little League; and
RESOLUTION 215487, Mission Village Little League; and
RESOLUTION 215488, North Clairemont Little League; and
RESOLUTION 215489, Ocean Beach Little League; and
RESOLUTION 215490, Peninsula Bobby Sox; and
RESOLUTION 215491, Point Loma Little League; and
RESOLUTION 215492, Presidio Little League; and
RESOLUTION 215493, Redwood Village Little League; and
RESOLUTION 215494, San Diego Youth Baseball; and
RESOLUTION 215495, Serra Mesa Bobby Sox; and
RESOLUTION 215496, Serra Mesa Pony League; and
RESOLUTION 215497, Sunshine Little League; and
RESOLUTION 215498, University City Community Council.

(Item 205)

RESOLUTION 215499, establishing a schedule of meetings for the purpose of reviewing the Fiscal Year 1977 Budget, was adopted on motion of Councilman Haro.

(Item 206)

RESOLUTION 215500, establishing guidelines for the Chief of Police to use in determining "good cause" for waiving the stipulated percentages required by San Diego Municipal Code Sections 57.01 through 57.01.48 relating to public

(Item 206 - Continued)

charitable solicitations, was adopted on motion of Councilman Haro.

(Item 207)

RESOLUTION 215501, expressing Council opposition of legislation unilaterally extending the United States Fishery Jurisdictions, specifically Senate Bill 961 and House of Representatives Bill 200: and that if passed, urging the President of the United States to veto these bills; and directing the Legislative Representative of the City of San Diego to inform the President of the United States and the California Congressional Delegation of such opposition by The City of San Diego, was adopted on motion of Councilman Haro.

(Item 208)

RESOLUTION 215502, authorizing agreements with the University of California, San Diego; San Diego City College, and San Diego Evening College to implement the college work-study program for the period between January through June, 1976, was adopted on motion of Councilman Haro.

(Item 209)

A proposed Resolution, endorsing the joint application of the County of San Diego and the County of Imperial to be designated as the Health Systems Agency for the Health Service Area as said two counties pursuant to the National Health Planning and Resources Development Act of 1974, Public Law 93-741, was presented.

Councilman Haro, Chairman of the Committee on Public Services and Safety, presented said Committee's report and recommendation.

Councilman Morrow raised the question regarding endorsement of the original Resolution.

Director Richard Ross, Human Resources Department, presented his report and answered questions directed by the Council.

The Council discussed the matter.

Director Richard Ross, Human Resources Department, and Councilman Haro, Committee on Public Services and Safety Chairman, answered questions directed by the Council.

It was reported that there was opposition to this proposed Resolution.

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

Mrs. Mary Helen Abbey, Comprehensive Health Planning Association of San Diego and Imperial Counties, appeared to address the Council in opposition to the joint application.

The Council discussed the matter.

Mrs. Mary Helen Abbey addressed the Council and answered questions directed by the Council.

The Council discussed the matter at length.

Frank Paneresi, San Diego County Health Department, presented his report and answered questions directed by the Council.

Mrs. Mary Helen Abbey addressed the Council in rebuttal to Mr. Paneresi's report.

(Item 209 - Continued)

The motion of Councilman Williams to continue the matter for two weeks, and refer the matter to the Committee on Public Services and Safety for further review, received no vote at this time.

The Council discussed the matter.

Mrs. Mary Helen Abbey addressed the Council regarding regional programs of the Comprehensive Health Planning Agency.

The Council discussed the matter.

Frank Paneresi, San Diego County Health Department, answered questions directed by the Council.

The motion of Councilman Williams to continue the item, refer the matter back to the Committee on Public Services and Safety for a hearing, and return the matter to the Council Docket on March 31, 1976, a.m., received no vote at this time.

The Council discussed the matter.

Frank Paneresi, San Diego County Health Department, and Mrs. Mary Helen Abbey answered questions directed by the Council.

Mayor Wilson welcomed a group of students from O'Farrell Junior High School, accompanied by Mr. Strasner.

Councilman Williams addressed the group.

The Council continued the discussion on Item 209.

At this time, the vote was taken on the motion of Councilman Williams to continue the item, refer the matter back to the Committee on Public Services and Safety for a hearing and return the matter to the Council Docket on March 31, 1976, a.m., which passed by the following vote: Yeas-Councilmen Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilmen Johnson, O'Connor, Hubbard and Ellis. Absent-None.

(Item 102)

Mayor Wilson welcomed eighteen students from Cornerstone Christian School of Poway, accompanied by Mr. Spice.

Councilman Johnson addressed the group.

(Item 103)

Mayor Wilson welcomed twenty-six students from Mini-Skool, accompanied by Ms. Grace Brickner.

Councilman Ellis addressed the group.

(Item 210 - Supplemental Docket No. 1)

A proposed Ordinance, continued from the Meetings of February 24 and March 3, 1976, continued for full Council, amending Chapter III, Article 2 of the San Diego Municipal Code by repealing Section 32.01 relating to allocation of sales tax revenues, was presented.

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

Mac Strobl, San Diego Taxpayer's Association, appeared to address the Council in opposition to appropriations for general purposes.

(Item 210 - Supplemental Docket No. 1 - Continued)

Committee Consultant Conrad answered questions directed by the Council.
The Council discussed the matter.

Mayor Wilson, Chairman, Committee on Rules, Legislation and Intergovernmental Relations, presented the Committee's report.

The Council discussed the matter at length.

Committee Consultant Conrad answered questions directed by the Council regarding the allocation percentages of the sales tax revenues.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

Committee Consultant Conrad presented a report to the Council outlining the history of the proposal.

The motion of Councilwoman O'Connor to introduce the proposed Ordinance, failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen O'Connor and Williams. Nays-Councilmen Johnson, Hubbard, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Absent-None.

Mayor Wilson recessed the Regular Meeting at 10:28 a.m. Upon reconvening at 10:41 a.m., the Roll Call showed Councilmen Morrow and Ellis absent.

The following Ordinance was introduced at the Meeting of February 25, 1976. 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 Councilwoman O'Connor by the following vote: Yeas-Councilmen O'Connor, Williams, Gade, Haro and Mayor Wilson. Nays-Councilmen Johnson and Hubbard. Absent-Councilmen Morrow and Ellis.

(Item 250)

ORDINANCE NO. 11805 (New Series), establishing a schedule of compensation for the Mayor and members of the City Council for the period July 1, 1976, through June 30, 1978.

Councilman Ellis entered the Chambers.

On motion of Councilman Ellis, the previous action was reconsidered by the Council by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Ellis, and Mayor Wilson. Nays-Councilman Haro. Absent-Councilman Morrow.

The following Ordinance was introduced at the Meeting of February 25, 1976.

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 Councilwoman O'Connor by the following vote: Yeas-Councilmen O'Connor, Williams, Gade, Haro and Mayor Wilson. Nays-Councilmen Johnson, Hubbard, and Ellis. Absent-Councilman Morrow.

(Item 250 - Continued)

ORDINANCE NO. 11805 (New Series), establishing a schedule of compensation for the Mayor and members of the City Council for the period July 1, 1976, through June 30, 1978.

(Item 252)

A proposed Ordinance, amending Chapter IX, Article 8 of the San Diego Municipal Code by amending Section 98.29 relating to the Housing Advisory Board, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilman Morrow.

(Item 253)

A proposed Ordinance, accepting and approving certified Retirement System election results and increasing the retirement allowances of fixed pension retirees, was presented.

The motion of Councilwoman O'Connor to introduce the proposed Ordinance, received no vote at this time.

The Council discussed the proposed Ordinance.

A proposed Ordinance, accepting and approving certified Retirement System election results and increasing the retirement allowances of fixed pension retirees, was introduced on motion of Councilwoman O'Connor by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Ellis, Haro and Mayor Wilson. Nays-None. Absent-Councilman Morrow.

(Item 254)

A proposed Resolution, continued from the Meeting of February 24, 1976 for further review, declaring Joseph W. Wrana and Frances M. Wrana, subdividers of Cypress Manor Subdivision, to be in default under terms and conditions of agreement entered into for completion of improvements in said subdivision; authorizing the City Attorney to cause notice of this declaration of default to be given to said subdivider; authorizing the City Manager to complete or cause to be completed, said improvements, was presented.

City Manager McKinley presented his report.

Assistant City Attorney Teaze presented his report.

Councilman Morrow entered the Chambers.

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

RESOLUTION 215503, declaring Joseph W. Wrana and Frances M. Wrana, subdividers of Cypress Manor Subdivision, to be in default under terms and conditions of agreement entered into for completion of improvements in said subdivision; authorizing the City Attorney to cause notice of this declaration of default to be given to said subdivider; authorizing the City Manager to complete or cause to be completed, said improvements.

(Item 255)

A proposed Resolution, inviting bids for Tecolote Canyon Trunk Sewer - Specifications Document No. 754442, was presented.

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(Item 255 - Continued)

City Manager McKinley presented his report.

Will Sniffin, Water Utilities Department, presented his report and answered questions directed by the Council.

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 Committee on Public Facilities and Recreation, received no vote at this time.

The Council discussed the matter.

On motion of Councilman Morrow, the proposed Resolution was referred to the Committee on Public Facilities and Recreation for review, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro and Mayor Wilson. Nays-Councilman Ellis. Absent-None.

(Unanimous Consent No. 1 - Unfinished Business from Docket of March 9, 1976)

By Unanimous Consent, granted to Chief Deputy City Attorney Ronald L. Johnson, the following proposed Resolution, authorizing a representative of the City Attorney's office to travel to Washington, D.C., to attend a two-day seminar March 17 and 18, 1976, regarding "The American Municipality: Liabilities, 1976," sponsored by the Public Liabilities Institute of New York University's Center for Safety and cosponsored by the National League of Cities and U. S. Conference of Mayors, and authorizing \$1,000 expenditure from Unallocated Reserve General Fund 100 (53.31) for necessary expenses, was presented.

The Council discussed the matter.

Chief Deputy City Attorney Ronald L. Johnson appeared to address the Council and answered questions directed by the Council.

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

The Council discussed the matter.

RESOLUTION 215504, authorizing a representative of the City Attorney's office to travel to Washington, D.C., to attend a two-day seminar March 17 and 18, 1976, regarding "The American Municipality; Liabilities, 1976," sponsored by the Public Liabilities Institute of New York University's Center for Safety and cosponsored by the National League of Cities and U. S. Conference of Mayors; authorizing \$1,000 expenditure from Unallocated Reserve General Fund 100 (53.31) for necessary expenses, was adopted on motion of Councilman Williams by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Morrow. Absent-None.

(Unanimous Consent No. 2)

By Unanimous Consent, granted to Councilman Williams, the following proposed Resolution, excusing Councilman Leon Williams from the Rules Committee and Public Facilities and Recreation Committee meetings of March 15, 1976, and the afternoon session of the March 16, 1976 Council Meeting, for the purpose of attending the League of California Cities, Congressional City Conference and the NLC Community Development Policy Committee meeting in Washington, D.C., was presented.

(Unanimous Consent No. 2 - Continued)

RESOLUTION 215505, excusing Councilman Leon Williams from the Rules Committee and Public Facilities and Recreation Committee meetings of March 15, 1976, and the afternoon session of the March 16, 1976 Council meeting on March 16, 1976, for the purpose of attending the League of California Cities, Congressional City Conference and the NLC Community Development Policy Committee meeting in Washington, D. C., was adopted on motion of Councilman Morrow.

There being no further business to come before the Council at this time, the Meeting was adjourned at 11:09 a.m. on motion of Councilman Morrow.

Mayor of The City of San Diego, California

ATTEST:

Charles G. Delipou
City Clerk of The City of San Diego, California

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, MARCH 10, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

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

Absent--Councilman Morrow.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 2:10 p.m.

(Item 401)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearings, continued from the Meeting of February 25, 1976 at City Manager's request, on application of Pacific Scene, Inc., by Ronald D. Hogan, agent, for special permission to waive underground utility requirements in connection with the subdivision map of Mira Mesa Commercial Park, located south of Mira Mesa Boulevard between Rickert Road and Black Mountain Road, in the A-1-1 (proposed CO) Zone.

Assistant City Attorney Teaze presented his report.

Councilman Morrow entered the Chambers.

Councilman Gade stated he was excusing himself from the discussion and vote on this item due to a possible conflict of interest.

Assistant City Attorney Teaze reported to the Council on the matter.

J. L. McLaughlin, Engineering and Development, presented his report and recommendation.

Attorney Ronald D. Hogan appeared to address the Council in favor of the application, and answered questions directed by the Council.

J. L. McLaughlin, Engineering and Development, answered questions directed by the Council.

The motion of Councilman Johnson to close the hearing and deny the application, received no vote at this time.

Attorney Ronald D. Hogan answered questions directed by the Council.

The hearing was closed and the following Resolution was adopted on motion of Councilman Johnson:

RESOLUTION 215506, denying the application of Pacific Scene, Inc., by Ronald D. Hogan, agent, for special permission to waive underground utility requirements in Mira Mesa Commercial Park.

Councilman Williams left the Chambers.

(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 San Diego Park District 16 - Hendrix Park - formation of a park district and acquisition of certain open space lands and easements for park and recreation purposes under the provisions of the San Diego Park District Procedural Ordinance of 1969 - Resolution of Intention 215196. (See attached Noticed Hearing verbatim transcript.)

(Item 403 - Continued)

The Council discussed the matter.

The motion of Councilman Hubbard to amend proposed Resolution "a" to have the Committee Consultants work with the Legislative Analyst rather than personnel from the Auditor and Comptroller, Personnel and Planning Departments, received no vote at this time.

The Council discussed the matter.

Committee Consultant Conrad answered questions directed by the Council.

The Council discussed the matter.

Committee Consultant Conrad answered questions directed by the Council.

The vote was taken on the previous motion by Councilman Hubbard, which failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen Hubbard and Haro. Nays-Councilmen Johnson, O'Connor, Williams, Morrow, Gade, Ellis, and Mayor Wilson. Absent-None.

The Council discussed the matter.

The following Resolutions were adopted on motion of Councilman Morrow:

RESOLUTION 215512, directing the City Auditor and Comptroller, the Personnel Director and the Planning Director to assign one professional employee each to the Legislative Analyst Office for the sole purpose of assisting the Analyst in performing a comprehensive review of the Fiscal 1977 Preliminary Budget; and

RESOLUTION 215513, authorizing the City Auditor and Comptroller to transfer the sum of \$6,054 from the Unallocated Reserve (53.30) to the Legislative Analyst Office (02.12), for the purpose of providing an additional administrative intern and an additional clerical position from the clerical pool for the balance of the fiscal year to assist the Analyst in budget review.

There being no further business to come before the Council at this time, by Unanimous Consent granted to Councilman Gade, the Regular Meeting was adjourned at 6:47 p.m. in memory of Frank Savella, a commercial fisherman, who passed away on Monday, March 8, 1976.

Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California

Mayor Wilson recessed the Regular Meeting at 3:41 p.m. Upon reconvening at 5:59 p.m., the Roll Call showed all present.

(Item 404)

A proposed Resolution, rejecting all proposals received for providing maintenance and operations assistance for the Convention and Performing Arts Center for five years and directing the City Manager to advertise for new proposals on a sealed proposal basis for a term of one year plus a one-year extension at the City's option. The Agreement as proposed by the City Manager on January 23, 1976 to be used for contract specifications, was presented.

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

The motion of Councilman Johnson to suspend the rules to permit the Meeting to continue an additional thirty minutes, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Ellis, Haro and Mayor Wilson. Nays-Councilman Morrow. Absent-None.

The Council discussed the matter.

City Manager McKinley presented his report.

Lester L. Land appeared to speak in favor of the proposed Resolution.

- Attorney Thomas M. Hamilton appeared to speak in opposition to the proposed Resolution.

The Council discussed the matter.

General Manager Michael S. Connolly, Convention and Performing Arts Center appeared to speak, and answered questions directed by the Council.

The Council discussed the matter.

Lester L. Land and Attorney Thomas M. Hamilton answered questions directed by the Council.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

General Manager Michael S. Connolly answered questions directed by the Council.

On motion of Councilman Morrow, the following Resolution was adopted by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, Gade, and Haro. Nays-Councilmen Johnson, Ellis and Mayor Wilson. Absent-None.

RESOLUTION 215511, rejecting all proposals received for providing maintenance and operations assistance for the Convention and Performing Arts Center for five years and directing the City Manager to advertise for new proposals on a sealed proposal basis for a term of one year plus a one-year extension at the City's option. The Agreement as proposed by the City Manager on January 23, 1976 to be used for contract specifications.

(Item 403)

The following Resolutions, relative to staffing requirements of the Legislative Analyst, were presented.

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

D R A F T

(Item 402)

Mayor Wilson: A-Noticed Hearing on the matter of the formation of a Park District to be known as San Diego Park District No. 16 - Hendrix Park - and improvements and upon acquisition of certain open space lands and easements for park and recreation purposes under provisions of the San Diego Park District Procedural Ordinance of 1969 under Resolution of Intention 215196.

The action before the Council today will be upon adoption of a Resolution finding and determining that public convenience and necessity require certain improvements and a second Resolution making findings and overruling protests and objections, confirming the diagram and assessment and ordering improvements, and a third Resolution directing the City Clerk to give notice inviting sealed bids for the purchase of Improvement Bonds.

This is the time and place for the combined hearings on the following:

a - First, the Report of the Superintendent of Streets, prepared pursuant to the San Diego Park District Procedural Ordinance of 1969 and Resolution of Intention No. 215196.

Whether the public convenience and necessity require these acquisitions and improvements to be made and whether they should be ordered without the application of the Spwcial Assessment Investigation, Limitation and Majority Protest Act of 1931.

Any and all persons having any protest or objection to the proposed acquisitions and improvements, the extent of the proposed assessment district, the proposed assessment, or the ordering of the improvements without application of the Special Assessment Investigation, Limitation, and Majority Protest Act of 1931 may appear before the Council and show cause why the same should not be carried out and ordered.

City Clerk Nielsen: The Report of the Superintendent of Streets is available in the Council Chambers. The affidavit of publication of notice

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of improvement and certificates of posting notice of improvement and mailing notice of adoption of the resolution of intention are on file in my office.

Mr. Franklin T. Hamilton, Special Bond Counsel: I am Special Counsel for the City on this Park District Proceedings. I might first give you briefly a little bit of background material. A petition for this project was filed in 1975 and it was submitted to the Council at its meeting of May 8, 1975. The petition was signed by 46% of the assessable area of the assessment district and, under your Council policy, it was an insufficient petition. In passing, it might be stated that the petition requested a bond term of ten years at a maximum interest rate of 10%. At the Council Meeting of January 28, this year, in 1976, the Council initiated the proceedings on its own motion. At that same meeting of January 28, the Street Superintendent presented his report on the project and the Council adopted the Resolution, fixing today as the date for the hearing. The Superintendent of Streets will report to you that approximately 1-1/2% of the assessable area have filed written protests. Accordingly, a majority protest has not been filed on the project. The Street Superintendent will also recommend certain changes to you which he'll describe in greater detail, but they will consist essentially of the omission of one City-owned lot which was inadvertently assessed and the reduction of the assessment on a second private lot. I have prepared and submitted to the City Attorney's Office, and they have approved as to form and also furnished to the Clerk's Office, an additional Resolution which is not shown on your agenda, but it will be a Resolution proposing the changes to be recommended by the Superintendent of Streets and also a substitute form of the Resolution confirming the assessment and ordering the project. So that if the Council does go forward with the project, and approves the recommendations of the Street Superintendent there be four Resolutions, then the three Resolutions previously proposed at

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conclusion of the hearing, the Council will have the following choices available to it. It may abandon the project in its entirety, it may order changes including those recommended by the Street Superintendent, or other changes. It may order the formation of the district and the confirmation of the assessment as it was originally proposed or as changed. The Resolutions available for your adoption in the event you decide to go forward are: The Resolution of Public Interest, the public convenience and necessity which requires 8-aye votes; the second Resolution ordering changes; the third Resolution confirming the assessment and ordering the project; and the fourth Resolution inviting bond bids. The Resolution inviting bond bids will provide for bond bids to be received at the meeting of April 20, and award at your regular meeting of April 21. I would suggest, Mr. Mayor, that you call upon the Streets Superintendent for his report. Following that, that any written protests, copies of which have not been furnished to members of the Council, be read in open hearing and then you call for oral protests and comments in the usual manner.

(Item 402 - Continued)

J. F. McLaughlin, Engineering and Development Department, stated early in 1975 a petition was circulated within the Scripps-Miramar Community for the acquisition and improvement of certain lands located adjacent to Hendrix Pond. This petition action was the result of the Leadership Housing System's proposal to develop approximately five acres in residential condominium structures. The petition as circulated was signed by 46% of the assessable lands within the district, but represented approximately 72% of the property owners located within the Scripps-Miramar Area, excluding the Leadership holdings. Based on this action by the community, the Council acknowledged the petition and initiated the project in May 8, 1975. The proposed acquisition consists of 5.3 acres in the southwest corner of the Mira Mesa Community, along with the necessary drainage easements and pedestrian access and maintenance easements which are necessary for the maintenance and access around the Hendrix Pond area. The acquisition proposed lies adjacent to the Lot No. 6, which is proposed as an open space park in the Mira Mesa Area. The acquisition then, is this area here with the open space where the pond is located has all ready been designated for open space by the developers.

The improvements proposed in this proceedings will provide the necessary drainage structures at the dam site, the water lines, drinking fountains, four picnic table groupings, five benches along the shore of the pond plus the necessary roads and pertinent improvements necessary for the maintenance of the area. These improvements were designed by Raymond F. Hall Corporation under contract to the City and consist of Drawing No. 16705-1-2D. The total district costs for this acquisition and improvements are estimated at \$364,000 with the break-down as follows: Acquisitions costs of \$286,300.00, construction costs of \$24,700.00, maintenance proposed for the remainder of this fiscal year of \$5,000.00, and incidental and bond costs amounting to \$48,000.00.

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The district comprises 1428 parcels of land within the adjacent residential areas. The acquisition of the five acre site adjacent to Hendrix Pond will enhance the value of the pond area as a community recreational facility and will provide an adjacent area for the enjoyment of the pond facility. This facility is available to all the community and with an unique nature of the water oriented open space, it is perceived that a special benefit will accrue to all the community eventhough some of the properties are beyond what is considered a normal walking distance of the open space area. The benefit appears to be proportional to the distance from the facility and therefore the assessments have been proportioned in accordance with zones of proximity. These zones are shown on the center exhibit and the assessments to these zones range from approximately \$85 per living unit for the more remote areas to a maximum of \$256 for the areas immediately bounding the pond. The assessments for the adjacent properties is approximately \$1279 for the properties adjacent and we have a modified assessment for one property which is, was considered adjacent property, but has, because of its peculiar nature, deserves a less assessment. The vacant properties and condominium developments have been assessed in accordance with the actual or potential development at a rate commensurate with the proximity zone in which the property is located.

Since passage of the Resolution of Intention and Notice to the property owners, two modifications to the Roll have been proposed together with slight revision in the subject cost. These include the Assessment No. 1149 which is located at the end of Brookwood Drive and this is the property in which we indicated there was a modification in the assessment proposed. This property has point contact with the open-space area and it differs from the properties adjacent to it which have a contiguous property line with the open space area.

We are recommending that the assessment for this property be reduced from

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\$1279 to \$767.76. This property cannot be considered to have a common property line with the open space since it has only the point contact mentioned. It is recommended this change be made to reflect this condition. The second change in the assessment roll concerns Assessment No. 332 which is a City-owned property, located in this area here. This property was deeded to the City by the developer and is used as an access to the Hoyt Park East Open space Area and therefore we have given this property a revised nil assessment which means no assessment on this property.

Because of the delay in the date of the hearing, there has been a slight reduction in the anticipated maintenance required and until the acquired property can be annexed to the maintenance district for the area. This savings is estimated approximately \$680 and will reduce the total cost to the value of the district, and we are proposing a revision in the total cost amounting to \$363,317.56 from the original \$364,000. These changes which are mentioned above, have been included in a schedule to the Roll and have been filed with the City Clerk for attachment to the Resolution ordering the changes. The Street Superintendent recommends the changes be approved and they be incorporated in the proceedings.

In my opinion, all of the lands within the proposed assessment district will be benefited by the proposed acquisition and improvements and that the proposed assessment has been apportioned upon the various and several properties within the district in accordance with the benefits to be received from those acquisitions and improvements. The Environmental Department has determined that the project is exempt from environmental assessment process of the nature of the project.

In order to minimize the amount of interest payments and to improve the bond bids to be received for financing this project, we have established a varying bond life similar to that used in the Navajo Canyon Open-space District

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recently. The schedule is as follows: Assessments less than \$100 have a bond life of three years, assessments between \$100 and \$400 would have a bond life of five years, and assessments over \$400 would have a bond life of ten years. There has been some discussion in the community as to the feasibility to return to the original ten-year bond life which was originally proposed for the project. However, it appears that the revised schedule will reduce the over-all cost to the bonded assessments and it would be the staff's recommendation to proceed with the project with the reduced bond life as proposed in the resolution. I think, at this time, it would be appropriate to hear from the Bond Counsel regarding the legal implications of the alternatives advisable and so that the Council could be well informed as to the issues involved. This concludes my report. I will be available for questions if the Council desires.

Mr. Hamilton: Apparently, there was a somewhat of a failure of communications between City Engineers Office and one of the committee members for the local community group on changing the presently proposed three, five and ten-year bond schedule to a ten year schedule. The March 1, Newsletter of the Scripps-Ranch Civic Association stated in unequivocal language that the Council would at today's Meeting, change the bond maturities from three, five and ten years, which had been provided in your Resolution of Intention and all the notices, to a straight ten-year bond schedule, and also point out that the original petition, which was insufficient, also provided for a ten-year schedule on it. I agree completely with Mr. McLaughlin's recommendation. I have done some arithmetic on some of the assessments which

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which will put in focus the increased burden which would result from going from a three, five to a straight ten-year. For example, taking the smallest assessment which is the \$85 assessment, and assuming an interest rate of 7%, payable in three annual installments, the interest burden for the three years would be approximately \$10. If those \$85 assessments are extended for a ten-year period, the interest burden will be increased to \$31. So, it would be an approximately 300% increase in the interest burden going from the three-year maturity to the ten-year maturity. There would be a smaller interest burden increase for the five-year installment. In addition, the City would undoubtedly get poorer bond bids because the average life of the bond would be extended considerably and bond houses advise us that under current market conditions, the shorter term of the bonds, the better the bid will be.

The last factor which might influence the Council's decision on it would be the administrative burden cast on City's Treasurer's Office. If the assessments are extended for the full ten-year period, the City Treasurer's Office will have a very substantially increased mailing requirement. The three annual installments will require some 20 mailings. So, it would be my recommendation that the Council go forward with the three, five and ten year bond term. If the Council, on the other hand, decides they wish to extend bond maturity, it would be my recommendation that the Council should adopt a resolution proposing to extend the bond maturity, set the matter for hearing and give published and mailed notice of it.

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Although we are not changing the bond assessment amount, we are increasing the assessment burden substantially and I would recommend that any such change be made on published and mailed notice.

Mr. McLaughlin: This concludes our report, Mr. Mayor. I would like to indicate that I was apparently a little slow in shifting gears. I have referred to this project as being in the Mira Mesa Area where certainly it is in the Scripps-Miramar Area. I would like to enter that into the record to make it clear and to also apologize to those people in the Scripps-Miramar Community.

City Clerk Nielsen stated that copies of all written protests filed with the City Clerk before 10:00 a.m. on March 10, 1976 were furnished to each member of the Council; where the protests were in the form of petitions or of communications with identical texts, at least one copy of each form, together with an indication of the number of signers thereon, was furnished to each member of the Council.

Mr. Nielsen further stated that if there was any interest in the percentages, I would, with advice of Counsel, refer this matter to Mr. Mittimeyer, Engineering and Development Department, whose office has copies and any percentages that are needed, he could speak to that and the nature of the protests.

Councilman Johnson: Mr. Clerk, could you tell me if there is any difference between what we would find out from Mr. Mittimeyer than what we've already been given as 1-1/2% of those being assessed as in protest?

Mr. Nielsen: No, I don't believe so.

Councilman Johnson: In other words, then we can understand 1-1/2% is

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total protest?

Mr. Nielsen: I believe that is correct.

Councilman Johnson: Is that right Mr. McLaughlin?

Mr. McLaughlin: That's correct.

Councilman Johnson: Okay. I have something here, Mr. Mayor. I would just like to mention it early. I don't know the gentleman who called me, a Mr. Phil Borgia, and he lives in Scripps Ranch and he is requesting that we postpone this hearing until April 10, he is questioning, he says he felt that the petitions only ask for maintenance of the pond and nothing is said about the acquisition \$364,000 parcel. He will be unable to be here today. I can't understand this particular reasoning because on our docket of October 15, 1975, the Hendrix Parks Project was proposing at that time to acquire 5.337 acres of open space and that was to acquire--I won't read all the rest of it, but these are proceedings that were to be conducted under the 1913 Act and there's more, then on January 28th, the discussion at that time, total cost of the project at that time was estimated at \$377,700 which was going to be financed entirely by the proceeds of a special assessment district. There's no City-owned land proposed to be acquired or assessed in this project. That means that this property, if acquired, will be added to the Scripps-Miramar Maintenance District. Now, there is a maintenance figure in there, Mr. McLaughlin, I'm sure. But, certainly not anything that was similar to this. For that reason, unless there's something further shown in the hearing today, I don't feel that I could ask for a continuance on the basis of that information.

City Clerk Nielsen stated at this time his office was in receipt of a late protest in the form of a letter from Mr. and Mrs. R. Zuber, 11347 Tribuna, San Diego, 92131, and the letter reads as follows: I strongly object to the

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acquisition of the Hendrix Pond Area. Our residence is so far removed from said area and is of no value to us. The fact that the property values would be enhanced is highly questionable, since the building of the 'boxes' on stilts called condominiums has destroyed the setting and we originally were lead to believe a quiet country atmosphere. In view of the above remarks, again I object to the proposal. Signed by the Zubers.

Mayor Wilson stated that additionally, members of the Council have received written communications indicating protest, a Ms. Fawcett and Mr. & Mrs. Wells, Mr. & Mrs. Hegdahl, Mr. O'Connell, Mr. & Mrs. Wilson, Mr. & Mrs. Lewis, Mr. & Mrs. Polk and Dr. Neymarck. All members of the Council have copies of those.

Mr. McLaughlin: Your Honor, for the record, we have received thirty-four letters in protest to the formation of the district.

Mayor Wilson: Does anyone wish to make an oral protest? May I see by a show of hands those who desire to be heard indicating their opposition to the Resolutions before the Council? Let me invite those persons who held up their hands just now to come forward and to register their protests. Is there anyone who feels they can't do that in three minutes? I will ask that all those who wish to register their protest please do so as briefly and succinctly as possible.

Richard Stratton, 10511 Caminito Sopa Dia, San Diego. I have another twenty-six names that I'd also like to add to your list. People that couldn't make it and people that are opposed. On the map that we just pinned up, I would like to explain what the different colors do mean on it. The blue portion here, is the Hendrix Pond itself. With the green portion a 50-foot right-of-way to the pond and the broken line portion approximately easement around the pond.

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which is to be deeded to the City at no charge. The red portion here is the 5.34 acres which is in discussion for an assessment district for \$364,000. The green portion that you do see, is the open space area at Scripps Ranch which represents about 92 acres of open space. The bright orange section here, is two acres of land which was purchased by the City just recently from their Park District for \$83,000. Now, this land here is adjacent to the Hendrix Pond proposed area. That's only \$21,500 an acre and here we're talking \$60,000 an acre. I think that the numbers are quite confusing. Out here, we have an area that was graded by the developer and it was offered to the City as a proposed park. And, just recently, I understand it was turned down because the City did not want to have a park there. Now, that is a graded area not a wooded area where we could have fields and games and etc. That basically explains my map.

The main reason I am opposed to accepting this proposal at this time, is the fact that there was a petition that went around a year or a year and a half ago which was accepted by the City Council on May 8, 1975 and this petition supposedly had 72% of the residents of the Ranch in favor of saving Hendrix Pond and we were, and we are in favor of saving Hendrix Pond. But no where and no one ever told us as residents out there that it was going to cost us \$364,000 to buy some land around the pond. I feel that there is another section that has been recently sold to a building contractor that has 310 units on it, called Units 8, 9, 10, and 11. Those 310 units are not being assessed to save the pond which we're not really saving because the pond is being deeded to the City. We're talking about 5.34 acres of land this side of the pond. I really think that an injustice to take a petition that was misrepresented when it first came out, and say 72% of the people are in favor.

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I would like to table the motion for acceptance of approval of this project, until an actual vote is taken of the homeowners. Then, we'll know if we want to spend that much money for the benefit of the few homes that are right around the pond. Basically, I guess that's all I have to say.

Mrs. John Lewis, 11330 Vista La Questa Drive, and the only thing I can add to Mr. Stratton's words is, there is an existing park within one-half mile of the area that you are talking of purchasing. It has playground equipment and picnic tables. For sure, we don't need another park so close.

Katy Copper, Commander, Nurse Corps., retired, 11288 Iron Road, I came up here totally unprepared to speak, and I don't intend to waste your valuable time, but I would like to reiterate what the gentleman said about perhaps taking a correct vote of the people who would like to be assessed or not be assessed. I, too, was given some false information when we merely signed to save the pond. When I bought my home in Scripps Ranch three years ago, I paid quite a sum of money for my view lot and my public park and I'd like a little further investigation before I pay any assessment for someone else's. Thank you.

William Kennell, this subject was presented to the people of Scripps Ranch as the issue of preserving Hendrix Pond. Yet, the pond is, I'm assured, by members of the City's Engineering Department, has already been preserved. In that, at one time, there was a threat of filling it in, which was desirable on the part of the City because of liability purposes. Now, after the public protest, there's no consideration for filling it in. In fact, they assure me that improvement necessary to bring the pond area up to requirements for a City park, can be made without the acquisition of this extra parcel. So, this assessment district is not preserving the pond. What it is doing, is to buy a backdrop for the pond which would have been desirable had it been included in

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the pond area to begin with by the developer. But, we are paying \$68,000 pro-rated, including all costs, per acre for this backdrop to the pond area not preserving the pond. So, I move that this is an excessive amount to pay for that purpose. I believe the condominium area, if done well, could provide a decent backdrop for the same area and therefore, this assessment is not necessary. Thank you. William Kennell, 11051 Turret Drive.

Bert Peck, 11154 Ironwood Road, just one item I would like to bring up is that I have here in my hand a flyer that was distributed just last night throughout the Ranch at approximate 5:30, the time it was received at my house. In talking with several of the residents of the Ranch, I find that many of them have not seen this. This outlines the retraction as far as the bond scheduling is concerned from the normal or from what we expected to be a ten-year pay assessment to the three, five and ten-year bond scheduled as outlined. I think, in view of this, that it is probably right that this matter be tabled at this time, because I believe this is a strong argument in favor of continuing until such time people can be notified of this change in schedule a vote be taken on the matter. Thank you very much.

Donald Worden, 11645 Nagley Drive, and I just come to protest. I live in a farther section from the so-called Hendrix Park, and I'd like to protest it.

Brent Arem, 10464 Caminito Banyon, I would like to register my opposition to the plan based on a couple of points. I feel that the cost is excessive for the type of recreation area that we are acquiring. I feel that our area is in more need of a different type of recreational area for children of a particular community and more along the lines of ball fields or something like that. The type of open spaces which we now have are really not conducive to that form of recreation. We do have quite a bit of wooded area and wilderness

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sort of area. Secondly, one of the main arguments in favor of the pond, has been its unusual type of aquatic nature which the children can utilize. I would just like to point out that Miramar Lake is within very close proximity and is actually closer to many of our residences than the Hendrix Pond Area and can actually afford a better opportunity for that form of recreation.

Thank you.

Nathan Reed, 10946 Ironwood Road, my protest, I have in this letter which you will be given a copy of, I assume something from a City Clerk named Conover. It kind of describes most of this stuff we're seemed to be in confusion. He seems to feel that this money is being spent as a backdrop not for preservation of the pond. That I agree with. I'm close to the pond. My kids have been there. I'm also close to the other open spaces that we are already being assessed for. We also have our fancy street lights up there that we have a special assessment for. And, we are going to be special-assessed right out of our houses if this stuff continues. And, that's as much as I have. Thank you.

Rudy Hegdahl, 11083 Turret Drive, I believe when originally the people purchased property out at Scripps-Miramar Ranch, that it was indicated to them that the pond would be maintained as an open-space area and for the benefit of the people of the ranch. Now, that's by the developer. To me it appears that we are letting the developer off the hook. Why not require him to develop that pond and keep it maintained? Why not--why are we paying him just to get off the hook? Thank you.

Mayor Wilson: Now, I will ask the Superintendent of Streets give us the report based on the percentages of the property as to the number of protests representing what percentage of the property to be assessed for proposed acquisition and improvements, either we have had in hand or heard from.

J. F. McLaughlin, Engineering and Development Department, yes, sir, I

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at this hearing. There was written protests submitted from approximately 1-1/2% of the property owners based on the area of the property represented. Its my understanding that two of these property owners which made an oral protest has not submitted written protests. In addition there is one petition which we have not had time to investigate that represented twenty-six owners as we understand it. It appears that the assessment protest, considering both the oral and written, would probably be less than five percent.

Councilman Morrow: Would that include that petition that you just received?

J. F. McLaughlin: Yes, sir. As you recall, there was thirty-four parcels protesting and this made a 1-1/2%, we are safely under 5%.

Councilman Ellis: How many total parcels is that, 1400?

J. F. McLaughlin: 1428 parcels.

Mayor Wilson: All right. I'm aware that there are in the audience a number of people who are in support of the formation of the district. I wonder if they have appointed a spokesman. If so, I think we would hear from the spokesman and in the hopes that the spokesperson will suffice to represent their support, if there is such a person, could I ask he or she step forward and I might ask those who are represented by this person to indicate that representation by a show of hands.

Paula Okida, 10212 Brookwood Drive, I'm President of the Scripps Ranch Civic Association. I would like to say first of all that we are prepared, I will give the dullest part of our presentation, a very brief introductory part. We did have a delightful slide show and a very well prepared invironmental survey to present. It depends upon how much time you feel you can allow us. People have put quite a bit of work and effort into this presentation. The slide show takes approximately six minutes. The environmental approximately 15 and I can keep myself down to about two.

Mayor Wilson: All right. That sounds like an admirably brief and well

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organized presentation.

Paula Okida: The move on the assessment thing began in August in 1974 when the residents at Scripps Ranch learned for the first time that the area around Hendrix Pond was not meant to be preserved as open space, but was zoned for additional condominiums. Forty letters went in the City Environmental Impact Report. It was considered to be an unusually large number in protest on one of those. Quite a few also went to City Planning, Parks and Recreation, Engineering Department, Councilman Johnson and some to Mayor Wilson. This uproar was caused because out of the 318 condominiums, 41 were to be built on the land under discussion today. This would have left only a 30-foot wide quite steep wooded lane leading from Aviary Drive to the edge of the pond. A very narrow border around the pond. This would have been the only public access to the area. The building process would have destroyed most of the trees in what is, at the moment, very heavily wooded slope. The Scripps Ranch Civic Association formed a Hendrix Park Committee to find a way to save both the pond and the land area for public use. The committee was made up of eight residents from all areas of the ranch. We consulted with Leadership, with San Diego Parks, with Environmental Department, the Engineering Department, Councilman Gil Johnson and the Environmental Attorney Roger Hedgecock. The only solution that met the needs of the conflicting interests of the community, the developer and the City, was an assessment district to buy the land. Leadership agreed to donate the pond itself to the City. Parks and Recreation were responsive to the strong desire of the community and agreed to accept the park, provided that there were improvements for drainage, access to the public and maintenance. It was also agreed that both maintenance and liability insurance would be paid by the maintenance district that we already have.

The detailed plans for an assessment district were presented to the ranch

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at a public meeting in November of '74, and were also described accurately in a brochure delivered to each home on the ranch at that time. I could even go off just a second to read this in terms of not having been told that this would cost, people were distinctly told. This announcement, which was delivered in November of that year, says "Leadership will donate pond itself to the City. To keep the trees and the land southeast of the pond where building is planned, about 5.6 acres, we can petition City Council to buy the land at a price set by City Appraisers". We then gave an estimate based on \$300,000 for the cost of land, stating that over a ten-year period, which at that time we had been told was the probable assessment period, it would cost each household an average of \$20.00 a year and that there would be some houses to pay more than that and some less. This turned out to figure in very accurately with the actual cost figures. Detailed plans were presented at that meeting and in this about fifty people hot-footed it around the ranch with petitions. They had been trained ahead of time and in the actual facts. I was not accompanying each one of those petitioners. I certainly hope they maintained the high standards for integrity. That has been important to us throughout this. We collected about 1300 signatures representing 72% of the homeowners. Leadership, which held about 30% of the land area still undeveloped, said that they were completely willing to accept the assessment district and called a building moratorium, giving us the period of time to form it. Since the City initiated the assessment district in May of 1975, the Civic Association has kept the public informed through public meetings, and a monthly newsletter delivered to each home. Each taxpayer, of course, has received in addition a City notice, and an estimate of his assessment. I'd like to take one brief moment in terms of this business about having ten years or the other payment plan, everyone who has to pay a tax assessment was notified

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by the City of what is actually the valid time payment period, this two to five year spread. They received that notice about February 11, last weekend, Saturday, March 6, I think, we delivered a newsletter in which we erroneously told them that everyone would have ten years. On Monday afternoon, in talking with Mr. Mittlemeyer and with the City Attorney and the Bond Attorney, we discovered it would need to come to this hearing with the preferred time spread that he has explained to you. We were very, very reluctant to have the ranch misinformed in any way. And, we did a mighty fast job getting notices printed and having our fastest teenagers and they had those notices delivered within twenty-four hours. So, out of the month that has preceeded this hearing, the people were misinformed on that point. It was a very brief three day period, and would certainly not be the result of any ill intent. I'd like to introduce Cindy Hughes to give you the environmental background.

Cynthia Hughes, 99990 Bervan Court, I wish to familiarize the Council with the environmental aspects which relate to the case of acquiring the land and the pond. The environmental impact relates not only to the pond itself, but also to the community and to the City as well. I will tell you why the acquisition of the 5 acres is necessary if the pond is to survive at all. I will also show you that preserving this pond is in full agreement with the ideals of proper City planning. First, let us look at the pond and the land to be acquired. The pond itself which is approximately 1.3 acres in size, is located at the lowest part of two lots. The pond and an adjoining panhandle of land designated Lot 6, is zoned easements and will be given to the City. The 5.3 acres of land to be acquired, designated Unit 3 of Lot 5, this lies south and east of the pond. The slope is two to one and the parcel is heavily wooded with mature eucalyptus trees and native brush. And, they survive on a natural rainfall of their own. To the left and west of the pond, is a small

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dirt dam. Above and north, one sees the eight homes which were originally model homes here on the ranch. Leadership plans to put in seven condominiums with a total of forty-one units in that parcel. The engineering report on the project said 45% of the total area would be covered by roads and buildings, and of the remaining 65% only 15% would be left in its original state. Grading would come within eight feet of the pond. All run-off water flows down to the pond. The natural drainage system/flows from the pond under Interstate 15 into Carroll Canyon, ultimately to the Las Penasquitos Lagoon, which I'm told is extremely popular here in the state as a wildlife refuge for endangered species. The Environmental Quality Report found several faults with the proposed development, it is mentioned in the excerpted notes of mine, insufficient public services among other things, but our concern as a community was the threat posed by the run-off water on this particular parcel of land should it be developed. Extensive grading would be necessary. Rains could cause much erosion of the sandy, gravelly loam before it could be landscaped to retain banks. But then, besides the silt itself, every bit of fertilizer and all pesticides would also drain into the pond. Asphalt roadways also decompose. The emulsified asphalt plus any oil and detergent upon the driveways would also drain into the pond and thus into the Las Penasquitos Lagoon. In fact, the Park and Recreation Department would not accept the pond with those drainage problems. Our Civic Association invited some professors from neighboring USIU to come and give us an objective analysis of the state of our pond with and without adjacent developments. Drs. Nancy Jessop, George Babca and Benjamin Banta did a study with some students and concluded that the pond is a balanced ecosystem, but very fragile. The pond could not survive the construction and inevitable pollution which would accompany development and I have their statements here. Another aspect to be considered is that the pond has been here for so many

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years, that we now have wildlife living around the pond. For example, migratory ducks have found it a haven, we have crawdads, catfish, frogs, bass, dragonflies, numerous small furry animals come to drink at night, to name a few examples. What attracted us to this area must not be destroyed. The same can be said of all of San Diego. Conservation of this natural setting is an urgent priority of ours revealing our wish for a sense of regional character. Perhaps you've heard these words before. They've been voiced in a greatly lauded environmental study on San Diego. I'm talking about the Kevin Lynch, Donald Appleyard Report, copies of which can be found in the Planning Departments of our City. It is an environmental plan for our City which deals with six basic values, livability, access, sense of time and place, responsiveness, pleasure and sensibility, and conservation. The report recommends saving our waterways, making ponds and swimming holes and preserving the distinct character of a community. 72% of our community said they would pay to preserve this area. Today, the Council can make a decision about the long term quality of our environment. We recommend the acquisition of this land.

Councilman Johnson: Mr. Mayor, in view of the time constraints and other hearings that we have, and frankly with the, I think the hearing has been complete, with that 1-1/2%, we're up to less than 5% in protest, 72% in favor, I think that this has had good hearings, sufficient hearings. There are people, at the last minute, that are not in favor, but frankly, I do feel that it's something that the majority are in favor and I think 72% is certainly a favorable figure when you figure less than 5% in protest. So, I would move to close the hearing and I'm not sure whether, Mr. Bond Counsel, whether I've got all the a, b, c, and d, correct or not, but based on what we have on our docket, I would say adopt the Resolution, finding and determining that public convenience and necessity require certain improvements. Is that okay for a?

Mr. Hamilton: Yes, that is correct.

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Councilman Johnson: Okay. Adoption of the Resolution making finding and overruling protests and objections, confirming diagram and assessment and ordering improvements.

Mr. Hamilton: No. The second Resolution, the Resolution ordering changes which is not shown on your docket but which was mentioned by myself and Mr. McLaughlin, that would accomplish the two changes he described, the omission of the City-owned property from assessment and the reduction of one assessment. So. your second Resolution following "a" should be, Resolution of the Council ordering changes in the Report. The remaining "b" and "c" are the same.

Councilman Johnson: I would move those four items. And will that be on the ten-year or three-, five-, ten? As far as the ---

Mr. Hamilton: If you forward with these four items, you would provide for the present three-, five-, and ten-year schedule which has been noticed to all the property owners. So there would be no change in the bond maturity schedule to ten, as was suggested at one time.

Councilman Johnson: Okay. I would so move.

Mayor Wilson: All right. There is a motion by Councilman Johnson, seconded by Ms. O'Connor. Mr. Ellis with a question.

Councilman Ellis: Mr. Hamilton, on the matter of noticing and so on, with the ten-years, three-, and five-, and so forth, you're comfortable with all that?

Mr. Hamilton: This publicity, which was inadvertently given by the property owners' association out there, was completely unauthorized and extralegal. The official legal notice given by the City has been consistently the three, five, and ten-year bond maturity. The Council is not bound by any

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representations made by the property owners group. So, I have no hesitation in going forward with the three-, five-, and ten-year schedule. If it's your desire to change it from to straight ten-year on all the assessments, then it's my opinion you should do it by additional noticed hearings. Have I answered your question? You still have a puzzled look, Mr. Ellis.

Councilman Ellis: Yes. You know, when people at their homes receive something and it's a notice, how do they know whether it's an official, legal notice or some other notice or whatever? I would just want you as hired counsel to assure us that whatever noticing took place was legal and that any extraneous noticing that took place was, for whatever reason, I don't know. It's just that after we hold an assessment hearing, we hear from people who never knew it was going to take place. Now, I can see here an opportunity for us to hear from the people that will say that they have been told something opposite to what we've heard at the hearing today.

Mr. Hamilton: Well, obviously none of us can guarantee against subsequent litigation or law suit on us, but it would be my opinion that the Council has given proper notice of the three-, five-, and ten-year bond maturities, that the publication in the property owners' newsletter and the subsequent retraction of the statement made in that letter, are completely extra-legal, not authorized by the City or the City Staff and would have no bearing on the legality of it. So, as far as my opinion is concerned, I have no hesitation about the Council voting on it as it was originally proposed.

Councilman Ellis: All right. And, then the 72% indicating for it and somewhere about 5% in opposition, these figures you would feel, those people, those 72% of the people did receive proper legal notice?

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Mr. Hamilton: Legal notice in this case was, as indeed in all 1913 Act Proceeding, was given in three forms. The first form was a published notice made once a week for two weeks. The second notice was posting all the streets in the assessment district with the usual posted notice and the third one was the customary mailed notice where a Notice of Hearing was mailed to each owner shown on the County Equalized Assessment Rolls. And, all those notices the Clerk advises us, were duly and timely given.

Councilman Ellis: Okay.

Mr. McLaughlin: Mr. Mayor, I might interject something. The 72% that's been mentioned a couple of times in this hearing as those being in favor of, is actually the 72% which signed the original petition. There is no such 72% which has indicated by the written protests or otherwise that they are now in favor of the project. I just want to make sure that the Council understands that the 72% is the figure with the petition and not with the hearing today. We have a protest from less than 5%, so you can draw your own conclusions about the amount of people who are not in favor of the project.

Mayor Wilson: I might say, too, by the way, the information in response to points raised by one or two of the speakers who registered protests orally here this afternoon I have in hand here, dated November 25, a copy of the petition for formation of the park district, and the fourth line of the, sixth line of the whole thing and paragraph "B" of the first line reads: "The general description of the land to be acquired for Park and recreation purposes are set forth on the attached map marked as Exhibit "A"." That is Exhibit "A", and it does show the shaded area as the property being acquired which I think quite clearly a good deal more than the pond itself. All right. Now, if there are no other questions, if there is no additional discussion, the vote is on Mr. Johnson's motion. Yes, Ma'am, what is it?

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(Statement from the audience.)

Mayor Wilson:- No. I can't agree with you.. Looking at the petition,
and I'm assuming this is the petition---. Call the Roll. The vote is
unanimous.