REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, MARCH 17, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M.

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

Mayor Wilson called the Regular Meeting to order at 8:39 a.m.

(Item 100)
Roll Call was taken.

Councilman Morrow entered the Chambers.

(Item 102)
LaDonna Hatch, president of the Civil Service Commission, presented the Civil Service Commission Salary Trends and Recommendations.
On motion of Councilman Gade, the report of the Civil Service Commission was accepted.

The Council at this time considered requests for continuances: Items 155 and 150a.

(Item 155)
RESOLUTIONS: Declaring Vernon B. Anderson, Morris A. Anderson, Hazelle M. Anderson, Robert S. Noble and De Lores M. Noble, subdividers of Noble Hills Subdivision to be in default under terms and conditions 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 subdividers and to Argonaut Insurance Company; authorizing the City Manager to complete or cause to be completed, said improvements.

Councilman Williams entered the Chambers.

City Manager McKinley answered questions directed by the Council.

(Item 155 - Continued)
Alex Harper appeared to speak.
On motion of Councilman Johnson, the proposed Resolution was continued to March 24, 1976, 8:30 a.m., at subdivider's request.

(Item 150a)
RESOLUTIONS: Awarding a contract to Jack W. Brem, dba Brem Landscape Co., for Mission Bay Park - Tecolote Shores, for the sum of $295,619; authorizing the expenditure of $341,400 from Park and Recreation Bond Fund No. 725 for said purpose and related costs.
City Manager McKinley answered questions directed by the Council.
On motion of Councilman Morrow, the proposed Resolution was continued to April 14, 1976 at the request of the City Manager.

The Council considered the portion of the Consent Agenda dealing with Ordinances introduced at a previous meeting, ready for dispensing with the reading and adoption, which consisted of Items 120, 121, 122, 123, 124, 125, and 126.

The following Ordinances were introduced at the Meeting of March 2, 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 their passage, a written or printed copy of each Ordinance.
The following Ordinances were adopted on motion of Councilman Hubbard 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. 11-75-3)
ORDINANCE 11806 (New Series), incorporating Lot 1 and a portion of Lot 2, Block 13, Brookes Addition, located at the southeast corner of Brookes and Fourth Avenues, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 12988, approved October 20, 1930, of the Ordinances of The City of San Diego, insofar as the same conflicts herewith.

(Item 121 - CASE NO. 29-75-1)
ORDINANCE 11807 9New Series), incorporating a portion of Lot 63, Horton's Purchase in Ex-Mission Lands of San Diego, into CA Zone, as defined by Section 101.0428.1 of the San Diego Municipal Code and repealing Ordinance No. 6061 (New Series), adopted April 15, 1954, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

The following Ordinance was introduced at the Meeting of March 3, 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 Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 122 - CASE NO. 49-75-3)

ORDINANCE 11808 (New Series), incorporating a portion of Lot 70, Rancho Mission of San Diego, C.C. 15191, into R-1-20 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 10893 (New Series), adopted August 22, 1972, of the Ordinances of The City of San Diego, insofar as the same conflicts herewith.

The following Ordinance was reintroduced at the Meeting of March 3, 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 Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 123 - CASE NO. 9-75-2 - AREA 3 SUBAREA 3A)

ORDINANCE 11809 (New Series), incorporating that property in the Uptown Community Plan Area generally bounded on the west by Buchanan Avenue, New Jersey Avenue, and Delaware Street, on the north by Golden Gate Drive and Mission Cliffs Drive, on the east by Park Boulevard and Georgia Street, and on the south by Washington Street, into R-2 and R-3 Zones as defined by Sections 101.0409 and 101.0411, respectively, of the San Diego Municipal Code, and repealing certain Ordinances of The City of San Diego insofar as the same conflict herewith.

The following Ordinance was introduced as amended at the Meeting of March 3, 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 Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 124)
ORDINANCE 11810 (New Series), amending Chapter IV, Article 5, Division 1 of the San Diego Municipal Code by amending Sections 45.0102, 45.0103, 45.0104, 45.0108, 45.0109 and 45.0110 relating to the Prohibition of Smoking in certain areas used by or open to the public.

The following Ordinances were introduced at the Meeting of March 3, 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 their passage, a written or printed copy of each Ordinance.
The following Ordinances were adopted on motion of Councilman Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 125)
ORDINANCE 11811 (New Series), amending Chapter III, Article 3, Division 15, of the San Diego Municipal Code by amending Sections 33.1501.3 and 33.150.10 realting to Regularion of Cabarets.

(Item 126)
ORDINANCE 11812 (New Series), amending Chapter X, Article 1 of the San Diego Municipal Code by amending Section 101.0206 relating to Procedure for Zoning - Hearing Before Planning Commission.

The Council considered the portion of the Consent Agenda on Ordinances to be Introduced which consisted of Item 200.

(Item 200)
A proposed Ordinance, amending Chapter II, Article 2, of the San Diego Municipal Code by adding Section 22.0209 relating to Alterations in Contracts, was Introduced on motion of Councilman Hubbard, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow, Gade, Wllis, Haro, and Mayor Wilson. Nays- None. Absent-None.

The Council considered the remainder of the Consent Agenda which consisted of Items 150b, 150c, 150d, 151, 152, 153, 154, 156, 157, 158, 159, 160, and 201.
There was discussion on 151 and 201.

(Item 150b, c, and d)

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

RESOLUTION 215516, Trepte Bros. Development Co., for Construction of Memorial Park - Senior Citizens' Center, for the sum of $66,838; authorizing the expenditure of $70,000 from Senior Citizens Building Project Fund No. 2550, and the expenditure of $11,248 from General Fund No. 100 for said purpose and related costs;

RESOLUTION 215517, Trepte Bros. Development Co., for Construction of San Ysidro Senior Citizen's Center, for the sum of $61,780; authorizing the expenditure of $65,000 from Senior Citizens Building Project Fund No. 2550, and the expenditure of $11,800 from General Fund No. 100 for said purpose and related costs; and

Two Resolutions, relative to the Comfor Station for Pacific Beach Drive, including base bid and additive alternate:

RESOLUTION 215518, Mesa Construction Co., for said purpose for the sum of $47,177; authorizing the expenditure of $52,252, from Park and Recreation Bond Fund No. 725, and the expenditure of $8,748 from Sewer Revenue Fund No. 506 for said purpose and related costs; authorizing the City Auditor and Comptroller to transfer $10,648 from CIP NO. 23-020.2(6) to Park and Recreation Bond Fund Reserve, CIP NO. 90-725: and

RESOLUTION 215519, authorizing the use of City Forces to do all the work of making the necessary Water Utility Installations, cost of said work not to exceed $1,191.

(Item 151)

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

RESOLUTION 215520, Fritz A. Nachant, Inc., for Construction of Mount Hope Cemetery - Equipment Garage Addition, for the sum of $23,928; authorizing the expenditure of $38,500 from Capital Outlay Fund No. 245 for said purpose and related costs; authorizing the City Auditor and Comptroller to transfer $13,700 from CIP NO. 38-019(6) to Capital Outlay Reserve, CIP NO. 90-245;

RESOLUTION 215521, Sapper Construction Co., for Construction of Concrete Barrier on the Eastbound Ramp of West Mission Bay Drive to Northbound Ingraham Street, for the sum of $35,196; authorizing the expenditure of $14,000 from Capital Outlay Fund No. 245 and the expenditure of $35,000 from Gas Tax Fund No. 220 for said purpose and related costs; authorizing the City Auditor and Comptroller to transfer $21,000 from CIP NO. 90-245;

RESOLUTION 215522, T. B. Penick & Sons, Inc., for Tiny Tots Equipment and Site Modifications - Various Parks, for the sum of $21,020; authorizing the expenditure of $8,500 from Capital Outlay Fund No. 245 for said purpose and related costs; and

RESOLUTION 215523, Badger Meter, Inc., Hersey Products, Inc., Rockwell International Corporation, Neptune Water Meter Company, A. Subs. of Neptune International Corp. and Gamon-Calmet Industries, Inc., for the purchase of water meters and parts, for a period of one year ending February 28, 1977, for an estimated cost, including tax, terms and freight, of $140,183.70.

(Item 152)
RESOLUTION 215524, awarding a contract to Harrisons & Crosfield (Pacific) Inc., for the purchase of powdered activated carbon, for a total cost, including tax, terms and freight, of $15,822, was adopted on motion of Councilman Haro.

(Item 153)
The following Resolutions, relative to the Final Subdivision Map of La Jolla Golf and Tennis Club Unit No. 3, were adopted on motion of Councilman Haro:
RESOLUTION 215525, authorizing an Agreement with Windemere, Inc., for the completion of improvements in La Jolla Golf and Tennis Club Unit No. 3, a 5-lot subdivision located southerly of Soledad Park between I-5 and La Jolla Scenic Drive; and
RESOLUTION 215526, approving the Final Map of La Jolla Golf and Tennis Club Unit No. 3.

(Item 154)
RESOLUTION 215527, granting an extension of time to February 1, 1977, to San Vicente Investments, Inc., subdivider of Plaza De San Ysidro Unit No. 2 in which to complete the required improvements; releasing Bond No. 899234 issued by the General Insurance Company of America, was adopted on motion of Councilman Haro.

(Item 156)
The following Resolutions, relative to Alley relocation in Clairemont Mesa Unit 4, were adopted on motion of Councilman Haro:
RESOLUTION 215528, certifying that the information contained in the Environmental Negative Declaration No. 75-09-13P has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council; and
RESOLUTION 215529, approving the acceptance by the City Manager of Deed of Pardee Construction Company, conveying the permanent easement for a right of way for a Public Alley and incidents thereto, through, over, under, upon, along and across a portion of Lot 281, and dedicating the same for public purposes; and
RESOLUTION 215530, Vacating Alley in Block 441, under the procedure for summary vacation of streets where the portion to be vacated has been superseded by relocation.

(Item 157)
The following Resolutions approving the acceptance by the City Manager of Deeds, relative to the widening of Sixth Avenue, were adopted on motion of Councilman Haro:
RESOLUTION 215531, Harold G. Carter, Frank H. Carter, Marybelle C. Kingsbury, and Carolyn C. Kelly (street purposes) - SIXTH AVENUE; and
RESOLUTION 215532, Leona Chambers (street purposes) - SIXTH AVENUE.

(Item 158)
RESOLUTION 215533, authorizing an Agreement with PBD Architects Associated, Inc., providing for architectural services required for the design of group picnic facilities in the East Morley Field Are of Balboa Park; authorizing the expenditure of $10,500 from Park and Recreation Bond Fund No. 725 for design, construction and related expenses of the above referenced project, was adopted on motion of Councilman Haro.

(Item 159)
RESOLUTION 215534, authorizing an Agreement with Silver Gate Savings and Loan Association to act as collector for the City in collecting water and sewer service bills, was adopted on motion of Councilman Haro.

(Item 160)
RESOLUTION 215535, confirming the appointment by the Mayor of Jim McFarland to the Civil Service Commission for a five-year term ending January 9, 1981, was adopted on motion of Councilman Haro.

(Item 201)
RESOLUTION 215536, amending the contract with Kaiser Foundation Health Plan, Inc. for Group Health Insurance, extending the contract for a period of one year effective April 1, 1976 and increasing the rates as follows: Employee - $27.60 per month; One dependent - $27.58 per month; Two or more dependents - $50.70 per month, was adopted on motion of Councilman Haro.

(Item 161)
A proposed Resolution, confirming the appointment by the Mayor of Dennis C. Hart to the San Diego American Revolution Bicentennial Committee to fill the vacancy created by the resignation of Jacob H. Cunningham, was presented.
Clarence Whaley appeared to speak.
RESOLUTION 215537, confirming the appointment by the Mayor of Dennis C. Hart to the San Diego American Revolution Bicentennial Committee to fill the vacancy created by the resignation of Jacob H. Cunningham, was adopted on motion of Councilwoman O'Connor.
Assistant City Attorney Teaze answered questions directed by the Council.

(Item 202)
A proposed Ordinance, amending Chapter II, Article 6 of the San Diego Municipal Code by amending Section 26.02 relating to the Historical Site Board, was presented.
A proposed Ordinance, amending Chapter II, Article 6 of the San Diego Municipal Code by amending Section 26.02 relating to the Historical Site Board, was Introduced on motion of Councilman Morrow by the following vote: Yeas- Councilman Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson.

(Item 203)

A proposed Resolution, directing the Historical Site Board to request that state and federal laws be amended to reserve to Historical Site Boards of local jurisdictions, such as cities, the prerogative of confirming all nominations before being considered for enrollment in the National Register of Historic Places, was presented.

RESOLUTION 215538, directing the Historical Site Board to request that state and federal laws be amended to reserve to Historical Site Boards of local jurisdictions before being considered for enrollment in the National Register of Historic Places, was adopted on motion of Councilman Morrow.

(Item 204)

A proposed Resolution, continued from the Meeting of March 3, 1976 at proponent's request, approving in concept only the promotion of World Games 1 by means of a contribution by the City of up to $250,000 in cash from the Transient Occupancy Tax Fund, or, in lieu thereof, the assisting in the staging of World Games I by means of in-kind services by the City in a value equal to $250,000, was presented.

Councilman Morrow presented the Public Facilities and Recreation Committee report.

City Manager McKinley answered questions directed by the Council.

Clark George appeared to speak.

Discussion followed.

The following substitute Resolution was adopted on motion of Councilman Ellis:

RESOLUTION 215539, instructing the City Manager to continue to work with those interested in holding World Games I in the City of San Diego with a view to preparing a recommendation on City support.

(Item 101)

The Mayor welcomed thirty students from Madison High School accompanied by Mr. Frank Kilcoyne.

Councilman Morrow addressed the group.

(Item 205)

A proposed Resolution, authorizing the relocation of the Program Development and Administrative Staff Offices to 1501 National Avenue, was presented.

City Manager McKinley answered questions directed by the Council.

On motion of Councilman Haro, the proposed Resolution was referred to the Committee on Public Services and Safety.

(Item 206)
A proposed Resolution, amending Council Policy No. 300-1 regarding Salary Setting Policy; resecinding Resolution 207686, was proposed.
Councilman Ellis presented the Rules Committee report.
Chief Deputy City Attorney Katz answered questions directed by the Council.
RESOLUTION 215540, amending Council Policy No. 300-1 regarding Salary Setting Policy Policy; rescinding Resolution 207686, was adopted on motion of Councilman Ellis.

(Item 250)
A proposed revised Resolution, authorizing an Agreement with Center for Law in the Public Interest to compensate Center for City's allocated share of expenses incurred in litigation of oil and gas drilling on the Outer Continental Shelf; and further to dismiss The City of San Diego from the litigation and terminate our contractual obligations; authorizing the expenditure of $15,000 out of General Fund 100 Unallocated Reserves for said purpose, was presented.
Deputy City Attorney Riess answered questions directed by the Council.
The following amended Revised Resolution was adopted on motion of Councilman Hubbard:
RESOLUTION 215541, authorizing an agreement with Center for Law in the Public Interest to compensate Center for City's allocated share of expenses incurred in litigation of oil and gas drilling on the Outer Continental Shelf, and further to dismiss the City of San Diego from the litigation and terminate our contractual obligations; authorizing the expenditure of not to exceed $10,000 out of General Fund 100 Unallocated Reserves for the purpose of providing funds for the above-mentioned costs.

Mayor Wilson recessed the Meeting at 10:02 a.m. Upon reconvening at 10:20 a.m., the Roll Call showed Councilmen Williams, Morrow, and Haro absent.

(Item 207 - Supplemental Docket No. 1)
A proposed Resolution, authorizing a Use Permit with the Coalition of Elders whereby the Coalition is permitted to use City Convention Facilities for a Pre-Primary Presidential Convention on May 26 or May 27, 1976; waiving the fee for use of facilities, was presented.
City Manager McKinley and Assistant City Attorney Teaze answered questions directed by Council.

Councilman Williams entered the Chambers.

The motion of Councilman Hubbard to adopt a Resolution, approving in concept, based on the City Manager developing an appropriate contract, was not voted on at this time.

Councilman Morrow entered the Chambers.

(Item 207 - Supplemental No. 1)
Councilman Haro entered the Chambers.

Joe Stern appeared to speak in favor of the proposed Resolution.
Stuart Harder appeared to speak against the proposed Resolution.
Joe Stern answered questions directed by the Council.
Councilwoman O'Connor withdrew her second to Councilman Hubbard's motion.
Councilman Morrow seconded the motion of Councilman Hubbard with the amendment that City Staff not take on administrative responsibility, which failed due to lack of five affirmative votes by the following vote: Yeas-Councilmen Hubbard, Williams, Morrow, and Haro. Nays-Councilmen Johnson, O'Connor, Gade, Ellis, and Mayor Wilson.

The Council considered Items 251 and 252 simultaneoulsy.

(Items 251 and 252)
A proposed Resolution, approving and authorizing the transfer of $612,500 of Community Block Grant Funds to the Market Street Industrial Park Redevelopment Project Fund for the purpose of implementing the Market Street Industrial Park Redevelopment Project; and
A proposed Resolution, approving and authorizing the expenditure of $10,800 from Market Street Industrial Park Fund 986 for necessary appraisals in connection with the Market Street Industrial Park Project, were presented.
City Manager McKinley and James Spotts, Engineering and Development Department, answered questions directed by the Council.
The motion of Councilman Williams to continue the proposed Resolutions for Staff to work with Mr. Mooring was not voted on.
City Manager McKinley and James Spotts, Engineering and Development Department answered further questions directed by the Council.
Councilman Williams withdrew the motion to continue the proposed Resolutions and to adopt the proposed Resolutions, which was not voted on at this time.
James Spotts, Engineering and Development Department, answered questions directed by the Council.
RESOLUTION 215542, approving and authorizing the transfer of $612,500 of Community Development Block Grant Funds to the Market Street Industrial Park Redevelopment Project Fund for the purpose of implementing the Market Street Industrial Park Redevelopment Project; and
RESOLUTION 215543, approving and authorizing the expenditure of $10,800 from Market Street Industrial Park Fund 986 for necessary appraisals in connection with the Market Street Industrial Park Project, were adopted on motion of Councilman Williams.

(Item 253)
A proposed Resolution, directing the City's Delegate to the Comprehensive Planning Organization and the City's Delegates to the San Diego Metropolitan Transit Development Board to vote in favor of the Memorandum of Understanding between the State of California, the Comprehensive Planning Organization and the San Diego Metropolitan Transit Development Board, was presented.

(Item 253 - Continued)

Mayor Wilson, Mike Madigan, Assistant to the Mayor, and Andrew Schaefli, Planning Department, answered questions directed by the Council.

Herman Rosenthal appeared to speak.

Deputy City Attorney Robinson answered questions directed by the Council.

Discussion followed.

Councilman Morrow left the Chambers.

RESOLUTION 215544, directing the City's Delegate to the Comprehensive Planning Organization and the City's Delegates to the San Diego Metropolitan Transit Development Board to vote in favor of the Memorandum of Understanding between the State of California, the Comprehensive Planning Organization and the San Diego Metropolitan Transit Development Board, was adopted on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Gade, Ellis, Haro and Mayor Wilson. Nays-Councilman Hubbard. Absent-Councilman Morrow.

Councilwoman O'Connor left the Chambers.

(Item 254)

The following Resolutions, relative to General Obligation Bond Proposal for acquisition of certain Community Concourse Properties: a - approving a City Plan; b - determining that the public interest and necessity demand the acquisition of certain Municipal Improvements and making Findings relating thereto; and c - accepting the proposal of the law firm of O'Melveny & Myers to act as Bond Counsel in connection with the General Obligation Bond Election to be held June 8, 1976, for certain Municipal Improvements in the City of San Diego, were presented.

The motion of Councilman Hubbard to adopt the proposed Resolutions was not voted on at this time.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 215545, approving a City Plan for the acquisition of certain community concourse properties;

RESOLUTION 215546, determining that the public interest and necessity demand the acquisition of certain Municipal improvements and making findings relating thereto; and

RESOLUTION 215547, accepting the proposal of the law firm of O'Melveny & Myers to act as Bond Counsel in connection with the General Obligation Bond Election to be held June 8, 1976, for certain Municipal Improvements in the City of San Diego; authorizing the expenditure of $500.00 out of the Unallocated Reserve for said purpose, were adopted on motion of Councilman Hubbard.

(Item 255)

A proposed Ordinance, continued from the Meeting of March 10, 1976 at the City Manager's request, 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 Section 41.09, all relating to Regulations for Food Handlers, was presented.

The motion of Councilman Haro to Introduce the proposed Ordinance, was not voted on at this time.

Daniel Bergman, County Health Department, answered questions directed by the Council.

A proposed Ordinance, 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 Section 41.09, all relating to Regulations for Food Handlers, was Introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilmen O'Connor and Williams.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 12:03 p.m., on motion of Councilman Johnson.

Mayor of The City of San Diego, California

ATTEST:

City Clerk of The City of San Diego, California

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REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, MARCH 17, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
2:00 P.M.

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

Mayor Wilson called the Regular Meeting to order at 2:09 p.m.

(Item 400)
Roll Call was taken.

There were no requests for continuances.

Councilman Haro entered 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, continued from the Meeting of February 25, 1976, on Vacating Majestic Drive between Del Sol Boulevard and Picador Boulevard - under Resolution of Intention No. 215117.

City Manager McKinley requested a continuance of the matter for final subdivision map.

RESOLUTION 215548, continuing the hearing on the proposed Vacation of Majestic Drive between Del Sol Boulevard and Picador Boulevard, under Resolution of Intention No. 215117, adopted January 21, 1976, to the hour of 2:00 p.m., Wednesday, March 24, 1976, was adopted on motion of Councilman Haro.

(Item 403 - PRD NO. 87)
The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of March 13, 1975, on the appeal of Michael D. O'Haro from the decision of the Planning Commission in failing to approve the application of National Pacific Development Corporation, owner, and H. D. Development Corporation, permittee, under Planned Residential Development Permit No. 87, to construct 127 condominium dwelling units on 81 acres (1.56 per acre) with recreation areas, in the R-1-6, R-1-6 (HR Overlay), and R-1-10 (HR Overlay) Zones, and closing of Caseta Drive and a portion of El Amigo Road. The property is located on the north side of Del Mar Heights Road, between Durango Drive and Crest Way. It is Lots 1 and 2, Block 11, Lots 1-6,

(Item 403 - Continued)
Block 16, and a portion of Section 13, Township 14 South, Range 4 West, S.B.B.M.

Councilman Morrow entered the Chambers.

Councilman Williams entered the Chambers.

Jack Van Cleave, Planning Department, presented a report.

Councilwoman O'Connor entered the Chambers.

Jack Van Cleave, Planning Department, continued the report and answered questions directed by the Council.

Roger Wooley, Alfonso Massey, Michael O'Hara, and Keith Denlinger appeared to speak in favor of the appeal.

Marilyn Shaw, Nancy Hoover, Richard Rapinski, Mary Kelley, and Jim Geigler appeared to speak in opposition.

James McLaughlin, Engineering and Development Department, and City Manager McKinley answered questions directed by the Council.

(Item 401)
Mayor Wilson welcomed thirty students from North Shores Adult Program who attended the Meeting accompanied by Ms. Marilyn Heimberg.

Councilman Johnson addressed the Group.

(Item 403 - Second time)
Discussion followed.

The motion of Councilman Morrow to deny the appeal was not voted on.

Jim Geigler answered questions directed by the Council.

The motion of Councilman Hubbard to continue the matter to September 22, 1976 to bring in petition to purchase the property, received no vote at this time.

Roger Wooley, Lee Rovner, Michael O'Haro, and Robert Eikel appeared to speak on the continuance.

The motion of Councilman Haro to continued the hearing for a shorter time died for lack of a second.

City Manager McKinley and James McLaughlin, Engineering and Development Department answered questions directed by the Council.

On motion of Councilman Hubbard, the hearing was continued to September 22, 1976 to bring in petition to purchase the property, by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, Ellis, and Haro. Nays-Councilmen O'Connor, Williams, Morrow, and Mayor Wilson. Absent-None.

Mayor Wilson recessed the Meeting at 4:25 p.m. Upon reconvening at 4:39 p.m., the Roll Call showed Councilmen Williams, Morrow, and Ellis absent.

(Item 404)
The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on Vacating the Alley in Block 369 of Corrected Plat of Subdivision of Blocks 368,369, 374, 375, and 376, Old San Diego - Resolution of Intention No. 215289.

Councilmen Morrow and Ellis entered the Chambers.

J. R. Crosby, Engineering and Development, answered questions directed by the Council.
RESOLUTION 215549, continuing the hearing on the proposed Vacation of The Alley in Block 369 of Corrected Plat of Subdivision of Blocks 368, 369, 374, 375, and 376, Old San Diego; under Resolution of Intention No. 215289, adopted February 11, 1976, to the hour of 2:00 p.m., Wednesday, April 14, 1976, was adopted on motion of Councilman Morrow.

Unanimous Consent
By Unanimous Consent granted to Mayor Wilson, the following four legislative proposals for sponsorship by the City, were presented: 1. Effective date of PUC decisions and orders - requested by the City Attorney; 2. Personnel files disclosure - requested by the City Attorney; 3. Failure of applicant to meet physical standards for employment; waiver of rights to disability retirement; review of waiver - requested by Legislative Representation.
Legislative Representative Ben Clay answered questions directed by the Council.
The motion of Councilman Morrow to adopt four Resolutions on the proposals was not voted on at this time.
Legislative Representative Ben Clay answered further questions directed by the Council.
The following Resolutions were adopted on motion of Councilman Morrow by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Ellis. Absent-Councilman Williams:
RESOLUTION 215550, requesting the State Legislature to initiate legislation to amend Sections 1705 and 1731 of the Public Utilities Code of the State of California as set forth in Exhibit A attached hereto and made a part hereof. The purpose of these amendments is to ensure that the City of San Diego and other interested parties have twenty (20) days in which to review Public Utility Commission decisions and decide if a Petition for Rehearing should be prepared and filed with the Commission;
RESOLUTION 215551, requesting the State Legislature to initiate legislation to repeal Section 6254(c) of the California Government Code and add Section 6254.1 to the California Government Code as set forth in Exhibit A attached hereto and made a part hereof. The purpose of these changes is to assure that the City of San Diego and its employees enjoy the same rights, in civil litigation, as any private entity or citizen;

Unanimous Consent (Continued)

RESOLUTION 215552, requesting the State Legislature to initiate legislation to add Section 45060 to the California Government Code as set forth in Exhibit A attachedkhereto and made a part hereof. The purpose of this addition is to allow The City of San Diego to hire employees who do not meet the physical standards established for such employees after such employees have waived their rights to disability retirement benefits; and

RESOLUTION 215553, requesting the State Legislature to initiate legislation that would provide an annually published comprehensive listing and description of state programs and activities which provide assistance or benefits to the people of California.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Gade at 4:55 p.m., and the Mayor announced the Council would go into Executive Session immediately in the Council Conference Room, 12th Floor, City Administration Building, on a personnel matter.

Mayor of The City of San Diego, California

ATTEST:

Clerk of The City of San Diego, California