

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, APRIL 21, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M. & 2:00 P.M.

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

Mayor Wilson called the Regular Meeting to order at 8:36 a.m.

(Item 100)

Roll call was taken.

(Item 101)

The purchasing Agent reported on all bids opened Tuesday, April 20, 1976 for Improvement Bonds for San Diego Park District No. 16 (Hendrix Park).

City Manager McKinley informed Council that it would be necessary to have a change of work bearing and delay the award of the improvement bonds.

After receiving the report of the Purchasing Agent on the bids received, Councilman Gade moved adoption of the following Resolution, which passed unanimously:

RESOLUTION 215770, rejecting all bids received for the improvement bonds for Park District 16 (Hendrix Park), And the Purchasing Agent was directed to return the bids, unopened, to their respective bidders.

(Item 103)

Mayor Wilson welcomed thirty students from San Diego State Social Studies Class, accompanied by Ms. Joyce Morris.

Councilman Ellis addressed the group.

The Council considered requests for continuances: Items 153 and 154 were taken simultaneously.

(Item 153)

RESOLUTIONS: Inviting bids for construction of Chollas Operations Station - Service Station Addition - Specifications Document No. 754902; and

(Item 154)

RESOLUTIONS: Inviting bids for construction of Service Station Canopy for Chollas and Rose Canyon Operations Stations - Specifications Document No. 754903.

City Manager McKinley appeared to speak for a continuance of the items. On motion of Councilman Haro, the items were continued to May 5, 1976 (a.m.), at City Manager's request, which passed unanimously.

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; Items 120, 121, and 122.

Items 120 and 121 were introduced at the Meeting of April 6, 1976 and Item 122 was introduced at the Meeting of April 7, 1976.

Reading in full was dispensed with by a vote of not less than a majority 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 Ellis, by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilmen O'Connor, Williams, and Morrow.

(Item 120 - CASE NO. 5-75-1)

ORDINANCE NO. 11831 (New Series), incorporating a portion of Pueblo Lot 205, into R-2A Zone, as defined by Section 101.0410 of the San Diego Municipal Code, and repealing Ordinance No. 12793, approved April 14, 1930, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 121)

ORDINANCE 11832 (New Series), amending Chapter III, Article 2 of the San Diego Municipal Code by amending Section 32.01 relating to Allocation of Sales Tax Revenues.

(Item 122)

ORDINANCE 11833 (New Series), amending Chapter V, Article 1, of the San Diego Municipal Code by amending Section 51.0102 relating to Definition of Emergency.

The Council considered that portion of the Consent Agenda dealing with Ordinances to be Introduced, which consisted of Item 201.

(Item 201)

The following Ordinances relative to the Board of Appeals and Advisors and the Board of Appeals for the Fire Code were introduced on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilmen O'Connor, Williams, and Morrow.

- a - Amending Chapter IX, Article 1, of the San Diego Municipal Code by amending Section 91.02.0204 relating to the Board of Appeals and Advisors; and
- b - Amending Chapter V, Article 5, of the San Diego Municipal Code by adding Section 55.01.215 relating to the Board of Appeals of the Fire Code.

The Council considered the remainder of the Consent Agenda, which consisted of Items 150, 151, 152, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 169, 170, 171, 172, 173, 174, and 175.

(Item 150)

The following Resolutions relative to the Point Loma Treatment Plant - Sedimentation Basins 1 to 4 Tank Covers, were adopted on motion of Councilman Johnson:

RESOLUTION 215771, awarding a contract to Custom Metal Enterprises, Inc., for the sum of \$134,985; authorizing the expenditure of \$180,000 out of Sewer Revenue Fund No. 506 for said purposes and related costs; and

RESOLUTION 215772, authorizing the use of City Forces to do all the work of shutting down and draining the basins at different stages of the project, as required; cost of said work not to exceed \$10,000.

(Item 151)

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

RESOLUTION 215773, Landscape Irrigation Spec., Inc., for the Zoro Garden Improvements, Base Bid with Deductive Alternates 1 and 2, for the sum of \$58,521; authorizing the expenditure of \$75,800 out of Park and Recreation Bond Fund No. 725 and Park & Recreation Reserve Fund No. 725 for said purpose and related costs; and

RESOLUTION 215774, County Burner & Machinery Corp. for the purchase of Two Gas Burners, for an actual cost, including tax and terms, of \$11,790.38.

ORDINANCE NO. _____
(New Series)

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 91.02.0204 RELATING TO THE BOARD OF
APPEALS AND ADVISORS.

WHEREAS, Sections 17922 and 17958 of the California
Health and Safety Code provide that the governing body of
every city or county shall adopt ordinances or regulations
imposing the same requirements as those contained in the
most recent edition of The Uniform Building Code; and

WHEREAS, Sections 17958.5 and 17958.7 of the California
Health and Safety Code provide that a city or county may make
such changes or modifications in the requirements contained
in The Uniform Building Code as it determines are reasonably
necessary because of local conditions; and

WHEREAS, the Council of The City of San Diego expressly
finds and declares that each amendment or change to The
Uniform Building Code contained in this ordinance is needed
to provide for local conditions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter IX, Article 1, of the San Diego
Municipal Code be and it is hereby amended by amending
Section 91.02.0204 to read as follows:

Revised
4/14/76

00996

SEC. 91.02.0204 SECTION 204 OF THE UNIFORM BUILDING
CODE AMENDED

Section 204(a). General Provisions. There shall be a Board of Appeals and Advisors consisting of ten (10) members who are qualified by experience and training to pass upon matters pertaining to design and construction of buildings, fire prevention, and fire protection. The members of the Board shall be appointed in accordance with Section 43 of the Charter of The City of San Diego for two-year terms and until their successors have been appointed and qualified. However, appointments shall be scheduled so as to provide that no more than five terms shall expire in any year. The Director of Building Inspection, the Chief of the Fire Department and the City Attorney shall be ex officio members of the Board but they shall have no vote. The Director of Building Inspection or his appointed representative shall act as Secretary to the Board. The Board shall select a chairman from its membership annually, unless a chairman is appointed by the Mayor. Five members shall constitute a quorum for the transaction of business and a majority vote, but not less than four affirmative votes shall be necessary to pass any recommendation.

The Board shall adopt rules to govern its meetings and shall render its findings and recommendations in writing to the City Manager and to applicant for Board action. All officers and department heads of the City shall cooperate with the Board and render all reasonable assistance to it.

Section 204(b). Duties of the Board. On its own motion, or at the request of an application for Board action or where requested by the Director of Building Inspection or the Fire Chief, the Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretations of the provisions of Chapter IX, Articles 1, 2, 3, and 4, and Chapter V, Article 5, of the San Diego Municipal Code. The Board may also conduct public hearings upon, and recommend to the City Council, the passage of new legislation pertaining to the design and construction of buildings, fire prevention and fire protection matters.

The Board may recommend approval of minor deviations from the provisions of Chapter IX, Articles 1, 2, 3, and 4, and Chapter V, Article 5, of the San Diego Municipal Code upon demonstration:

(1) That strict application, operation or enforcement thereof would result in practical difficulty or unnecessary hardship; and

(2) The alternate materials or type of construction proposed is, for the purpose intended, at least equivalent to the requirements of these articles in quality, strength, effectiveness, fire resistance and durability, and also in providing for the public health and safety.

The Board may also conduct public hearings and make findings regarding unsafe structures.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Robert W. MacCartee
Robert W. MacCartee
Deputy City Attorney

RWM:lc:551
2/18/76
Or.Dept.:Fire

ORDINANCE NO. _____
(New Series)

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 5,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
SECTION 55.01.215 RELATING TO THE BOARD OF
APPEALS OF THE FIRE CODE.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter V, Article 5, of the San Diego
Municipal Code be and it is hereby amended by adding
Section 55.01.215 to read as follows:

SEC. 55.01.215 SEC. 1.215 OF THE 1973 UNIFORM
FIRE CODE AMENDED

Sec. 1.215. BOARD OF APPEALS. When a question
involving the interpretation of the intent and
purpose of any provisions of this Code or the
suitability of alternate materials and types of
construction is presented to the Chief, he may
request the Board of Appeals and Advisors to
investigate such matters under the procedure
established in Section 91.01.0204 of the San
Diego Municipal Code.

Section 2. This ordinance shall take effect and be in
force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Robert W. MacCartee
Robert W. MacCartee, Deputy

MM:lc:551
2/18/76
REVISED 4/14/76
Or.Dept.:Fire

01000

(Item 152)

The following Resolutions relative to Construction of Water Main Replacement Group 403, were adopted on motion of Councilman Johnson:

RESOLUTION 215775, certifying that the information contained in the Environmental Negative Declaration No. 73-10-006C, as amended, 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 215776, inviting bids, in accordance with Specifications Document No. 754901.

(Item 156)

RESOLUTION 215777, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate Olympic Avenue westerly of Crawford Street to the southerly extension of the westerly lot line of Lot 24, Block 20; Alley in Block 20 easterly of the southerly prolongation of the westerly line of Lot 14; and the westerly eight feet of Crawford Street between Zion Avenue and the easterly prolongation of the southerly line of Olympic Avenue; all being in Grantville and Outlots; and fixing a time and place for hearing thereof, was adopted on motion of Councilman Johnson.

(Item 157)

RESOLUTION 215778, electing to proceed under the provisions of the Street Vacation Act of 1941, declaring the intention of the City Council to vacate the Walkway between Lots 5 and 6, Block 70, Linda Vista Unit No. 4, and fixing a time and place for hearing thereof, was adopted on motion of Councilman Johnson.

(Item 158)

RESOLUTION 215779, authorizing the divestment of City's easement interest by Negotiated Sale for the sum of \$65 affecting Lots 25 and 26, Block 56 of City Heights; authorizing the execution of Quitclaim Deed, quitclaiming to Baker Enterprises, said interest in unneeded drainage easement, was adopted on motion of Councilman Johnson.

(Item 159)

RESOLUTION 215780, approving the acceptance by the City Manager of Deed of The Skirball Investment Company (street purposes) - 47TH STREET and LOGAN AVENUE; authorizing the expenditure of \$11,275 out of Gas Tax Fund No. 220 for acquisition of said property, was adopted on motion of Councilman Johnson.

(Item 160)

RESOLUTION 215781, authorizing a Special Use Permit with Ultra-lite Flyers Organization, Associated Glider Clubs of Southern California, Ltd., and Torrey Pines Gulls Radio Control Soaring Society, Inc., providing for the usage by various flying interests of the Torrey Pines Glider Strip, was adopted on motion of Councilman Johnson.

(Item 161)

RESOLUTION 215782, authorizing the Restatement of Declaration of Building Restrictions and Architectural Control with Avco Community Developers, Inc., agreeing to modification of the Declaration of Restrictions affecting the Bernardo Town Center Library Site, was adopted on motion of Councilman Johnson.

(Item 162)

RESOLUTION 215783, authorizing an agreement with Central Federal Savings & Loan Association to act as collector for the City in collecting water and sewer service bills, was adopted on motion of Councilman Johnson.

(Item 163)

RESOLUTION 215784, authorizing an agreement with the State of California, Department of Transportation, for modification of traffic signals, safety lighting and roadway geometrics on Balboa Avenue and Moraga Avenue; authorizing the expenditure of \$53,698 and \$16,302 out of Capital Outlay Fund No. 245 and Gas Tax Fund No. 220, respectively, for City's share of estimated costs, was adopted on motion of Councilman Johnson.

(Item 164)

RESOLUTION 215785, authorizing Amendment No. 1 to the Highway Maintenance Agreement with the State of California, Department of Transportation, to update route description and provide for increased maximum expenditures, was adopted on motion of Councilman Johnson.

(Item 165)

RESOLUTION 215786, authorizing the Auditor and Comptroller to transfer the sum of \$247,985.44 from the Capital Outlay-Water Purposes Fund (246) to the Water Utilities Operating Fund (500), Revenue Account 79182 for providing funds for reimbursement to the Water Utilities Department for expenses incurred the following Capital Improvement Project:

Construction

<u>W.O. No.</u>	<u>Project</u>	<u>Installation</u>	<u>Amount</u>
27424	Group 189	Water Main Replacement	\$247,985.44,

was adopted on motion of Councilman Johnson.

(Item 166)

RESOLUTION 215787, authorizing the expenditure of \$5,815 from Capital Outlay Fund No. 245 for the purpose of providing funds for the purchase of materials and related costs associated with the construction and realignment of the Miramar Sanitary Landfill access road; authorizing the use of City Forces to do all the work in conjunction with the above-referenced project; cost of said work not to exceed \$1,315, was adopted on motion of Councilman Johnson.

(Item 167)

RESOLUTION 215788, confirming the following appointments by the Mayor to the Board of Noise Abatement and Control for terms expiring as indicated:

<u>Name</u>	<u>Field Represented</u>	<u>Term Expires</u>
William A. Compton (Reappointment)	Mechanical Engineering	Jan. 1, 1978
Robert Eugene Sanlin, Ph. D. (Reappointment)	Audiologist	Jan. 1, 1978
Ernest A. Hamilton P.E. (Reappointment)	Electronics Engineer	Jan. 1, 1978
James M. Carhart (To replace Larry N. Amos who has resigned)	Building Contractor	Jan. 1, 1978,

was adopted on motion of Councilman Johnson.

(Item 169)

RESOLUTION 215789, cosponsoring with the Union of Pan-Asian Communities of San Diego County a Pan-Asian Week craft exhibit and cultural program in the Balboa Park Recital Hall on May 29, 1976; waiving the rental fee of \$150 for the use of said hall, was adopted on motion of Councilman Johnson.

(Item 170)

RESOLUTION 215790, authorizing a representative of the Park and Recreation Department to attend a special meeting of large city golf course administrators from Northwestern and Southwestern States in Portland, Oregon, during the period April 28 - 29, 1976; said trip to be financed by savings in the Park and Recreation Department Travel Account No. 3214, was adopted on motion of Councilman Johnson.

(Item 171)

RESOLUTION 215791, awarding a contract to R.E. Hazard Contracting Co., for the improvement of Miramar Road - Old Miramar Road to Carroll Road Base Bid including Additive Alternate I, Additive Alternate's A, B, and C for the sum of \$796,919.45; authorizing the expenditure of \$678,380 out of Gas Tax Fund No. 220 and \$36,000 out of Capital Outlay Fund No. 245 for said purpose and related costs, was adopted on motion of Councilman Johnson.

(Item 172)

The following Resolutions relative to the Final Subdivision Map of East Mission Valley Industrial Center, were adopted on motion of Councilman Johnson:

RESOLUTION 215792, authorizing an agreement with Terrence R. Caster, as Trustee of the Caster Family Trust, for completion of improvements of East Mission Valley Industrial Center, a 5-lot subdivision located at the east end of existing Mission Gorge Place;

RESOLUTION 215793, approving the final map of East Mission Valley Industrial Center; and

RESOLUTION 215794, setting aside and dedicating as a public street those portions of Lots 3 and 4, Golden Grantville Industrial Tract, shown as "Reserved for Future Street"; naming the same Mission Gorge Place.

(Item 173)

The following Resolutions relative to the Final Subdivision Map of San Ysidro Industrial Park, were adopted on motion of Councilman Johnson:

RESOLUTION 215795, authorizing an agreement with Harbor Management Corporation, for completion of improvements of San Ysidro Industrial Park, a 1-lot subdivision located south of I-5 and west of Cottonwood Road;

RESOLUTION 215796, authorizing an agreement with Harbor Management Corporation for the collection of charges by City and reimbursement to Harbor Management Corporation for cost in excess of its pro rata share of the sewer main required for San Ysidro Industrial Park; and

RESOLUTION 215797, approving the final map of San Ysidro Industrial Park.

(Item 174)

The following Resolutions relative to the Final Subdivision Map of Villa Martinique North Unit No. 5, were adopted on motion of Councilman Johnson:

RESOLUTION 215798, authorizing an agreement with The Christy Companies, Inc., for completion of improvements of Villa Martinique North Unit No. 5, a 2-lot subdivision located south of Clairemont Mesa Boulevard and north of Tierrasanta Boulevard; and

RESOLUTION 215799, approving the final map of Villa Martinique North Unit No. 5.

(Item 175)

RESOLUTION-215800, authorizing a representative of the Police Department to travel to Rochester, Michigan, during the period of April 26 through 29, 1976, for the purpose of attending a meeting of Coordinators and National Police Project Representatives in order to prepare an examination for Police Officers which is validated on a national level; total cost of said travel, except surface transportation and salary, shall be reimbursed to the City by the National Police Project Grant, was adopted on motion of Councilman Johnson.

(Item 254)

A proposed Resolution, authorizing a representative of the City Attorney's Office, Stuart H. Swett, Chief Criminal Deputy City Attorney, to travel to New Orleans, Louisiana, to attend a meeting of the PROMIS Users Group to be held on April 22-23, 1976; total cost of said travel shall be at no expense to the City but shall be paid by the Institute for Law and Social Research, was presented.

City Attorney Witt answered questions directed by the Council.

RESOLUTION 215801, authorizing a representative of the City Attorney's Office, Stuart H. Swett, Chief Criminal Deputy City Attorney, to travel to New Orleans, Louisiana, to attend a meeting of the PROMIS Users Group to be held on April 22-23, 1976; total cost of said travel shall be at no expense to the City but shall be paid by the Institute for Law and Social Research, was adopted on motion of Councilman Johnson.

(Unanimous Consent No. 1)

By Unanimous Consent granted to the City Manager, a proposed Resolution authorizing the transfer of \$2,100 from Transient Occupancy Tax Unappropriated Reserve Fund (224) to the Convention and Performing Arts Center Fund (254) to reimburse for the use of Golden Hall for the United States Marine Corps Bicentennial Program "Salute to America" on May 11, 1976, was presented.

RESOLUTION 215802, authorizing the Auditor and Comptroller to transfer the sum of \$2,100 from the Transient Occupancy Tax Unappropriated Reserve Fund (224) to the Convention and Performing Arts Center Fund (254) for reimbursement of the use of Golden Hall for a United States Marine Corps Bicentennial Program "Salute to America" on May 11, 1976, was adopted on motion of Councilman Haro.

(Item 155)

A proposed Resolution, inviting bids for improvement of Market Street between 36th Street and Toyne Street - Specifications Document No. 754904, was presented.

Clarence Pendleton, San Diego Urban League, appeared to speak.

City Manager McKinley answered questions directed by the Council.

Councilman Williams entered the Chambers.

(Item 155 - Continued)

RESOLUTION 215803, inviting bids for improvement of Market Street between 36th Street and Toyne Street in accordance with Specifications Document No. 754904, was adopted on motion of Councilman Ellis.

(Item 168)

A proposed Resolution, appointing the following persons as directors of the Centre City Development Corporation, Inc., for terms to expire as indicated:

<u>Name</u>	<u>Field Represented</u>	<u>Term Expires</u>
Richard T. Silberman	Finance	May 1, 1980
Lucille F. Mortimer	General Business	May 1, 1980
Kenneth Rearwin	Finance	May 1, 1980
Dean R. Dunphy	Real Estate Development	May 1, 1980
Jack H. McDonald	Finance	May 1, 1978
Herbert Kunzel	Law	May 1, 1978
E. L. McNeely	General Business	May 1, 1978, was presented.

John F. Williams appeared to speak.

RESOLUTION 215804, appointing the following persons as directors of the Centre City Development Corporation, Inc., for terms to expire as indicated:

<u>Name</u>	<u>Field Represented</u>	<u>Term Expires</u>
Richard T. Silberman	Finance	May 1, 1980
Lucille F. Mortimer	Generall Business	May 1, 1980
Kenneth Rearwin	Finance	May 1, 1980
Dean R. Dunphy	Real Estate Development	May 1, 1980
Jack H. McDonald	Finance	May 1, 1978
Herbert Kunzel	Law	May 1, 1978
E.L. McNeely	General Business	May 1, 1978,

was adopted on motion of Councilman Gade.

Councilman Morrow entered the Chambers.

(Item 200)

The following proposed Ordinances relative to Cardroom License Fees a) Amending Chapter III, Article 3, Division 16, of the San Diego Municipal Code by amending Section 33.1625.2 relating to Cardroom Application--Contents--License Work Permit; and b) Amending Chapter III, Article 3, Division 16, of the San Diego Municipal Code by repealing Section 33.1625.13; amending Chapter III, Article 1, by adding Section 31.0110(t); and amending Section 31.0396 relating to Cardroom Table License Tax, were presented.

City Manager McKinley, Ken Fabricatore, Financial Management, and City Attorney Witt answered questions directed by the Council.

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

Discussion followed.

Councilman Morrow requested the City Manager to trace the incidence of the tax in accordance with accepted principles of who the tax falls on, what category of persons; secondly, how much is the revenue collected versus the cost of administration including whatever cost might be incidental thereto and then the ratio of the cost collection itself - how many dollars and how many cents for each dollar collected does it cost, and have the comparison at the Public Services and Safety Committee hearing.

A vote was then taken on the previous motion by Councilman Hubbard to refer back the proposed Ordinances to the Public Services and Safety, which passed unanimously.

(Item 202)

A proposed Resolution, continued from the Meetings of February 24, and March 24, 1976, for further review, directing the City Manager to place a project in the Capital Improvement Program providing for the construction of the minimum roadway along the proposed Route SA 680 alignment from Bernardo Center Drive on the west to the City limits on the east for construction in fiscal year 1979, and to fund this project with Federal Aid Urban and Local Gas Tax Funds with such costs to be subsequently recovered through the formation of a Cost Recovery District; requesting the San Diego County Board of Supervisors to initiate a concurrent construction project along the alignment of the proposed Route SA 680 from the City of San Diego to Pomerado Road, was presented.

City Manager McKinley and Bill Schempers, Transportation Department, answered questions directed by the Council.

Mayor Wilson recessed the meeting at 9:44 a.m. Upon reconvening at 10:10 a.m., the roll call showed Councilwoman O'Connor absent.

The motion of Councilman Johnson to suspend the rules to allow twenty minutes per side, passed unanimously.

(Item 202 - Continued)

Ray Webb, Iris Simpson, Jim Thomas, and J. P. Holland, appeared to speak in favor of the proposed Resolution.

Lawrence Cole, Catherine Summers, Gerry Martin, Larry Herrmann, and Phillip Spear, appeared to speak in opposition to the proposed Resolution.

Councilman Johnson read into the record a letter from Mr. Brown of the Mira Mesa Community Planning Group.

Bill Schempers, Transportation Department, and Jack Grasberger, Deputy District Director of Caltrans, answered questions directed by the Council.

The motion of Councilman Johnson to adopt paragraphs 1, 2, and 3 per Mr. Herrmann's proposed Resolution, received no vote at this time.

Bill Schempers, Transportation Department, Jack Grasberger, Deputy District Director of Caltrans, and City Manager McKinley, answered questions directed by the Council.

Discussion followed.

RESOLUTION 215805, requesting the Mayor to pursue discussions with the appropriate Federal officials to determine the absolute necessity to construct the minimum SA 680 roadway during Fiscal 1979 to insure the Federal funds are made available for the interchange or bridges required on I-15 for the future Route SA 680; directing the City Manager to place a project in the Capital Improvement Program for fiscal year 1979 providing for the construction of the necessary structures and minimum closed access roadway while widening I-15 to allow for future construction of Route SA 680 under I-15, if action by the Mayor as described in paragraph one discloses that Federal funding will not be made available without construction of the minimum SA 680 roadway; requesting the Mayor to pursue discussions with appropriate Federal, State and County officials to determine if financial assistance could be obtained for construction of the bridge structures as noted in paragraph two, was adopted on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Gade, Ellis, and Mayor Wilson. Nays-Councilmen Morrow and Haro. Absent-Councilwoman O'Connor.

Mayor Wilson recessed the Meeting at 12:11 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:26 p.m., the roll call showed Councilwoman O'Connor absent.

Mayor Wilson recessed the Meeting at 2:27 p.m. into Executive Session in the 12th Floor Council Conference Room, for the purpose of a meet and confer item.

Upon reconvening at 3:29 p.m., the roll call showed Councilwoman O'Connor absent.

(Item 401 - T.M. 74-70)

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 Meetings of March 27, April 3, June 26, September 25 and November 20, 1975, February 25 and April 7, 1976, for report from Public Facilities and Recreation Committee and to explore property exchange, on the appeal of the Subdivision Review Board from the decision of the Planning Commission in granting the appeal of Lion Property relative to Condition 18 imposed by the Subdivision Review Board (archaeological testing and excavating) in approving the Tentative Subdivision Map of Lion Research Park. This is a 3-unit, 6-lot subdivision of Pueblo Lots 1353 and 1355, and a portion of acre Lots 5, 6, and 7, Sorrento Lands and Townsite, located northeasterly of Sorrento Valley Road, southwesterly of I-805, in the M-1A Zone. It was reported that no written protests had been received.

No one appeared to be heard.

Councilman Morrow moved to continue the matter to April 28, 1976, p.m., for report from Public Facilities and Recreation Committee and to explore property exchange, which passed unanimously.

(Item 204)

RESOLUTION 215806, establishing Council Policy No. 900-2 entitled "Energy Conservation", was adopted on motion of Councilman Morrow.

(Item 203)

A proposed Resolution, urging the Governor of California to actively pursue the establishment of a Border Area Regional Commission comprising the states of California, Arizona, New Mexico and Texas, or solely the State of California, as provided by Title V of the Public Works and Economic Development Act of 1976; to designate the cities of Calexico and San Diego to be the recipients of any funds and the participants in any programs which are provided to the State of California by or through the proposed Border Area Regional Commission, was presented.

RESOLUTION 215807, urging the Governor of California to actively pursue the establishment of a Border Area Regional Commission comprising the states of California, Arizona, New Mexico and Texas, as provided by Title V of the Public Works and Economic Development Act of 1976; to designate the cities of Calexico and San Diego to be the recipients of any funds and the participants in any programs which are provided to the State of California by or through the proposed Border Area Regional Commission, was adopted, as amended by the Rules Committee, on motion of Councilman Williams.

(Item 403)

A proposed Resolution, directing the City Manager to notify the Los Angeles Area Office of the Department of Housing and Urban Development that the proposal of Gentry and Coles for the development of Low-Income Senior and Handicapped Citizens Housing for the 52nd Street and University Avenue site is the preferred proposal for this site under Project No. CA 16-0006, was presented.

Committee Consultant Carpi answered questions directed by the Council.

The motion of Councilman Haro to suspend the rules to allow twenty minutes per side, received no vote at this time.

John Fowler, Engineering and Development Department, answered questions directed by the Council.

Councilman Morrow left the Chambers.

A vote was then taken on the previous motion by Councilman Haro to suspend the rules to allow twenty minutes per side, which passed unanimously.

Paul Peterson and Robert Coles appeared to speak in favor of the proposed Resolution.

Councilman Haro moved to suspend rules to allow additional three minutes per side, which passed unanimously.

Beatrice Burns appeared to speak in favor of the proposed Resolution.

Beverly Yip and Clarence Pendleton appeared to speak in opposition to the proposed Resolution.

Ray Fowler, Engineering and Development Department, Duria Henderson, Engineering and Development Department, and City Manager McKinley answered questions directed by the Council.

The motion of Councilman Haro to suspend the rules to allow the Council meeting to continue past 5:30 p.m. for thirty minutes, passed unanimously.

The motion of Councilman Haro to continue the proposed Resolution for two weeks, died for lack of a second.

City Manager McKinley and John Fowler, Engineering and Development Department, answered questions directed by the Council.

Councilman Haro moved to continue the proposed Resolution to May 13, 1976, 10:00 a.m., Time Certain, for full Council, which passed unanimously.

(Item 252)

A proposed Resolution, determining the prevailing rate of pay and establishing a minimum wage scale to be paid by contractors doing work for The City of San Diego, was presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 215808, determining the prevailing rate of pay and establishing a minimum wage scale to be paid by contractors doing work for The City of San Diego, was adopted on motion of Councilman Johnson.

(Item 251)

A proposed Resolution, inviting bids for improvement of Beryl Street from Academy Street to Noyes Street - Specifications Document No. 754907, was presented.

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

Bill Schempers, Transportation Department, answered questions directed by the Council.

RESOLUTION 215809, inviting bids for improvement of Beryl Street from Academy Street to Noyes Street in accordance with Specifications Document No. 754907, was adopted on motion of Councilman Hubbard.

(Item 250)

A proposed Resolution, continued from the Meeting of March 24, 1976, at City Attorney's request, declaring Hallcraft Homes Company, subdivider of Rancho San Carlos Unit No. 5 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 subdivider and to General Insurance Company of America; authorizing the City Manager to complete or cause to be completed, said improvements, was presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 215810, declaring Hallcraft Homes Company, subdivider of Rancho San Carlos Unit No. 5 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 subdivider and to General Insurance Company of America; authorizing the City Manager to complete or cause to be completed, said improvements, was adopted on motion of Councilman Gade.

(Item 253)

A proposed Resolution, authorizing the purchase by the City Manager of two parcels of surplus land from the State of California (described as portions of Lot 47, Rancho Mission) to be used for public purposes; authorizing the City Manager to accept two Directors Deeds from the State of California for said parcels; authorizing the expenditure of \$56,600 out of Environmental Growth Fund No. 2505 when such funds become available on or after July 1, 1976 (the property lies within the City's proposed Kensington Open Space Park Reserve), was presented.

City Manager McKinley answered questions directed by the Council.

Chief Deputy City Attorney Katz presented a revised resolution.

RESOLUTION 215811, authorizing the City Manager to execute the Offers To Purchase two parcels of surplus land from the State of California, to be used for public purposes, was adopted on motion of Councilman Hubbard.

(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 proposed amendment of Rule XI of the Rules of the Civil Service Commission by amending Chapter II, Article 3, Division 12 of the San Diego Municipal Code, by renumbering Sections 23.1205, 23.1206 and 23.1207; by amending Sections 23.1201, 23.1202, 23.1203, 23.1204, 23.1206, 23.1208 and 23.1209, and by adding Sections 23.1205 and 23.1207 (Rule XI, Sections 1 through 9) relating to Resignations, Removals, Suspensions and Layoffs.

Personnel Director Williams answered questions directed by the Council. The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, amending Chapter II, Article 3, Division 12 of the San Diego Municipal Code by renumbering Sections 23.1205, 23.1206 and 23.1207; by amending Sections 23.1201, 23.1202, 23.1203, 23.1204, 23.1206, 23.1208 and 23.1209 and by adding Sections 23.1205 and 23.1207 (Rule XI, Sections 1 through 9 of the rules of the Civil Service Commission) relating to Resignations, Removals, Suspensions and Layoffs, 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 Morrow.

(Unanimous Consent No. 2)

By Unanimous Consent granted to Mayor Wilson, a proposed Resolution, requesting San Diego Transit Corporation to consider and evaluate feasibility of equipping certain transit corporation buses with bicycle racks and urging the use of such buses on Coronado route. (Reviewed by the Rules Committee on April 12, 1976. Recommendation to Adopt as amended by a 4-0 vote. District 2 excused absence.)

RESOLUTION 215812, requesting San Diego Transit Corporation to consider and evaluate the feasibility of equipping certain Transit Corporation buses with bicycle racks, and urging the use of buses equipped with racks on the Coronado route, was adopted on motion of Councilman Williams.

ORDINANCE NO. _____
(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 12 OF THE SAN DIEGO MUNICIPAL CODE BY RENUMBERING SECTIONS 23.1205, 23.1206 AND 23.1207; BY AMENDING SECTIONS 23.1201, 23.1202, 23.1203, 23.1204, 23.1206, 23.1208 AND 23.1209 AND BY ADDING SECTIONS 23.1205 AND 23.1207 [RULE XI, SECTIONS 1 THROUGH 9 OF THE RULES OF THE CIVIL SERVICE COMMISSION] RELATING TO RESIGNATIONS, REMOVALS, SUSPENSIONS AND LAYOFFS.

WHEREAS, the Charter of The City of San Diego was amended in 1975 to give the Civil Service Commission discretion in establishing procedures for conducting hearings for disciplinary actions; and

WHEREAS, it is necessary to amend the Commission rules relating to the conduct of hearings to conform with the provisions of the Charter amendment; and

WHEREAS, recent case law has expanded the procedures for administering employee discipline with emphasis upon liberalized constitutional due process requirements; and

WHEREAS, it is further necessary to amend the Commission rules to accommodate these legal requirements; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 3, Division 12 of the San Diego Municipal Code [Rule XI of the Rules of the Civil Service Commission] be and the same is hereby amended by renumbering the following sections:

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Johnson at 6:04 p.m.

Mayor of The City of San Diego, California

ATTEST:

Charles J. Wilson
City Clerk of The City of San Diego, California