

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, APRIL 28, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

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

Acting Mayor Johnson called the Regular Meeting to order at 8:35 a.m.

(Item 100)

Roll Call was taken.

(Item 103)

A communication from Paul I. Meyer, requesting permission to address the Council relative to the formation of master plan or planned district for 3500 Block of Seventh Avenue, was presented.

Paul I. Meyers appeared to speak regarding said communication.

Councilman Williams entered the Chambers.

Councilman Morrow entered the Chambers.

On motion of Councilman Haro, the communication was referred to the Planning Department, which passed unanimously.

The Council considered requests for continuances: Items 166 and 253.

(Item 166)

RESOLUTIONS: Two Resolutions relative to the Final Subdivision Map of North Point Unit No. 2, a 186-lot subdivision, located north of Miramar Road and east of Westhill Drive: a) - Authorizing an Agreement with Pardee Construction Company, for completion of improvements; and b) - Approving the Final Map and acknowledging receipt of subdivider's Assurance of Compliance with the Affirmative Marketing Program, was presented.

On motion of Councilman Gade, Item 166 was continued one week until May 5, 1976, at the City Manager's request, which passed unanimously.

(Item 253)

RESOLUTIONS: Two Resolutions relative to Paradise Senior Citizens Center (Model Cities); a) - Certifying that the information contained in the Environmental Negative Declaration No. 75-01-32C 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 b) - Inviting Bids - Specifications Document No. 754991.

On motion of Councilman Haro, Item 253 was continued one week until May 5, 1976, at the City Manager's request, which passed unanimously.

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: Items 120 and 121.

The following Ordinances were introduced at the Meetings of April 13, 1976 (Item 120) and April 14, 1976 (Item 121).

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

(Item 120 - CASE NO. 27-76-1 - City-initiated.)

ORDINANCE NO. 11834 (New Series), incorporating a portion of Lot 36, Horton's Purchase, Ex-Mission Lands of San Diego, into M-1B Zone, as defined by Section 101.0435.2 of the San Diego Municipal Code and repealing Ordinance Nos. 35 (New Series) and 3823 (New Series), adopted September 12, 1932 and August 10, 1948, respectively, of the Ordinances of The City of San Diego insofar as the same conflict herewith.

(Item 121)

ORDINANCE NO. 11835 (New Series), amending Chapter III, Article 3, Division 14 of the San Diego Municipal Code by amending Section 33.1405 relating to solicitor registration cards.

The Council considered that portion of the Consent Agenda dealing with Ordinances to be Introduced, which consisted of Item 122:

(Item 122)

A proposed Ordinance, setting aside, dedicating and naming a portion of Section 27, Township 18 South, Range 2 West, Palm Avenue, was introduced on motion of Councilman Hubbard, by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, and Haro. Nays-None. Absent-Councilwoman O'Connor and Mayor Wilson.

The Council considered that portion of the Consent Agenda dealing with Resolutions which consisted of Items 150 b, c, d, 151, 153, 154, 155, 156, 157, 158, 159, 160, 162, 167, 168, 170, 171, 172, 173, 174, 175, 176, 177, 178, 201, 202, 203, and 204.

There was discussion on Item 177.

(Item 150)

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

RESOLUTION 215815, T. B. Penick & Sons Inc., for construction of the 36th Street storm drain, for the sum of \$64,460.84; authorizing the expenditure of \$89,300 out of Capital Outlay Fund (Fund 245) for said purpose and related costs; authorizing the City Auditor and Comptroller to transfer \$43,700 from CIP 11-134 to Capital Outlay Reserve, CIP 90-245, and \$24,000 from CIP 11-134 to Flood Control and Storm Drain Unallocated Reserve, CIP 90-727; and

RESOLUTION 215816, James J. Wermers Construction Co., Inc., for addition to Fire Station No. 36, for the sum of \$39,181; authorizing the expenditure of \$56,000 out of Capital Outlay Fund (Fund 245) for said purpose and related costs; and

RESOLUTION 215817, James Company for construction of pedestrian ramps for the handicapped - various signalized intersections, for the sum of \$7,500; authorizing the expenditure of \$10,800 out of Capital Outlay Fund (Fund 245) for said purpose and related costs.

(Item 151)

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

RESOLUTION 215818, Certain-Teed Products Corp., for furnishing asbestos cement pipe and fittings as may be required for the period of one year ending April 30, 1977, for an actual estimated cost, including tax and terms, of \$42,101.99; and

RESOLUTION 215819, Instrumentation Laboratory Inc., for the purchase of one each atomic absorption unit with carbon furnace for an actual estimated cost, including tax and terms, of \$18,224.58.

(Item 153)

RESOLUTION 215820, inviting bids for asphalt concrete court sealing (FY '76) - Specifications Document No. 754967, was adopted on motion of Councilman Gade.

(Item 154)

RESOLUTION 215821, inviting bids for construction of traffic signal and safe lighting systems at Evers Street and Voltaire Street and at Catalina Boulevard and Narragansett Avenue - Specifications Document No. 754968, was adopted on motion of Councilman Gade.

(Item 155)

RESOLUTION 215822, inviting bids for construction of the Redwood Shuffleboard Club shade structure - Specifications Document No. 754969, was adopted on motion of Councilman Gade.

(Item 156)

RESOLUTION 215823, inviting bids for center island modifications of: Washington Street between Lincoln Avenue and Campus Street and El Cajon Boulevard between Marcellena Road and 54th Street - Specifications Document No. 754970, was adopted on motion of Councilman Gade.

(Item 157)

RESOLUTION 215824, inviting bids for North Park Park & Recreation Center fencing - Specifications Document No. 754971, was adopted on motion of Councilman Gade.

(Item 158)

RESOLUTION 215825, inviting bids for construction of traffic signal and safety lighting systems at the intersection of Friars Road and Via Las Cumbres - Specifications Document No. 754972, was adopted on motion of Councilman Gade.

(Item 159)

RESOLUTION 215826, inviting bids for construction of traffic signal and safety lighting systems at Meadowbrook Drive and Paradise Valley Road - Specifications Document No. 754973, was adopted on motion of Councilman Gade.

(Item 160)

RESOLUTION 215827, inviting bids for construction of Palisades Park drain - Specifications Document No. 754974, was adopted on motion of Councilman Gade.

(Item 162)

RESOLUTION 215828, inviting bids for construction of traffic signals and safety lighting systems and pedestrian ramps at the intersection of 32nd Street and North Park way - Specifications Document No. 754987, was adopted on motion of Councilman Gade.

(Item 167)

RESOLUTION 215829, granting an extension of time to May 1, 1977 to Avco Community Developers, Inc. for completion of improvements in Bernardo Town Center Unit No. 7 Subdivision, was adopted on motion of Councilman Gade.

(Item 168)

RESOLUTION 215830, granting an extension of time to October 30, 1976 to Imperial Contracting Company, Inc. for completion of improvements in Imperial House Subdivision, was adopted on motion of Councilman Gade.

(Item 170)

RESOLUTION 215831, authorizing a Lease Agreement with the United States of America for the operation of two "Runway End Identification Lights" to be located on Brown Field at a monthly rental discount of \$50 for a period of not to extend beyond September 30, 1996, was adopted on motion of Councilman Gade.

(Item 171)

The following Resolutions relative to authorizing Lease Agreements with the United States of America for the operation of Centerfield Weather Equipment Facilities, were adopted on motion of Councilman Gade:

RESOLUTION 215832, Brown Field at a rental discount of \$100 per month for a period not to extend beyond September 30, 1996; and

RESOLUTION 215833, Montgomery Field at a rental discount of \$200 per month for a period not to extend beyond September 30, 1996.

(Item 172)

The following Resolutions relative to the improvement of North Harbor Drive from Nimitz Boulevard to easterly of the bridge at the Navy Estuary, were adopted on motion of Councilman Gade:

RESOLUTION 215834, certifying that the information contained in Environmental Negative Declaration No. 75-07-20-C 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 215835, authorizing an agreement with Charles W. Christensen & Associates for professional engineering services; authorizing the expenditure of \$47,500 out of Gas Tax Fund 220 for the above referenced services and related expenses.

(Item 173)

RESOLUTION 215836, establishing a Parking Time Limit of Two Hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the west side of 9500 block of La Jolla Shores Drive; authorizing the installation of necessary signs and markings on said street, was adopted on motion of Councilman Gade.

(Item 174)

RESOLUTION 215837, confirming the following reappointments by the Mayor to the Park and Recreation Board for two-year terms ending March 1, 1978, was adopted on motion of Councilman Gade:

Glen R. Brandenburg
P. J. Skill
William A. Villarino
James S. Milch
Tontia F. Dickinson

(Item 175)

RESOLUTION 215838, confirming the following reappointments by the Mayor to the Park and Recreation Board for two-year terms ending March 1, 1978; was adopted on motion of Councilman Gade:

Mary E. Drake
Carmen Tamayo
Valleta H. Linnette
Lynn A. Schenk

(Item 176)

RESOLUTION 215839, confirming the following reappointments by the Mayor to the Quality of Life Board for two-year terms ending March 1, 1978, was adopted on motion of Councilman Gade:

Dr. Clarence E. Bergman
Dr. Robert Ontell
Dr. Albert W. Johnson

(Item 177)

RESOLUTION 215840, confirming the following appointments by the Mayor to the Board of Zoning Appeals for two-year terms ending March 1, 1978; was adopted on motion of Councilman Gade:-

Paul Bazler, Jr. (Reappointment)
Alfonso Macy (Reappointment)

(Item 178)

RESOLUTION 215841, excusing Councilman Lee Hubbard from the April 8, 1976 Meeting of the City Council Committee on Public Services and Safety, was adopted on motion of Councilman Gade.

(Item 201)

The following Resolutions, relative to a lease agreement affecting Dana Marina, Inc. in Mission Bay Park, was adopted on motion of Councilman Gade:

RESOLUTION 215842, authorizing an Assignment and Assumption of Lease and Consent to Assignment whereby City consents to Dana Marina, Inc. assigning all its right, title and interest in a lease agreement between City and Dana Landing covering premises in Mission Bay Park, to Guy W. Pierce, doing business as Dana Marina; and

RESOLUTION 215843, authorizing a Sixth Amendment to Lease Agreement with Guy W. Pierce, doing business as Dana Marina, by providing for additional improvements and adding the Affirmative Action provisions.

(Item 202)

RESOLUTION 215844, adopting the 1976 Map of Population-Based Park Service Districts of The City of San Diego, was adopted on motion of Councilman Gade.

(Item 203)

RESOLUTION 215845, authorizing the expenditure of up to \$43,550 out of Community Development Block Grant Fund 290 for the continued financing of the Social Planning Unit of the Human Resources Department in the amount of \$21,700 and for the Community Center for Student Development in the amount of \$21,850, a continuing Model Cities Program, for a two-month period beginning May 1, 1976 and extending up to June 30, 1976, or until final approval by Council of the Second Year Community Development Block Grant Program Budget, of which these projects are a part, whichever occurs first. Said programs shall be operated in accordance with the existing program format and in compliance with all federal guidelines and regulations for the expenditure of said funds, was adopted on motion of Councilman Gade.

(Item 204)

Resolution 215846, establishing Council Policy No. 000-22 entitled Routing Procedures for Communications Items, was adopted on motion of Councilman Gade.

(Item 150 - a)

A proposed Resolution, awarding a contract to Steve P. Rados, Inc., for the Pacific Highway Sewer, Alternative A - Slip Lining, for the sum of \$586,541; authorizing the expenditure of \$685,000 out of Sewer Revenue Fund (Fund 605) for said purpose and related costs; authorizing the City Auditor and Comptroller to transfer \$1,011,000 from CIP No. 43-028 (6) to Sewer Revenue Fund (Fund 506) Unallocated Reserve, was presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 215847, awarding a contract to Steve P. Rados, Inc., for the Pacific Highway Sewer, Alternative A - Slip Lining, for the sum of \$586,541; authorizing the expenditure of \$685,000 out of Sewer Revenue Fund (Fund 506) for said purpose and related costs; authorizing the City Auditor and Comptroller to transfer \$1,011,000 from CIP No. 43-028 (6) to Sewer Revenue Fund (Fund 506) to Sewer Revenue Fund (Fund 605) Unallocated Reserve, was adopted on motion of Councilman Morrow.

(Item 152)

A proposed Resolution, inviting bids for Sewer and Water Main Replacement - Group 32 - Specification Document No. 754966, was presented.

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

RESOLUTION 215848, inviting bids for Sewer and Water Main Replacement - Group 32 - Specifications Document No. 754966, was adopted on motion of Councilman Morrow.

(Item 161)

A proposed Resolution, inviting Bids for Southeast San Diego Sports Field - Phase II - Specifications Document No. 754976, was presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 215849, inviting bids for Southeast San Diego Field - Phase II - Specifications Document No. 754976, was adopted on motion of Councilman Morrow.

(Item 163)

A proposed Resolution, inviting bids for construction of traffic signal and safety lighting systems at Kramer Street and Linda Vista Road - Specifications Document No. 754988, was presented.

Superintendent William Schempers, Transportation Department, presented his report and answered questions directed by the Council.

Councilman Morrow requested that the City Manager prepare a report on Linda Vista Road for the May, 1976 Agend of the Committee on Public Facilities and Recreation.

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

The Council discussed the matter.

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

RESOLUTION 215850, inviting bids for construction of traffic signal and safety lighting systems at Kramer Street and Linda Vista Road - Specifications Document No. 754988, was adopted on motion of Councilman Morrow.

(Item 164)

A proposed Resolution, inviting bids for Coronado Avenue at the San Diego and Arizona Eastern Railway Company Right-of-Way - Specifications Document No. 754989, was presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION-215851, inviting bids for Coronado Avenue at the San Diego and Arizona Eastern Railway Company Right-of-Way - Specifications Document No. 754989, was adopted on motion of Councilman Morrow.

(Item 165)

A proposed Resolution, inviting bids for construction of traffic signal and safety lighting systems at Camino Ruiz and Mira Mesa Boulevard - Specifications Document No. 754990, was presented.

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

RESOLUTION 215852, inviting bids for construction of traffic signal and safety lighting systems at Camino Ruiz and Mira Mesa Boulevard - Specifications Document No. 754990, was adopted on motion of Councilman Morrow.

(Item 169)

A proposed Resolution, inviting sealed proposals for bids to improve La Jolla Village Drive between Genessee Avenue and I-805 Freeway, was presented.

City Manager McKinley answered questions directed by the Council.

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

RESOLUTION 215853, inviting sealed proposals for bids to improve La Jolla Village Drive between Genessee Avenue and I-805, was adopted on motion of Councilman Hubbard by the following vote. Yeas-Councilmen Johnson, Hubbard, Williams, Gade, Ellis and Haro. Nays-Councilman Morrow. Absent-Councilwoman O'Connor and Mayor Wilson.

(Item 101)

Acting Mayor Johnson welcomed forty students from San Diego High School, accompanied by Ms. Francis Lamb.

Councilman Haro addressed the group.

(Item 200)

A proposed Ordinance, amending Chapter X, Article 1 of the San Diego Municipal Code by amending Section 101.0510 relating to Assignment of Public Hearing Responsibility Involving Two or More Bodies, was presented.

Ken Klein, Planning Department, presented his report.

A proposed Ordinance, amending Chapter X, Article 1 of the San Diego Municipal Code by amending Section 101.0510 relating to Assignment of Public Hearing Responsibility Involving Two or More Bodies, was introduced on motion of Councilman Williams, by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, and Haro. Nays-None. Absent-Councilwoman O'Connor and Mayor Wilson.

(Item 205)

Two Alternate proposed Resolutions, regarding the matter of the San Diego Historical Society providing for future utilization of the Marston House, 3525 Seventh Avenue, as a historical museum and as a center for the development of recreational, educational, cultural, social and historical activities beneficial to the general public: a) - Authorizing a Nonexclusive Operation and Maintenance Agreement; or b) - Authorizing a lease for a term of 25 years with a ten year option to renew, was presented.

City Manager McKinley presented his report.

Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council regarding the Nonexclusive Operation and Maintenance Agreement, and the possible conflict of interest of Councilmen Hubbard and Ellis as members of the San Diego Historical Society.

Executive Director Jim Moss, San Diego Historical Society, appeared to address the Council regarding the conflict of interest and stated that when a member is elected to public office, he or she become invited officials.

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

The Council discussed the matter.

Executive Director Jim Moss, San Diego Historical Society, appeared to address the Council and requested a change of wording in the Nonexclusive Operation and Maintenance Agreement, Section J on pages 4 and 5, to read that the City will be fully responsible for the exterior maintenance and the Society will be fully responsible for the interior maintenance of the building and garage.

Councilman Morrow presented the report by the Public Facilities and Recreation Committee.

The motion of Councilman Morrow to adopt the proposed Resolution 205 (a), amended to concur with Executive Director Moss' request, received no vote at this time.

The Council discussed the matter.

City Manager McKinley addressed the Council on the matter.

The Council discussed the matter, regarding amending the Agreement by deleting Section 2-J, and assigning the janitorial responsibility to the Society, received no vote at this time.

(Item 205 - Continued)

Executive Director Jim Moss, San Diego Historical Society, appeared to speak accepting the proposed amendment.

The Council Discussed the matter.

Executive Director Jim Moss answered questions directed by the Council.

Director Ed Mendoza, Park and Recreation Department, answered questions directed by the Council regarding other agreements with the San Diego Historical Society.

By Common Consent, Item 205 was trailed upon consideration of Item 102 b.

(Item 102 b)

Acting Mayor Johnson welcomed students from Patrick Henry Sr. High School, accompanied by Mr. Polk.

Councilman Ellis addressed the group.

Councilman Ellis left the Chambers.

(Item 205 - Continued)

Director Ed Mendoza, Park and Recreation Department, answered questions directed by the Council.

The Council discussed the matter.

Chief Deputy City Attorney Katz answered questions directed by the Council regarding the amended Agreement.

Acting Mayor Johnson read the deleted portion sub-section "2-j" into the record.

The motion of Councilman Hubbard to amend the proposed Nonexclusive Operation and Maintenance Agreement by deleting sub-section "2-j", passed unanimously.

RESOLUTION 215854, authorizing a Nonexclusive Operation and Maintenance Agreement, as amended, by deleting sub-section "2-j", was adopted on motion of Councilman Morrow.

Acting Mayor Johnson recessed the Meeting at 10:13 a.m. Upon reconvening at 10:29 a.m., the Roll Call showed Councilmen O'Connor, Ellis, and Mayor Wilson absent.

(Item 254)

A proposed Resolution, awarding a contract to Triple L. Enterprises for furnishing maintenance and operations assistance of the Convention and Performing Arts Center as may be required for a period of one year ending April 30, 1977 for the total surcharge of sixteen percent (16%) of wage rates on file in the Purchasing Department with an option to renew the contract for an additional

(Item 254 - Continued)

one (1) year period at an actual estimated cost of \$600,000, was presented.

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

Manager Mike Connolly, Convention and Performing Arts Center, appeared to address the Council.

The motion of Councilman Morrow to continue Item 254 one week until May 5, 1976 and refer the matter to the Committee on Public Facilities and Recreation, died for lack of a second.

The Council discussed the matter.

Manager Mike Connolly, Convention and Performing Arts Center, answered questions directed by the Council.

The motion of Councilman Morrow to continue Item 254 one week until May 5, 1976 and refer the matter to the Committee on Public Facilities and Recreation, received no vote at this time.

Chief Deputy City Attorney Katz answered questions directed by the Council. Councilman Morrow withdrew his motion.

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

Attorney William M. McKenzie appeared to speak and answered questions directed by the Council regarding the City's procedure for inviting bids.

Assistant City Manager Graham answered questions directed by the Council.

Attorney William M. McKenzie spoke to the Council regarding any future modifications to procedures for inviting bids.

RESOLUTION 215855, awarding a contract to Triple L. Enterprises for furnishing maintenance and operations assistance of the Convention and Performing Arts Center as may be required for a period of one year ending April 30, 1977 for the total surcharge of sixteen percent (16%) of wage rates on file in the Purchasing Department with an option to renew the contract for an additional one (1) year period at an actual estimated cost of \$600,000, was adopted on motion of Councilman Morrow.

(Item 255)

The following Resolutions, relative to the Market Street Block Grant Commercial Improvement Project, a) - Certifying that the information contained in Environmental Negative Declaration No. 73-6-011.2C, as amended, has been completed in compliance with the California Environmental Quality Act of 1970 and the State guidelines, and that said Declaration has been reviewed and considered by the Council; and b) - Certifying that the information contained in the Notice of Finding of No Significant Effect, No. 75-01-00.23BG, has been completed in compliance with the Housing and Community Development Act of 1974 and Environmental Review Procedures (24CFR Part 58), and said Notice has been reviewed and considered by this Council; and c) - Approving scope of services, work program and budget for the Market Street Block Grant Commercial Improvement Project; authorizing the expenditure of \$78,135 from Block Grant Fund 2910 for the purpose of implementing said project, was presented.

Assistant City Manager Graham presented his report.

RESOLUTION 215856, Certifying that the information contained in Environmental Negative Declaration No. 73-6-011.2C, as amended has been completed in compliance with the California Environmental Quality Act of 1970 and the State guidelines, and that said Declaration has been reviewed and considered by the Council, was adopted on motion of Councilman Williams.

(Item 255 - Continued)

RESOLUTION 215857, Certifying that the information contained in the Notice of Finding of No Significant Effect, No. 75-01-00.23BG, has been completed in compliance with the Housing and Community Development Act of 1974 and Environmental Review Procedures (24CFR Part 58), and said Notice has been reviewed and considered by this Council, was adopted on motion of Councilman Williams.

RESOLUTION 215858, approving scope of services, work program and budget for the Market Street Block Grant Commercial Improvement Project; authorizing the expenditure of \$78,135 from Block Grant Fund 2910 for the purpose of implementing said project, was adopted on motion of Councilman Williams.

(Item 256)

The following Resolutions, relative to the widening of Beyer Way north of Palm Avenue, were presented.

Assistant City Manager Graham presented his report.

Superintendent William Schempers, Transportation Department, presented his report.

City Clerk Edward Nielsen: Mayor, Members of Council, with respect to Item 256 on today's docket, legal notice has been provided to the appropriate persons in accordance with Section 2145.235 of the California Code of Civil Procedure. Copies of said notice were forwarded by Property Department personnel on April 13, 1976 and have been filed with my office. As of today's date, April 28, 1976, my office has not received any written requests to speak.

Acting Mayor Johnson: Thank you, Mr. Clerk. Is there anyone in the audience desiring to be heard with regard to Item 256?

Mrs. Ruth Schneider appeared to speak in favor of the proposed Resolutions.

Chief Deputy City Attorney Katz answered questions directed by the Council regarding the legality of the proceedings.

RESOLUTION 215859, authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings, fee simple and easement interests, for the construction, operation, and maintenance of a public street (Beyer Way) and incidents thereto, together with earth excavations and embankments, slope or slopes and incidents thereto, and storm drain or drains and all appurtenances thereto, in portions of Section 23, Township 18 South, Range 2 West, S.B.M., was adopted on motion of Councilman Haro.

RESOLUTION 215860, authorizing the expenditure of \$6,800 out of Gas Tax Fund 220 for the acquisition of the necessary fee simple and easement interests, was adopted on motion of Councilman Haro.

(Item 257)

RESOLUTION 215861, recognizing a Sister City relationship between the cities of San Diego, California and Tema, Ghana, and that the citizens of both cities look forward to a promising and fruitful association in the exchange of ideas in a wide variety of cultural, educational, municipal and professional fields, was adopted on motion of Councilman Williams.

(Item 250)

A proposed Ordinance, repealing Ordinance No. 7607 (New Series), adopted

(Item 250 - Continued)

September 26, 1957, of the Ordinances of the City of San Diego in regard to setback regulations along streets within the South Bay Annexation Area in the City of San Diego, California, was presented.

Ken Klein, Planning Department, presented his report.

By Common Consent, Item 250 was trailed upon consideration of Item 102 a.

(Item 102 a)

Acting Mayor Johnson welcomed fifteen students from Roosevelt Jr. High School, accompanied by Ms. Michelle Kipnis.

Councilman Haro addressed the group.

(Item 250 - Continued)

Ken Klein, Planning Department, continued with his report.

A proposed Ordinance, repealing Ordinance No. 7607 (New Series), adopted September 26, 1957, of the Ordinances of the City of San Diego in regard to setback regulations along streets within the South Bay Annexation Area in the City of San Diego, California, was introduced on motion of Councilman Haro, by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, and Haro. Nays-None. Absent-Councilmen O'Connor, Ellis, and Mayor Wilson.

(Item 251)

A proposed Ordinance, amending Chapter III, Article 2 of the San Diego Municipal Code by amending Section 32.01 relating to Allocation of Sales Tax Revenues, was presented.

Assistant City Manager Graham presented his report.

The motion of Councilman Gade to introduce the Ordinance, received no vote at this time.

Assistant City Manager Graham answered questions directed by the Council regarding a costs study of service expectancy of eighteen years versus twenty-five years service expectancy.

The motion of Councilman Morrow to refer Item 251 to the Committee on Public Services and Safety for review, died for lack of a second.

City Manager McKinley answered questions directed by the Council.

The Council discussed the matter.

Councilman Haro withdrew his second to Councilman Gade's motion to introduce the proposed Ordinance.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

The Council discussed the matter.

The motion of Councilman Gade to Introduce the proposed Ordinance, received no vote at this time.

City Manager McKinley answered questions directed by the Council regarding the \$2.5M replacement requirement which would be achieved by this proposed amendment relating to the allocation of Sales Tax Revenues permitting \$1M per year to be budgeted during the next two and a half fiscal years.

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

The Council discussed the matter.

(Item 251 - Continued)

The motion of Councilman Williams to amend the proposed Ordinance to provide for a maximum of three years for said allocation, died for lack of a second.

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

The motion of Councilman Williams to amend the proposed Ordinance to provide for a maximum of three years for said allocation, passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, and Haro. Nays-None. Absent-Councilmen O'Connor, Ellis, and Mayor Wilson.

A proposed Ordinance, as amended by the previous motion, amending Chapter III, Article 2 of the San Diego Municipal Code by amending Section 32.01 relating to Allocation of Sales Tax Revenues, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, and Haro. Nays-None. Absent-Councilmen O'Connor, Ellis and Mayor Wilson.

(Item 252)

A proposed Resolution, awarding a contract to San Diego Foundation for Medical Care for furnishing administrative services for CITYMED for a period of one year ending June 30, 1977 at an estimated cost of \$58,000 based on 3,454 members, was presented.

RESOLUTION 215862, awarding a contract to San Diego Foundation for Medical Care for furnishing administrative services for CITYMED for a period of one year ending June 30, 1977 at an estimated cost of \$58,000 based on 3,454 members, was adopted on motion of Councilman Haro.

(Unanimous Consent #1)

By Unanimous Consent granted to Mayor Wilson, a proposed Resolution, establishing the City of San Diego's position in regard to AB 3625 (Chacon) which would establish, on a pilot basis in San Diego, a landlord-tenant grievance resolution board, was presented.

Larry Richards, Legislative Representative, presented his report.

Councilman Johnson addressed the Council regarding the Rules Committee's recommendation for State funding for the landlord-tenant grievance resolution board.

The Council discussed the matter.

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

Larry Richards, Legislative Representative, answered questions directed by the Council.

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

The Council discussed the matter at length.

A proposed Resolution, establishing the City of San Diego's position in regard

(Unanimous Consent #1 - Continued)

to AB 3625 (Chacon) which would establish, on a pilot basis in San Diego, a landlord-tenant grievance resolution board, on motion of Councilman Haro, failed due to the lack of five affirmative votes by the following vote:
Yeas-Councilmen Johnson, Williams, Morrow, and Haro. Nays-Councilmen Hubbard and Gade. Absent-Councilmen O'Connor, Ellis, and Mayor Wilson.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Haro at 11:49 a.m.

Mayor of The City of San Diego, California

ATTEST:

Charles J. Robinson

Clerk of The City of San Diego, California

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, APRIL 28, 1976
IN THE CHAMBERS OF THE COUNCIL- ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

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

Acting Mayor Johnson called the Regular Meeting to order at 2:03 p.m.

(Item 400)

Roll Call was taken.

- There were no requests for continuances.

(Item 401)

The hour of 2:00 p.m. having arrived, the Acting 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, April 7 and 21, 1976, on the appeal of the Subdivision Review Board from the decision of the Planning Commission in granting the appeal of Lion Property Company 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.

Councilman Williams entered the Chambers.

The motion of Councilman Gade to continue Item 401, died for lack of a second.

Assistant City Manager Graham presented his report.

Attorney Ron Wheatcroft, Lion Property Company, appeared to address the Council.

The Council discussed the matter.

Councilman Morrow entered the Chambers.

(Item 401 - Continued)

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

On motion of Councilman Gade, Item 401 was continued to May 18, 1976, 3:00 p.m., Time Certain and referred to the Public Facilities and Recreation Committee on May 10, 1976, 8:30 a.m., Time Certain, which passed unanimously.

(Item 402)

The hour of 2:00 p.m. having arrived, the Acting Mayor announced this was the time and place set for the hearing establishing an underground utility district to be known and denominated as Southeast San Diego Sports Field Underground Utility District.

J. F. McLaughlin, Engineering and Development Department, presented his report.

Jeremiah J. Duggan appeared to address the Council in opposition to the proposed underground utility district.

J. F. McLaughlin, Engineering and Development Department, answered questions directed by the Council regarding utility and phone lines.

Jeremiah J. Duggan spoke to the Council.

Mace T. Yancy appeared to address the Council.

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

Mace T. Yancy and Jeremiah J. Duggan addressed the Council and answered questions directed by the Council.

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

The motion of Councilman Ellis to continue Item 402 for one week until May 5, 1976, for further review, received no vote at this time.

The Council discussed the matter.

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

The motion of Councilman Ellis to continue Item 402 one week, until May 5, 1976, for further review, passed unanimously.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 2:34 p.m. and Acting Mayor Johnson announced the Council would go into Executive Session, 12th Floor Conference Room, City Administration Building, to discuss pending litigation.

Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California