

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, MAY 5, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

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

Deputy Mayor O'Connor called the Regular Meeting to order at 8:35 a.m.

(Item 100)
Roll Call was taken.

(Item 101)
Deputy Mayor O'Connor welcomed thirty-five students from Hoover High School accompanied by Mr. Randy Fong.
Councilman Hubbard addressed the group.

The Council considered requests for continuances: Items 254 and 251.

(Item 254)
OTHER RESOLUTIONS: Two Resolutions relative to Improvement of Osler Street - 400 feet east of Ulric Street to Genesee Avenue:

a - Certifying that the information contained in Environmental Negative Declaration No. 74-6-045C 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 for Improvement of Osler Street - Specifications Document No. 755039.

City Manager McKinley requested the matter be continued for a revised environmental impact report.

The motion of Councilman Gade to continue the matter to May 12, 1976, 8:30 a.m., was not voted on at this time.

Harvey LeBow appeared to speak in opposition to the motion for continuance. City Attorney Witt answered questions directed by the Council.

On motion of Councilman Ellis, the proposed Resolution was continued to the meeting of May 12, 1976, 8:30 a.m.

(Item 251)

OTHER RESOLUTIONS: (Continued from the Meeting of April 21, 1976.) Inviting Bids for construction of service station canopy for Chollas and Rose Canyon Operations Stations - Specifications Document No. 754903.

City Manager McKinley answered questions directed by the Council.

On motion of Councilman Ellis, the proposed Resolution was returned to the City Manager at his request.

The Council considered that 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 and 121.

The following Ordinances were introduced at the Meeting of April 21, 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 Haro, by the following vote: Yeas-Councilmen Hubbard, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Johnson, Williams, Morrow, and Mayor Wilson.

(Item 120)

ORDINANCE 11836 (New Series), 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.

ORDINANCE 11837 (New Series), 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.

(Item 121)

ORDINANCE 11838, 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.

The Council considered that portion of the Consent Agenda dealing with Resolutions, which consisted of Items 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 168, 169, 170, and 171.
There was discussion of Items 160 and 163.

Councilman Williams entered the Chambers.

(Item 150)

The following Resolutions, relative to Mira Mesa Community Park and Recreation Center, were adopted on motion of Councilman Gade:

RESOLUTION 215866, certifying that the information contained in Environmental Negative Declaration No. 75-09-19C 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 215867, awarding a contract to Raymond A. Whitwer, for Mira Mesa Community Park and Recreation Center for the sum of \$462,500.00; authorizing the expenditures of \$618,600.00 out of Capital Outlay Fund (Fund No. 245) and \$13,344.00 out of Park Service District Fund (Fund No. 11220) for said purpose and related costs; changing description of CIP No. 23-501.2 to include site grading and miscellaneous improvements.

(Item 151)

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

RESOLUTION 215868, Ripley Construction Co., to install gates - San Diego Stadium for the sum of \$5,885.00; authorizing the transfer of \$10,600.00 out of Capital Outlay Fund 245 Reserve to CIP No. 37-001.1(6); and authorizing the expenditure of \$10,600.00 out of Capital Outlay Fund (Fund No. 245) for said purpose and related costs; and

RESOLUTION 215869, H. L. Foster Construction Co., for construction of sidewalk in Washington Place, north side, adjacent to Mission Hills Park for the sum of \$1,890.00; authorizing the expenditure of \$3,800 out of Capital Outlay Fund (Fund 245) for said purpose and related costs.

(Item 152)

RESOLUTION 215870, inviting bids for construction of traffic signal and safety lighting systems at Beyer Boulevard and Coronado Avenue, and 63rd Street and Montezuma Road in accordance with Specifications Document No. 755034, was adopted on motion of Councilman Gade.

(Item 153)

RESOLUTION 215871, inviting bids for modification of traffic signal and safety lighting systems at Grape Street and Pacific Highway: 12th Avenue and Broadway: 30th Street and Adams Avenue: El Cajon Boulevard and Oregon Street: 28th Street and National Avenue and minor improvements at seven additional locations in accordance with Specifications Document No. 755035, was adopted on motion of Councilman Gade.

(Item 154)

RESOLUTION 215872, inviting bids for construction of traffic signal and safety lighting systems at Palm Avenue and Piccard Avenue in accordance with Specifications Document No. 755036, was adopted on motion of Councilman Gade.

(Item 155)

RESOLUTION 215873, inviting bids for Balboa Park Desert Garden in accordance with Specifications Document No. 755037, was adopted on motion of Councilman Gade.

(Item 156)

RESOLUTION 215874, inviting bids for Miramar Filtration Plant Sludge Disposal System in accordance with Specifications Document No. 755038, was adopted on motion of Councilman Gade.

(Item 157)

The following Resolutions, relative to jog correction at Adams Avenue and Alabama Street, were adopted on motion of Councilman Gade:

RESOLUTION 215875, certifying that the information contained in Environmental Negative Declaration No. 73-7-010C 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 215876, inviting bids in accordance with Specifications Document No. 755065.

(Item 158)

RESOLUTION 215877, inviting bids for construction of the National Avenue bridge at Chollas Creek and street improvements in accordance with Specifications Document No. 755066, was adopted on motion of Councilman Gade.

(Item 159)

The following Resolutions, relative to construction of Rancho Bernardo Library and Mira Mesa Library, were adopted on motion of Councilman Gade:

RESOLUTION 215878, certifying that the information contained in Environmental Negative Declaration Nos. 75-11-26C-21 and 75-09-19C has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declarations have been reviewed and considered by this Council; and

RESOLUTION 215879, inviting bids in accordance with Specifications Document No. 755067.

(Item 160)

RESOLUTION 215880, rejecting bid received March 12, 1976 for the construction of the Pacific Beach Park North-Comfort station, was adopted on motion of Councilman Gade.

(Item 161)

The following Resolutions, relative to the final subdivision map of Fiesta Time Unit No. 4, were adopted on motion of Councilman Gade:

RESOLUTION 215881, authorizing an agreement with Time Development Co., for the completion of improvements in Fiesta Time Unit No. 4, a 31-lot subdivision, located on the east side of Picador Boulevard and north of Arey Drive; and

RESOLUTION 215882, approving the final map and acknowledging receipt of subdividers assurance of compliance with the Affirmative Fair Housing Plan.

(Item 162)

RESOLUTION 215883, authorizing an agreement with the Comprehensive Planning Organization for services of City in connection with developing the Areawide Water Quality Management Plan, was adopted on motion of Councilman Gade.

(Item 165)

RESOLUTION 215884, approving Change Order No. 1, issued in connection with the contract with Steve P. Rados, Inc., for the construction of Chollas Creek Trunk Sewer, amounting to an increase in the contract price of \$15,420; authorizing the City Auditor and Comptroller to transfer the sum of \$15,420 from Gas Tax Fund 220 to Utilities Department Fund 506 for said change, was adopted on motion of Councilman Gade.

(Item 166)

RESOLUTION 215885, approving Change Order No. 1, issued in connection with the contract with Roczey Grading & Demolition, General Engineering Contractors, Inc., for reconstruction of tennis court no. 5 at La Jolla Park and Recreation Center, amounting to an increase in the contract price of \$7,920 and an extension of time of 45 days to July 1, 1976; authorizing the expenditure of \$5,500 out of Capital Outlay Fund Reserve 245 for above project and related costs, was adopted on motion of Councilman Gade.

(Item 167)

The following Resolutions, relative to providing funds for costs relating to the construction of fire stations, were adopted on motion of Councilman Gade:

RESOLUTION 215886, authorizing the expenditure of \$5,500 out of Capital Outlay Fund Reserve 245 - Fire Station No. 13, supplementing Resolution No. 213934 in this amount; and

RESOLUTION 215887, authorizing the expenditure of \$2,500 out of Capital Outlay Fund Reserve 245 - Fire Station No. 39, supplementing Resolution No. 214576 in this amount.

(Item 168)

RESOLUTION 215888, authorizing the City Auditor and Comptroller to transfer \$4,000 within Fund 100 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to augment Resolution No. 213909 for expenses incurred by the law firm of White, Price, Peterson & Robinson, legal counsel for the City Manager in connection with the appeal of City Council of The City of San Diego v. Hugh McKinley, et al, was adopted on motion of Councilman Gade.

(Item 169)

RESOLUTION 215889, authorizing the City Auditor and Comptroller to transfer \$4,000 within Fund 100 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to augment Resolution No. 213910 for expenses incurred by the law firm of McDonald, Riddle, Hecht & Worley, legal counsel for the City Council in connection with the appeal of City Council of The City of San Diego v. Hugh McKinley, et al, was adopted on motion of Councilman Gade.

(Item 170)

RESOLUTION 215890, excusing Mayor Pete Wilson from the Council Meetings of May 4 and 5, 1976, in order to attend the American Institute of Architects national convention in Philadelphia, was adopted on motion of Councilman Gade.

(Item 171)

RESOLUTION 215891, authorizing three representatives of the Police Department to travel to Riverside, California, during the period May 16 through May 28, 1976, for the purpose of attending a "Techniques of Teaching Criminal Justice Role Training" Course; authorizing the Auditor and Comptroller to expend the sum of \$1,038 from the General Purpose Revolving Fund (534) for the purpose of defraying expenses incurred in the above travel; total cost of said travel, except salaries, shall be reimbursed to the City by the Peace Officers Standards and Training (POST), was adopted on motion of Councilman Gade.

Councilman Morrow entered the Chambers.

The Council considered Items 163 and 164 simultaneously.

(Items 163 and 164)

The following proposed Resolutions, relative to Public Facilities and Services Project, Community Development Block Grant Program:

a - Certifying that the information contained in Negative Declaration No. 75-01-00.20BG 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

(Item 163 and Item 164 - Continued)

b - Authorizing the City Manager to implement through the Transportation Department, the Public Facilities and Services Project, a Community Development Block Grant Program, for the purpose of providing street improvements, including sidewalks, curbs and gutters in the Balboa School and Educational Cultural Complex areas, pursuant to the terms and conditions set forth in the Project Budget, Estimated Monthly Expenditure Schedules, Scope of Services, and Project Work Program; stating that the period of performance for this project, unless otherwise altered, shall be for twenty-six months and shall extend from November 1, 1975 through December 31, 1977; allocating an amount not to exceed \$403,468 in First Year Community Development Block Grant Fund 2910 for the above purposes; and a proposed Resolution, authorizing an agreement with Raymond F. Hall Corporation for engineering services for design of street improvements of Public Facilities of the First Year Community Development Block Grant Program; authorizing the expenditure of \$31,000 out of Federal Community Development Block Grant Fund 2910 for above-referenced services, were presented.

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

RESOLUTION 215892, certifying that the information contained in Negative Declaration No. 75-01-00.20BG 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;

RESOLUTION 215893, authorizing the City Manager to implement through the Transportation Department, the Public Facilities and Services Project, a Community Development Block Grant Program, for the purpose of providing street improvements, including sidewalks, curbs and gutters in the Balboa School and Educational Cultural Complex areas, pursuant to the terms and conditions set forth in the Project Budget, Estimated Monthly Expenditure Schedules, Scope of Services, and Project Work Program; stating that the period of performance for this project, unless otherwise altered, shall be for twenty-six months and shall extend from November 1, 1975 through December 31, 1977; allocating an amount not to exceed \$430,468 in First Year Community Development Block Grant Fund 2910 for the above purposes; and

RESOLUTION 215894, authorizing an agreement with Raymond F. Hall Corporation for engineering services for design of street improvements of public facilities of the First Year Community Development Block Grant Program; authorizing the expenditure of \$31,000 out of Federal Community Development Block Grant Fund 2910 for above-referenced services, were adopted on motion of Councilman Hubbard.

(Item 200)

A proposed Resolution, accepting the proposal of J. A. Overton and Company, financial consultant; Wilson, Jones, Morton & Lynch, bond counsel; and Woolley & Mullin, co-bond counsel, to provide all professional services necessary for 1) the establishment of a Municipal Park District co-extensive with the City of San Diego; 2) the structuring, conducting, and certification of the results of

(Item 200 - Continued)

a City-wide bond election; and 3) writing a prospectus for, as well as noticing, issuing, and marketing Municipal Park District Bonds for the acquisition of open space park lands; accepting the proposal with the specific condition as indicated in the proposal documents, that payment for the above services shall be contingent upon successful sale of Municipal Park District Bonds, was presented.

City Manager McKinley answered questions directed by the Council.

Public Facilities and Recreation Committee Chairman Morrow presented the Committee report.

Deputy City Attorney Valderhaug answered questions directed by the Council.

Discussion followed.

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

Mrs. Elizabeth Winness appeared to speak.

RESOLUTION 215895, accepting the proposal of J. A. Overton and Company, financial consultant; Wilson, Jones, Morton & Lynch, bond counsel; and Woolley & Mullin, co-bond counsel, to provide all professional services necessary for 1) the establishment of a Municipal Park District co-extensive with the City of San Diego; 2) the structuring, conducting, and certification of the results of a City-wide bond election; and 3) writing a prospectus for, as well as noticing, issuing, and marketing Municipal Park District Bonds for the acquisition of open space park lands; accepting the proposal with the specific condition as indicated in the proposal documents, that payment for the above services shall be contingent upon successful sale of Municipal Park District Bonds, was adopted on motion of Councilman Ellis.

(Item 102)

Deputy Mayor O'Connor welcomed thirty students from Madison High School accompanied by Miss Eleanor Bishop.

Councilman Morrow addressed the group.

Councilman Hubbard made a motion that Council go into Executive session in the 12th Floor Conference Room regarding employee/employer relations, which passed unanimously.

(Item 201)

A proposed Resolution, establishing Council Policy No. 800-8 regarding construction contract bonds, was presented.

Floyd Moore, Engineering and Development, answered questions directed by the Council.

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

Esther Wells appeared to speak.

City Manager McKinley and Floyd Moore, Engineering and Development, answered questions directed by the Council.

Esther Wells appeared to speak further on the matter.

Councilman Hubbard seconded the motion of Councilman Haro to adopt the proposed Resolution.

(Item 201 - Continued)

RESOLUTION 215896, establishing Council Policy No. 800-8 regarding Construction Contract Bonds, was adopted on motion of Councilman Haro.

(Item 250)

A proposed Resolution, continued from the Meeting of April 21, 1976, inviting bids for construction of Chollas Operations Station - Service Station Addition in accordance with Specifications Document No. 754902, was presented.

City Manager McKinley answered questions directed by the Council.

The motion of Councilman Ellis to adopt the proposed Resolution received no second at this time.

City Manager McKinley answered questions directed by the Council.

Jim Casey, General Services Department, answered questions directed by the Council.

Councilman Hubbard seconded the motion of Councilman Ellis to adopt the proposed Resolution.

RESOLUTION 215897, inviting bids for construction of Chollas Operations Station - Service Station Addition in accordance with Specifications Document No. 754902, was adopted on motion of Councilman Ellis.

(Item 252)

A proposed Resolution, continued from the Meetings of October 1, 1975, February 4, and April 7, 1976 to allow developer to complete obligations, declaring Saratoga Development Corporation, Joe G. Binswanger, and Arthur Burgess and Berneice J. Burgess, subdividers of Mission Gardens Annex 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 Commercial Standard Insurance Company; authorizing the City Manager to complete or cause to be completed, said improvements, was presented.

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

RESOLUTION 215898, declaring Saratoga Development Corporation, Joe G. Binswanger, and Arthur Burgess and Berneice J. Burgess, subdividers of Mission Gardens Annex 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 Commercial Standard Insurance Company; authorizing the City Manager to complete or cause to be completed, said improvements, was adopted on motion of Councilman Ellis.

(Item 253)

A proposed Resolution; awarding a contract to Cheverton-Bach/Bayly, Martin & Fay, for furnishing Charles C. Dail Concourse Liability Insurance for a period of one year beginning May 1, 1976 for an estimated annual premium of \$14,009, was presented.

(Item 253 - Continued)

City Manager McKinley answered questions directed by the Council.

RESOLUTION 215899, awarding a contract to Cheverton-Bach/Bayly, Martin & Fay, for furnishing Charles C. Dail Concourse Liability Insurance for a period of one year beginning May 1, 1976 for an estimated annual premium of \$14,009, was adopted on motion of Councilman Ellis.

(Item 255)

A proposed Resolution, authorizing an agreement with VTN San Diego, for engineering services in connection with design and construction of Picador Boulevard and Smythe Avenue, from Beyer Boulevard to Del Sol Boulevard, and Beyer Boulevard, a distance of approximately 640 feet; authorizing the expenditure of \$9,000 and \$25,200 out of Gas Tax Fund 220 (CIP 52-189.1(6)) and Gas Tax Fund Reserve 220 (CIP 90-220(6)), respectively, for the above purpose and related costs, supplementing Resolution 209640 in these amounts, was presented.

RESOLUTION 215900, authorizing an agreement with VTN San Diego, for engineering services in connection with design and construction of Picador Boulevard and Smythe Avenue, from Beyer Boulevard to Del Sol Boulevard, and Beyer Boulevard, a distance of approximately 640 feet; authorizing the expenditure of \$9,000 and \$25,200 out of Gas Tax Fund 220 (CIP 52-189.1(6)) and Gas Tax Fund Reserve 220 (CIP 90-220(6)), respectively, for the above purpose and related costs, supplementing Resolution 209640 in these amounts, was adopted on motion of Councilman Haro.

(Item 256)

A proposed Resolution, authorizing the City Manager to pay the sum of \$24,300 in settlement of each and every claim resulting from the contractual dealings and obligations of the Neighborhood Development Corporation, said sum to be paid to the San Diego Superior Court in trust, to be used to satisfy the outstanding claims on file in the Matter of San Diego Neighborhood Development Corporation, In the Process of Voluntarily Winding Up, Superior Court No. 338367; authorizing the City Auditor and Comptroller to issue a warrant check in the amount of \$24,300 to Superior Court of San Diego, said funds to be payable from Fund 2901, Account No. 7532, was presented.

City Attorney Witt answered questions directed by the Council.

RESOLUTION 215901, authorizing the City Manager to apy the sum of \$24,300 in settlement of each and every claim resulting from the contractual dealings and obligations of the Neighborhood Development Corporation, said sum to be paid to the San Diego Superior Court in trust, to be used to satisfy the outstanding claims on file in the Matter of San Diego Neighborhood Development Corporation, In the Process of Voluntarily Winding Up, Superior Court No. 338367; ~~authorizing~~ the City Auditor and Comptroller to issue a warrant check in the amount of \$24,300 to Superior Court of San Diego, said funds to be payable from Fund 2901, Account No. 7532, was adopted on motion of Councilman Williams.

(Item 257 - Supplemental No. 1)

The following proposed Resolutions, continued from the Meeting of Wednesday, April 28, 1976, 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, were presented.

RESOLUTION 215902, 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

RESOLUTION 215903, inviting bids in accordance with Specifications Document No. 754991, were adopted on motion of Councilman Haro.

(Unanimous Consent No. 1)

By Unanimous Consent granted to the City Manager, the following proposed Resolutions: a - Authorizing the City Manager to accept Deed of United States Capital Corporation conveying an easement for a right-of-way through, over, under, upon, along and across portions of Lot 1 of Ice Skating Arena, therein conveyed as Parcel 2 (street purposes) - BLACK MOUNTAIN ROAD.

b - Approving the acceptance by the City Manager of two deeds of United States Capital Corporation (street purposes) - BLACK MOUNTAIN ROAD and CAPRICORN WAY.

RESOLUTION 215904, approving the acceptance by the City Manager of deed of United States Capital Corporation, conveying an easement for a right of way through, over, under, upon along and across portions of Lot 1 of Ice Skating Arena, therein conveyed as Parcel 2 (street purposes) - BLACK MOUNTAIN ROAD; and

RESOLUTION 215905, approving the acceptance by the City Manager of two deeds of United States Capital Corporation (street purposes) - BLACK MOUNTAIN ROAD and CAPRICORN WAY, were adopted on motion of Councilman Haro.

(Item 258)

The following proposed Resolution, continued from the Meeting of April 28, 1976, at City Manager's request, relative to the final subdivision map of North Point Unit No. 2, a 186-lot subdivision, located north of Miramar Road and east of Westonhill 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, were presented.

The following Resolutions, relative to the Final Subdivision Map of North Point Unit No. 2, were adopted on motion of Councilman Haro:

RESOLUTION 215906, authorizing an agreement with Pardee Construction Company, for the completion of improvements in North Point Unit No. 2, a 186-lot subdivision, located north of Miramar Road and east of Westonhill Drive; and

RESOLUTION 215907, approving the final map and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program.

(Special Order of Business granted to Councilman Ellis)

Deputy Mayor O'Connor welcomed students of Patrick Henry Senior High School, accompanied by Mr. Polk.

Councilman Ellis addressed the group.

(Unanimous Consent No. 2)

By Unanimous Consent granted to Senior Chief Deputy City Attorney Fitzpatrick, a proposed Resolution, authorizing the transfer of \$1,000 within Fund 100 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to augment Resolution No. 211715 for additional expenses incurred by the law firm of Knutson, Tobin, Meyer & Shannon in Superior Court Case No. 358163, L. R. "Lee" Hubbard, Jr. v. City of San Diego, et al, was presented.

RESOLUTION 215908, authorizing the transfer of \$1,000 within Fund 100 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to augment Resolution No. 211715 for additional expenses incurred by the law firm of Knutson, Tobin, Meyer & Shannon in Superior Court Case No. 358163, L. R. "Lee" Hubbard, Jr. v. City of San Diego, et al, was adopted on motion of Councilman Morrow.

By common consent, the Council considered a special communication from Arline Van de Wetering regarding Item 200.

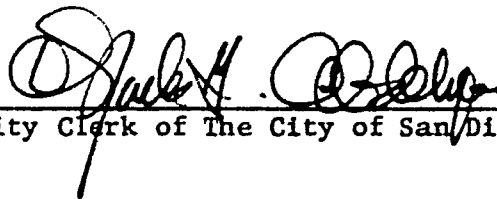
Councilman Ellis left the Chambers.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 9:58 a.m. on motion of Councilman Hubbard, and Deputy Mayor O'Connor announced the Council would go into Executive Session in the 12th Floor Conference Room on a Meet and Confer Matter.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, MAY 5, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE

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

Deputy Mayor O'Connor called the Regular Meeting to order at 2:12 p.m.

(Item 400)

Roll Call was taken.

The Council considered requests for continuances: Item 403 - Supplemental No. 3.

(Item 403 - Supplemental No. 3)

SPECIAL HEARINGS: A proposed Resolution, approving a rent credit of \$698,470 to High Fliers, in the event it becomes the lessee, for the publicly oriented facilities required in connection with the development of a marina in the Quivira Basin Area, Mission Bay Park; authorizing a Ninth Amendment to Option Agreement and Consent to Assignment with Recreation Specialists, Inc. and High Fliers, Limited, which provides for such rent credit together with an increased minimum annual rent and other provisions involving the necessity to construct a boat repair and marine fuel dock and the deletion of a cancellation provision.

City Manager McKinley answered questions directed by the Council.

On motion of Councilman Hubbard, the proposed Resolution was continued to the Meeting of May 11, 1976, at the request of High Fliers, Limited.

(Item 401)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the matter of paving and otherwise improving Camino Ruiz, Black Mountain Road and Mira Mesa Boulevard - ~~on assessment~~ Roll No. 3880.

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

Councilmen Williams and Morrow entered the Chambers.

(Item 401 - Continued)

James McLaughlin, Engineering and Development, reported that 12 written protests had been received, which were less than 1% of the proposed assessment, and answered questions directed by the Council.

Richard Burt appeared to speak in favor of the matter.

Jim Smith appeared to speak in opposition of the matter.

Councilman Hubbard made a motion to suspend the rules to allow 30 minutes testimony per side, which passed unanimously.

Charles Christianson, William Harris, Jim Smith and Gary Dawson appeared to speak in opposition.

Chief Deputy City Attorney Valderhaug and James McLaughlin, Engineering and Development, answered questions directed by the Council.

Gary Dawson and Jim Smith appeared to speak further in opposition to the matter.

Richard Burt appeared to speak further in favor of the matter.

The hearing was closed and the following Resolutions were adopted on motion of Councilman Haro:

RESOLUTION 215909, overruling the appeals filed in the office of the City Clerk and overruling and denying all other appeals, written or verbal, from the Street Superintendent's Assessment No. 3880, made to cover the costs and expenses of paving and otherwise improving Camino Ruiz, Black Mountain Road and Mira Mesa Boulevard, under Resolution of Intention No. 211997, adopted November 14, 1974; and amended by Resolution No. 212617, adopted February 13, 1975, and Resolution No. 214430, adopted October 9, 1975; confirming and approving the Street Superintendent's modified and corrected Assessment No. 3880; authorizing and directing said Street Superintendent to attach his warrant thereto and issue the same in the manner and form provided by law; said warrant, diagram and assessment to be recorded in the office of said Street Superintendent, and with the County Recorder; and shall record a notice of assessment, as provided for in Section 3114 of the California Streets and Highway Code.

RESOLUTION 215910, approving Change Order No. 2 issued in connection with the contract with Griffith Company, said change amounting to a net decrease of \$28,923.35; authorizing the expenditure of \$78,190 out of Gas Tax Fund Reserve No. 220 for City's contribution and related costs, supplementing Resolution No. 212748 in this amount.

(Item 402)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing, continued from the Meeting of April 28, 1976, for further review, on establishing an underground utility district to be known and denominated as Southeast San Diego Sports Field Underground Utility District.

James McLaughlin, Engineering and Development, answered questions directed by the Council and reported that 100% of the property owners had conveyed protests to the department.

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

RESOLUTION 215911, abandoning proceedings for Southeast San Diego Sports Field Underground Utility District.

(Unanimous Consent No. 1)

By Unanimous Consent granted to City Manager McKinley, the following eight proposed Resolutions relative to Plan Checking Services for a period ending July 1, 1977: a) authorizing the transfer from General Fund 100 (Unallocated Reserve 53.21) to Building Inspection Department (17.21) Nonpersonnel Expense Account for said purpose; b) authorizing an agreement with Atkinson, Johnson & Spurrier, Inc.; c) authorizing an agreement with Burkett and Wong; d) authorizing an agreement with Engineering Alliance Corp; e) authorizing an agreement with Ferver Engineering Company; f) authorizing an agreement with Frisbee Killman & Associates; g) authorizing an agreement with Libbey-Perkins Engineers; and h) authorizing an agreement with William L. Travis and Associates, were presented.

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

City Manager McKinley answered questions directed by the Council.

RESOLUTION 215912, authorizing the transfer from General Fund 100 (Unallocated Reserve 53.21) to Building Inspection Department (17.21) Nonpersonnel Expense Account for said purpose;

RESOLUTION 215913, authorizing an agreement with Atkinson, Johnson & Spurrier, Inc.;

RESOLUTION 215914, authorizing an agreement with Burkett and Wong;

RESOLUTION 215915, authorizing an agreement with Engineering Alliance Corp;

RESOLUTION 215916, authorizing an agreement with Ferver Engineering Company;

RESOLUTION 215917, authorizing an agreement with Frisbee Killman & Associates;

RESOLUTION 215918, authorizing an agreement with Libbey-Perkins Engineers; and

RESOLUTION 215919, authorizing an agreement with William L. Travis and Associates, were adopted on motion of Councilman Hubbard.

There being no business to come before the Council at this time, the Regular Meeting was adjourned at 3:52 p.m. on motion of Councilman Hubbard, and the Deputy Mayor announced there would be an executive session in the 12th Floor Conference Room at 4:00 p.m., Monday, May 10, 1976 on a Meet and Confer Matter.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

John L. Bradley

City Clerk of The City of San Diego, California