

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

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

Mayor Wilson called the Regular Meeting to order at 8:41 a.m.

(Item 100)

Roll call was taken.

(Item 101)

Mayor Wilson welcomed a group of students from the highly gifted seminar class of Dewey Elementary School, accompanied by Ralph McKay.

Councilman Williams entered the Chambers.

Councilman Ellis entered the Chambers.

Mayor Wilson addressed the group.

(Item 102)

Mayor Wilson welcomed fifteen students from Carson Elementary School, accompanied by Mr. Will Nikkel.

Councilman Morrow addressed the group.

The Council considered requests for continuances: Items 162 and 200.

(Item 162)

RESOLUTIONS: Consenting to the establishment of a portion of Mast Boulevard, between Mission Gorge Road and 1,000 feet northeasterly of Rumson Drive, lying within the City limits, as a part of the County Highway for purposes of Right of Way acquisition, construction, maintenance, improvement and repair.

Art Casey appeared to speak on the continuance.

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

On motion of Councilman Morrow, the proposed Resolution was continued to June 30, 1976, a.m., and refer to Planning Commission for a report back to Council, which passed unanimously.

(Item 200)

RESOLUTIONS: Authorizing the City Auditor to allocate \$173,554 from the Fiscal Year 1976 100 Fund 05.61 for the operation of the 1976 Recreation Support Program (RSP); authorizing the City Manager to execute agreements with 35 Community Agencies for the purpose of conducting Recreation Support Program Activities.

City Attorney Witt spoke on the continuance.

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

On motion of Councilwoman O'Connor, the proposed Resolution was continued to June 9, 1976, a.m., at City Attorney's request, which passed unanimously.

(Item 211)

The following proposed Resolutions relative to Ocean Beach Planning Committee: a) Declaring the Results of the Special Informal Election held in the Ocean Beach Precise Planning Area of the City of San Diego, Tuesday, May 4, 1976; and b) Recognizing the Ocean Beach Planning Committee and authorizing the City Manager's Office and the Planning Department to work with such committee in the implementation of the Ocean Beach Precise Plan; further requiring the Planning Department's Program budget provide for the preparation of a Planned District Ordinance to implement the adopted Ocean Beach Precise Plan, were presented.

City Attorney Witt and Planning Director Goff answered questions directed by the Council.

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

Planning Director Goff further answered questions directed by the Council.

RESOLUTION 216062, declaring the Results of the Special Informal Election held in the Ocean Beach Precise Planning Area of the City of San Diego, Tuesday, May 4, 1976; and

RESOLUTION 216063, recognizing the Ocean Beach Planning Committee and authorizing the City Manager's Office and the Planning Department to work with such committee in the implementation of the Ocean Beach Precise Plan; further

(Item 211 - Continued)

requiring the Planning Department's Program budget provide for the preparation of a Planned District Ordinance to implement the adopted Ocean Beach Precise Plan, were adopted on motion of Councilman Morrow, which passed by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-Councilman Johnson.

Mrs. Young and Donald Norris appeared to speak on the proposed Resolutions. Planning Director Goff answered questions directed by the Council.

Items 203, 204, 205, and 206 were taken simultaneously.

(Item 203)

A proposed Resolution, continued from the Meeting of May 12, 1976, for City Manager's report, accepting and approving the recommendation of the Park and Recreation Board regarding improvements including docks and piers which exist in an area of Crescent Bay in Mission Bay Park dated March 16, 1976, as modified by said Board at its April 20, 1976 meetings, with the exception that the question of control of the docks and piers subsequent to May 31, 1976 should be left open for the time being; directing the City Manager to proceed with the implementation of the said recommendations;

(Item 204)

A proposed Resolution, continued from the Meeting of May 12, 1976, for City Manager's report, declaring Council's intent to give a high priority to the development and improvement of Crescent Bay in Mission Bay Park as a public beach; instructing the City Manager to incorporate, as soon as practicable, into the Capital Improvements Program such projects as may be necessary to carry forward such a program of development; instructing the City Manager to provide the Council, at the earliest possible date, with an estimate of the funding potential and schedule for the first construction phase of such a development program; instructing the City Manager to expedite a Design Study of Crescent Bay in order to establish a basis for the estimates and the development program herein requested;

(Item 205)

A proposed Resolution, continued from the Meeting of May 12, 1976, for City Manager's report, directing the City Manager to take the steps necessary in order that \$67,300 may be utilized from Fiscal Year 1976 Capital Improvements Project No. 13-003, Mission Bay Shore Protection, for the purpose of conducting a Design Study of Crescent Bay in conjunction with instituting a new project for making permanent public improvements in said Crescent Bay Area; directing the City Manager to initiate a request for Council action for an ordinance to amend the Capital Improvements Program and, in cooperation with the City Attorney, to prepare a proposed consultant contract and bring the proposed ordinance and consultant contract to the Council for approval at the earliest possible date; and

(Item 206)

A proposed Resolution, continued from the Meeting of May 12, 1976, for City Manager's report, requesting the City Attorney and City Manager to provide a specific date, or a number of specific dates, if necessary, which would constitute a reasonable time after May 31, 1976, for the Scripps and Crescent Beach lessees to have removed all structures and reconstructed and restored the area to public beach conditions, as required by the lease; requesting the City Attorney to advise the Council on what courses of action might be open to the City in the event lessees, or some of them, do not comply with the provisions of the lease, and at what point and under what conditions any existing structures may be considered to have come into City ownership; directing the City Manager to provide a schedule of events which management intends to implement with regard to Crescent Bay (Sail Bay) and its beaches, were presented.

Councilman Johnson entered the Chambers.

Deputy City Attorney Valderhaug answered questions directed by the Council.

The motion of Councilman Ellis to reconsider the action to close the hearing on Items 204 and 205, died for lack of a second.

Deputy City Attorney Valderhaug further answered questions directed by the Council.

Discussion followed.

Councilman Gade offered a second to the previous motion by Councilman Ellis.

Discussion followed.

A vote was then taken on the previous motion by Councilman Ellis to reconsider the action to close the hearing on Items 204 and 205, which was defeated by the following vote: Yeas-Councilmen O'Connor, Hubbard, Gade, and Ellis. Nays-Councilmen Johnson, Williams, Morrow, Haro, and Mayor Wilson. Absent-None.

Councilman Ellis moved to reconsider to reopen the hearing and allow five minutes testimony per side and continue to June 9, 1976, 9:30 a.m. Time Certain, to

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

Sally Male appeared to speak.

Discussion followed.

The motion of Councilman Morrow moved to reconsider the action for one week continuance, was defeated by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, and Morrow. Nays-Councilmen Hubbard, Gade, Ellis, Haro, and Mayor Wilson.

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

(Items 203, 204, 205, and 206 - Continued)

Park and Recreation Director Mendoza and Deputy City Attorney Valderhaug answered questions directed by the Council.

Discussion followed.

By common consent, these items were trailed upon considered of Item 104.

(Item 104)

Mayor Wilson welcomed one hundred eighteen students from John Marvin Elementary School, accompanied by Mrs. Burke.

Councilman Ellis addressed the group.

(Item 103)

Ten students from Southland Christian School were not present at this time.

(Items 203, 204, 205, and 206 - Second Time)

Deputy City Attorney Valderhaug, Park and Recreation Director Mendoza, and City Manager McKinley further answered questions directed by the Council.

Vern Swartz appeared to speak.

The motion of Councilman Williams to direct the City Manager to bring back a plan for City ownership of piers and also recommendations as to ones to be retained or ones to be removed, received no vote at this time.

Barbara Schaefer appeared to speak.

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

A vote was then taken on the previous motion by Councilman Williams to direct the City Manager to bring back a plan for City ownership of piers and also recommendations as to ones to be retained or ones to be removed, which passed unanimously.

Councilman Ellis left the Chambers.

RESOLUTION 216064, requesting the City Attorney and City Manager to provide a specific date, or a number of specific dates, if necessary, which would constitute a reasonable time after May 31, 1976, for the Scripps and Crescent Beach lessees to have removed all structures and reconstructed and restored the area to public beach conditions, as required by the lease; requesting the City Attorney to advise the Council on what courses of action might be open to the City in the event lessees, or some of them, do not comply with the provisions of the lease, and at what point and under what conditions any existing structures may be considered to have come into City ownership; directing the City Manager to provide a schedule of events which management intends to implement with regard to Crescent Bay (Sail Bay) and its beaches, was adopted on motion of Councilman Morrow.

Mayor Wilson recessed the Meeting at 11:12 a.m. Upon reconvening at 11:35 a.m., the roll call showed Councilmen Williams, Morrow, Gade, and Haro absent.

The Council considered the portion of the Consent Agenda, having to do with Ordinances introduced at a previous meeting, ready for dispensing with the reading and adoption, which consisted of Items 120, 121, and 122.

The following Ordinances were introduced at the Meetings of May 19, 1976 (Items 120 and 121) and May 18, 1976 (Item 122)

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

(Item 120)

ORDINANCE 11848 (New Series), repealing Ordinance No. 11147 (New Series) and amending Chapter III, Article 3, Division 23, of the San Diego Municipal Code by repealing Sections 33.2301 through Section 33.2330, inclusive, and adding Chapter IV, Article 6, Division 1, Sections 46.0101 through 46.0105, all relating to the Regulation of Massage Technicians.

(Item 121)

ORDINANCE 11849 (New Series), amending Ordinance No. 11650 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1975-76 and Appropriating the Necessary Money to Operate The City of San Diego for Said Fiscal Year," by transferring prior year Revenue Sharing Surplus and Unencumbered Funds and 3021 Trust Fund Monies to the Human Resources Department for the purpose of augmenting 05.61, Human Care Services Program, Recreation Support Program.

(Item 122)

ORDINANCE 11850 (New Series), approving and adopting amendments to the Land Use Control Provisions of the Redevelopment Plan for the Linda Vista Shopping Center Redevelopment Project, and certifying that the first amendment to Environmental Negative Declaration No. 75-01-0018BG has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Report and Declaration have been reviewed and considered by the Council.

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, 163, 164, 165, 166, 167, 201, and 202.

(Item 150)

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

RESOLUTION 216065, Perry Electric, for the construction of traffic signal and safety lighting systems at the intersections of Clairemont Mesa Boulevard and Shawline Street; and Clairemont Mesa Boulevard and Mercury Street, Schedule III, for the sum of \$44,063; authorizing the expenditure of \$52,078 out of Gas Tax Fund No. 220 and \$7,495 out of Capital Outlay Fund No. 245 for said purpose and related costs; authorizing the City Auditor and Comptroller to transfer \$25,841 from CIP 62-101 and \$21,241 from CIP 62-105 to Gas Tax Unallocated Reserve CIP 90-220;

RESOLUTION 216066, NDL Cement Contractors, for the construction of pedestrian ramps for the handicapped - Contract No. 1, for the sum of \$38,613; authorizing the expenditure of \$52,000 out of the First Year Block Grant Fund No. 2910 for said purpose and related costs; and

RESOLUTION 216067, F. J. Willert Contracting, for the improvement of Beryl Street from Academy Street to Noyes Street, for the sum of \$7,464; authorizing the expenditure of \$13,414 out of Capital Outlay Fund No. 245 and \$1,500 out of the 3021 Trust Fund for said purpose and related costs.

(Item 151)

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

RESOLUTION 216068, Sarasota Engineering Company, Inc., for the purchase of Vehicle Loop Detectors as may be required for the period of one year ending May 31, 1977, for a total estimated cost, including tax and terms, of \$14,890.35; with an option to renew for an additional one year period; and

RESOLUTION 216069, The Risk Management Group to act as a Broker of Record for the City's Excess Liability Insurance for a period of one year commencing June 1, 1976 for a fee not to exceed \$7,500.

(Item 152)

The following Resolutions relative to the Final Subdivision Map of Villa Martinique North Unit No. 6, were adopted on motion of Councilman Gade:

RESOLUTION 216070, authorizing an agreement with The Christiana Companies, Inc., for completion of improvements in Villa Martinique North Unit No. 6, a two-lot subdivision located southerly of Clairemont Mesa Boulevard and northerly of Tierrasanta Boulevard; and

RESOLUTION 216071, approving the final map of Villa Martinique North Unit No. 6.

(Item 153)

RESOLUTION 216072, authorizing an amendment to agreement with Alan M. Wolf, Beno Hirschbein and Helen Hirschbein, for the installation and completion of certain public improvements in the subdivision to be known as Montgomery Industrial Park Unit No. 1; accepting Bond No. 13757, issued by the Fremont Indemnity Company in the amount of \$18,398 as improvement security for the performance of the public improvements, and releasing Bond No. MNR 93 33 10, issued by the Insurance Company of North America, was adopted on motion of Councilman Gade.

(Item 154)

RESOLUTION 216073, setting aside and dedicating an easement for the purpose of a right of way for drainage purposes across a portion of Block 1 of Nettleship - Tye Tract No. 1, was adopted on motion of Councilman Gade.

(Item 155)

RESOLUTION 216074, authorizing the divestment of City's easement interest by Negotiated Sale for the sum of \$130 of portions of Lots 5, 6, 7, 8 and 9, Block 118, Morena, Parcels 1, 2 and 3 of Parcel Map 1771; authorizing the execution of a Quitclaim Deed, quitclaiming to Anthony Giacalone and Rosaria Giacalone, Mario Crivello and Harriet Crivello, Salvator Crivello and Linda I. Crivello, John Synja and Carla Synja, and Thomas G. Subia and Lily Subia, said interest in unneeded sewer easements, was adopted on motion of Councilman Gade.

(Item 156)

The following Resolutions relative to Exchange of Abutter's Rights of Access located at the northeast corner of the intersection of Euclid Avenue and Westover Place just north of Federal Boulevard, were adopted by Councilman Gade:

RESOLUTION 216075, authorizing the acceptance by the City Manager of "Relinquishment of Abutter's Rights of Access" by KFC National Management Company; and

RESOLUTION 216076, authorizing execution of a Quitclaim Deed quitclaiming to KFC National Management Company certain abutters rights of access affecting Parcel 1, Parcel Map No. 4009 (Lot 1, McColl Subdivision) no longer needed for City purposes.

(Item 157)

RESOLUTION 216077, approving the acceptance by the City Manager of Deed of Jack Santori and Kay Santori and Joseph H. Wilson and Audrie E. Wilson (street purposes) - JAMACHA ROAD, was adopted by Councilman Gade.

(Item 158)

RESOLUTION 216078, authorizing a Fourth Amendment to Agreement with California-American Water Company to reflect a 27.3% rate increase for water service, was adopted on motion of Councilman Gade.

(Item 159)

RESOLUTION 216079, authorizing an application for Grant Modification to the ACTION Agency for a budget modification and an extended time period for program performance from June 29, 1976 through May 31, 1977 for completion of the existing Program for Local Service (PLS) grant program, and to implement said revised program upon approval from the ACTION Agency, was adopted on motion of Councilman Gade.

(Item 160)

RESOLUTION 216080, approving Change Order No. 10, issued in connection with the contract with Gentry-Rados, for the construction of Sedimentation Basins 5 & 6 Pt. Loma Wastewater Treatment Plant, said changes amounting to a net increase in the contract price of \$65,000, was adopted on motion of Councilman Gade.

(Item 161)

RESOLUTION 216081, authorizing the expenditure of \$4,774 from the Capital Outlay Fund No. 245 and \$1,226 from Park Service District Fund No. 11550, for additional engineering, turf planting and other minor improvements to the Point Loma Park and Recreation Center, was adopted on motion of Councilman Gade.

(Item 163)

RESOLUTION 216082, confirming the following appointments by the Mayor to the Affirmative Action Program Citizens Advisory Committee for terms expiring as indicated:

	<u>Term Expires</u>
Jim Estrada (Mexican-American category)	January 1, 1978
Evonne S. Schulze	January 1, 1977
Forrest Yee Hong (Asian-Oriental-American category)	January 1, 1978
Jean A. Foster	January 1, 1977
Helen E. Diaz	January 1, 1978
Marilyn A. Halpern (Reappointment) (American Indian category)	January 1, 1978,

was adopted on motion of Councilman Gade.

(Item 164)

RESOLUTION 216083, confirming the appointment by the Mayor of Ruth A. Green to the Park and Recreation Board, for a term ending March 1, 1977, to fill the vacancy created by the resignation of Marie Widman, was adopted on motion of Councilman Gade.

(Item 165)

RESOLUTION 216084, excusing Councilman Lee Hubbard from the Committee of the Whole budget review meeting of May 13, 1976, was adopted on motion of Councilman Gade.

(Item 166)

RESOLUTION 216085, excusing Councilman Gil Johnson from the morning session of the Council Meeting of June 2, 1976, in order that he may attend the special meeting of the Stadium Authority Governing Board as the Council's liaison, was adopted on motion of Councilman Gade.

(Item 167)

RESOLUTION 216086, authorizing two representatives of the Police Department to travel to Riverside, California, during the period of June 13 - June 25, 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 \$692 from the General Purpose Revolving Fund No. 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 Pease Officers Standards and Training (POST), was adopted on motion of Councilman Gade.

(Item 201)

RESOLUTION 216087, authorizing the City Auditor and Comptroller to transfer the sum of \$29,000 in the Capital Outlay Fund from CIP #13-003, Mission Bay Shore Protection to supplement Resolution No. 213096 for additional improvements to Bay Bridge (Chicano) Park - Phase III, CIP #23-677.2 and the expenditure of the same, for the said improvements to Bay Bridge Park, was adopted on motion of Councilman Gade.

(Item 202)

RESOLUTION 216088, authorizing the City Manager to rent the residences at 7023 Fay Avenue, 6204 Beaumont, and 7127 Fay Avenue for a monthly rental of not less than \$90, \$100 and \$150, respectively, to low income families, was adopted on motion of Councilman Gade.

(Item 301 - Referral Agenda)

The following proposed Resolutions relative to Model Cities Closeout Activities, a) Authorizing the City Manager to perform the following required Model Cities Closeout Activities: 1. Reprogram unexpended project budgets into previously approved projects and activities; and 2. Negotiate an agreement with HUD to expend Grant Funds for excepted program activities after the grant assistance completion deadline of June 30, 1976; b) Authorizing a Third Amendment to Agreement with the County of San Diego, County Health Care Agency, for the continued operation of the Model Cities Comprehensive Health Care Project; c) Amending the Senior Citizens Building Project operated by the Park and Recreation Department; d) Authorizing an Amendment to Agreement with the Women's Civil League for the continued operation of the Model Cities Women's Civil League Building Project; and e) Authorizing an Amendment to Agreement with the San Diego Community College District for the continued operation of the Educational/Cultural Complex Project, were presented.

City Manager McKinley requested Council that these proposed Resolutions be placed on docket one week from today.

Councilman Hubbard moved to suspend rules to remove from the Referral Agenda and place on docket of June 9, 1976 - a.m., which passed unanimously.

Councilman Williams entered the Chambers.

(Item 207)

RESOLUTION 216089, directing the Legislative Representative to take all necessary actions to seek appropriate State Legislation to amend the Brown Act, California Government Code, Section 54950 et seq., to provide that appointments by the Council as the Legislative Body for The City of San Diego may be made in an Executive Session of said Council, was adopted on motion of Councilman Gade.

Arlene Van de Wetering and Ruth Schneider appeared to speak.

Councilman Haro entered the Chambers.

Councilman Morrow entered the Chambers.

(Item 208)

RESOLUTION 216090, directing the City Manager to proceed with the processing of an Annexation Application for the total 270-acre V.R. Dennis property in Mission Gorge; directing the Planning Commission to hold hearings on rezoning of the area for M-1-B and A-1-10 Zones; directing the Planning Department to work with the property owner on the development of an Environmental Impact Report which would cover the annexation, the rezoning, and a future Conditional Use Permit; directing the Planning Department to process a Preliminary Conditional Use Permit if one is submitted by the affected property owner and to prepare staff recommendations. Hearings on the Conditional Use Permit are to be scheduled after the annexation, was adopted on motion of Councilman Ellis.

(Item 210)

A proposed Resolution, directing the City Manager to submit to HUD the list of developers ranked as shown on Attachment "A" hereto with the notation that all proposals reviewed are consistent with the Local Housing Assistance Plan approved by HUD, was presented.

City McKinley answered questions directed by the Council.

RESOLUTION 216091, directing the City Manager to submit to HUD list of developers, priorities, and rankings, relative to proposals received for certain City-owned sites for new construction under HUD Section 8 Program, with a notation that all proposals reviewed are consistent with the Local Housing Assistance Plan approved by HUD for the City, was adopted on motion of Councilman Morrow.

(Item 250)

RESOLUTION 216092, awarding a contract to Mesa Construction, Inc., for construction of Fire Station No. 10, for the sum of \$327,846; authorizing the expenditure of \$375,500 out of Capital Outlay Fund No. 245 for said purpose and related costs, was adopted on motion of Councilman Ellis.

(Item 251)

A proposed Resolution, endorsing and approving the Memoranda of Understanding agreed to by the Management Team and representatives of the following recognized employee organizations for employee units: 1. San Diego Municipal Employees Association for Professional, Supervisory, Technical, and Administrative Support and Field Service Units; 2. Local 127, American Federation of State, County, and Municipal Employees, AFL-CIO for Maintenance and Labor, and Skilled Trades and Equipment Operator Units; 3. Local 145, International Association of Fire Fighters, AFL-CIO for the Fire Fighter Unit, was presented.

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

City Manager McKinley answered questions directed by the Council.

RESOLUTION 216093, endorsing and approving the Memoranda of Understanding agreed to by the Management Team and representatives of the following recognized employee organizations for employee units: 1. San Diego Municipal Employees Association for Professional, Supervisory, Technical, and Administrative Support and Field Service Units; 2. Local 127, American Federation of State, County, and Municipal Employees, AFL-CIO for Maintenance and Labor, and Skilled Trades and Equipment Operator Units; 3. Local 145, International Association of Fire Fighters, AFL-CIO for the Fire Fighter Unit, was adopted on motion of Councilman Haro.

(Item 252)

RESOLUTION 216094, authorizing the City Auditor and Comptroller to transfer certain funds between departments of the General Fund (100 Fund) and between departments of the Sewer Revenue Fund (506 Fund), was adopted on motion of Councilman Johnson.

Councilwoman O'Connor left the Chambers.

(Item 253)

A proposed Resolution, authorizing the Auditor and Comptroller to transfer the sum of \$9,438,684 in certain Capital Improvement Funds from the Fiscal Year 1976 CIP budget into their respective reserves, as more fully set forth in a City Manager Report dated May 25, 1976, with attachments, was presented.

City Manager McKinley and Financial Management Director Haden answered questions directed by the Council.

RESOLUTION 216095, authorizing the Auditor and Comptroller to transfer the sum of \$9,438,684 in certain Capital Improvement Funds from the Fiscal Year 1976 CIP budhet into their respective reserves, as more fully set forth in a City Manager Report dated April 19, 1976, with attachments, was adopted on motion of Councilman Ellis.

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

Upon reconvening at 2:06 p.m., the roll call showed Councilmen Williams and Haro absent.

Councilman Haro entered the Chambers.

(Item 254)

The following Resolutions relative to Lease Agreements with the Young Men's Christian Association of San Diego and San Diego County: a) Authorizing an Option to Lease Agreement with the Young Men's Christian Association of San Diego and San Diego County, for the purpose of construction, operation and maintenance of a YMCA Community Center, in a portion of Pueblo Lot 1101, appraised at \$419,000; authorizing a Lease Agreement with the Young Men's Christian Association of San Diego and San Diego County, after all option terms and conditions have been performed and the option has been exercised; and b) Authorizing a Lease Agreement with the Young Men's Christian Association of San Diego and San Diego County, pursuant to which the Young Men's Christian Association of San Diego and San Diego County leases to the City, for a term of fifty (50) years, the property owned by the Young Men's Christian Association of San Diego and San Diego County at 8th and "C" Streets in downtown San Diego; authorizing a Sublease Agreement, with the Young Men's Christian Association of San Diego and San Diego County, pursuant to which the City shall sublease for a term of seven (7) years to the Young Men's Christian Association of San Diego and San Diego County, the above mentioned property at 8th and "C" Streets, were presented.

(Item 254 - Continued)

Deputy City Attorney Valderhaug answered questions directed by the Council.

Art Casey, Barbara Shaefer and Arlene Van de Wetering appeared to speak in opposition to the proposed Resolutions.

Deputy City Attorney Valderhaug further answered questions directed by the Council.

Myron Lewis appeared to speak in favor of the proposed Resolutions.

The following Resolutions were adopted on motion of Councilman Morrow, which passed by the following vote: Yeas-Councilmen Johnson, Morrow, Gade, Ellis, and Mayor Wilson. Nays-Councilmen O'Connor and Haro. Absent-Councilman Williams. Councilman Hubbard excused from voting due to possible conflict of interest.

RESOLUTION 216096, authorizing an Option to Lease Agreement with the Young Men's Christian Association of San Diego and San Diego County, for the purpose of construction, operation and maintenance of a YMCA Community Center, in a portion of Pueblo Lot 1101, appraised at \$419,000; authorizing a Lease Agreement with the Young Men's Christian Association of San Diego and San Diego County, after all option terms and conditions have been performed and the option has been exercised; and

RESOLUTION 216097, authorizing a Lease Agreement with the Young Men's Christian Association of San Diego and San Diego County, pursuant to which the Young Men's Christian Association of San Diego and San Diego County leases to the City, for a term of fifty (50) Years, the property owned by the Young Men's Christian Association of San Diego and San Diego County at 8th and "C" Streets in downtown San Diego; authorizing a Sublease Agreement, with the Young Men's Christian Association of San Diego and San Diego County, pursuant to which the City shall sublease for a term of seven (7) years to the Young Men's Christian Association of San Diego and San Diego County, the above mentioned property at 8th and "C" Streets.

Councilman Williams entered the Chambers.

(Item 209)

The following proposed Resolutions relative to the Del Mar Heights Fire Station No. 24 located on the south side of Black Mountain Road in the vicinity of I-805, directly across the street from Torrey Pines High School: a) Certifying that the information contained in the Environmental Impact Report No. 75-11-04C has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Report has been reviewed and considered by the Council; b) Authorizing an agreement with William N. McGuire, Trustee of the Estate of Leo F. McGuire, deceased, providing for acquisition of a portion of the Northwest Quarter of the Southeast Quarter of Section 18, Township 14 South, Range 3 West, S.B.B.M., for the purpose of the fire station; c) Approving the acceptance by the City Manager of Deed of William N. McGuire, Trustee of the Estate of Leo F. McGuire, deceased, conveying a portion of the above described property; authorizing the expenditure of \$62,000 from Capital Outlay Fund No. 245 for acquisition of above described property; and d) Authorizing the transfer of \$8,000 from CIP 33-014 to Capital Outlay Reserve Fund, were presented.

(Item 209 - Continued)

City Manager McKinley answered questions directed by the Council.

Gerald Wolfe, Mary Kelley and Barbara Schaefer appeared to speak in opposition to the proposed Resolutions.

Battalion Chief Kent answered questions directed by the Council.

Art Casey and Ruth Schneider appeared to speak in opposition to the proposed Resolutions.

City Manager McKinley, Battalion Chief Kent and Deputy City Attorney Valderhaug answered questions directed by the Council.

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

City Manager McKinley and Battalion Chief Kent further answered questions directed by the Council.

The following Resolutions were adopted on motion of Councilman Johnson, which passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, Ellis, and Haro. Nays-Councilmen O'Connor, Williams, Morrow, and Mayor Wilson. Absent-None.

RESOLUTION 216098, certifying that the information contained in the Environmental Impact Report No. 75-11-04C has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Report has been reviewed and considered by the Council;

RESOLUTION 216099, authorizing an agreement with William N. McGuire, Trustee of the Estate of Leo F. McGuire, deceased, providing for acquisition of a portion of the Northwest Quarter of the Southeast Quarter of Section 18, Township 14 South, Range 3 West, S.B.B.M., for the purpose of the fire station;

RESOLUTION 216100, approving the acceptance by the City Manager of Deed of William N. McGuire, Trustee of the Estate of Leo F. McGuire, deceased, conveying a portion of the above described property; authorizing the expenditure of \$62,000 from Capital Outlay Fund No. 245 for acquisition of above described property; and

RESOLUTION 216101, authorizing the transfer of \$8,000 from CIP 33-014 to Capital Outlay Reserve Fund.

Mayor Wilson recessed the Meeting at 3:55 p.m. Upon reconvening at 4:19 p.m., the roll call showed Councilman Morrow and Mayor Wilson absent.

Deputy Mayor O'Connor assumed the Chair.

(Item 402)

A proposed Resolution, continued from the Meetings of May 4 and 26, 1976, to be heard along with Item No. 401, directing the City Manager to: 1) Proceed with plans to rebuild Fire Station 21 at its present location for the purpose of modernizing the facility and accommodating a truck company in addition to the existing engine company; and 2) Place a new project in the Capital Improvement Program to construct a new Fire Station with one engine company in the vicinity of Soledad Road and Soledad Mountain Road, was presented.

Councilman Morrow entered the Chambers.

Committee Consultant Carpi answered questions directed by the Council.

Tom Chadwick, Stewart Shaw, Barbara Schaefer, George Wood, and

John Schutte appeared to speak in favor of the proposed Resolution.

Mac Strobl and Ruth Schneider appeared to speak.

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

Battalion Chief Kent and City Manager McKinley answered questions directed by the Council.

Marian Bear appeared to speak.

By common consent, the proposed Resolution was divided.

RESOLUTION 216102, directing the City Manager to proceed with plans to rebuild Fire Station 21 at its present location for the purpose of modernizing the facility and accommodating a truck company in addition to the existing engine company, was adopted on motion of Councilman Gade by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, and Haro. Nays-Councilwoman O'Connor. Absent-Mayor Wilson.

The motion of Councilman Gade to adopt 402 (2), failed due to lack of five affirmative votes by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, and Ellis. Nays-Councilmen Williams, Morrow, Haro, and Deputy Mayor O'Connor. Absent-Mayor Wilson.

Phil Schaefer appeared to speak.

(Item 401)

A proposed Resolution, continued from the Meetings of August 20 and 27, November 12, and May 12, 1976, at City Manager's request, authorizing the City Manager to proceed with acquisition of the property at the southeast corner of Jewell and Hornblend Streets as the location for the Pacific Beach Fire Station, was presented.

On motion of Councilman Gade, the proposed Resolution was filed, which passed unanimously.

(Item 403)

A proposed Resolution, continued from the Meeting of April 14, 1976, for a report on flood control from the U.S. Corps of Engineers, directing the Planning Department as follows: a) To prepare an addendum to its FY 1977 proposed budget request to include in its FY 1977 work program the preparation of the Mission Valley Community Plan; b) That the entire Mission Valley geographic area from Grantville on the east to I-5 on the west be included in the planning area; c) That the City Manager and the Planning Department proceed with the preparation of the Mission Valley Community Plan; and d) To work with the Councilmen of the affected area to cooperatively establish a Citizens' Group for citizen input into the planning process, was presented.

Engineering and Development Director Fowler answered questions directed by the Council.

Garth Fuquay and Simon Little, U.S. Corps of Engineer, presented a report on flood control.

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

Engineering and Development Director Fowler further answered questions directed by the Council.

Russell Grant appeared to speak.

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

The motion of Councilman Ellis to suspend rules to allow the meeting to continue to 6:00 p.m., passed unanimously.

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

The motion of Councilman Ellis to accept the U.S. Corps of Engineers report, with instruction to Staff to bring this back to docket after Planning Commission and Council have acted on the flood plain zoning, received no vote at this time.

Jack Van Cleave, Planning Department, further answered questions directed by the Council.

A vote was then taken on the previous motion by Councilman Ellis to accept the U.S. Corps of Engineers report, with instruction to Staff to bring this back to docket after Planning Commission and Council have acted on the flood plain zoning, passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, Ellis, and Haro. Nays-Councilmen Williams, Morrow, and Deputy Mayor O'Connor. Absent-Mayor Wilson.

On motion of Councilman Haro, the following items were continued to June 8, 1976 - p.m. agenda, due to lack of time:

- Item 404;
- Item 405;
- Item 406 Supplemental Docket;
- Item 408 Supplemental Docket; and
- Item 409 Supplemental Docket.

Councilman Morrow left the Chambers.

On motion of Councilman Gade, the following items were continued to June 9, 1976 - p.m. agenda, due to lack of time:

- Item 255 Supplemental Docket;
- Item 256 Supplemental Docket;
- Item 257 Supplemental Docket;
- Item 258 Supplemental Docket;
- Item 407 Supplemental Docket; and
- Item 410 Supplemental Docket.

(Unan̄m̄ous Consent No. 1)

By Unan̄m̄ous Consent granted to the Mayor, a proposed Resolution waiving rental fees for use of Balboa Park Club for benefit dance by the Italian-American Community on June 11, 1976 - p.m., for raising funds for earthquake victims in Northern Italy, was presented.

RESOLUTION 216103, waiving the rental fees for the use of the Balboa Park Club for a benefit dance sponsored by the Italian-American Community of San Diego to be held on the evening of June 11, 1976, for the purpose of raising funds for the victims of the recent earthquake in Northern Italy, as requested by Gino L. Jannone, Vice Consul of Italy, was adopted on motion of Councilman Haro.

(Unan̄m̄ous Consent No. 2)

By Unan̄m̄ous Consent granted to the Mayor, a proposed Resolution co-sponsoring with the Maritime Museum a Folk Concert and waiving rental fees for Balboa Park Recital Hall on June 13, 1976, was presented.

RESOLUTION 216104, co-sponsoring with the Maritime Museum a folk concert, to be held in the Balboa Park Recital Hall on June 13, 1976; waiving the rental fee for the use of the Balboa Park Recital Hall for said concert, was adopted on motion of Councilman Williams.

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

Rita Wilson

Mayor of The City of San Diego, California

ATTEST:

Paul J. Delaney

City Clerk of The City of San Diego, California