

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

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

Deputy Mayor O'Connor called the Regular Meeting to order at 2:05 p.m.

(Item 1)

Roll call was taken.

(Item 2)

Deputy Mayor O'Connor introduced Mrs. Willard T. Cudney, who gave the
Invocation.

(Item 3)

Councilman Gade led the Pledge of Allegiance.

(Item 4)

Deputy Mayor O'Connor introduced Don Diego and Christy Lynn Martin, the
1976 Fairest of the Fair who welcomed the San Diego City Council to the 1976
Southern California Exposition.

Councilman Johnson presented the Proclamation.

Councilman Williams entered the Chambers.

There were no requests for continuances.

(Item 20)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced that in the matter of Park District No. 16 (Hendrix Park), this is the time and place for hearing on the proposed changes in the assessment diagram described in Resolution No. 215936. Any and all persons having any protest or objections to the changes proposed may appear before the Council and show cause why the changes should not be ordered.

Franklin T. Hamilton, Special Bond Counsel, answered questions directed by the Council.

By common consent, the item was trailed for an eighth vote in the Council.

(Item 21)

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 intention to execute a Supplemental Freeway Agreement between The City of San Diego and the State of California, Department of Transportation, for the closing of a Route 15 northbound off-ramp in the vicinity of Route 94, pursuant to the provisions of Sections 100.2 and 100.22 of the California Streets and Highways Code. It was reported that no written protests had been received.

William Schempers, Jr., Transportation Department, answered questions directed by the Council.

No one appeared to be heard.

Councilman Morrow entered the Chambers.

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

RESOLUTION 216105, authorizing a supplemental freeway agreement with the State of California, Department of Transportation, for the closing of a Route 15 northbound off-ramp in the vicinity of Route 94.

(Item 20 - Second Time)

City Clerk Nielsen stated that the affidavit of publication of the resolution proposing changes, Resolution No. 215936 is on file in his office.

City Clerk Nielsen further stated that copies of all written protests of the proposed changes filed with the City Clerk before 8:00 a.m. on June 8, 1976 had been furnished to each member of the Council. At this time we don't have any additional protests.

City Clerk Nielsen further stated that on the Bond Bids, the Purchasing Agent on June 7, 1976 received and opened bids on Hendrix Park. He read into the record the following letter:

(Item 20 - Second Time - Continued)

June 7, 1976

Honorable Mayor and Members of the Council of the City of San Diego

Subject: 1911 Act Bond Park District #16 - Hendrix Park (Scripps Pond)

Gentlemen:

On June 7, 1976, the City Purchasing Agent opened bids for the subject bonds for the Assessment District. Bids were as follows:

<u>Bidder</u>	<u>Rate Bid</u>	<u>Interest Cost</u>	<u>Disc. Cost</u>	<u>Total Cost</u>	<u>Net Interest Rate</u>
Meriwether & Co.	6.0%	\$60,861.44	\$5,406.59	\$66,268.03	6.5330%
Stern, Brenner & Co.	6.25	63,397.33	7,516.34	70,913.67	6.9910
Gross & Co. Inc.	6.5	65,933.22	5,435.98	71,369.20	7.0359
Stone & Youngberg	6.0	60,861.44	12,458.67	73,320.11	7.2282

Based on the foregoing, the Acting City Treasurer recommends the award of the bonds to Meriwether Investment Company based on the lowest net interest cost.

Sincerely,

John A. Mattis
 Purchasing Agent

J. F. McLaughlin, Engineering & Development Department, reported that a supplemental report has been filed with the Council on these proposed changes. This report was filed on May 12, 1976. He summarized the report and explained the change of proposal in this hearing. Prior to the filing of the report to Council on January 28, 1976, certain changes were made by his office in the proposed assessment, in the amounts of some of the individual assessments. The necessary numbering was not made on the diagram, submitted and approved by the Council and as a result the assessment confirmed on March 10th set forth the correct parcel numbers and the correct assessment amount for each parcel but the diagram as confirmed by the Council showed incorrect numbering for all such parcels. The notice of the hearing mailed to the property owners prior to the hearing on March 10th contained the correct amount for the assessment and likewise the notice of recordation of the acceptance mailed to the property owners subsequent to the hearing contained the correct assessment numbers and amount. In essence, we are simply making a correction to a diagram now in the Street Superintendent's Office and in the Office of the County Recorder. In addition, there are certain sidelines of Parcel No. 1428 shown on Street-16 of the diagram which are proposed to be clarified by the addition of dimensions and bearing. Attached to the report is a schedule of changes which enumerate the various parcels and the corrections. None of the parcels will experience any decrease or increase in their respective assessment. We would recommend approving the change order.

(Item 20 - 2nd time - Continued)

Deputy Mayor O'Connor asked if any person who had filed a written protest, or his representative, desired to be heard orally in support of such protest.

Deputy Mayor O'Connor asked if any person desired to make an oral protest or desired to be heard on the proposed changes.

The hearing was closed and the following Resolutions were adopted on motion of Councilman Johnson. The vote was unanimous.

RESOLUTION 216106, ordering changes in the diagram - San Diego Park District No. 16 (Hendrix Park); and

RESOLUTION 216107, awarding improvement bonds on San Diego Park District No. 16 (Hendrix Park).

(Item 22)

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 amending the Progress Guide and General Plan for The City of San Diego by amending the General Plan Map to incorporate the following changes: a) Revised La Jolla Community Plan adopted by the City Council on March 3, 1976; and b) Revised Centre City Community Plan adopted by the City Council on May 12, 1976. It was reported that no written protests had been received.

Max Schmidt, Planning Department, answered questions directed by the Council.

No one appeared to be heard.

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

RESOLUTION 216108, adopting that amended General Plan Map entitled, "Progress Guide and General Plan for the City of San Diego," incorporating the amendments to the La Jolla Community Plan and the Centre City Community Plan.

(Item 23)

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 proposed amendment of Rule VII of the Rules of the Civil Service Commission by amending Chapter II, Article 3, Division 8 of the San Diego Municipal Code, by amending Sections 23.0801, 23.0802, 23.0803, 23.0804, 23.0806, and 23.0807 (Rule VII, Sections 1 through 6) relating to appointments. It was reported that no written protests had been received.

No one appeared to be heard.

The hearing was closed on motion of Councilman Morrow.

A proposed Ordinance amending Chapter II, Article 3, Division 8 of the San Diego Municipal Code by amending Sections 23.0801, 23.0802, 23.0803, 23.0804, 23.0806 and 23.0807 (Rule VII, Sections 1 through 6 of the Rules of the Civil Service Commission) relating to Appointments, was introduced on motion of Councilman Morrow by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Mayor Wilson.

(Item 24 - CASE NO. 4-76-1- Supplemental No. 1)

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 June 2, 1976, due to lack of time, on the matter of rezoning a portion of Lot 53, Horton's Purchase of Ex-Mission Lands of San Diego, located on the south side of Imperial Avenue between Ozark Street and Euclid Avenue, from Zone R-1-5 to Zones R-2 and CA. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by the Council.

Tom Yahara appeared to be heard.

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

RESOLUTION 216109, certifying that the information contained in

(Item 24 - CASE NO. 4-76-1 - Supplemental - Continued)
Environmental Negative Declaration No. 75-12-21P 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.

A proposed Ordinance, incorporating a portion of Lot 53, Horton's Purchase of Ex-Mission Lands of San Diego, located on the south side of Imperial Avenue between Ozark Street and Euclid Avenue, into CA Zone, as defined by Section 101.0428.1 of the San Diego Municipal Code, and repealing Ordinance No. 8515 (New Series) adopted September 7, 1961, of the Ordinance of The City of San Diego insofar as the same conflict herewith, was introduced on motion of Councilman Williams by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Mayor Wilson.

(Item 25 - T.M. 75-176 - Supplemental)

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 June 2, 1976, due to lack of time, on the application of Border Plaza Partnership, by Ralph G. Monsees and Paul T. Petit, Jr., for special permission to waive underground utility requirements in connection with the Subdivision Map of Border Center, located west of East Beyer Boulevard, east of San Ysidro Boulevard, southerly of Bolton Road, in the CO (proposed C-1) Zone. It was reported that no written protests had been received.

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

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

RESOLUTION 216110, granting the application of Border Plaza Partnership, by Ralph G. Monsees and Paul T. Petit, Jr., for special permission to waive underground Utility requirements in Border Center.

ORDINANCE NO. _____
(New Series)

O.76-210

AN ORDINANCE INCORPORATING A PORTION OF LOT 53, HORTON'S PURCHASE OF EX-MISSION LANDS OF SAN DIEGO, LOCATED ON THE SOUTH SIDE OF IMPERIAL AVENUE BETWEEN OZARK STREET AND EUCLID AVENUE, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO CA ZONE, AS DEFINED BY SECTION 101.0428.1 OF THE SAN DIEGO MUNICIPAL CODE, AND REPEALING ORDINANCE NO. 8515 (NEW SERIES) ADOPTED SEPTEMBER 7, 1961, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

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

Section 1. That a portion of Lot 53, Horton's Purchase of Ex-Mission Lands of San Diego, located on the south side of Imperial Avenue between Ozark Street and Euclid Avenue, in the City of San Diego, California, within the boundary of the district designated "CA" on Zone Map Drawing No. B-2900.1, filed in the office of the City Clerk as Document No. 755270, be, and it is hereby incorporated into CA Zone as such zone is described and defined by Section 101.0428.1 of the San Diego Municipal Code, subject to the Engineering and Development Director's requirements for park fees.

Section 2. That Ordinance No. 8515 (New Series), adopted September 7, 1961, of the Ordinances of The City of San Diego, be, and the same is hereby repealed insofar as it conflicts herewith.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FC:clh
5/9/76
4-76-1

01148

The following Ordinance was introduced at the Meeting of May 11, 1976. Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council and there was available for the consideration of each member of the Council and the public prior to the day of its passage, a written or printed copy of said Ordinance.

The following Ordinance was adopted on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, Williams, Morrow, Gade, Haro, and Deputy Mayor O'Connor. Nays-Councilmen Hubbard and Ellis. Absent-Mayor Wilson.

(Item 26 - Supplemental)

ORDINANCE 11851 (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."

(Item 27 - Supplemental)

A proposed Resolution, continued from the Meetings of May 26 and June 2, 1976, due to lack of time, authorizing an agreement with Applied Nucleonics Company, Inc. for an Energy Analysis of the City Administration Building on a no-fee basis, was presented.

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

Assistant City Manager Graham answered questions directed by the Council.

RESOLUTION 216111, authorizing an agreement with Applied Nucleonics Company, Inc. for an Energy Analysis of the City Administration Building on a no-fee basis, was adopted on motion of Councilman Morrow.

(Item 28 - Supplemental)

A proposed Resolution, continued from the Meetings of May 26 and June 2, 1976, due to lack of time, declaring the building owned by 1854-1900, a partnership, at 2040 K Street to be a Public Nuisance; authorizing the City Attorney to take appropriate legal action to abate said nuisance, was presented.

Assistant City Manager Graham answered questions directed by the Council.

RESOLUTION 216112, declaring the building owned by 1854-1900, a partnership, at 2040 K Street to be a public nuisance; authorizing the City Attorney to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Haro.

(Unanimous Consent No. 1)

By Unanimous Consent granted to the City Clerk, a proposed Resolution excusing Mayor Pete Wilson from the Council Meeting of Tuesday, June 8, 1976, due to his being on vacation, was presented.

RESOLUTION 216113, excusing Mayor Pete Wilson from the Council Meeting of Tuesday, June 8, 1976, due to his being on vacation, was adopted on motion of Councilman Hubbard.

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RESOLUTION NO. 216110

R.78-1287

JUN 8 1976

WHEREAS, BORDER PLAZA PARTNERSHIP, by Ralph G. Monsees and Paul T. Petit, Jr., applied to the City Council for special permission to waive underground utility requirements in connection with the tentative subdivision map of BORDER CENTER; and

WHEREAS, BORDER PLAZA PARTNERSHIP, has signed a restrictive covenant agreeing not to oppose a future 1911 Act regarding underground utility installations; and

WHEREAS, the City Council conducted a hearing on the application on June 8, 1976, and considered the facts of the case as presented by the applicant and City staff;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the application of BORDER PLAZA PARTNERSHIP, by Ralph G. Monsees and Paul T. Petit, Jr., for special permission to waive underground utility requirements in BORDER CENTER is hereby granted.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney


CC:clh
/10/78
75-176
Dr. pt.:Clerk

01150

(Unanimous Consent No. 2)

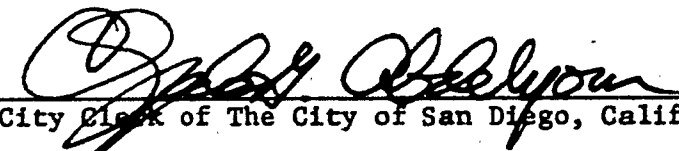
By Unanimous Consent granted to Councilman Morrow, the City Manager was directed to submit a report regarding overtime compensation paid to police officers for the past three years and put it on Special Order of Business of June 16, 1976 - a.m. Council Meeting.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned on motion of Councilman Johnson at 3:00 p.m.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California