

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - WEDNESDAY, JUNE 9, 1976  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE  
8:00 A.M. & 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 8:38 a.m.

(Item 100)

Roll Call was taken.

(Item 101a)

By Unanimous Consent granted to Mayor Pete Wilson, the Honorable Jack H. Lines, Mayor of Levin, New Zealand, Chairman of Rotary International World Community Service District No. 294, was introduced to the Council.

Deputy Mayor O'Connor welcomed Mayor Lines.

Mayor Jack H. Lines appeared to address the Council.

Deputy Mayor O'Connor presented Mayor Lines a key to the City of San Diego, California.

There were no requests for continuances.

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 and 121.

The following Ordinances were introduced at the Meeting of May 26, 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 Johnson, Hubbard, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Williams, Morrow, and Mayor Wilson.

(Item 120)

ORDINANCE 11852 (New Series), amending Chapter X, Article 3, Division 3 of the San Diego Municipal Code by amending Sections 103.0302.2, 103.0302.3, 103.0303.2, 103.0303.4, 103.0304.1, 103.0304.2, 103.0304.3, 103.0304.4, 103.0304.5, 103.0304.6, and 103.0306 relating to La Jolla Shores Planned District.

(Item 121)

ORDINANCE 11853 (New Series), establishing a Parking Meter Zone "A" and a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Russ Boulevard, between Twelfth Avenue and Sixteenth Street; authorizing the installation of the parking meters and the necessary signs and markings.

The Council considered the remainder of the Consent Agenda consisting of Items 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, and 200.

There was discussion on Item 169.

(Item 150)

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

RESOLUTION 216114, awarding a contract to Long, Marker & Howley Construction Co., for the sum of \$164,774.55; authorizing the expenditure of \$281,000 out of Water Revenue Fund 502, for said purpose and related costs; and

RESOLUTION 216115, authorizing the use of City Forces to do all the work of water main connection as required; cost of said work shall not exceed \$57,400.

(Item 151)

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

RESOLUTION 216116, Fritz A. Nachant, Inc., for asphalt concrete court sealing (FY'76), for the sum of \$3,063.40;

RESOLUTION 216117, Raymond A. Whitwer, for construction of the Redwood Shuffleboard Club shade structure, for the sum of \$2,910; authorizing the expenditure of \$4,300 out of Capital Outlay Fund 245, for said purpose and related costs; and

RESOLUTION 216118, Atlas Fence Company, for North Park Park & Recreation Center Fencing Schedule II, for the sum of \$5,295; authorizing the expenditure of \$7,800 out of Capital Outlay Fund 245, for said purpose and related costs.

(Item 152)

RESOLUTION 216119, awarding a contract to Chanslor & Lyons, for the purchase of internal automotive engine parts as may be required for a period of one (1) year ending May 31, 1977, for actual estimated cost including tax and terms, of \$30,000 with option to renew contract for an additional one (1) year period.

11852 - 11853 (N.S.)

216114 - 216119

id

01153

(Item 153)

The following Resolutions, relative to the Final Subdivision Map of Abernathy Square, a 68-lot subdivision located westerly of Mount Abernathy Avenue, southerly of Clairemont Mesa Boulevard, were adopted on motion of Councilman Johnson:

RESOLUTION 216120, authorizing an agreement with Dana Associates, for completion of improvements; and

RESOLUTION 216121, approving the Final Map and acknowledging receipt of subdivider's Assurance of Compliance with the Affirmative Marketing Program.

(Item 154)

The following Resolutions, relative to the Final Subdivision Map of Daley Business Park Unit No. 1, a 3-lot subdivision located between Aero Drive and Clairemont Mesa Boulevard, were adopted on motion of Councilman Johnson:

RESOLUTION 216122, authorizing an agreement with Daley Corporation, for completion of improvements;

RESOLUTION 216123, approving the Final Map; and

RESOLUTION 216124, vacating Lemon Avenue under the Summary Vacation Procedure where that portion to be vacated has been superseded by relocation.

(Item 155)

The following Resolutions, relative to the Final Subdivision Map of Division Highlands Unit No. 9, a 20-lot subdivision located southerly of Pittsburgh Avenue, northerly of Division Street and easterly of 61st Street, were adopted on motion of Councilman Johnson:

RESOLUTION 216125, authorizing an agreement with Chilcote, Inc., for completion of improvements; and

RESOLUTION 216126, approving the Final Map and acknowledging receipt of subdivider's Assurance of Compliance with the Affirmative Marketing Program.

(Item 156)

The following Resolutions, relative to the Final Subdivision Map of Division Highlands Unit No. 10, a 59-lot subdivision located southerly of Pittsburgh Avenue and easterly of 61st Street, were adopted on motion of Councilman Johnson:

RESOLUTION 216127, authorizing an agreement with Chilcote, Inc., for completion of improvements;

RESOLUTION 216128, approving the Final Map and acknowledging receipt of subdivider's Assurance of Compliance with the Affirmative Marketing Program;

RESOLUTION 216129, vacating Rozilla Street, Bower Street, Alden Street, Division Street and Leonard Street under the Summary Vacation Procedure where those portions to be vacated have been superseded by relocation; and

RESOLUTION 216130, renaming a portion of Division Street, between existing Varney Drive easterly to Leghorn Avenue, Varney Drive.

(Item 157)

The following Resolutions, relative to paving and otherwise improving the alley in Block 13, Fairmount Addition to City Heights, and Block 4, Mountain View, were adopted on motion of Councilman Johnson:

RESOLUTION 216131, approving the plans, specifications, and Plat No. 3906 of the assessment district; and

RESOLUTION 216132, improving the alley in Block 13, Fairmount Addition to City Heights, and Block 4, Mountain View in accordance with Specifications Document No. 755483.

(Item 158)

RESOLUTION 216133, setting a public hearing on the Intention to Vacate a portion of alley in Block 181, Mission Beach in accordance with Specifications Document No. 755510, was adopted on motion of Councilman Johnson.

(158)

The following Resolutions, relative to paving and otherwise improving La Jolla Village Drive between Genesee Avenue and I-805 Freeway, were adopted on motion of Councilman Johnson:

RESOLUTION 216134, awarding a contract to Daley Corporation; and

RESOLUTION 216135, authorizing the expenditure of \$298,600 out of Gas Tax Funds and Reserve 220, for City's contribution and related costs.

(Item 160)

RESOLUTION 216136, setting aside and dedicating for a public street, a portion of Lot 1, Ice Skating Arena; naming the same Black Mountain Road, was adopted on motion of Councilman Johnson.

(Item 161)

The following Resolutions, relative to La Jolla Scenic Drive Right-of-Way Acquisition, were adopted on motion of Councilman Johnson:

RESOLUTION 216137, certifying that the information contained in the Environmental Impact Report No. 73-9-008C 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 216138, authorizing the acceptance by the City Manager of deed of Donald A. Clitsome and Gladys L. Clitsome (street purposes) - La Jolla Scenic Drive; and

RESOLUTION 216139, authorizing the expenditure of \$23,200 from Gas Tax Fund No. 220 for the purpose of providing funds for Right-of-Way Acquisition purposes, supplementing Resolution 206392 in said amount.

(Item 162)

RESOLUTION 216140, authorizing an agreement with The Atchison, Topeka and Santa Fe Railway Company, for the engineering design and construction of automatic crossing gates at Crosby Street (Crossing No. 2-269.4); authorizing the City Auditor and Comptroller to transfer \$32,000 from Gas Tax Reserve Fund No. 220 (CIP 90-220) to Annual Allocation, Railroad Warning Divices Fund No. 244 (CIP 64-004) for the purpose of the above referenced project; authorizing the City Manager to request reimbursement of one-half of the actual costs of City's share from the California Public Utilities Commission's Crossing Protection Fund, was adopted on motion of Councilman Johnson.

(Item 163)

RESOLUTION 216141, authorizing an agreement with the San Diego Unified Port District for extraordinary services provided to the District by City for the period July 1, 1976 to June 30, 1981, was adopted on motion of Councilman Johnson.

(Item 164)

RESOLUTION 216142, approving Change Order No. 1, issued in connection with the contract with Cass Construction Company for the construction of water and sewer main replacements, Group 400; said change amounting to a net increase in the contract price of \$5,717.76, was adopted on motion of Councilman Johnson.

(Item 165)

The following Resolutions, relative to matching funds for State contributions to airports, were adopted on motion of Councilman Johnson:

RESOLUTION 216143, authorizing the City Auditor and Comptroller to transfer \$5,000 from Capital Outlay Fund No. 245 to Brown Field Special Aviation Fund No. 239; and authorizing expenditure of said funds to provide matching funds for State contributions; and

RESOLUTION 216144, authorizing the City Auditor and Comptroller to transfer \$5,000 from Capital Outlay Fund No. 245 to Montgomery Field Special Aviation Fund No. 240; and authorizing expenditure of said funds to provide matching funds for State contributions.

(Item 166)

RESOLUTION 216145, authorizing the Auditor and Comptroller to transfer within the General Fund No. 100 the sum of \$3,867.56 from the Unallocated Reserve (53.31) to the Allocated Reserve (53.20) to supplement Resolution No. 215733 to provide funds to be used for the purpose of defraying appraisal and engineering costs and expert witness fees in the inverse condemnation case of San Diego Gas & Electric Company v. City of San Diego, et al, was adopted on motion of Councilman Johnson.

(Item 167)

RESOLUTION 216146, authorizing the expenditure of \$2,390 from the Capital Outlay Fund No. 245 and \$610 from the Park Service District Fund No. 15590, for the purchase of lighting fixtures and required electrical materials and supplies to be used to replace the tennis court lighting system at the North Park Park and Recreation Center, was adopted on motion of Councilman Johnson.

(Item 168)

RESOLUTION 216147, adding to the list of those appraisers already authorized to be employed as expert appraisers of real property, William E. Alexander, S.M. Dix Associates, Inc., and Jack P. Meek, was adopted on motion of Councilman Johnson.

(Item 169)

RESOLUTION 216148, accepting the generous donation of \$998 from La Jolla Shores Association, Inc., to assist the City in improving Kellogg Park and Mata Park; authorizing the expenditure of \$998 out of Capital Outlay Fund No. 245 for the City's share of the above-described improvement; commending the La Jolla Shores Association, Inc., for this act of civic generosity and publicly expressing on behalf of the citizens of San Diego a debt of gratitude to it, was adopted on motion of Councilman Johnson.

(Item 170)

RESOLUTION 216149, excusing Councilman Jess Haro from meetings of the Transportation and Land Use Committee and afternoon Council Meeting on May 25, 1976, Council and Committee of the Whole on May 26, 1976 and the Public Services and Safety Committee on May 27, 1976, due to illness, was adopted on motion of Councilman Johnson.

(Item 200)

RESOLUTION 216150, authorizing the City Manager to submit four claims to the Comprehensive Planning Organization (CPO) for Local Transportation Funds in the amount of \$259,000 for construction of four bikeways at the following locations: a. East Mission Bay Drive Bridge at Tecolote Creek. b. Upas Street, between Seventh Avenue and Richmond Street, via Route 163 bridge. c. Allen Road, between Hotel Circle South and Fort Stockton Drive. d. Rose Canyon, between Gilman Drive and Genesee Avenue, was adopted on motion of Councilman Johnson.

(Item 201)

RESOLUTION 216151, declaring that The City of San Diego has no present intention to acquire any interest in the Famosa Street Slough property lying west of Midway Boulevard and south of West Point Loma Boulevard, was adopted on motion of Councilman Johnson.

Councilman Morrow entered the Chambers.

(Item 202 - First Time)

A proposed Resolution, referring to the Centre City Development Corporation for its comments and recommendations, the San Diego Convention Center Study, which is dated November 1975 and was prepared by Stanford Research Institute, was presented.

Committee Consultant Coleman Conrad presented his report.

The Council discussed the matter.

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

City Attorney Witt answered questions directed by the Council.

The Council discussed the matter at length.

Committee Consultant Coleman Conrad and City Attorney Witt answered questions directed by the Council regarding the scope of authority of the Centre City Development Corporation.

City Attorney Witt answered questions directed by the Council regarding the referral's intent and the recommendations of the study.

The Council discussed the matter.

The motion of Councilman Morrow to amend the proposed Resolution to refer the San Diego Convention Center Study to all other interested groups, received no vote at this time.

The Council discussed the matter.

Councilman Williams entered the Chambers.

Committee Consultant Coleman Conrad answered questions directed by the Council.

The Council discussed the matter at length.

Barbara Shafer, California Equilibrium for Quality of Life, appeared to address the Council.

The motion of Councilman Morrow to amend the proposed Resolution to refer the San Diego Convention Center Study to all other interested groups, failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen Hubbard, Morrow, Gade and Ellis. Nays-Councilmen Johnson, Williams, Haro, and Deputy Mayor O'Connor. Absent-Mayor Wilson.

The motion of Councilman Haro to continue the matter until June 9, 1976, p.m. Docket, passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Haro, and Deputy Mayor O'Connor. Nays-Councilman Ellis. Absent-Mayor Wilson.

(Item 101b)

Deputy Mayor O'Connor welcomed sixteen students from Bell Adult School, accompanied by Mr. Claude Baker.

Councilman Williams addressed the group.

(250)

A proposed Ordinance, amending Ordinance No. 11743 (New Series), adopted December 24, 1975, incorporating a portion of the Southeast 1/4 of Section 27, Township 18 South, Range 2 West, SBBM, into R-2Zone, located at the northeast corner of Grove Avenue and 27th Street - extension of time to November 11, 1976, was presented.

(Item 250 - Continued)

Ken Klein, Planning Department, presented his report.

A proposed Ordinance, amending Ordinance No. 11743 (New Series), adopted December 24, 1975, incorporating a portion of the Southeast 1/4 of Section 27, Township 18 South, Range 2 West, SBBM, into R-2 Zone, located at the northeast corner of Grove Avenue and 27th Street - extension of time to November 11, 1976, was introduced on motion of Councilman Haro, by the following vote: Yeas - Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays - None. Absent - Mayor Wilson.

(Item 251)

The following Resolutions, continued from the Meeting of May 19, 1976, relative to Sunset Cliffs Park: a - Authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings, for the development of a park, fee title to Lots 1 and 4, Loma Cliffs, and portions of Pueblo Lot 145; and b - Authorizing the expenditure of \$105,000 out of Capital Outlay Fund 245 and \$105,000 out of Environmental Growth Fund 2505 to cover the cost of said acquisition and related costs, were presented.

Dave Roberts, Park and Recreation Department, presented his report and answered questions directed by the Council.

Councilman Haro left the Chambers.

City Clerk: Deputy Mayor, Members of the Council, with respect to Item 251 on today's docket, legal notice has been provided to the appropriate persons in accordance with Section 1245.235 of the California Code of Civil Procedure. Copies of said notice were forwarded by Property Department personnel on April 28, 1976 and copies have been filed with my office.

Your Honor, we have received written requests from Richard Lareau and Ervin L. Lobpreis who desire to appear before the Council and be heard on Item 251 on the matters referred to in Section 1240.030, Code of Civil Procedure, which are: (1) Does the public interest and necessity require the proposed project; (2) Is the proposed project planned and located in a manner most compatible with the greatest public good and the least private injury; and (3) Is the property sought to be acquired necessary for the proposed project.

Deputy Mayor: All right, Mr. Clerk. Mr. Lareau and Mr. Lobpreis, you may speak to the Council on the appropriate item, but only with respect to the three issues outlined by the City Clerk. Please confine your remarks to those issues and try not to get into areas of fair market value and the like.

Dave Roberts, Park and Recreation Department, answered questions directed by the Council regarding public access to Sunset Cliffs Park.

Deputy City Manager Graham answered questions directed by the Council. The Council discussed the matter.

Attorney Dan White, representing Ervin L. Lobpreis, appeared to address the Council.

The Council discussed the matter.

Deputy City Attorney Detisch answered questions directed by the Council regarding the condemnation action.

Attorney Dan White spoke to the Council.



Mayor Wilson assumed the Chair.

Deputy City Attorney Detisch answered questions directed by the Council.  
Attorney Dan White spoke to the Council in opposition to Item 251.

Dr. Ervin L. Löbpreis appeared to address the Council in opposition to Item 251.

Richard Lareau appeared to address the Council in opposition to Item 251.

Barbara Shafer appeared to address the Council in opposition to Item 251.

Deputy City Attorney Detisch answered questions directed by the Council.

Barbara Shafer spoke to the Council.

City Clerk Nielsen answered questions directed by the Council.

Deputy City Attorney Detisch answered questions directed by the Council regarding access and life estate parcels.

The Council discussed the matter.

Dr. Ervin L. Lobpreis answered questions directed by the Council.

Deputy City Attorney Detisch answered questions directed by the Council.

Dave Roberts, Park and Recreation Department, answered questions directed by the Council.

Deputy City Attorney Detisch answered questions directed by the Council.

Dave Roberts, Park and Recreation Department, and Deputy City Attorney Detisch answered questions directed by the Council regarding street easements.

Attorney Dan White answered questions directed by the Council.

Dave Roberts, Park and Recreation Department, and Deputy City Attorney Detisch answered questions directed by the Council regarding residential occupancy of the life estate parcels.

Dave Roberts, Park and Recreation Department, answered questions directed by the Council regarding funding for this acquisition.

Assistant City Manager Graham answered questions directed by the Council regarding funding for the proposed development of the park.

Dave Roberts, Park and Recreation Department, answered questions directed by the Council regarding funding for the Crescent Beach Park Area.

The Council discussed the matter.

The motion of Councilwoman O'Connor to adopt the proposed Resolutions, received no vote at this time.

The Council discussed the matter.

Councilman Haro entered the Chambers.

The motion of Councilman Ellis to divide the proposed Resolutions for the vote and delete Parcel 3 from the condemnation proceedings, received no vote at this time.

The Council discussed the matter.

The previous motion of Councilman Ellis to divide the proposed Resolutions for the vote and delete Parcel 3 from the condemnation proceedings, failed by the following vote: Yeas-Councilmen Johnson, Gade, and Ellis. Nays-Councilmen O'Connor, Hubbard, Williams, Morrow, Haro, and Mayor Wilson.

The following Resolutions, Continued from the Meeting of May 19, 1976, relative to Sunset Cliffs Park: a - Authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings, for the development of a park, fee title to Lots L and 4, Loma Cliffs, and portions of

(Item 251 - Continued)

Pueblo Lot 145; and b - Authorizing the expenditure of \$105,000 out of Capital Outlay Fund 245 and \$105,000 out of Environmental Growth Fund 2505 to cover the cost of said acquisition and related costs, were adopted on motion of Councilwoman O'Connor by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Haro, and Mayor Wilson. Nays-Councilmen Hubbard, Gade, and Ellis. Absent-None.

RESOLUTION 216152, authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings, for the development of a park, fee title to Lots 1 and 4, Loma Cliffs, and portions of Pueblo Lot 145; and

RESOLUTION 216153, authorizing the expenditure of \$105,000 out of Capital Outlay Fund 245 and \$105,000 out of Environmental Growth Fund 2505 to cover the cost of said acquisition and related costs.

(Item 102)

Mayor Wilson welcomed eighteen students from Hardy Elementary School, accompanied by Ms. Elizabeth Atkinson.

Councilman Ellis addressed the group.

Mayor Wilson recessed the Meeting at 10:39 a.m. Upon reconvening at 11:02 a.m., the Roll Call showed Councilman Morrow absent.

Items 203, 204, and 205 were discussed simultaneously.

Councilman Morrow entered the Chambers.

(Item 203 - First Time)

A proposed Resolution, continued from the Meetings of May 12 and June 2, 1976, accepting and approving the recommendations 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 Meetings of May 12 and June 2, 1976, 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 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; and

(Item 205)

A proposed Resolution, continued from the Meetings of May 12, and June 2, 1976, 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, were presented.

At this time, the Council began discussion on Item 203.

Paul Leyton, Vice Chairman of the Park and Recreation Board, and also representing the Mission Bay Recreation Committee, appeared to address the Council in opposition to Sally Male's statement at the June 2, 1976 Council Meeting.

Mrs. Barbara Schaffer appeared to address the Council in opposition to Sally Male's statement.

Mr. B. R. Swartz appeared to address the Council regarding the funding of primitive camping privileges on Fiesta Island.

Director Ed Mendoza, Park and Recreation Department, and Dave Roberts, Planning Department, answered questions directed by the Council regarding Capital Improvements Program funding in 1976.

Mrs. Delores Cole appeared to address the Council.

The hearing was closed on motion of Councilman Gade.

The motion of Councilman Gade to adopt Items 203, 204, and 205, received no vote at this time.

The Council discussed the matter.

The motion of Councilman Morrow to divide the question, received no vote at this time.

The Council discussed the matter.

Assistant City Manager Graham answered questions directed by the Council.

The motion of Councilman Morrow to divide the question, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-None.

The Council discussed the matter.

RESOLUTION 216154, 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, was adopted on motion of Councilman Gade.

RESOLUTION 216155, 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

(Item 205 - Continued)

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, was adopted on motion of Councilman Gade.

(Item 203 - Second Time)

The Council discussed the matter.

The motion of Councilman Gade to adopt Item 203, received no vote at this time.

Assistant City Manager Graham presented the City Manager's Report of June 7, 1976.

The Council discussed the matter regarding which docks are to be modified.

Assistant City Manager Graham read the City Manager's Report of June 7, 1976 regarding the docks to be modified and answered questions directed by the Council regarding Docks 6, 7, 8, 9, 10, and 11.

Director Ed Mendoza, Park and Recreation Department, answered questions directed by the Council regarding Docks 2, 3, 4, and 5.

Deputy City Attorney Valderhaug answered questions directed by the Council regarding the removal of the docks and the City's liability regarding said docks.

The Council discussed the matter.

Director Ed Mendoza, Park and Recreation Department, answered questions directed by the Council regarding the City's cost for the maintenance of the docks.

Tom Chadwick, President of the Ocean Beach Town Council, appeared to address the Council.

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

Assistant City Manager Graham answered questions directed by the Council regarding dock modifications or removal.

Mr. Dedderman, Dock 22 owner, appeared to address the Council.

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

Assistant City Manager Graham answered questions directed by the Council regarding the concept of the City entering into a new lease agreement with a non-profit organization.

Deputy City Attorney Valderhaug answered questions directed by the Council.

Director Ed Mendoza, Park and Recreation Department, reported to the Council that Item 203 and the City Manager's Report of June 7, 1976 were in agreement.

Assistant City Manager Graham answered questions directed by the Council regarding the Scripps Area lease.

Director Ed Mendoza, Park and Recreation Department, answered questions directed by the Council regarding the 50-year lease.

Deputy City Attorney Valderhaug answered questions directed by the Council.

Mayor Wilson recessed the Meeting at 12:08 p.m. to be reconvened at 2:00 p.m. Upon reconvening at 2:12 p.m., the Roll Call showed all present.

By Common Consent, the Council trailed Item 203 in order to consider Item 256 at the City Attorney's request.

The following Resolutions, relative to Model Cities closeout activities, were adopted on motion of Councilman Williams:

RESOLUTION 216156, authorizing the City Manager to perform the following required Model Cities closeout activities: 1) - Reprogram unexpended projects 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;

RESOLUTION 216157, 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;

RESOLUTION 216158, amending the Senior Citizens Building Project operated by the Park and Recreation Department;

RESOLUTION 216159, 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

RESOLUTION 216160, authorizing an Amendment to Agreement with the San Diego Community College District for the continued operation of the Educational/Cultural Complex Project.

(Item 203 - Third Time)

Councilman Morrow proposed an amendment to the City Manager's Report of June 7, 1976 to direct the City Manager to carry out those recommendations on pages one through four and that any remaining docks be conveyed to the City.

The Council discussed the matter.

Assistant City Manager Graham answered questions directed by the Council.

City Attorney Witt answered questions directed by the Council regarding the transfer of the docks to the City.

Assistant City Manager Graham answered questions directed by the Council.

The Council discussed the matter.

Assistant City Manager Graham and City Attorney Witt answered questions directed by the Council regarding any future organizational agreements to include a bond requirement for removal of docks at a specified time.

The Council discussed the matter.

Assistant City Manager Graham answered questions directed by the Council regarding special privileges on public lands and the cost of City ownership versus private ownership of the docks.

City Attorney Witt answered questions directed by the Council.

Mrs. B. R. Sartz appeared to address the Council.

Assistant City Manager Graham answered questions directed by the Council regarding encroachments on public lands.

Director Ed Mendoza, Park and Recreation Department, answered questions directed by the Council regarding the width of the beach.

Assistant City Manager Graham answered questions directed by the Council.

The Council discussed the matter at length.

Director Ed Mendoza, Park and Recreation Department, answered questions directed by the Council regarding the funding of the development.

Mr. Paul Leyton, Park and Recreation Board, appeared to address the Council and answered questions directed by the Council in opposition to Mrs. Male's comments.

(Item 203 - Third Time - Continued)

City Attorney Witt and Mr. Paul Leyton, Park and Recreation Board, answered questions directed by the Council.

Roger Chung, Park and Recreation Department, answered questions directed by the Council.

The Council discussed the matter at length.

Councilman Gade withdrew his second to Councilman Ellis' motion to adopt Item 203.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council regarding liability.

The motion of Councilman Gade to include the City Manager's Report of June 7, 1976 in the proposed Resolution, received no vote at this time.

The motion of Councilman Haro to amend Councilman Gade's motion to include a sentence, removal of these structures, 13 - 21, should be completed 24 months after the adoption of this proposed Resolution, died for lack of a second.

The Council discussed the matter.

Assistant City Manager Graham answered questions directed by the Council.

The Council discussed the matter.

Councilman Ellis withdrew his second to Councilman Gade's motion to include the City Manager's Report of June 7, 1976 in the proposed Resolution.

-Councilman Haro offered his second to Councilman Gade's motion.

The Council discussed the matter at length.

The motion of Councilman Haro to add the sentence, removal of these structures, 13 - 21, should be completed 24 months after the adoption of this proposed Resolution, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Haro, and Mayor Wilson. Nays-Councilmen Hubbard, Gade, and Ellis. Absent-None.

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

RESOLUTION 216161, accepting the recommendations of the Park and Recreation Board, dated March 16, 1976 as modified by said Board at its April 20, 1976 meeting and approving the following amendments: 1) accepting the recommendations contained in the Report to the Honorable Mayor and City Council from the City Manager dated June 7, 1976 on the subject of Crescent Bay and incorporating into this resolution, attached hereto as Exhibit A; anything to the contrary in the recommendations of the Manager and the Park and Recreation Board notwithstanding, the docks which are recommended for modification and public use, as opposed to immediate demolition and removal, shall be operated by the City for the benefit of the general public; authorizing the City Manager and City Attorney to prepare an operating agreement with owners of the docks allowed to temporarily remain, containing the following basic provision: a-Docks shall remain privately owned; b-City operation of said docks making them available to the general public on a non-preferential and nondiscriminatory basis; c-dock owners shall provide liability insurance and a performance bond to guarantee removal of the docks on or before June 8, 1978; d-dock owners shall modify the docks to provide approximately 25 feet of access between the dock and private property lines; e-appropriate rents charged and revenues received shall provide necessary maintenance and utility costs, if any; f-authorizing the City Manager and City Attorney to prepare appropriate encroachment agreements for docks allowed to remain with the Scripps Lease area, other than the Catamaran dock, said encroachment agreements providing for removal of such docks on or before June 8, 1978; and requiring immediate removal of dock or docks in question in the event any owner declines to enter into an operating or encroachment agreement.

Mayor Wilson recessed the Meeting at 4:23 p.m. Upon reconvening at 4:53 p.m., the Roll Call showed Councilman Morrow absent.

Items 404, 405, 406, and 407 were discussed at 2:00 p.m. Time Certain.

(Item 404 - Supplemental Docket #2)

(Continued from the Meetings of May 26 and June 2, 1976, Status Report on the Growth Management Program, was presented.

Andrew Schlaefli, Planning Department, presented his report.

(Item 407 - Supplemental Docket #2)

A proposed Resolution, accelerating the Economic Component of the Growth Management Study from Year 3 to year 2, and directing the City Manager to budget from the General Fund Unallocated Reserve up to \$100,000 to carry out this component of the Study; authorizing the City Manager to negotiate an appropriate contract amendment to the existing Fiscal Impact Analysis Contract with the City's fiscal consultant, Marcou, O'Leary and Associates for the purpose of accelerating said Economic Component of the Growth Management Study, provided that the monetary consideration for said amendment can be resolved to satisfaction of the City and the fiscal consultant, was presented.

Gary London, representing the San Diego Chamber of Commerce, presented his report in favor of the proposed Resolution.

Andrew Schlaefli, Planning Department, presented his report and recommendations.

The motion of Councilwoman O'Connor to adopt Items 404, 405, 406, and 407, received no vote at this time.

Andrew Schlaefli, Planning Department, answered questions directed by the Council.

Councilman Morrow entered the Chambers.

Assistant City Manager Graham answered questions directed by the Council.

The motion of Councilwoman O'Connor to amend her previous motion by deleting the words, "the City's fiscal consultant, Marcou, O'Leary and Associates" and inserting, "a consultant", received no vote at this time.

Andrew Schlaefli, Planning Department, answered questions directed by the Council.

The Council discussed the matter.

Andrew Schlaefli, Planning Department, answered questions directed by the Council the growth schedule in the interim before the final reports to the Council in November, 1976.

(Item 404 - Supplemental Docket #2 - Second Time)

The motion of Councilwoman O'Connor to accept the Status Report on the Growth Management Program, passed unanimously.

(Item 405 - Supplemental Docket #2)

RESOLUTION 216162, authorizing the City Manager and the Planning Department Director to implement the Growth Management Program with a total budgeted amount not to exceed \$150,000 in Community Development Block Funds; authorizing the selection of Professor Robert H. Freilich as the program consultant and authorizing the waiver of Council Policy 300-7; authorizing an Agreement with Professor Robert H. Freilich to develop the legal mechanisms for the implementation of a Growth Management Policy, was adopted on motion of Councilwoman O'Connor by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilmen Hubbard and Ellis. Absent-None.

(Item 406 - Supplemental Docket #2)

RESOLUTION 216163, authorizing a First Amendment to Agreement with Robert H. Freilich to authorize an additional \$1,500 travel expenses to enable more consultation visits to the City of San Diego for the Growth Management Study Program, was adopted on motion of Councilwoman O'Connor by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Ellis. Absent-None.

(Item 407 - Supplemental Docket #2 - Second Time)

RESOLUTION 216164, accelerating the Economic Component of the Growth Management Study from year 3 to year 2, and directing the City Manager to budget from the General Fund Unallocated Reserve up to \$100,000 to carry out this component of the Study; authorizing the City Manager to negotiate an appropriate contract amendment to the existing Fiscal Impact Analysis contract with a consultant for the purpose of accelerating said Economic Component of the Growth Management Study, provided that the monetary consideration for said amendment can be resolved to the satisfaction of the City and the fiscal consultant, was adopted on motion of Councilwoman O'Connor by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilmen Hubbard and Ellis. Absent-None.

(Item 202 - Second Time)

RESOLUTION 216165, referring to the Centre City Development Corporation for its comments and recommendations, the San Diego Convention Center Study, which is dated November 1975 and was prepared by Stanford Research Institute, was adopted on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Haro, and Mayor Wilson. Nays-Councilmen Morrow and Ellis. Absent-None.

The motion of Councilman Haro to suspend the Rules to allow the Meeting to extend to 6:00 p.m., passed unanimously.



(Item 257 - Supplemental Docket #4)

A proposed Ordinance, introduced at the Meeting of May 25, 1976, incorporating a portion of Lot 13, Rancho Mission of San Diego, C.C. 348, into R-1-6 Zone, located north of Mallard Street between Laconia and 69th Streets, was discussed.

Deputy City Attorney Valderhaug answered questions directed by the Council.

The motion of Councilman Hubbard to adopt the proposed Ordinance, received no vote.

The Council discussed the matter regarding reconsideration.

The motion of Councilman Williams to reopen the hearing and direct the City Clerk to renote, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Gade and Haro. Nays-Councilmen Hubbard, Ellis, and Mayor Wilson. Absent-None.

Councilwoman O'Connor left the Chambers.

The Council discussed the procedures of reopening hearings.

(Item 252)

A proposed Resolution, authorizing the City Manager to negotiate, on an exclusive basis with the San Diego Urban League, Inc., for the purpose of developing a long-term lease on the City-owned property known as Block 51, Horton's Addition, which block is bounded by Broadway and E Streets on the north and south, and 12th and 13th Streets on the west and east, respectively; said lease shall provide for the construction of low income housing for senior and handicapped persons; the period of exclusive negotiation shall terminate on October 1, 1976, was presented.

The motion of Councilman Williams to adopt the proposed Resolution, received no vote.

The Council discussed the matter.

Arthur Goodman, representing the San Diego Urban League, appeared to address the Council and answered questions directed by the Council.

Councilman Williams withdrew his motion.

On motion of Councilman Haro, the matter was filed.

(Item 253)

RESOLUTION 216166, appointing the following persons to the Bicentennial Memorial Task Force representing districts as indicated:

<u>Name</u>	<u>District</u>
Lt. Gen. Louis Metzger,	1
USMC (Ret.)	
Mrs. Oakley Sabo	2
Ron Davis, AIA	3
John Caldwell	4
Annemarie Brennan	6
Jim Williams	7
Robert Fronius	8; and

(Item 253 - Continued)

confirming the appointments by the Mayor as follows:

Floyd Morrow, Council Liaison  
Russell Forrester, Chairman  
Richard Pourade  
Bolton Lee  
Roberta Silberman  
Dr. Manuel Barba  
Fred Stalder  
Owen Walker, was adopted on motion of Councilman Hubbard.

(Item 254)

A proposed Resolution, declaring the building owned by Connie Sue Northcutt at 2722 K Street to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was presented.

Mrs. Quinn, representing the Southeast San Diego Development Committee, appeared to address the Council.

Councilman Morrow left the Chambers.

RESOLUTION 216167, declaring the building owned by Connie Sue Northcutt at 2722 K Street to be a public nuisance; instructing the City Attorney to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Haro.

(Item 255)

The following Resolutions, relative to the widening of 47th Street between Hartley Street and the South City Limits and Logan Avenue between 45th and 49th Streets: a - Authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings, easements for the construction, operation, and maintenance of public streets (47th Street and Logan Avenue) together with earth excavations or embankments, slope or slopes, and a storm drain or drains and incidents and appurtenances thereto in portions of Lots 39, 55 and 61, Horton's Purchase, Ex-Mission Lands, portions of Lots 25, 26, 27, 28, 33, 34, 37, 38, 39, 45, 46, 47 and 48, Block D, Alta Vista Suburb, and portions of Lots 480, 481 and 482, Sunshine Gardens; and b - Authorizing the expenditure of \$45,000 out of Gas Tax Fund 220 to cover the cost of said acquisition and related costs, were presented.

The Council discussed the matter.

On motion of Councilman Williams, Item 255-a was continued one week until June 16, 1976 a.m., at the request of Mr. Sanford, which passed unanimously.

The motion of Councilman Ellis to suspend the Rules to extend the Meeting for 15 minutes, passed unanimously.

Mrs. Hooper, representing the Southeast San Diego Developing Committee, appeared to address the Council.

(Item 255 - Continued)

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

City Clerk: Mayor, Members of the Council, with respect to Item 255 on today's docket, legal notice has been provided to the appropriate persons in accordance with Section 1245.235 of the California Code of Civil Procedure. Copies of said notice were forwarded by Property Department personnel on May 13, 1976 and copies have been filed with my office.

Your, Honor, we have received written requests from Clifford Smith and George W. Flick who desire to appear before the Council and be heard on Item 255 on the matters referred to in Section 1240.030, Code of Civil Procedure, which are: (1) Does the public interest and necessity require the proposed project; (2) Is the proposed project planned and located in a manner most compatible with the greatest public good and the least private injury; and (3) Is the property sought to be acquired necessary for the proposed project. \* A communication from Wilbert Joseph was not received until June 1, 1976.

Mayor: All right, Mr. Clerk. Mr. Smith and Mr. Flick, you may speak to the Council on the appropriate item, but only with respect to the three issues outlined by the City Clerk. Please confine your remarks to those issues and try not to get into areas of fair market value and the like.

George W. Flick appeared to address the Council.

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

George W. Flick answered questions directed by the Council.

On motion of Councilman Gade, Item 255 was continued one week until June 16, 1976, for further review, which passed unanimously.

The motion of Councilman Gade to suspend the Rules to extend the Meeting to 6:45 p.m., passed unanimously.

(Item 401)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the application of Cerro Pueblo United, by William Nemour, for special permission to waive underground utility requirements in connection with the subdivision map of Mayberry Tract, located at the north-east corner of Hartford Street and Clairemont Drive, in the R-1-5 Zone.

Mrs. Marion Bear, Chairman, Senior Citizens of Clairemont, appeared to address the Council in favor of granting the application.

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

Mr. Ray appeared to address the Council in opposition to granting the application.

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

The hearing was closed on motion of Councilman Gade.

RESOLUTION 216168,

Councilman Ellis left the Chambers.

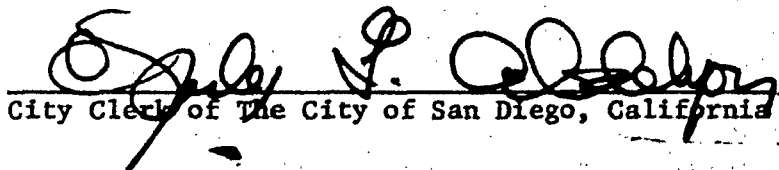
On motion of Councilman Haro, the Regular Meeting was adjourned at 6:55 p.m., until the hour of 9:00 a.m., Thursday, June 10, 1976, in the Council Chambers, City Administration Building, 202 "C" Street, and the balance of the items on the Docket consisting of:

Supplemental Docket No. 4 - Item 206,  
Supplemental Docket No. 2 - Items 403, 408, 409, and a Unanimous Consent Item regarding a First Amendment to Agreement with James Roberts for fingerprint examining services,  
were continued to that time, and by Unanimous Consent granted to Councilman Gade, this adjournment was in memory of Mrs. Virginia Frances Pehrs.



Mayor of The City of San Diego, California

ATTEST:

  
City Clerk of The City of San Diego, California