

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, SEPTEMBER 1, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING -
CHARLES C. DAIL CONCOURSE
8:30 A.M.

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

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

(Item 100)
Roll call was taken.

(Item 101)
A proposed Resolution authorizing suggestion awards and making a presentation to the following employees:

Fred Herdel
Edwin Berquist - General Services - \$500,

was presented.

Armand V. Campillo, Transportation Department, introduced the employees.
Councilman Ellis made the presentation.

RESOLUTION 216672, authorizing suggestion awards and making a presentation to the following employees:

Fred Hardel
Edwin Berquist - General Services - \$500,

was adopted on motion of Councilman Hubbard.

(Item 102)
RESOLUTION 216673, authorizing suggestion awards to the following employees:
Michael Main - General Services - \$15;
Willie Gipson - General Services - \$15;
Clair Munson - Fire Department - \$15; and
Elston Eisner - Park and Recreation - \$10,
was adopted on motion of Councilman Hubbard.

(Item 104)
A communication from Richard K. Livett, representing James L. Lambert and Richard K. Livett, requesting permission to address the Council regarding the sale of a portion of City-owned land adjacent to Lot 46, La Jolla Farms Subdivision.
Richard K. Livett appeared to speak regarding said communication.
On motion of Councilman Gade, the communication was referred to City Manager and City Attorney for a report to the Transportation & Land Use Committee and Mr. Livett at the earliest possible date.

The Council at this time considered requests for continuances: Item 201.

(Item 201)

RESOLUTIONS: (Continued from the Meeting of August 11, 1976.) Authorizing a Lease Agreement with City Farms of San Diego, leasing a portion of Pueblo Lot 1347, lying northerly of Market Street and westerly of Boundary Street consisting of approximately 13 acres for agricultural purposes, for a one year term; waiving provisions of Council Policy 700-10, as to advertising, public notice, and appraisal for fair rental value.

Assistant City Attorney Teaze spoke on the continuance.

Councilman Gade moved to continue to item to September 22, 1976, a.m. at City Attorney's request, which passed unanimously.

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

The Ordinances were introduced at the Meeting of August 17, 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 Gade by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, Ellis, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Williams, Morrow, Haro, and Mayor Wilson.

(Item 120 - CASE 18-76-9)

ORDINANCE 11889 (New Series), incorporating Parcel I, Parcel Map 1260, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 9926 (New Series), adopted December 12, 1968, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

(Item 121 - CASE 48-76-6)

ORDINANCE 11890 (New Series), incorporating a portion of the Northwest 1/4, Section 35, Township 18 South, Range 2 West, S.B.B.M., into R-1-5 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 10862 (New Series), adopted June 29, 1972, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

(Item 122)

ORDINANCE 11891 (New Series), amending Chapter IX, Article 8, of the San Diego Municipal Code by amending Section 98.11 relating to Trailers located outside Trailer Parks - Special Permit - Fee.

The Council considered that portion of the Consent Agenda dealing with Resolutions, which consisted of Items 150, 151, 152, 153, 155, 156, 157, 158, 159, 160, 161, and 162.

(Item 150)

The following Resolutions relative to construction of traffic signal and safety lighting systems at 32nd Street and University Avenue, were adopted on motion of Councilman Gade:

RESOLUTION 216674, awarding a contract to Arrow Electric, for the sum of \$19,311; authorizing the expenditure of \$34,284 out of Capital Outlay Fund 245, for said purpose and costs; authorizing the City Auditor and Comptroller to transfer \$9,716 from CIP 62-112 to Capital Outlay Reserve CIP 90-245; and

RESOLUTION 216675, authorizing the use of City Forces to do all the work of bench testing the controllers prior to installation and to move one fire hydrant as required; cost of said work shall not exceed \$3,756.

(Item 151)

RESOLUTION 216676, designating November 22, 1976, as the date upon which all property in the Sixth Avenue (Upas Street to Robinson Avenue), underground utility district must be ready to receive underground service, and December 27, 1976, as the date for the removal of all overhead utility-facilities, was adopted on motion of Councilman Gade.

(Item 152)

The following Resolutions relative to Paradise Hills Park, were adopted on motion of Councilman Gade:

RESOLUTION 216677, approving the acceptance by the City Manager of Deed of Nora Fullerton Cook, (public purposes);

RESOLUTION 216678, approving the acceptance by the City Manager of Deed of Joseph J. Wade, (public purposes);

RESOLUTION 216679, approving the acceptance by the City Manager of Deed of Thomas A. and Edna C. Kriegel, (public purposes); and

RESOLUTION 216680, authorizing the expenditure of \$3,600 out of Capital Outlay Fund 245, (CIP 29-170) for acquisition costs.

(Item 153)

RESOLUTION 216681, authorizing an agreement with Herman, Kimmel and Associates, Inc., for professional engineering services for design of traffic signal and safety lighting systems at the intersection of Clairemont Drive and Clairemont Mesa Boulevard, and the intersection of Clairemont Mesa Boulevard and Doliva Street; authorizing the expenditure of \$2,500 out of Capital Outlay Fund 245, and \$2,200 out of Gas Tax Fund 220, solely and exclusively for said services, was adopted on motion of Councilman Gade.

(Item 155)

The following Resolutions relative to Utilities Agreement No. 23117, with the State Department of Transportation, were adopted on motion of Councilman Gade:

RESOLUTION 216682, certifying that the information contained in the Negative Declaration, prepared by State Department of Transportation, has been reviewed and considered by the Council; and

RESOLUTION 216683, authorizing the City Manager to execute said agreement for relocation of water facilities on State Route 163, between 0.2 mile north of Clairemont Mesa Boulevard and the junction of Route 15/163; authorizing the expenditure of \$7,600 out of Water Utilities Operating Fund 500, for the sole and exclusive purpose of providing funds for preliminary engineering for said project, said sum to be reimbursed by the State; authorizing the use of City Forces to do all the necessary work in conjunction with the relocation of said water facilities; cost of said work shall not exceed \$6,000, and is reimbursable by the State.

(Item 156)

RESOLUTION 216684, authorizing the City Manager to execute service order no. 11451701 with the State of California wherein the State agrees to reimburse the City for electrical energy costs for eleven ornamental street lights serving San Diego State University for a one-year period, was adopted on motion of Councilman Gade.

(Item 157)

RESOLUTION 216685, excusing Councilman Floyd Morrow from the Council and Committee meetings from August 30, 1976 through September 8, 1976 for the purpose of vacation, was adopted on motion of Councilman Gade.

(Item 158)

The following Resolutions relative to Final Subdivision Map of Villa Majorca Unit No. 1, a 17-lot subdivision, located west of Tierrasanta Boulevard and south of La Cuenta Drive, were adopted on motion of Councilman Gade:

RESOLUTION 216686, authorizing an agreement with Clarence E. Minnerely for completion of improvements; and

RESOLUTION 216687, approving the final map of Villa Majorca Unit No. 1.

(Item 159)

The following Resolutions relative to Final Subdivision Map of Villa Majorca Unit No. 2, a 57-lot subdivision, located southwesterly of Tierrasanta Boulevard and east of La Cuenta Drive, were adopted on motion of Councilman Gade:

RESOLUTION 216688, authorizing an agreement with Clarene E. Minnerely for completion of improvements;

(Item 159 - Continued)

RESOLUTION 216689, approving the final map of Villa Majorca Unit No. 2;
RESOLUTION 216690, authorizing an agreement with Clarence E. Minnerely for the construction and improvements on La Cuenta Drive within the limits of said subdivision; providing for reimbursement out of Capital Outlay Fund 245, from the Annual Allocation, New Developments (CIP 58-001), in an amount not to exceed \$5,730.80; and

RESOLUTION 216691, approving the acceptance by the City Manager of Deed from Christiana Community Builders, conveying Lot 74, Villa Majorca Unit No. 2.

(Item 160)

The following Resolutions relative to Final Subdivision Map of Daley Business Park Unit No. 2, an 8-lot subdivision, located between Aero Drive and Clairemont Mesa Boulevard, were adopted on motion of Councilman Gade:

RESOLUTION 216692, authorizing an agreement with Daley Corporation for completion of improvements;

RESOLUTION 216693, approving the final map of Daley Business Park Unit No. 2;

RESOLUTION 216694, approving the acceptance by the City Manager of Deed from Daley Corporation, conveying Lots 6 and 7, Block 28, Rosedale, (sewer purposes);

RESOLUTION 216695, approving the acceptance by the City Manager of Deed from Daley Corporation, conveying Lot 4, Block 20, Rosedale, (storm drain purposes); and

RESOLUTION 216696, vacating Olive Avenue under the Summary Vacation Procedure where that portion to be vacated has been superseded by relocation.

(Item 161)

RESOLUTION 216697, granting an extension of time to June 1, 1977, to The Portofino, for completion of improvements in Rollins Subdivision, was adopted on motion of Councilman Gade.

(Item 162)

RESOLUTION 218898, granting an extension of time to June 11, 1977, to Riverside Investment Management, for completion of improvements in Scripps Miramar Ranch Business Park Subdivision, was adopted on motion of Councilman Gade.

Mayor Wilson entered the Chambers and assumed the chair.

(Item 200)

A proposed Ordinance, amending Chapter III, Article 3, of the San Diego Municipal Code by adding Division 34, Sections 33.3401 through 33.3412, relating to Bingo Games for charitable non-profit organizations, was presented.

Discussion followed.

Councilman Haro entered the Chambers.

(Item 200 - Continued)

Lawrence Toole appeared to speak in opposition.
Assistant City Attorney Teaze answered questions directed by Council.
Councilwoman O'Connor moved to introduce the Ordinance by the following
vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Gade, Ellis, Haro, and
Mayor Wilson. Nays-None. Absent-Councilmen Williams and Morrow.

(Item 154)

A proposed Resolution, authorizing a First Amendment to the Agreement with Lawrence, Fogg, Smith and Associates, for professional engineering services in connection with the improvement of Pomerado Road, from Stone Canyon to 500 feet south of Avenida La Valencia; authorizing the expenditure of \$8,470 out of Gas Tax Fund 220, and \$4,000 out of Capital Outlay Fund 245, solely and exclusively for said services, was presented.

Arlene Van de Wetering appeared to speak.

City Manager McKinley answered questions directed by Council.

RESOLUTION 216699, authorizing a First Amendment to the Agreement with Lawrence, Fogg, Smith and Associates, for professional engineering services in connection with the improvement of Pomerado Road, from Stone Canyon to 500 feet south of Avenida La Valencia; authorizing the expenditure of \$8,470 out of Gas Tax Fund 220, and \$4,000 out of Capital Outlay Fund 245, solely and exclusively for said services, was adopted on motion of Councilman Gade.

(Item 202)

A proposed Resolution confirming the appointment by the City Manager of Mrs. Eunice Winston to be Treasurer of The City of San Diego pursuant to Section 45 of the Charter of The City of San Diego, was presented.

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

City Manager McKinley introduced Mrs. Winston to the Council.

Mrs. Eunice Winston acknowledged thanks to the City Manager and Council.

RESOLUTION 216700, confirming the appointment by the City Manager of Mrs. Eunice Winston to be Treasurer of The City of San Diego pursuant to Section 45 of the Charter of The City of San Diego, was adopted on motion of Councilwoman O'Connor.

(Item 203)

A proposed Resolution, authorizing the Auditor and Comptroller to expend an additional sum of money not to exceed \$995,000 from Community Block Grant Fund 2912 for the sole and exclusive purpose of providing funds for property rehabilitation loans authorized by the agreement with the Bank of America, which provides for the making and servicing of property rehabilitation loans in connection with the City's Housing Rehabilitation Program, was presented.

City Manager McKinley presented his report.

A motion by Councilman Haro to adopt the resolution received no vote at this time.

(Item 203 - Continued)

City Manager McKinley answered questions directed by Council.

RESOLUTION 216701, authorizing the Auditor and Comptroller to expend an additional sum of money not to exceed \$995,000 from Community Block Grant Fund 2912 for the sole and exclusive purpose of providing funds for property rehabilitation loans authorized by the agreement with the Bank of America, which provides for the making and servicing of property rehabilitation loans in connection with the City's Housing Rehabilitation Program, was adopted on motion of Councilman Haro.

(Item 250)

A proposed Ordinance, continued from the Meetings of July 21 and August 4, 1976, incorporating portions of Villa Lots 195 and 196, Normal Heights, located on the north and south sides of Adams Avenue between 39th Street and Ward Road, into C-1 Zone, was presented.

Assistant City Attorney Teaze spoke on the continuance.

A motion by Councilman Gade to continue the item to eight weeks, died for lack of a second.

Discussion followed.

By common consent, the item was trailed to the p.m. meeting as Unfinished Business.

(Item 251)

A proposed Resolution, continued from the Meetings of July 28 and August 18, 1976, declaring Colwell-Windsor Development Co., subdividers of Del Cerro Heights Unit No. 2 Subdivision to be in default under terms and conditions entered into for completion of improvements in said subdivision; authorizing the City Attorney to cause notice of this declaration of default to be given to said subdividers and to Surety Company of the Pacific; authorizing the City Manager to complete or cause to be completed, said improvements, was docketed in error and was continued to September 15, 1976.

(Item 252)

A proposed Resolution, authorizing the City Attorney to execute a stipulated judgment terminating exclusive use by the United States of America of certain property in the Ocean Beach Area, was presented.

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

City Manager McKinley answered questions directed by Council.

Discussion followed.

RESOLUTION 216702, authorizing the City Attorney to execute, for and on behalf of, The City of San Diego, a Stipulated Judgment terminating exclusive use by the United States of America of certain property in the Ocean Beach area more specifically identified in the Federal Aviation Administration's Condemnation Leasehold, Civil Action, United States District Court, Southern District of California; authorizing the City Manager to include this land which is in Ocean Beach Park as part of the open space area in that park, and subject to the availability of funds, to reurf said area; was adopted on motion of Councilman Gade.

(Item 253)

A proposed Resolution, authorizing a "Memorandum of Understanding, Joint Government Information Center, San Diego, California," continuing a Joint Government Information Center in the Federal Building at 880 Front Street, San Diego, for the purpose of providing citizens with information pertaining to the City, County, State and Federal government services; said Memorandum of Understanding being terminable unilaterally with six (6) months notice by any of the participating parties; authorizing at the option of the City Manager, an extension of the one year term for two (2) additional periods of one (1) year each, was presented.

A motion by Councilman Haro to adopt the resolution, received no vote at this time.

City Manager McKinley answered questions directed by Council.
Discussion followed.

RESOLUTION 216703, authorizing a "Memorandum of Understanding, Joint Government Information Center, San Diego, California," continuing a Joint Government Information Center in the Federal Building at 880 Front Street, San Diego, for the purpose of providing citizens with information pertaining to the City, County, State and Federal government services; said Memorandum of Understanding being terminable unilaterally with six months notice by any of the participating parties; authorizing at the option of the City Manager, an extension of the one year term for two additional periods of one year each, was adopted on motion of Councilman Ellis.

(Item 254)

A proposed Resolution, recognizing October 24 through October 30, 1976, as United Nations Week, urging the people of San Diego to take part in its observance; designating Councilman _____ City's official representative to the opening day ceremonies in Balboa Park and to other United Nations Week events, was presented.

Councilman Gade moved to continue the item to September 15, 1976 a.m. for Councilman Morrow's presence, which passed unanimously.

(Item 255)

A proposed Resolution, authorizing agreement with the San Diego Regional Employment and Training Consortium, as follows: Second Amendment to Memorandum of Understanding for the purpose of governing the City's participation as a Title II and Title VI Program Agent, Third Amendment to agreement for the purpose of governing the City's participation as a Title I Program Agent, and First Amendment to Agreement for the purpose of governing the City's participation as a Title III Program Agent, was presented.

City Manager McKinley presented his report.

RESOLUTION 216704, authorizing agreement with the San Diego Regional Employment and Training Consortium, as follows: Second Amendment to Memorandum of Understanding for the purpose of governing the City's participation as a Title II and Title VI Program Agent, Third Amendment to agreement for the purpose of governing the City's participation as a Title I Program Agent, and First Amendment to Agreement for the purpose of governing the City's participation as a Title III Program Agent, was adopted on motion of Councilman Ellis.

(Item 304)

A proposed Resolution, accepting the offer of Risk Management Group and authorizing a contract for \$5,000,000.00 excess of \$5,000,000 self-insured, liability insurance for a period of one year beginning August 1, 1976 for a total premium of \$110,000.00; authorizing the City Auditor and Comptroller to transfer \$30,000.00 in the General Fund (100) Non-Departmental Expenditures, Public Liability Insurance Reserve (44.24) to Liability and Fidelity Insurance (44.05), was presented.

City Manager McKinley answered questions directed by Council.

Discussion followed.

Councilman Gade moved to suspend rules and remove from Referral Agenda and place under Unanimous Consent on September 1, 1976 Council meeting for adoption, which passed unanimously.

RESOLUTION 216705, accepting the offer of Risk Management Group and authorizing a contract for \$5,000,000.00 excess of \$5,000,000 Self-Insured Liability Insurance for a period of one year beginning August 1, 1976 for a total premium of \$110,000.00; authorizing the City Auditor and Comptroller to transfer \$30,000.00 in the General Fund (100) Non-Departmental Expenditures, Public Liability Insurance Reserve (44.24) to Liability and Fidelity Insurance (44.05), was adopted on motion of Councilman Gade.

(Item 103)

Mayor Wilson welcomed twenty members from Cub Scouts, Pack 110, Dens 2, 5, 8, accompanied by John Idell.

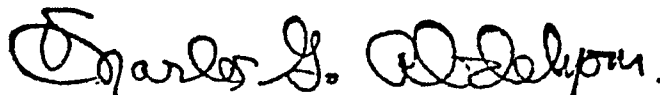
Councilman Haro addressed the group.

(Unanimous Consent No. 1)

By Unanimous Consent granted to Councilwoman O'Connor, a proposed Resolution authorizing an agreement with Cabrillo Festival, Inc. to co-sponsor exhibit entitled "Portuguese In America", in the Conference Building, Balboa Park, September 26 through October 3, 1976 and waiving rental fees of \$400 a day, was presented.

RESOLUTION 216706, authorizing an agreement with Cabrillo Festival, Inc. to co-sponsor an exhibit entitled "Portuguese In America", in the Conference Building, Balboa Park, September 26 through October 3, 1976 and waiving rental fees of \$400 a day, was adopted on motion of Councilwoman O'Connor.

There being no further business to come before the Council at this time. by Unanimous Consent granted to Councilwoman O'Connor, the Regular Meeting was adjourned at 10:20 a.m. on motion of Councilman Gade in memory of Elizabeth Post Windness and the Mayor announced the Council would go into Executive Session in the 12th Floor Conference Room on pending litigation.



City Clerk of The City of San Diego, California

MINUTES OF THE COUNCIL OF THE CITY OF SAN DIEGO
FOR THE REGULAR MEETING OF WEDNESDAY, SEPTEMBER 1, 1976
IN THE CHAMBERS OF THE COUNCIL AT 2:00 P.M.

ATTENDANCE:

Present: Councilmen Johnson, O'Connor, Hubbard, Gade, Ellis, Haro,
and Mayor Wilson.
Not Present: Councilmen Williams and Morrow.
Clerk: Nielsen.

Meeting called to order at 2:12 p.m. by Mayor Wilson.

ITEM 400. Roll call.
Present-Councilmen Johnson, O'Connor, Hubbard, Gade, Ellis, Haro,
and Mayor Wilson.
Not Present-Councilmen Williams and Morrow.

ITEM 401: Appeal denied as Resolution 216707.

Appeal of-Franklin R. Dougherty from the decision of the
Planning Commission in denying his appeal from the decision
of the Planning Director in denying the proposed preliminary
parcel map of the southerly half of Ullman Street vacated,
located westerly of Concord Street, adjacent to Lot 1, Block 4,
Roseville Heights, in the R-1-5 Zone.

(PM 76-115)

Testimony in favor by Frank Dougherty.
Testimony in opposition by Tony Hancock, John D.
Keyes, and Susan Turner.

Motion by O'Connor to deny the appeal.
Second by Haro.

Passed. Yeas-1,2,6,7,8,M. Nay-3. Not Present-4,5.

ITEM 402: Matter of Citizen Participation in the development of, and the opportunity to voice their views on, the contents of The City of San Diego's Third Community Block Grant Application under Title I of the Housing and Community Development Act of 1974:

Subitem a: Adopted as Resolution 216708.

Adoption of a resolution certifying that the Information contained in Second Amendment to Environmental Impact Report No. 75-01-00BG has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Second Amendment to Report has been reviewed and considered by the Council; and

Subitem b: Adopted as Resolution 216709.

Adoption of a resolution certifying the City Manager to file and upon approval execute a grant application with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$10,318,000.

Testimony by Rachel Ortiz, Bernice Fox, Jewell Hooper, and Lars Tollefson.

Motion by Haro to adopt (a) and (b), amend to add census tract 39.00 on page 5 of 18 in the application.

Second by O'Connor.

Passed unanimously. Not present-4,5.

ITEM 403: Continued to 9-8-1976, 2:00 p.m. Time Certain

(Continued from the Meeting of August 25, 1976.)

Appeal of Point Loma College, by W. Shelburne Brown, president, from the decision of the Historical Site Board in designating Cabrillo Hall (Madame Tingley Home) as a historical site, pursuant to Section 26.02 (D.7) of the San Diego Municipal Code. The property is located at 3900 Lomaland Drive.

(Historical Site Board Register No. 112-d.)

Motion by Haro to continue to 9-8-1976, 2:00 p.m. Time Certain at the request of appellant and the Historical Site Board.

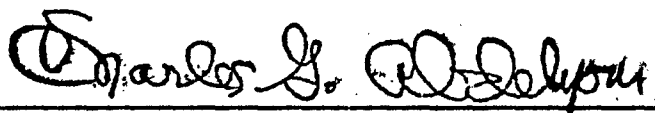
Second by Gade.

Passed unanimously. Not present-4,5.

SPECIAL
ORDER OF
BUSINESS:

By common consent, Council directed the City Clerk to place on every docket the Matter of 1976 Public Works Act.

ADJOURNMENT: Meeting was adjourned at 3:45 p.m. by Mayor Wilson in memory of Mrs. Barrios.



City Clerk of the City of San Diego, California