

SPECIAL MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - TUESDAY, SEPTEMBER 14, 1976  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE  
9:30 A.M.

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

Absent--None.

Clerk---Edward Nielsen.

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL

TO Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, and  
Haro, members of the City Council of The City of San Diego, California.

A SPECIAL MEETING of the City Council is hereby called to be held in the  
Council Chambers, City Administration Building, 202 "C" Street, San Diego,  
California, on Tuesday, September 14, 1976, at the hour of 9:30 a.m.

Said meeting will be held for the purpose of considering the matter of the  
1976 Public Works Act. (The Council will consider projects to be submitted to  
the U. S. Department of Commerce for consideration under the 1976 Public Works  
Act.)

Dated September 10, 1976

PETE WILSON  
MAYOR

Mayor Wilson called the Meeting to order at 9:43 a.m.

(Item 1)

Roll call was taken.

(Item 2)

The matter of the applications under the 1976 Public Works Act, was presented.  
City Manager McKinley and Deputy City Manager Lockwood answered questions  
directed by the Council.

Noel Neudeck, Carl Anderson, Clarence Pendleton, and Henry Gardner appeared  
to speak.

Mr. McKinley and Mr. Lockwood answered questions directed by the Council.  
Ed Carey and Charles Paderewski appeared to speak.

(Item 2 - Continued)

Mr. Lockwood answered questions directed by the Council.

Miles Harvey and Mrs. Edmiston appeared to speak.

Mr. Lockwood, Dave Roberts and Don Rodvold, Park and Recreation Department, and Mr. McKinley answered questions directed by the Council.

The motion of Councilman Morrow to add the Thoreau School site to the City Manager's list of proposed projects for applications, received no second at this time.

Mr. McKinley answered questions directed by the Council.

Councilman Gade seconded the previous motion of Councilman Morrow, which was not voted on at this time.

Discussion followed.

Mr. Lockwood answered questions directed by the Council.

The vote was then taken on the previous motion of Councilman Morrow which was voted on at this time and passed unanimously.

The motion of Councilman Haro to add Otay Mesa Road, San Ysidro Boulevard, Dairy Mart Road, Facade-Fine Arts Building, Golden Hills Recreation Center (replace fence and backstop), Montgomery-Waller Multi Sports Field---Phase 3, and Montgomery-Waller Park and Recreation Center---Construct Recreation Building to the City Manager's list of proposed projects for applications, received no second at this time.

Mr. Roberts answered questions directed by the Council.

Councilman Ellis seconded the previous motion of Councilman Haro, which passed unanimously.

Noel Neudeck appeared to speak.

Mr. Lockwood and Mr. Roberts answered questions directed by the Council.

Councilman Johnson left the Chambers.

The motion of Councilman Ellis to adopt a Resolution, directing the City Manager to prepare applications on the list as amended, received no second at this time.

Mr. Lockwood answered questions directed by the Council.

Councilman Johnson entered the Chambers.

Councilman Williams seconded the previous motion of Councilman Ellis which was not voted on at this time.

Mr. Lockwood and William Schempers, Transportation Department, answered questions directed by the Council.

The vote was then taken on the previous motion of Councilman Ellis, which passed unanimously and the following Resolution was adopted:

(Item 2 - Continued)

RESOLUTION 216749, authorizing and empowering the City Manager to submit, grant applications for projects as approved by the City Council in a special meeting on September 14, 1976, including appropriate certifications and assurances, with the Economic Development Administration (EDA), U. S. Department of Commerce for financial assistance under Title I of the Public Works Employment Act of 1976 and to transcribe the contents of the applications and supportive certifications and assurances onto applicable forms as prescribed and directed by EDA at such time as said forms are made available to The City of San Diego by EDA and upon approval by EDA, authorizing the City Manager to execute said grant applications.

Mr. Lockwood presented a communication, dated September 13, 1976, from the San Diego Unified School District regarding a proposal to finance construction of Wangenheim Junior High School and Spreckels Elementary School from 1976 Public Works Act funds.

Councilwoman O'Connor left the Chambers.

The motion of Councilman Morrow to endorse the San Diego Unified School District's proposal to finance construction of Wangenheim Junior High School and Spreckels Elementary School from 1976 Public Works Act funds, passed unanimously.

Councilman Ellis left the Chambers.

RESOLUTION 216750, authorizing and directing the Purchasing Agent to proceed to publish in accordance with law, notice to contractors calling for bids for all public works of improvement approved for financing by the Economic Development Agency pursuant to the Public Works Employment Act of 1976 provided that plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for said approved public works of improvement shall be filed in the Office of the City Clerk, prior to an publishing being made hereunder; determining that by Resolution No. 215808, adopted April 21, 1976, Council ascertained the current or prevailing rate of per diem wages paid by private employers in the City for each craft or type of workman or mechanic needed to execute the contract, and declaring that the wage scale included in said resolution is the said current or prevailing rate for the various crafts that will be applicable to projects approved and constructed pursuant to the Public Works Employment Act of 1976, was adopted on motion of Councilman Hubbard.

There being no further business to come before the Council at this time,  
the Special Meeting was adjourned at 11:58 a.m. on motion of Councilman Haró.

*Pete Wilson*

Mayor of The City of San Diego, California

ATTEST:

*Charles S. O'Connell*

City Clerk of The City of San Diego, California

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - TUESDAY, SEPTEMBER 14, 1976  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE

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

Mayor Wilson called the Regular Meeting to order at 2:06 p.m.

(Item 1)  
Roll Call was taken.

Councilman Williams entered the Chambers.

(Item 2)  
Mayor Wilson introduced Rev. Juan Arjona, First Mexican Baptist Church,  
who gave the Invocation.

(Item 3)  
Councilwoman O'Connor led the pledge of Allegiance.

(Unanimous Consent #1)  
By Unanimous Consent granted to the Mayor, Bill Muncey, representing  
the Boy's Club, Jack in the Box Hydroplane Races, appeared to address the  
Council and presented official credentials to the Council to attend the  
Hydroplane Races at Mission Bay on September 19, 1976.  
A motion by Councilman Johnson to refer the Communication to the  
Park and Recreation Department, seconded by Councilman Gade, passed unanimously.

The Council considered requests for continuances: Item 24.

(Item 24 - APPLICATION NO. 62352 - First Time)  
NOTICED HEARINGS: (Continued from the Meeting of July 27, 1976.)  
Appeal of Curtis Coleman Company, by Charles Kerch, from the decision of  
the City Engineer in denying, under Section 62.0104(d) of the San Diego  
Municipal Code, its application for a Land Development Permit, Application  
No. 62352, on property located on both sides of Palm Avenue, east of I-805.  
A motion by Councilman Gade to continue the matter four weeks until  
October 19, 1976 at the request of the Planning Director for completion of  
the Environmental Impact Report, received no vote at this time.  
Ken Klein, Planning Department, answered questions directed by the Council.

(Item 24 - APPLICATION NO. 62352 - First Time)

Deputy City Manager Lockwood answered questions directed by the Council.

A motion by Councilman Gade to continue the matter four weeks until October 19, 1976 at the request of the Planning Director for completion of the Environmental Impact Report, seconded by Councilman Johnson, passed unanimously.

Mayor Wilson recessed the Meeting at 2:17 p.m. at the request of the City Manager for the Redevelopment Agency meeting. Upon reconvening at 2:45 p.m., the Roll Call showed all present.

(Item 20)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of September 8, 1976, on paving and otherwise improving the alley in Block 68, Morena - on Resolution of Intention 216480.

J. F. McLaughlin, Engineering and Development Department, presented his report and answered questions directed by the Council. It was reported that one protest had been received.

A motion by Councilman Gade to close the hearing and adopt the 8-vote Resolution of Feasibility and a Resolution ordering work and directing Notice Inviting Bids, received no vote at this time.

City Manager McKinley presented his report.

The Council discussed the matter.

A motion by Councilman Gade to close the hearing and adopt the 8-vote Resolution of Feasibility and continue the Resolution ordering work and directing Notice Inviting Bids four weeks until October 12, 1976 for 1976 Public Work Act funds, received no vote at this time.

City Manager McKinley answered questions directed by the Council.

The Council discussed the matter.

A motion by Councilman Gade to close the hearing and adopt the 8-vote Resolution of Feasibility and continue the Resolution ordering work and directing Notice Inviting Bids four weeks until October 12, 1976 for 1976 Public Work Act funds, seconded by Councilman Hubbard, failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, and Ellis. Nays-Councilmen Johnson, O'Connor, Morrow, Haro, and Mayor Wilson. Absent-None.

A motion by Councilman Gade to close the hearing and adopt the proposed Resolutions, received no vote at this time.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

No one appeared to be heard.

(Item 20 - Continued)

The hearing was closed and the following resolutions were adopted on motion of Councilman Gade:

RESOLUTION 216751, overruling and denying all oral and written protests filed in the Office of the City Clerk, determining that the proposed improvement within the limits mentioned in Resolution of Intention 216480 is feasible, and the lands to be assessed therefor will be able to carry the burden of such proposed assessment, and that the public convenience and necessity require the proposed improvement, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 216752, ordering work to improve and establish the grades in the Alley in Block 68, Morena.

(Item 22)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of September 8, 1976, on paving and otherwise improving Escuela Street from Imperial Avenue to Nogal Street - on Resolution of Intention 216523.

J. F. McLaughlin, Engineering and Development Department, presented his report and answered questions directed by the Council. It was reported that no protests had been received.

No one appeared to be heard.

A motion by Councilman Williams to close the hearing and adopt the proposed Resolutions, received no vote at this time.

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

RESOLUTION 216753, overruling and denying all oral and written protests filed in the Office of the City Clerk, determining that the proposed improvement within the limits mentioned in Resolution of Intention 216523 is feasible, and the lands to be assessed therefor will be able to carry the burden of such proposed assessment, and that the public convenience and necessity require the proposed improvement, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and

RESOLUTION 216754, ordering work to improve Escuela Street from Imperial Avenue to Nogal Street.

(Item 23)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of June 21, 1976, on the appeal of Carol E. Tompkins, Coordinator for East San Diego Concerned Citizens, from the decision of the Planning Commission in granting, under Planned Residential Development Permit No. 101, the application of Graham M. Kelly, owner/permittee, to construct and operate a planned residential development of 26 dwelling units on 4.9 acres in the R-1-5 (portion in Hillside Overlay) Zone. The property is located northwest of Home Avenue and I-805, more particularly described as a portion of Lot 5, Horton's Purchase, Ex-Mission Lands of San Diego.

J. R. Crosby, Engineering and Development Department, presented his report.

Attorney Charles F. Catterlin appeared to address the Council in favor of granting the appeal.

(Item 23 - Continued)

Mr. Crosby and Mr. Catterlin answered questions directed by the Council.

Ken Klein, Planning Department, Mr. Catterlin, Noise Abatement and Control Administrator Jim Dukes, and Jim Gleason, Planning Department, answered questions directed by the Council and addressed the Council.

City Manager McKinley presented his report on the petitions.

Noise Abatement and Control Administrator Jim Dukes, Chief Deputy City Attorney Fred Conrad, Mr. Klein, and Mr. Catterlin answered questions directed by the Council.

Councilman Morrow left the Chambers.

Mr. Catterlin, Chief Deputy City Attorney Fred Conrad, Mrs. Carol E. Tompkins, and Mr. Byrl Phelps, representing Graham M. Kelly, answered questions directed by the Council and addressed the Council.

Councilman Williams left the Chambers.

Noise Abatement and Control Administrator Jim Dukes, Mr. Phelps, City Manager McKinley, Mr. Klein, Mr. Gleason, and Chief Deputy City Attorney Fred Conrad answered questions directed by the Council and addressed the Council.

Councilman Williams entered the Chambers.

Mr. Phelps answered questions directed by the Council.

Councilman Williams left the Chambers.

Mr. Gleason answered questions directed by the Council.

A motion by Councilman Haro to adopt the Environmental Impact Report No. 75-06-10P and grant the appeal, died for lack of a second.

A motion by Councilman Hubbard to adopt the Environmental Impact Report No. 75-06-10P, received no vote at this time.

Noise Abatement and Control Administrator Jim Dukes answered questions directed by the Council.

RESOLUTION 216755, certifying that the information contained in Environmental Impact Report No. 75-06-10P 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, was adopted on motion of Councilman Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Gade, Ellis, and Mayor Wilson. Nays-Councilman Haro. Absent-Councilmen Williams and Morrow.

A motion by Councilman Hubbard to overrule the appeal and to grant the



(Item 23 - Continued)

PRD No. 101, and to adopt as the findings of the City Council, those findings contained in the report of the Planning Department found at Page 378 of the Minutes of the Planning Commission dated April 8, 1976; there is a further finding by the Council that the granting of the PRD No. 101 shall be subject to the requirement that the issuance of building permits will satisfy the condition precedent of satisfying 45 CNEL, received no vote at this time.

Noise Abatement and Control Administrator Jim Dukes answered questions directed by the Council.

(The following Resolution was numbered out of sequence.)

At this time the Council voted on Councilman Hubbard's previous motion.

RESOLUTION 216795, adopting as the Council's findings of fact, required by Municipal Code Section 101.0900 F.1, those findings contained in the Report of the Planning Department, dated April 1, 1976; denying the appeal of Carol E. Tompkins, Coordinator for East San Diego Concerned Citizens, and granting Planned Residential Development Permit No. 101 to Graham M. Kelly, was adopted by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Gade, Ellis, and Mayor Wilson. Nays-Councilman Haro. Absent-Councilmen Morrow and Williams.

Mayor Wilson recessed the Meeting at 4:22 p.m. Upon reconvening at 4:40 p.m., the Roll Call showed Councilmen O'Connor, Morrow and Haro absent.

(Item 21 - First Time)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of September 8, 1976, on paving and otherwise improving Market Street from 47th Street to Euclid Avenue - on Resolution of Intention 216482.

Councilman Morrow entered the Chambers.

Councilman Haro entered the Chambers.

By Common Consent, the matter was trailed.

(Item 24 - Second Time)

A motion by Councilman Morrow to reconsider the action taken by the Council earlier, seconded by Councilman Gade, passed unanimously.

Councilwoman O'Connor entered the Chambers.

A motion by Councilman Gade to continue the appeal of Curtis Coleman Company to October 26, 1976, p.m., for full Council and for completion of the Environmental Impact Report, seconded by Councilman Williams, passed unanimously.

(Item 21 - Second Time)

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

It was reported one written protest and verbal protests had been received.

Attorney Michael Cowelt appeared to address the Council in opposition.

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

Attorney Michael Cowelt spoke to the Council.

Joseph Hornsby and Alfred Brookes appeared to address the Council in opposition.

A motion by Councilman Gade to suspend the rules to continue the Meeting past 6:00 p.m., seconded by Councilman Ellis, passed unanimously.

Jack Kingery appeared to address the Council in opposition.

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

Alfred Brookes answered questions directed by the Council.

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

Attorney Michael Cowelt answered questions directed by the Council.

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

(Item 21 - Second Time - Continued)

Alfred Brookes answered questions directed by the Council.

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

A motion by Councilman Morrow to overrule and deny all oral and written protests, close the hearing and adopt the proposed Resolutions, received no vote at this time.

Councilman Johnson left the Chambers.

The Council discussed the matter.

A motion by Councilman Morrow to close the hearing, overrule and deny all oral and written protests, and adopt the Resolution of Feasibility and the Resolution Ordering Work and directing Notice Inviting Bids, seconded by Councilman Williams, failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, and Haro. Nays-Councilmen Hubbard, Gade, Ellis, and Mayor Wilson. Absent-Councilman Johnson.

Councilman Johnson entered the Chambers.

(Item 25)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of Richard M. and Helen L. Fortson from the decision of the Planning Commission in denying the appeal of Helen L. Fortson from the decision of the Planning Director in granting the proposed Preliminary Parcel Map for the consolidation of Lots 3 and 10, Block 41, eastern addition to New San Diego, together with the easterly 10 feet of 33rd Street vacated, located on the east side of 33rd Street, north of Laurel Street and south of Maple Street, in the R-1-5 Zone.

Ken Klein, Planning Department, presented his report.

Attorney Jim Kinder appeared to address the Council in favor of the appeal.

Ronald Hotalling appeared to address the Council in opposition to the appeal.

A motion by Councilman Gade to suspend the rules to extend the Meeting to 6:15 p.m., seconded by Councilman Haro, passed unanimously.

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

The Council discussed the matter.

A motion by Councilman Hubbard to close the hearing and adopt the Resolution denying the appeal, received no vote at this time.

Ronald Hatolling answered questions directed by the Council.

The hearing was closed and the following Resolution adopted on motion of Councilman Hubbard.

RESOLUTION 216756, denying the appeal of Richard M. and Helen L. Fortson; sustaining the decision of the Planning Commission; and approving the proposed Preliminary Parcel Map.

There being no further business to come before the Council at this time, by Unanimous Consent granted to Councilman Gade, the Regular Meeting was adjourned at 6:08 p.m., in memory of Attorney Allen T. Wilkerson, Jr., who passed away on September 9, 1976, on motion of Councilman Gade.

*Pete Wilson*

Mayor of The City of San Diego, California

ATTEST:

*Charles A. Robinson*

City Clerk of The City of San Diego, California