

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, SEPTEMBER 29, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M. AND 2:00 P.M.

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

Absent--Councilman Johnson.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 8:45 a.m.

(Item 100)

Roll Call was taken.

(Item 4 - Docket of Tuesday, September 28, 1976.)

The matter, continued from the Meeting of September 28, 1976, on setting a time for the presentation by Frank L. Hope and Associates on the Police Site Selection Study, was presented.

On motion of Councilman Hubbard, the time was set for presentation by Frank L. Hope and Associates in Room 2000 on the Police Site Selection Study at 12:00 to 2:00 p.m., November 3, 1976.

(Unanimous Consent No. 1)

By Unanimous Consent granted to Mayor Wilson, a communication from Captain James F. Buckner, representing the La Jolla-San Diego Chapter of Military Order of the World Wars, requesting funding of \$400 for the Massing of the Colors and Service of Remembrance on November 7, 1976 to pay for special luncheon for principal speaker and spouse and ranking military and civic guests, was presented.

Captain Buckner appeared to speak.

RESOLUTION 216862, authorizing the Auditor and Comptroller to transfer within the 224 Fund the sum of \$400 from the Contingency Reserve (52.99) to Military Order of the World Wars (52.92) to be used solely and exclusively for defraying expenses incurred in the Massing of the Colors, Service of Remembrance and other ceremonial functions to be conducted on November 7, 1976 at the Organ Pavilion in Balboa Park, was adopted on motion of Councilman Gade.

Councilmen Hubbard and Ellis were excused from voting due to possible conflict of interest due to membership in the organization.

The Council considered requests for continuances: Item 151.

(Item 151)

RESOLUTIONS: Awarding a contract to R. S. Construction Co. for the sum of \$21,995.14 for Construction of Morrell Street Drain; authorizing the expenditures of \$13,000 out of Flood Control and Storm Drain Bond Fund (Fund 727) and \$16,000 out of Gas Tax Unallocated Reserve (Fund 219) for said purpose and related costs.

Ballard Williams appeared to speak.

The motion of Councilman Gade to continue the proposed resolution to the meeting of October 6, 1976, 8:30 a.m. for Ballard Williams to meet with the City Manager, was not voted on at this time.

Assistant City Manager Graham answered questions directed by the Council.

Ballard Williams appeared to speak further on the matter.

On motion of Councilman Gade, the proposed resolution was continued to the meeting of October 6, 1976, 8:30 a.m. for Ballard Williams to meet with the City Manager.

(Item 251)

A proposed Resolution, continued from the Meeting of September 22, 1976, awarding a contract to Carde Pacific Corp. for purchase of one (1) pavement roller, and one (1) trailer, for a total estimated cost, including tax and terms, of \$18,354.56, was presented.

Assistant City Manager Graham answered questions directed by the Council.

On motion of Councilman Gade, said proposed Resolution was returned to the City Manager at his request.

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 and 121.

There was discussion on Item 120.

The following Ordinances were introduced at the Meeting of September 15, 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.

(Item 120 - CASE NO. 12-76-1)

ORDINANCE 11918 (New Series), incorporating Lots A and L, Block 310, Horton's Addition, into the R-3A Zone, as defined by Section 101.0412 of the San Diego Municipal Code and repealing Ordinance No. 11800 (New Series), adopted March 3, 1976, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was adopted on motion of Councilman Gade by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilman Johnson.

(Item 121)

ORDINANCE 11919 (New Series), setting aside Lot 30, Calumet Park and dedicating same "Calument Park," was adopted on motion of Councilman Gade by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilman Johnson.

The Council considered the portion of the Consent Agenda dealing with Resolutions, which consisted of Items 150, 152, 153, 154, 155, 156, 157, 158, 159, and 201.

(Item 150)

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

RESOLUTION 216863, N.D.L. Cement Contractors, for the sum of \$54,587.50 for the Construction of Pedestrian Ramps for the Handicapped - Contract No. 3; authorizing the expenditures of \$68,100 out of First Year Block Grant Fund (Fund 2910) and \$5,000 out of Capital Outlay Fund (Fund 245) for said purpose and related costs; and

RESOLUTION 216864, A-C Company, for the sum of \$7,125 for Cliffridge Park - Concession Area Paving including alternate No. 1.

(Item 152)

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

RESOLUTION 216865, Mission Ford Tractors, Inc., for the purchase of one rubber tired tractor/loader for a total cost, including tax, terms and trade-in allowance, of \$38,444; and

RESOLUTION 216866, Kenton Equipment Company, for the purchase of one hydraulic power package for an actual cost, including tax and terms, of \$10,779.13.

(Item 153)

The following Resolutions, relative to Construction of the University Community Branch Library, were adopted on motion of Councilman Gade:

RESOLUTION 216867, certifying that the information contained in Environmental Negative Declaration No. 75-06-33C has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council; and

RESOLUTION 216868, inviting bids in accordance with Specifications Document No. 756660.

(Item 154)

RESOLUTION 216869, authorizing the Purchasing Agent to Advertise for Sale 50 vehicles; said vehicles are so used, obsolete or depreciated as to be unfit or undesirable for use or retention by the City; expenses in connection with the sale of said equipment shall be deducted from the proceeds received from the sale thereof, was adopted on motion of Councilman Gade.

(Item 155)

The following Resolutions, relative to Negotiated Sale of Slope Easement for the Baldwin Company Governor Drive Subdivision, were adopted on motion of Councilman Gade:

RESOLUTION 216870, certifying that the information contained in the Environmental Impact Report No. 74-12-12P 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; and

RESOLUTION 216871, authorizing the divestment of City's Easement Interest by Negotiated Sale for the sum of \$65 affecting a portion of Lot 243 of University City Manor Unit No. 3, to The Baldwin Company; authorizing the execution of a quitclaim deed, quitclaiming to The Baldwin Company, said unneeded slope easement.

(Item 156)

The following Resolutions, relative to revestment of abutter's rights of access to West Morena Boulevard along the portion of Pueblo Lot 256, were adopted on motion of Councilman Gade:

RESOLUTION 216872, authorizing the execution of a quitclaim deed to Walter E. Fiedler, Inc.; and

RESOLUTION 216873, authorizing the execution of a quitclaim deed to Nadine Kathleen Ohlsen.

(Item 157)

The following Resolutions, approving the acceptance by the City Manager of deeds relative to Palm Avenue widening, were adopted on motion of Councilman Gade:

RESOLUTION 216874, Robert H. Clarno, Jr. and Roderick L. Brotherton, (street purposes) - Parcel 1, PALM AVENUE;

RESOLUTION 216875, Robert H. Clarno, Jr., Roderick L. Brotherton, Roy E. Winchell and Michael B. Hays, (street purposes) - Parcel 1, PALM AVENUE; and

RESOLUTION 216876, Masashige Takeguchi, aka Jack M. Takeguchi, (street purposes) - PALM AVENUE.

(Item 158)

The following Resolutions, relative to agreements implementing the College Work Study Program for the time period between August, 1976 through June, 1977, were adopted on motion of Councilman Gade:

RESOLUTION 216877, San Diego City College;

RESOLUTION 216878, United States International University; and

RESOLUTION 216879, University of California, San Diego.

(Item 159)

RESOLUTION 216880, authorizing an agreement with San Diego Regional Employment and Training Consortium (RETC) to continue the San Diego Regional Youth Employment Program (REGY) under Title I of the Comprehensive Employment and Training Act (CETA), was adopted on motion of Councilman Gade.

(Item 201)

RESOLUTION 216881, designating approximately 18.8 acres of City-owned land located east of Margerum Avenue (Margerum Avenue Park Site - Park District #383), as a Neighborhood Park and Youth Sports Activity Area; accepting Study Plan "B" as the preferred improvement plan for the park; authorizing the City Manager to proceed with the development of a proposed grading plan for the park site and to process the documents necessary to obtain environmental review of the proposed park improvements, was adopted on motion of Councilman Gade.

(Item 200)

A proposed Resolution, authorizing an agreement with Pacific Southwest Realty Company, as successor in interest to Sectras Corporation, providing for acceptance of improvements and termination of agreement and clarification of agreement affecting City-owned property adjoining Security Pacific Plaza, was presented.

Assistant City Manager Graham answered questions directed by the Council.

RESOLUTION 216882, authorizing an agreement with Pacific Southwest Realty Company, as successor in interest to Sectras Corporation, providing for acceptance of improvements and termination of agreement and clarification of agreement affecting City-owned property adjoining Security Pacific Plaza, was adopted on motion of Councilman Gade.

(Item 103)

Mary Giglitto, Cabrillo Festival, Inc., presented Juan Rodriguez Cabrillo and the Queen of the Cabrillo Festival, making their Annual Visitation for the reenactment of the arrival in 1542 of Juan Rodriguez Cabrillo.

Mayor Wilson welcomed the party and presented a Proclamation to Mrs. Giglitto, proclaiming September 26 to October 3, 1976, Cabrillo Festival Week.

(Item 252)

A proposed Resolution, continued from the Meeting of September 15, 1976, rejecting all bids received on July 21, 1976, on furnishing concession services for the Convention and Performing Arts Center for a period of one year ending August 15, 1977 with an option to renew the contract for two additional one year periods; authorizing the Purchasing Agent to advertise for bids for furnishing concession services for the Convention and Performing Arts Center as may be required for a period of one year ending October 31, 1977 with an option to renew the contract for two additional one year periods - Specifications Document No. 756569, was presented.

Mayor Wilson stated that he had listened to the tapes from the 9-15-76 a.m. meeting.

On motion of Councilman Hubbard the proposed Resolution was adopted by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, Gade, and Haro. Nays-Councilman Ellis and Mayor Wilson. Absent-Councilman Johnson. This Resolution was not numbered as it was reconsidered.

A gentleman from the audience appeared to speak in opposition to the Council's action.

On motion of Councilman Morrow, the previous action to adopt was reconsidered by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-Councilman Johnson.

Discussion followed

G. Richard Doty appeared to speak.

The motion of Councilman Hubbard to continue the matter to October 6, 1976, 9:00 a.m. Time Certain for full Council, was not voted on at this time.

Harold Tebbits appeared to speak on the continuance.

On motion of Councilman Hubbard, the matter was continued to the meeting of October 6, 1976, 9:00 a.m. Time Certain for full Council by unanimous vote.

(Item 202)

A proposed Resolution, continued from the Meeting of September 22, 1976, for a report from the City Manager on what and where the improvements are and when they were made, directing the City Manager to negotiate a participation agreement with The Christiana Companies, Inc., for City participation towards the cost of improvements to certain major streets in the Tierrasanta area in accordance with the terms and conditions of the City Manager's Report of July 22, 1976, was presented.

RESOLUTION 216883, directing the City Manager to negotiate a participation agreement with The Christiana Companies, Inc., for City participation towards the cost of improvements to certain major streets in the Tierrasanta area in accordance with the terms and conditions of the City Manager's Report of July 22, 1976, was adopted on motion of Councilman Morrow.

(Item 203)

A proposed Resolution, continued from the Meeting of September 22, 1976, for further review, authorizing the City Manager to implement the following operational recommendation of the City Manager's reports to the Mayor and Council dated August 20 and September 3, 1976: (1) To eliminate Saturday Dial-a-Ride service, was presented.

(Item 203 - Continued)

Assistant City Manager Graham and Assistant City Attorney Teaze answered questions directed by the Council.

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

Assistant City Attorney Teaze

Armand Campillo, Transportation Department, answered questions directed by the Council.

Ron Beaudry, Jewell Hooper, and Arlene Van de Wetering appeared to speak.

Assistant City Manager Graham and Armand Campillo, Transportation Department, answered further questions directed by the Council.

By common consent, staff was directed to pursue the idea of making use of volunteers for weekend service and inquire as to what can be developed to give reasonable assurance of responsibility and experience on the part of the volunteer drivers.

Discussion followed.

Arlene Van de Wetering appeared to speak further on the matter.

RESOLUTION 216884, amending Resolution No. 216839, adopted September 22, 1976; implementing the following operational recommendations of the City Manager's Reports to the Mayor and Council dated August 20 and September 3, 1976: (1) To implement selected Dial-a-Ride day service in areas of low demand. (2) To eliminate Saturday service,

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

(Item 101)

Mayor Wilson welcomed twenty students from Midway Community Adult School accompanied by Dorothy Walsh.

Councilwoman O'Connor addressed the group.

(Item 102)

Mayor Wilson welcomed forty students from Patrick Henry High School accompanied by Arthur Polk.

Councilman Ellis addressed the group.

Mayor Wilson recessed the Meeting at 9:59 a.m. Upon reconvening at 10:21 a.m., the Roll Call showed Councilmen Johnson and Morrow absent.

(Item 204)

A proposed Resolution, adopting a Conflict of Interest Code applicable to the members of the City Council pursuant to the Political Reform Act of 1974, was presented.

Assistant City Attorney Teaze answered questions directed by the Council.

(Item 204 - Continued)

Councilman Morrow entered the Chambers.

Assistant City Attorney Teaze continued answering questions directed by the Council.

The motion of Councilman Ellis to adopt the proposed Resolution was not voted on.

Arlene Van de Wetering and Bill Benjamin appeared to speak.

Assistant City Attorney Teaze answered questions directed by the Council. Discussion followed.

Councilwoman O'Connor left the Chambers.

Discussion continued.

Councilwoman O'Connor entered the Chambers.

A motion by Councilman Morrow to amend Page 1, Section 3 of the proposed Resolution to add "dues paying member" after the word "officer", passed unanimously.

A motion by Councilman Hubbard to amend the proposed Resolution to add a provision whereby Council members would annually file a list, along with their conflict of interest statements, of directorships, partnerships, and trusteeships held, or within 30 days of becoming such, died for lack of a second.

RESOLUTION 216885, adopting a Conflict of Interest Code applicable to the members of the City Council pursuant to the Political Reform Act of 1974, was adopted as amended, on motion of Councilman Ellis.

A motion by Councilman Morrow to bring forth Conflict of Interest Code for City Attorney's Office received no vote.

Assistant City Attorney Teaze answered questions directed by the Council.

(Item 205)

A proposed Resolution, confirming the transfer of Mr. Richard F. Smith, Jr. from the Bank Official category of the City Employees' Retirement System Board of Administration to the member-at-large slot to replace Mr. Joseph W. Hibben, who has resigned, for a term to expire February 12, 1981; appointing Mr. Jerald Lewis to fill the category of Bank Official to said Board for a term ending June 19, 1981, was presented.

RESOLUTION 216886, confirming the transfer of Mr. Richard F. Smith, Jr. from the Bank Official category of the City Employees' Retirement System Board of Administration to the member-at-large slot to replace Mr. Joseph W. Hibben, who has resigned, for a term to expire February 12, 1981; appointing Mr. Jerald Lewis to fill the category of Bank Official to said Board for a term ending June 19, 1981, was adopted on motion of Councilman Morrow.

OFFICE OF CITY CLERK
SAN DIEGO, CALIFORNIA

MINUTES OF CITY COUNCIL

DATE OF MEETING: 9-29-1976 2:00 p.m.

MINUTE CLERK'S NAME: Jma

TO BE READ: _____
(initials)

CORRECTIONS MADE: _____
(initials)

TO BE REREAD: _____
(initials)

FINAL CORRECTIONS MADE: _____
(initials)

TO BE APPROVED: _____
(date)

TO BE NUMBERED: _____
(initials)

FILED: _____
(initials)

(Item 206)

A proposed Resolution, appointing Ernest F. Miller to the San Diego City-County Camp Authority for a four-year term ending December 31, 1979, was presented.

The motion of Councilman Gade to adopt the proposed Resolution, was not voted on at this time.

Discussion followed.

RESOLUTION 216887, appointing Ernest F. Miller to the San Diego City-County Camp Authority for a four-year term ending December 31, 1979, was adopted on motion of Councilman Gade, by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, Gade, Ellis, and Mayor Wilson. Nays-Councilman Haro. Absent-Councilman Johnson.

(Item 207)

A proposed Resolution, establishing Council Policy No. 600-24 entitled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Committees," was presented.

Dorothy Leonard, Mars Collison, Ruth Schneider, Robert Long, and Marian Bear appeared to speak.

Rules Committee Consultant Conrad and Planning Director Goff answered questions directed by the Council.

A motion by Councilman Ellis to amend the proposed Resolution as proposed by the Navajo Community Planners, Inc., and adopt as amended, received no vote at this time.

By common consent, the proposed Resolution was trailed.

Mayor Wilson recessed the Regular Meeting at 12:07 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:16 p.m., the Roll Call showed Councilman Johnson absent.

Planning Director Goff answered questions directed by the Council regarding Mrs. Schneider's proposed amendments to Council Policy 600-5.

Mrs. Ruth Schneider addressed the Council.

A motion by Councilman Williams to amend Article 3, Section 5 of Policy No. 600-24 by deleting a limitation of eight consecutive years on the Committee, died for lack of a second.

A motion by Councilman Ellis to draft a policy with the addition of the Navajo Community Planners, Inc. proposals after passage of this policy, received no vote at this time.

A motion by Councilman Williams to amend Article 3, Section 5 of Policy No. 600-24 by deleting the limitation of eight consecutive years on the Committee, seconded by Councilman Morrow, failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen Williams, Morrow, Haro and Mayor Wilson. Nays-Councilmen O'Connor, Hubbard, Gade and Ellis. Absent-Councilman Johnson.

RESOLUTION 216888, establishing Council Policy No. 600-24 entitled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Committees", was adopted on motion of Councilman Ellis.

The following Ordinance was introduced at the Meeting of September 15, 1976.

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

(Item 250)

ORDINANCE 11920, amending Ordinance No. 11845 (New Series), entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of The City of San Diego for the Fiscal Year 1976-77," by amending Exhibits A, B and C thereto relating to additions of position titles and corrections to the Table of Pay for Standard Rates; deleting Exhibits D and E; and amending ordinance language to conform to said corrections, was adopted on motion of Councilman Morrow, by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-Councilman Johnson.

(Item 253)

A proposed Resolution, continued from the Meeting of September 22, 1976, appointing Gray, Cary Ames & Frye, attorneys at law, as special bond counsel in connection with the proceedings under the Municipal Improvement Act of 1913, and the San Diego Park District Procedural Ordinance of 1969, for Crest Canyon Park Reserve District (San Diego Park District No. 17); authorizing the expenditure of not to exceed \$7,600 from Environmental Growth Fund No. 2505 for payment of the above-stated services in the event the proposed proceedings fail to materialize or are abandoned prior to the issuance of bonds; authorizing the City Auditor and Comptroller to transfer the sum of \$7,600 from CIP 92505 (Environmental Growth Fund Unallocated Reserve) to CIP 20006 (Park Reserve), was presented.

Assistant City Attorney Teaze presented his report.

A motion by Councilwoman O'Connor to adopt the proposed Resolution, died for lack of a second.

The Council discussed the matter.

Assistant City Attorney Teaze, Assistant City Manager Graham and J. F. McLaughlin, Engineering and Development Department, answered questions directed by the Council.

A motion by Councilman Gade to file the matter, received no vote at this time.

The Council discussed the matter.

A motion by Councilman Gade to file the matter, seconded by Councilman Morrow, failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen Williams, Morrow, Gade, and Haro. Nays-Councilmen O'Connor, Hubbard, Ellis, and Mayor Wilson. Absent-Councilman Johnson.

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

(Item 253 - Continued)

RESOLUTION 216889, appointing Gray, Cary Ames & Frye, attorneys at law, as special bond counsel in connection with the proceedings under the Municipal Improvement Act of 1913, and the San Diego Park District Procedural Ordinance of 1969, for Crest-Canyon Park Reserve District (San Diego Park District No. 17); authorizing the expenditure of not to exceed \$7,600 from Environmental Growth Fund No. 2505 for payment of the above-stated services in the event the proposed proceedings fail to materialize or are abandoned prior to the issuance of bonds; authorizing the City Auditor and Comptroller to transfer the sum of \$7,600 from CIP 92505 (Environmental Growth Fund Unallocated Reserve) to CIP 20006 (Park Reserve).

By Common Consent granted to Councilman Gade, the City Manager was directed to bring to the docket stated in the alternative and make a survey report on what other jurisdictions do regarding retaining bond counsel on a contingency basis.

Mayor Wilson recessed the Meeting at 2:59 p.m. Upon reconvening at 3:12 p.m., the Roll Call showed Councilmen Johnson and O'Connor absent.

Councilwoman O'Connor entered the Chambers.

(Item 254)

A proposed Resolution, authorizing the City Auditor and Comptroller to transfer the sum of \$5,000 out of the Unallocated Reserve (53.30) to Allocated Reserve (53.20) to provide funds to defray the expenses of the law firm Harrigan, Ruff and Osborne involved in representing The City of San Diego, as co-counsel with the special attorney for the Police Intelligence Inquiry, Coleman Conrad, in legal proceedings to compel City Manager Hugh McKinley to comply with Council direction regarding access to police intelligence files, under that letter of agreement with the law firm of Harrigan, Ruff and Osborne, by Joseph W. Ruff, was presented.

Committee Consultant Coleman Conrad presented his report.

City Attorney Witt presented his report and submitted a revised Resolution.

A motion by Councilman Ellis to file the matter, died for lack of a second.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council regarding the aid of the State Attorney General.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council.

A motion by Councilman Gade to continue the matter one week until October 6, 1976, a.m., and direct the City Attorney to return with a written opinion on the question: Does the Council need to have a lawsuit to decide whether or not the Council can adopt Resolution R-77-495 according to City Charter, Section 40?, and a written opinion on whether or not Mr. Conrad could be deputized, or whether or not the Attorney General must be deputized, and whether or not the City Attorney feels there is not a conflict of interest with him representing the Police

(Item 254 - Continued)

Department and its officers as the attorney for the defense, and in the alternative, advising the City Council as to acts and deeds upon which the Council will, in open session, perhaps legislate against, died for lack of a second.

City Attorney Witt answered questions directed by the Council.

The Council discussed the matter.

City Attorney Witt answered questions directed by the Council.

Councilman Ellis withdrew his motion to file the matter and seconded Councilman Gade's motion.

The Council discussed the matter.

Committee Consultant Coleman Conrad answered questions directed by the Council.

A motion by Councilman Gade to continue the matter one week until October 6, 1976, a.m., and direct the City Attorney to return with a written opinion on the question: Does the Council need to have a lawsuit to decide whether or not the Council can adopt Resolution R-77-495 according to City Charter, Section 40?, and a written opinion on whether or not Mr. Conrad could be deputized, or whether or not the Attorney General must be deputized, and whether or not the City Attorney feels there is not a conflict of interest with him representing the Police and its officers as the attorney for the defense, and in the alternative, advising the City Council as to acts and deeds upon which the Council will, in open session, perhaps legislate against; and return with a written offer from the State's Attorney General offering the services of a deputy to assist in determining whether or not there is any basis for concern about the repetition of wrongdoing, if any has occurred, in the matter of gathering police intelligence, passed unanimously.

(Item 255)

RESOLUTION 216890, cancelling the Meetings of the Committees of the Council presently scheduled during the period October 18 through October 20, 1976; advising the public that a quorum is not expected to be present for the Council Meetings scheduled for 2:00 p.m., Tuesday, October 19, 1976 and for 8:30 a.m., and 2:00 p.m., Wednesday, October 20, 1976 and matters docketed for those days are expected to be carried over as unfinished business to Tuesday, October 26, 1976, was adopted on motion of Councilman Morrow.

(Item 256)

A proposed Resolution, authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings, a portion of Parcel B being a portion of Lot 1 of McGrath Highlands Industrial Center Unit No. 2, for sewer easement purposes, was presented.

A motion by Councilman Morrow to adopt the proposed Resolution, received no vote at this time.

Assistant City Attorney Teaze addressed the Council.

Assistant Director Hagar, Property Department, presented his report.

RESOLUTION 216891, authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings, a portion of Parcel B being a portion of Lot 1 of McGrath Highlands Industrial Center Unit No. 2, for sewer easement purposes, was adopted on motion of Councilman Morrow.

The Mayor recessed the Meeting at 4:35 p.m. Upon reconvening at 4:44 p.m., the Roll Call showed Councilmen Johnson, Haro, and Mayor Wilson absent.

(Item 403)

The matter of Annual Council Programming for the purpose of defining City-wide goals and objectives, developing program content and funding, reviewing program effectiveness, and prioritizing community needs for fiscal year 1978 budget, was presented.

A motion by Councilman Gade, to continue the matter one week until October 6, 1976, 2:00 p.m., Time Certain, due to the lack of time, seconded by Councilman Ellis, passed unanimously.

(Item 257)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing, continued from the Meeting of September 21, 1976, at the Mayor's request, on the appeal of Robert K. Burkett from the decision of the Planning Commission in granting the application of Velimir Petakovich, owner/permittee, under Planned Residential Development Permit No. 102, to construct 12 single-family detached dwellings on 1.8 acres in the R-1-5 (Hillside Review Overlay) Zone, located on the north side of Clairemont Drive between Frankfort Street and Erie Street. The property is more particularly described as Lots 15-28, Block 70, Morena Amended Map, along with a portion of the Alley in Block 70 and a portion of Frankfort Street to be vacated.

Ken Klein, Planning Department, presented his report and answered questions directed by the Council.

Councilman Haro entered the Chambers.

Robert K. Burkett and Mrs. Marian Bear appeared to address the Council in favor of the appeal.

Attorney Frank Gregorcich and Velimir Petakovich appeared to address the Council in opposition to the appeal.

Robert K. Burkett answered questions directed by the Council.

Mrs. Marian Bear addressed the Council.

Deputy City Attorney Valderhaug answered questions directed by the Council.

Mrs. Marian Bear answered questions directed by the Council.

The hearing was closed on motion of Councilman Gade and the following Resolutions were adopted on motion of Councilman Gade.

RESOLUTION 216892, certifying that the information contained in Environmental Impact Report No. 76-03-36P 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; and

RESOLUTION 216893, denying the appeal and granting PRD 102.

A motion by Councilman Gade to suspend the rules to extend the Meeting time to 6:00 p.m., passed by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Gade, Ellis, and Haro. Nays-Councilman Morrow. Absent-Councilman Johnson and Mayor Wilson.

(Item 402)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing, continued from the Meeting of September 21, 1976, for full Council, on the appeal of Robert A. Aaberg and Richard L. Hamlin from the decision of the City Engineer in requiring, pursuant to granting a building permit, that the existing alleys to the side and rear of appellants property be paved with a concrete surface. Said property is at 4726 - 35th Street and is more particularly described as Lot 17, Block 25, Normal Heights, located north of Adams Avenue between Mansfield and 35th Streets.

Robert A. Aaberg appeared to address the Council regarding a continuance of the matter for full Council.

A motion by Councilman Morrow to continue the matter one week until October 6, 1976, 8:30 a.m., Time Certain, at appellant's request, passed unanimously.

(Item 401 - Special Order of Business)

The matter of the 1976 Public Works Act was presented.

Assistant City Manager R. E. Graham presented his report dated September 28, 1976, along with five proposed resolutions on the submission of new grant applications and the deletion of projects previously authorized by the Council, and agreements with engineering firms, landscape architects, and professional architects for services in connection with the design and construction of said projects.

Merle Wisenberg, Western Hills Development Committee, appeared to address the Council.

A motion by Councilman Gade to amend the resolution on the submission of the grant applications to add improvements to the Western Hills Park, passed unanimously.

Mrs. Marilyn Wolfram, City Manager's Office, answered questions directed by the Council.

On motion of Councilman Morrow, the following resolutions were adopted:

RESOLUTION 216856, directing the City Manager or his duly authorized representative to submit and execut grant applications for construction of a senior citizen center and shuffleboard courts to the Highland Landis Recreation Project, construction of a traffic signal control device at the corner of Friars Road and Colusa Street, and improvements to the Western Hills Park, 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; directing the City Manager to delete from the list of Council authorized projects for which grant applications are being submitted to the EDA those projects known as Otay Mesa Road, CIP No. 52-140, Dairy Mart Road, CIP No. 52-199, and San Ysidro Boulevard, CIP No. 52-166.1;

(Item 401 - Special Order of Business - Continued)

RESOLUTION 216857, authorizing two agreements with Rick Engineering Company for professional engineering services for design of various proposed improvements to City facilities included in grant applications with the Economic Development Administration; directing the City Manager to withhold approval to start work under the above agreements until such time as the Economic Development Administration grants approval to proceed with expenditure of 1976 Public Works Employment Act funds; and if the Economic Development Administration does not grant approval for the projects which are the subject of the above agreements, directing the City Manager to declare the agreements of no effect;

RESOLUTION 216858, authorizing an agreement with Walter Lewis, Landscape Architect, for professional architectural services for design of various proposed improvements to City facilities included in grant applications with the Economic Development Administration; directing that Capital Improvement Project (CIP) Nos. 38-009 and 38-013 be merged into and identified as CIP No. 38-011; transferring funds previously allocated to CIP Nos. 38-009 and 38-013 into CIP No. 38-011 for a new allocated amount of \$17,000 to be expended for said project; and transferring \$3,000 within General Fund 100 from the Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to be used for providing additional funds for the above architectural services;

RESOLUTION 216859, authorizing an agreement with Herman Kimmel & Associates, Inc., for professional engineering services for design of various proposed improvements to City facilities included in grant applications with the Economic Development Administration, U. S. Department of Commerce for financial assistance under Title I of the Public Works Employment Act of 1976; authorizing the transfer within General Fund 100 from Unallocated Reserve (53.30) to the Allocated Reserve (53.20); and

RESOLUTION 216860, authorizing an agreement with Paderewski-Dean & Associates for professional architectural services for design of various proposed improvements to the Ford Building in Balboa Park included in grant applications with the Economic Development Administration; authorizing the transfer of \$10,000 within General Fund 100 from Unallocated Reserve (53.30) to the Allocated Reserve (53.20) to be used for providing funds for the above-referenced services.

(Item 404)

The following Resolutions, relative to Lease Assignment - Robert V. Moore Dairy - San Pasqual Valley, were adopted on motion of Councilman Morrow.

The following Resolution was numbered out of order.

RESOLUTION 216894, authorizing an Assignment and Assumption of Lease and Consent to Assignment with Simon Vander Woude and John Vander Woude, by which City consents to Robert V. Moore assigning to Simon and John Vander Woude all his right, title and interest in the lease agreement executed November 24, 1970; and

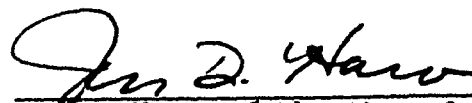
RESOLUTION 216895, authorizing a Second Amendment to Lease Agreement with Simon Vander Woude and John Vander Woude, amending that certain Lease Agreement executed November 24, 1970, by amending the insurance provision and adding the Affirmative Action Requirements.

(Unanimous Consent #2)

By Unanimous Consent granted to the City Manager, a proposed Resolution authorizing the City Manager to appeal the decision of the San Diego Coast Regional Commission to the California Coastal Zone Conservation Commission, was presented.

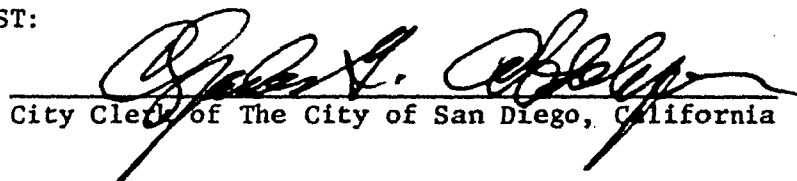
RESOLUTION 216861, authorizing the City Manager to appeal the decision of the San Diego Coast Regional Commission to the California Coastal Zone Conservation Commission, was adopted on motion of Councilman Morrow.

There being no further business to come before the Council at this time, by Unanimous Consent granted to Councilman Morrow, the Regular Meeting was adjourned at 5:43 p.m., in memory of Myron Arthur "Art" Myers, who passed away September 25, 1976, on motion of Councilman Morrow.



Deputy Mayor of The City of San Diego, California

ATTEST:


City Clerk of The City of San Diego, California