

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - WEDNESDAY, OCTOBER 27, 1976 -  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE  
8:30 a.m. & 2:00 p.m.

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

Acting Mayor Johnson called the Regular Meeting to order at 8:40 a.m.

(Item 100)

Roll call was taken.

(Item 101)

Acting Mayor Johnson welcomed a group of new employees, who were present in the Chambers.

Councilman Williams entered the Chambers.

(Item 102)

The matter of eliminating the Committee System, was presented.

A motion by Councilman Ellis to continue the matter to November 3, 1976 - a.m., for full Council, received no vote at this time.

George Young appeared to speak.

A motion by Councilman Ellis to continue to November 3, 1976, received no vote at this time.

Councilman Haro withdrew his second to the second motion by Councilman Ellis to continue to November 3, 1976.

A vote was then taken on the first motion by Councilman Ellis, to continue to November 3, 1976 - a.m., for full Council, which passed unanimously.

(Item 103)

The Purchasing Agent reported on all bids opened Tuesday, October 26, 1976 for paving and otherwise improving: a) Alley in Block 68, Morena; and b) Escuela Street, from Imperial Avenue to Nogal Street - two bids received on (a) and four bids received on (b).

Finding was made on motion of Councilman Gade that bids had been opened and declared as reported. By the same motion, report was referred to the City Manager and the City Attorney for recommendation.

(Item 104)

A communication from A.S. Carstens requesting permission to address the Council and deliver a statement on recombinant DNA Research now in progress at University of California, San Diego and a suggested course of action by Council, was presented.

A.S. Carstens appeared to speak.

Mayor Wilson entered the Chambers and assumed the Chair.

Councilman Morrow entered the Chambers.

On motion of Councilman Haro, the communication was referred to the San Diego Quality of Life Board to establish a Special Committee on this research.

The Council at this time considered requests for continuances; Item 205.

(Item 205)

RESOLUTIONS: Authorizing the City Manager to negotiate the sale at fair market value of a strip of City-owned land adjoining Lot 46, La Jolla Farms Subdivision, to Richard K. Livett and James Lambert, subject to the following conditions: 1) That the developers notify any subsequent purchaser of lots within the proposed subdivision that the proposed subdivision is adjacent to the University of California and due to this proximity there are traffic, parking, and student-related problems. This notification is to be included in the White report required by the Commissioner of Real Estate in order to sell the lots within the proposed subdivision and in the deed conveying the property to subsequent purchasers; 2) That the developers be restricted to only one access point from the proposed subdivision to North Torrey Pines Road; 3) That the developers relinquish any existing access rights to North Torrey Pines Road that Lot 5 of the proposed subdivision may hold.

Tom Henry and John Stewart appeared to speak on the continuance.

A motion by Councilman Haro to continue to November 10, 1976 - a.m., at the request of the opposition, received no vote at this time.

City Manager McKinley answered questions directed by Council.

A vote was then taken on the previous motion of Councilman Haro to continue to November 10, 1976 - a.m., at the request of the opposition, passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Ellis. Absent-Councilwoman O'Connor.

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, 121, 122, 123, and 124.

The following Ordinances were introduced at the Meetings of October 13, 1976 (Items 120, 123, and 124), and October 6, 1976 (Items 121 and 122).

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 Johnson by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilwoman O'Connor.

(Item 120 - CASE NO. 61-76-1)

ORDINANCE 11932 (New Series), incorporating a portion of the West 1/2, Section 34, Township 14 South, Range 2 West, S.B.B.M. (approximately 8 acres), located on both sides of Handrich Drive between Moselle Street and La Colina Road in the Scripps Miramar Ranch Area, into R-1-6 Zone, as defined by Section 101.0407 of the San Diego Municipal Code, and repealing Ordinance No. 10205 (New Series), adopted December 18, 1969, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 121 - CASE NO. 38-74-3/EOT)

ORDINANCE 11933 (New Series), amending Section 1 of Ordinance No. 11461 (New Series), adopted January 25, 1975, incorporating a portion of Pueblo Lot 1233, into CO Zone as defined by Section 101.0423 of the San Diego Municipal Code.

(Item 122 - CASE NO. 45-72-3/EOT)

ORDINANCE 11934 (New Series), amending Section 1 of Ordinance No. 10870, (New Series), adopted August 12, 1972, amended by Ordinance No. 11379 (New Series), adopted September 28, 1974, and further amended by Ordinance No. 11681 (New Series), adopted October 30, 1975, incorporating a portion of Rancho San Bernardo, into M-IP Zone, as defined by Section 101.0435.1 of the San Diego Municipal Code.

(Item 123 - CASE NO. 42-74-6/EOT)

ORDINANCE 11935 (New Series), amending Section 1 of Ordinance No. 11476 (New Series), adopted January 16, 1975, incorporating a portion of Pueblo Lot 1120, Record of Survey 2345, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code.

(Item 124)

ORDINANCE 11936 (New Series), amending Chapter VII, Article 2, Division 2, of the San Diego Municipal Code by amending Sections 72.0201 through 72.0216 and Section 72.0218, and adding new Section 72.0219, all relating to Automobiles for Hire; and

ORDINANCE 11937 (New Series), amending Chapter VII, Article 2, Division 3, of the San Diego Municipal Code by renumbering Sections 72.0312 through 72.0318 to Sections 72.0311 through 72.0317, and amending Sections 72.0301 through 72.0314, and Sections 72.0316 and 72.0317, all relating to Sight-Seeing Vehicles.

The Council considered that portion of the Consent Agenda dealing with Ordinances to be Introduced: Items 125, 126, and 200.

(Item 125 - CASE NO. 42-73-6/EOT)

A proposed Ordinance, amending Ordinance No. 11143 (New Series), adopted October 18, 1973, amended by Ordinance No. 11756 (New Series), adopted January 7, 1976, incorporating a portion of Pueblo Lot 1110, into CO Zone, as defined by Section 101.0423 of the San Diego Municipal Code, was introduced on motion of Councilman Gade by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilwoman O'Connor.

(Item 126 - CASE NO. 48-74-3/EOT)

A proposed Ordinance, amending Ordinance No. 11406 (New Series), adopted October 10, 1974, incorporating a portion of the Northwest 1/4, Section 35, Township 18 South, Range 2 West, S.B.B.M., Record of Survey 2371, into M-IP Zone, as defined by Section 101.0435.1 of the San Diego Municipal Code, was introduced on motion of Councilman Gade by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilwoman O'Connor.

AN ORDINANCE AMENDING ORDINANCE NO. 11143 (NEW SERIES), ADOPTED OCTOBER 18, 1973, AMENDED BY ORDINANCE NO. 11756 (NEW SERIES), ADOPTED JANUARY 7, 1976, INCORPORATING A PORTION OF PUEBLO LOT 1110, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO CO ZONE, AS DEFINED BY SECTION 101.0423 OF THE SAN DIEGO MUNICIPAL.

WHEREAS, a request has been received to extend the time on Ordinance No. 11143 (New Series), adopted October 18, 1973; and

WHEREAS, Section 1 of Ordinance No. 11143 (New Series) provided that the CO Zone would attach if a final subdivision map or maps were recorded on or before November 17, 1975; and

WHEREAS, the requested extension of time will permit the successful conclusion and implementation of the zoning pattern heretofore approved by the Planning Commission; NOW, THEREFORE,

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

Section 1. That Section 1 of Ordinance No. 11143 (New Series), adopted October 18, 1973, amended by Ordinance No. 11756 (New Series), adopted January 7, 1976, be, and it is hereby amended to read as follows:

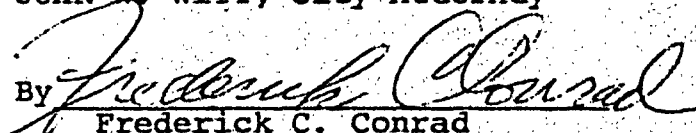
Section 1. That in the event that a portion of Pueblo Lot 1110, in the City of San Diego, California, designated "CO" on Zone Map Drawing No. B-2737, is subdivided and a final subdivision map or maps thereof duly recorded on or before November 17, 1977, and within such subdivision provision is made for the installation of public utility services and the dedication

of streets, alleys and easements for public use,  
the provisions of Section 101.0423 of the San Diego  
Municipal Code shall attach and become applicable to  
the said subdivided land and the said subdivided land  
shall be incorporated into C0 Zone, as described by  
Section 101.0423 of the San Diego Municipal Code, the  
boundary of such zone to be as indicated on Zone Map  
Drawing No. B-2737, filed in the office of the City  
Clerk as Document No. 744825.

Section 2. This ordinance shall take effect and be in  
force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad

Chief Deputy City Attorney

FCC:clh  
10/8/76  
Orig.Dept.Planning  
42-73-6

01654

AN ORDINANCE AMENDING ORDINANCE NO. 11406, (NEW SERIES), ADOPTED OCTOBER 10, 1974, INCORPORATING A PORTION OF THE NORTHWEST 1/4, SECTION 35, TOWNSHIP 18 SOUTH, RANGE 2 WEST, S.B.B.M., RECORD OF SURVEY 2371, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO M-IP ZONE, AS DEFINED BY SECTION 101.0435.1 OF THE SAN DIEGO MUNICIPAL CODE.

WHEREAS, a request has been received to extend the time on Ordinance No. 11406 (New Series), adopted October 10, 1974; and

WHEREAS, Section 1 of Ordinance No. 11406 (New Series) provided that the M-IP Zone would attach if a final subdivision map or maps were recorded on or before November 9, 1976; and

WHEREAS, the requested extension of time will permit the successful conclusion and implementation of the zoning pattern heretofore approved by the Planning Commission; NOW, THEREFORE,

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

Section 1. That Section 1 of Ordinance No. 11406 (New Series), adopted October 10, 1974, be, and it is hereby amended to read as follows:

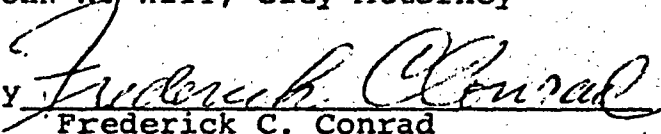
Section 1. That in the event that a portion of the Northwest 1/4, Section 35, Township 18 South, Range 2 West, S.B.B.M., Record of Survey 2371, in the City of San Diego, California, within the boundary of the district designated "M-IP" on Zone Map Drawing No. B-2800.1, is subdivided and a final subdivision map or maps thereof duly recorded on or before November 9, 1977, and within

such subdivision provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of Section 101.0435.1 of the San Diego Municipal Code shall attach and become applicable to the said subdivided land and the said subdivided land shall be incorporated into M-IP Zone, as described by Section 101.0435.1 of the San Diego Municipal Code, the boundary of such zone to be as indicated on Zone Map Drawing No. B-2800.1, filed in the office of the City Clerk as Document No. 748403.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

CC:clh  
8/12/76  
6-74-3  
ig.Dept.Planning



The Council considered that portion of the Consent Agenda dealing with Resolutions, which consisted of Items 150, 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 176, 178, 201, 202, 203, and 206.

There was discussion on Item 151.

(Item 150)

RESOLUTION 216987, awarding a contract to T.B. Penick & Sons, Inc., for the sum of \$296,940, for the Plaza de Panama - El Prado - Plaza de Balboa, Base Bid with Additive Alternate No. 1; authorizing the expenditure of \$312,000 out of the Park and Recreation Bond Fund 725 for said purpose and related costs, was adopted on motion of Councilman Gade.

(Item 151)

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

RESOLUTION 216988, Lamb Chevrolet Company, International Harvester Co., Carl Burger Dodge, and Center City Ford, for the purchase of Automotive Vehicles for a total cost, including tax, terms and trade-in, of \$195,515.46;

RESOLUTION 216989, Office Center Interiors, Arenson Office Furniture, San Diego Office Supply, Southwest Office Interiors, Austin Office Interiors, and Giffin Business Interiors, So., for furnishing Office Furniture as may be required for the period of one year ending September 30, 1977, for an estimated total cost of \$30,000;

RESOLUTION 216990, B. Hayman Co., Inc., for the purchase of three (3) each Triplex Power Mowers and one (1) Set Fairway Mowers for a total cost, including tax, terms and trade-in, of \$13,754.18;

RESOLUTION 216991, Toyotalift, Inc., for the purchase of one Forklift Truck, for a total cost, including tax and terms, of \$14,156.41; and

RESOLUTION 216992, Harrisons & Crosfield (Pacific) Inc., for the purchase of 30 Tons of Powdered Activated Carbon, for a total cost, including tax, terms and freight, of \$15,984.

(Item 152)

RESOLUTION 216993, awarding a contract to California-Western States Life Insurance Company, to renew the Group Life Insurance for the employees of The City of San Diego for a period of 52 weeks beginning October 22, 1976, for an estimated cost of \$22,000 exclusive of CETA employees and \$1,700 CETA employees (reimbursed by Federal Government), was adopted on motion of Councilman Gade.

(Item 153)

RESOLUTION 216994, inviting bids for the Water Main Replacement at De Anza Cove in Mission Bay Park in accordance with Specifications Document No. 757006, was adopted on motion of Councilman Gade.

(Item 154)

RESOLUTION 216995, rejecting all bids received September 9, 1976 for City Operations Building - Phase I - Insulation and Reroofing; authorizing the Purchasing Agent to readvertise for bids for City Operations Building - Phase I - Insulation and Reroofing in accordance with Specifications Document No. 757018, was adopted on motion of Councilman Gade.

(Item 156)

The following Resolutions relative to the Final Subdivision Map of Madrone Estates, were adopted on motion of Councilman Gade:

RESOLUTION 216996, authorizing an agreement with De Freitas Investment Company No. 6, for completion of improvements in Madrone Estates, a 50-lot subdivision located westerly of 68th Street and southerly of Madrone Avenue; and

RESOLUTION 216997, approving the final map of Madrone Estates and acknowledging receipt of subdivider's assurance of compliance with the affirmative marketing program.

(Item 157)

The following Resolutions relative to Villa Monserate Unit No. 1 Subdivision, were adopted on motion of Councilman Gade:

RESOLUTION 216998, granting an extension of time to January 1, 1977, to Christiana Companies, Inc., for completion of improvements in Villa Monserate Unit No. 1; and

RESOLUTION 216999, authorizing an agreement with The Christiana Companies, Inc., for the construction of improvements on Santo Road for a distance of approximately 810 feet, Clairemont Mesa Boulevard for a distance of approximately 2034 feet, Tierrasanta Boulevard for a distance of approximately 943 feet and oversizing of culvert on Santo Road, within the limits of Villa Monserate Unit No. 1 Subdivision, and to provide for reimbursement out of Capital Outlay Fund 245, in an amount not to exceed \$46,631.43.

(Item 158)

RESOLUTION 217000, authorizing the City Manager to accept the checks totaling \$2,600 from Arthur Burgess and Berneice Burgess in lieu of performance of the improvements under the Subdivision Agreement for Mission Gardens Annex Subdivision; directing the City Manager to use said monies to complete the required public improvements; providing that in the event the City Administrative Fees incurred pursuant to San Diego Municipal Code, Section 102.0216 for the completion and acceptance of these subdivision improvements amount to less than the \$500 estimated, the difference be refunded to Arthur Burgess and Berneice Burgess; rescinding Council Resolution No. 215898 and terminating the aforesaid improvement agreement; relieving the parties to said subdivision improvement agreement of their obligations; relieving Commercial Standard Insurance Company of its

(Item 158 - Continued)

obligations under its performance bonds, Nos. 115388 and 115389, was adopted on motion of Councilman Gade.

(Item 159)

RESOLUTION 217001, initiating proceedings for the establishment of the Market Street Lighting District; directing the City Engineer to prepare and file a report in accordance with Section 22565 et. seq. of the Streets and Highways Code of the State of California, was adopted on motion of Councilman Gade.

(Item 160)

RESOLUTION 217002, accepting and setting aside and dedicating as and for a public street a portion of Lot "A", Seacrest, shown as "Reserved for Future Street" on said map of Seacrest, excepting therefrom that portion of Lot "A" dedicated per deed recorded December 15, 1969, File Page 227527, Book 1969, Series 10 of Official Records; naming the same 16th Street, was adopted on motion of Councilman Gade.

(Item 161)

RESOLUTION 217003, dedicating as a public street a portion of Section 27 Township 18 South, Range 2 West, and naming the same Palm Avenue, was adopted on motion of Councilman Gade.

(Item 162)

RESOLUTION 217004, authorizing the Sale by Negotiation of City's interest in an unneeded easement for general utility and drainage purposes affecting portions of Lots 1, and 7-14, C.H. Tingey Subdivision; authorizing the execution of a Quitclaim Deed, quitclaiming to The San Diego Unified School District of San Diego County, City's interest in said easement, was adopted on motion of Councilman Gade.

(Item 163)

The following Resolutions relative to an exchange of sewer easements affecting portions of Lots 1 and 2, Bassett Subdivision, were adopted on motion of Councilman Gade:

RESOLUTION 217005, approving the acceptance by the City Manager of Deed of Standard Oil Company of California; and

RESOLUTION 217006, authorizing the execution of a Quitclaim Deed, quitclaiming to Standard Oil Company of California an existing sewer easement.

(Item 164)

The following Resolutions relative to an exchange of sewer easements, Bay Terraces Unit No. 1, were adopted on motion of Councilman Gade:

RESOLUTION 217007, approving the acceptance by the City Manager of Deed of Southern California Terraces, Inc., affecting a portion of Lot 146; and

RESOLUTION 217008, authorizing an execution of a Quitclaim Deed, quitclaiming to Southern California Terraces, Inc., affecting portions of Lots 151 and 152.

(Item 165)

RESOLUTION 217009, approving the acceptance by the City Manager of Deed of Avco Community Developers (street purposes) - HIERBA DRIVE, was adopted on motion of Councilman Gade.

(Item 166)

The following Resolutions relative to Madera Street Dedication, were adopted on motion of Councilman Gade:

RESOLUTION 217010, certifying that the information contained in the Environmental Negative Declaration No. 76-03-41P 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 217011, approving the acceptance by the City Manager of Deed of William W. Netolicky (street purposes) - MADERA STREET.

(Item 167)

RESOLUTION 217012, approving the acceptance by the City Manager of Deed of the Bank of California, Trustee of the estate of Esther Pearl Markham, conveying to the City Lots 9 through 18 inclusive, Lots 26 and 25 and Lots 31 through 40 inclusive, Block 12, Paradise Valley Heights for public purposes; authorizing the expenditure of \$8,600 from Capital Outlay Fund 245, supplementing Resolution 177648 in said amount, was adopted on motion of Councilman Gade.

(Item 168)

The following Resolutions approving the acceptance by the City Manager of Deeds were adopted on motion of Councilman Gade:

RESOLUTION 217013, The Housing Group, conveying to the City Lot 6 and a portion of Lot 5, Scripps Village Center Unit No. 3 for public purposes; authorizing the expenditure of not to exceed \$260,000 from Special Assessment Fund 3719 to cover all acquisition costs for the above described property; and

RESOLUTION 217014, Treetops Unlimited, conveying to the City a portion of Lot 8, Scripps Village Center Unit No. 4 for drainage and pedestrian access and maintenance purposes.

(Item 169)

RESOLUTION 217015, approving the acceptance by the City Manager of Deed of Princess Park Estates, Inc., (sewer line purposes), was adopted on motion of Councilman Gade.

(Item 170)

RESOLUTION 217016, approving the acceptance by the City Manager of Deed of Thomas C. Harden, as Trustee, conveying to the City a portion of Section 35, Township 18 South, Range 2 West for earth excavation or embarkment, slope or slopes and incidents thereto, was adopted on motion of Councilman Gade.

(Item 171)

RESOLUTION 217017, authorizing a lease agreement with Harry McCarthy for the operation of the Balboa Park Municipal Golf Course Pro Shop for a period of ten years at a minimum annual rent of \$25,000, said property valued at \$245,000 as established by the Property Department, was adopted on motion of Councilman Gade.

(Item 172)

RESOLUTION 217018, authorizing a Second Amendment to agreement with Tucker & Kater Landscape Architects for landscape architectural services required for the design of the Southeast San Diego Sports Field; authorizing the Auditor and Comptroller to expend the sum of \$12,500 from Capital Outlay Fund 245, for the purpose of providing funds for design and related expenses and supplementing Resolution No. 212235 in this amount, was adopted on motion of Councilman Gade.

(Item 173)

RESOLUTION 217019, authorizing the expenditure of \$79,500 from Capital Outlay Fund 245 for providing funds for the construction of certain public improvements in the Radio Communications Systems of the Police and Fire Departments and the Lifeguard Service by and through CIP Nos. 37-087.1, 37-095.1 and 37-077.1; authorizing the use of City Forces to do the work in conjunction with the above referenced project, was adopted on motion of Councilman Gade.

A revised Resolution was presented.

(Item 175)

RESOLUTION 217020, declaring the building owned by Miguel M. & Augustina Lujan, Jr., located at 3096 Clay Avenue to be a public nuisance; authorizing the City Manager to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Gade.

(Item 176)

RESOLUTION 217021, declaring the building owned by Robert Major, located at 3477 Newton Avenue to be a public-nuisance; authorizing the City Attorney to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Gade.

(Item 178)

RESOLUTION 217022, approving the fee schedule for Mt. Hope Cemetery, as set forth in the document entitled "Fee Schedule - Mt. Hope Cemetery, Effective November 1, 1976"; rescinding Resolution No. 213726 adopted July 2, 1976, was adopted on motion of Councilman Gade.

(Item 201)

RESOLUTION 217023, authorizing an agreement with the Inter-Museum Council for the purpose of conducting an advertising and public museums in Balboa and Presidio Parks; waiving the Council Policy No. 100-3 for the purpose of executing this agreement, was adopted on motion of Councilman Gade.

(Item 202)

RESOLUTION 217024, authorizing the City Manager to enter into negotiations for an agreement with the County of San Diego for the purpose of funding one-third of the Releasee Aid Program contingent upon the County of San Diego funding the remaining two-thirds of the program; authorizing the allocation of up to and not exceeding \$26,666 in unexpended fiscal year 1976 Revenue Sharing Funds (Fund 265) of the City, for the purpose of funding one-third of the Releasee Aid Program cost to be used in the event that the County of San Diego agrees to fund two-thirds of said program, was adopted on motion of Councilman Gade.

(Item 203)

RESOLUTION 217025, authorizing the City Auditor and Comptroller to transfer the sum of \$250 from the Transient Occupancy Tax Fund 224, Contingency Reserve (52.99), to the Convention and Performing Arts Center Fund 254 to be used for the purpose of rental payment of room to be used in November 1976 for swine flu immunizations, was adopted on motion of Councilman Gade.

(Item 206)

RESOLUTION 217026, authorizing the City Manager to make application to the U.S. Department of Transportation, Urban Mass Transportation Administration for UMTA-Section 5 Federal Funding in the amount of \$7,053,901, said funds to be used for continued operating support of the San Diego Transit Corporation, was adopted on motion of Councilman Gade.

(Item 155)

The following proposed Resolutions relative to the Final Subdivision Map of Iris Gardens Duplex, a 46-lot subdivision, located easterly of Interstate 5 and south of Iris Avenue: a) Authorizing an agreement with McKeon Construction, for completion of improvements; b) Approving the final map and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program; and c) Authorizing the divestment of the City's interest, by negotiated sale for the sum of \$130, of an unneeded sewer easement and abutter's rights of access in portions of Lots 7 and 8, Iris Gardens; authorizing the execution of a Quitclaim Deed quitclaiming to McKeon Construction Company, said easement interest and revesting said abutter's rights of access, was presented.

Stella Kanai appeared to speak in opposition.

C. R. Lockhead, Engineering and Development Department, answered questions directed by Council.

A motion by Councilman Haro to adopt, receipt no vote at this time.

Mr. Lockhead further answered questions directed by Council.

Councilman Haro withdrew his previous motion to adopt.

A motion by Councilman Morrow to continue to November 3, 1976 - a.m., for a City Manager's report, received no vote at this time.

Chief Deputy City Attorney Conrad answered questions directed by Council.

A vote was then taken on the previous motion by Councilman Morrow to continue to November 3, 1976 - a.m., which passed unanimously.

(Item 174)

A proposed Resolution authorizing a permit granting permission to William D. Evans to operate the "Bahia Belle" as a sightseeing and excursion boat on the waters of Mission Bay Park, operation of a cocktail bar on said boat for the sale of alcoholic beverages to patrons, sale of food items on said boat, and for no other purposes, for a term of five years, ending May 31, 1981, was presented.

John Fowler, Engineering and Development Department, answered questions directed by Council.

Councilman Haro left the Chambers.

RESOLUTION 217027, authorizing a permit granting permission to William D. Evans to operate the "Bahia Belle" as a sightseeing and excursion boat on the waters of Mission Bay Park, operation of a cocktail bar on said boat for the sale of alcoholic beverages to patrons, sale of food items on said boat, and for no other purposes, for a term of five years, ending May 31, 1981, was adopted on motion of Councilman Morrow.

(Item 252)

A proposed Resolution approving in concept the proposal of the County of San Diego to construct an office building with a minimum of 150,000 net square feet, on County-owned property on that block bounded by B and C Streets and First and Front Streets, respectively; approving in concept a City contribution in the amount of \$1,000,000 to be transferred to the County to partially offset the cost of construction of a parking facility on County-owned property on that block bounded by A and B Streets and Front and Union Streets, respectively; authorizing the City Manager to negotiate an appropriate agreement with the County of San Diego, which agreement will commit the City's \$1,000,000 contribution for construction of a parking facility, was presented.

City Manager McKinley answered questions directed by the Council.

Councilman Haro entered the Chambers.

R. W. DeLancey, County of San Diego, appeared to speak.

Mr. McKinley further answered questions directed by the Council.

A motion by Councilman Morrow to adopt, with an amendment that the \$1,000,000 be taken out of Redevelopment Funds, received no second at this time.

Mr. McKinley further answered questions directed by the Council.

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

A motion by Councilman Morrow to adopt, with an amendment that the funding of \$1,000,000 would come from tax increment funds, received no vote at this time.

Mr. McKinley further answered questions directed by the Council.

A motion by Councilman Morrow to amend the proposed Resolution, to provide that the \$1,000,000 come from tax increment financing, and the reimbursement of immediate funds be made within a 5-year period, passed unanimously.

RESOLUTION 217028, approving in concept the proposal of the County of San Diego to construct an office building with a minimum of 150,000 net square feet, on County-owned property on that block bounded by B and C Streets and First and Front Streets, respectively; approving in concept that a City contribution in the amount of \$1,000,000 to be transferred to the County to partially offset the cost of construction of a parking facility on County-owned property on that block bounded by A and B Streets and Front and Union Streets; authorizing the City Manager to negotiate an appropriate agreement with the County of San Diego, which agreement will more particularly identify the site and size of the new office building and which agreement will commit the City's \$1,000,000 contribution for construction of a parking facility; that the agreement will provide that the City's \$1,000,000 contribution shall be reimbursed by the Redevelopment Agency of The City of San Diego from tax increments from redevelopment projects which benefit from the construction of said office building within five years from the date City's contribution is made, was adopted, as amended, on motion of Councilman Haro.



Mayor Wilson recessed the Meeting at 10:26 a.m. Upon reconvening at 10:49 a.m., the roll call showed Councilwoman O'Connor absent.

(Item 177)

A proposed Resolution accepting the Horton Plaza Redevelopment Project Annual Report, was presented.

City Manager McKinley answered questions directed by Council.

By common consent, the item was trailed.

(Item 204)

The following proposed Resolutions relative to Mast Boulevard: a) Certifying that the information contained in Environmental Impact Report prepared by the County of San Diego has been reviewed and considered by the Council; and b) Consenting to the establishment of a portion of Mast Boulevard, between Mission Gorge Road and 1,000 feet northeasterly of Rumson Drive, lying within the City limits, as a part of the County Highway for purposes of right of way acquisition, construction, maintenance, improvement and repair; subject to the condition that it is understood that it is the intent of the County to use the passable traveled way created by said improvement, and lying northerly of Carlton Oaks Drive, for the purpose of providing controlled access for vehicles entering and leaving the Sycamore Canyon Sanitary Landfill, which lies approximately one and one-half miles northerly from the intersection of Carlton Oaks Drive and Mast Boulevard, was presented.

Arthur Casey of Citizens Coordinate appeared to speak.

City Manager McKinley, City Attorney Witt, and William Schempers, Jr., Transportation Department, answered questions directed by Council.

Councilman Haro left the Chambers.

Mr. Schempers further answered questions directed by Council.

Councilman Haro entered the Chambers.

A motion by Councilman Ellis to adopt, received no vote at this time.

Mr. McKinley and Mr. Schempers further answered questions directed by Council.

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

RESOLUTION 217029, certifying that the information contained in Environmental Impact Report prepared by the County of San Diego has been reviewed and considered by the Council; and

(Item 204 - Continued)

RESOLUTION 217030, consenting to the establishment of a portion of Mast Boulevard, between Mission Gorge Road and 1,000 feet northeasterly of Rumson Drive, lying within the City limits, as a part of the County Highway for purposes of right of way acquisition, construction, maintenance, improvement and repair, subject to the condition that it is understood that it is the intent of the County to use the passable traveled way created by said improvement, and lying northerly of Carlton Oaks Drive, for the purpose of providing controlled access for vehicles entering and leaving the Sycamore Canyon Sanitary Landfill, which lies approximately one and one-half miles northerly from the intersection of Carlton Oaks Drive and Mast Boulevard.

(Item 177 - Second Time)

Mr. McKinley further answered questions directed by Council.

RESOLUTION 217031, accepting the Horton Plaza Redevelopment Project Annual Report, was adopted on motion of Councilman Ellis.

(Item 207)

A proposed Resolution authorizing the City Manager to provide the requested water connection to the Arroyo Sorrento Water Line to Mr. Jeff Storck, was presented.

A motion by Councilman Ellis to adopt, received no vote at this time.

Committee Consultant Wilken, City Manager McKinley, and City Attorney Witt answered questions directed by Council.

RESOLUTION 217032, authorizing the City Manager to provide the requested water connection to the Arroyo Sorrento Water Line to Mr. Jeff Storck, passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Williams. Absent-Councilwoman O'Connor.

Mayor Wilson recessed the Meeting at 11:54 a.m. to reconvene at 2:00 p.m.

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - WEDNESDAY, OCTOBER 27, 1976  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE  
2:00 P.M.

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

(Item 400)

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

The Council considered requests for continuances: Items 404 and 402.

(Item 404 - CUP NO. 449-PC)

NOTICED HEARINGS: Appeal of Thomas M. Kelly, owner, and La Jolla Financial, Inc., permittee, by Luce, Forward, Hamilton & Scripps, attorneys, from the decision of the Planning Commission in failing to approve their application, under Conditional Use Permit No. 449-PC, to convert an existing building and operate an athletic club, including handball courts, sauna rooms, jacuzzi, clubrooms, and dining area, with approximately 5,900 square feet of floor area on a 6,640-square foot lot in the R-3 Zone. The property is located north of Prospect Street between Coast Boulevard and Ivanhoe Street, and is portions of Lots 3 and 4, Block 59, La Jolla Park.

Louis E. Goebel appeared to speak on the continuance.

On motion of Councilman Johnson, the Hearing was continued to the Meeting of November 17, 1976, 2:00 p.m. Time Certain.

(Item 402)

NOTICED HEARINGS: (Continued from the Meetings of June 16 and 23, September 8 and 22, 1976.) Paving and otherwise improving Imperial Avenue from 400 feet east of Euclid Avenue to 61st Street - on Resolution of Intention 215934.

City Manager McKinley answered questions directed by the Council.

Councilman Williams entered the Chambers.

On motion of Councilman Johnson, the Hearing was continued to the Meeting of November 24, 1976, p.m. for full Council and at City Manager's request, and the following Resolution was adopted:

RESOLUTION 217042, ~~continuing~~ continuing the continued hearings on the proposal to pave and otherwise improve Imperial Avenue from 400 feet east of Euclid Avenue to 61st Street, under Resolution of Intention No. 215934, adopted May 12, 1976, last continued from the meeting of September 22, 1976, to the hour of 2:00 p.m., Wednesday, November 24, 1976.

(Item 401 - First Time)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of City Council formulating city-wide goals and objectives, program priorities, and other budget policy guidelines. The Council shall take into consideration the City Manager's "basis for programming," Council staff recommendations, and the results of the public hearings on Annual Council Programming conducted in September. (Council Policy No. 000-20 Annual Council Programming.)

Beverly Yipp appeared to speak.

The Council trailed this item until later in the Meeting.

Councilman Morrow entered the Chambers.

(Item 403)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on vacating a portion of High Avenue between Torrey Pines Road and Virginia Way adjacent to Block 25, La Jolla Park - on Resolution of Intention No. 216768.

J. Russ Crosby, Engineering and Development, answered questions directed by the Council.

No one appeared to be heard.

Councilman Haro left the Chambers.

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

RESOLUTION 217034, vacating a portion of High Avenue between Torrey Pines Road and Virginia Way adjacent to Block 25, La Jolla Park - on Resolution of Intention No. 217034.

(Item 405 - APPLICATION NO. 7406 - ENCROACHMENT PERMIT)

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 Arthur J. Hooper from the decision of the City Engineer in denying his application to install and maintain a slump block wall within the right-of-way of Mira Monte Plaza and La Jolla Boulevard. The property is more particularly described as Lot-11, Block 10, La Jolla Hermosa.

J. Russ Crosby, Engineering and Development, answered questions directed by the Council.

(Item 405 - APPLICATION NO. 7406 - ENCROACHMENT PERMIT - Continued)

Arthur Hooper appeared to speak.

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

RESOLUTION 217035, granting the appeal of Arthur J. Hooper from the decision of the City Engineer in denying Application No. 7406 for an encroachment permit to install and maintain a slump block wall within the right-of-way of Mira Monte Plaza and La Jolla Boulevard, on property more particularly described as Lot 11, Block 10, La Jolla Hermosa.

(Item 408)

A proposed Resolution, creating a Fiscal Year 1976-77 CIP Project to acquire Lots 32, 33, and 34, of Southern Title Guaranty Company's Subdivision of Pueblo Lot 1801 abutting Crescent Beach; authorizing the transfer of funds from CIP Project No. 90-245.2 Capital Outlay Fund Reserve--Flood Control Right-of-way, to CIP 29-351 entitled "Acquisition of Property Located at 4024 Fanuel Street"; authorizing the City Manager or his representative to bid for subject property, up to a limit of \$605,000; and authorizing the City Auditor to issue a check in the amount of \$60,500 to be used as a deposit, was presented.

Public Facilities and Recreation Committee Chairman Morrow presented a brief Committee report and made a motion to adopt the proposed Resolution, which was not voted on at this time.

B. R. Swarts appeared to speak.

Councilman Haro entered the Chambers.

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

Ruth Peyton appeared to speak.

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

B. R. Swarts and Carmalita Swarts appeared to speak.

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

The motion of Councilman Ellis to continue the item to form an assessment district, died for lack of a second.

Ruth Peyton appeared to speak.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 217036, amending the Capital Improvements Program by amending Document No. 754397, as amended, to provide funds for C.I.P. Project No. 29-351, Acquisition of property located at 4024 Fanuel Street,

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

Councilman Ellis left the Chambers.

(Item 409)

A proposed Resolution, authorizing an eleventh amendment to option agreement with Recreation Specialists, Inc. which extends said agreement to April 1, 1977, to lease a portion of Quivira Basin in Mission Bay Park, was presented.

Public Facilities and Recreation Committee Chairman Morrow answered questions directed by the Council.

RESOLUTION 217037, authorizing an eleventh amendment to option agreement with Recreation Specialists, Inc. which extends said agreement to April 1, 1977, to lease a portion of Quivira Basin in Mission Bay Park, was adopted on motion of Councilman Morrow.

(Item 407)

A proposed Resolution, authorizing an agreement with the San Diego/Leon Sister City Society, to sponsor and coordinate attendance of Asociacion de Charros de San Ysidro at the National Congress of Charros Associations of Mexico in Leon, Guanajuato, Mexico from November 1 through November 10, 1976; authorizing the Auditor and Comptroller to transfer within the 224 Fund the sum of \$1,000 from the Contingency Reserve (52.99) to the San Diego/Leon Sister City Society, Inc. (52.14), said funds to be used for providing financial support for the above authorized activity, was presented.

Public Services and Safety Committee Chairman Haro answered questions directed by the Council.

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

Councilman Ellis entered the Chambers.

Discussion followed.

RESOLUTION 217033, authorizing an agreement with the San Diego/Leon Sister City Society, to sponsor and coordinate attendance of Asociacion de Charros de San Ysidro at the National Congress of Charros Associations of Mexico in Leon, Guanajuato, Mexico from November 1 through November 10, 1976; authorizing the Auditor and Comptroller to transfer within the 224 Fund the sum of \$1,000 from the Contingency Reserve (52.99) to the San Diego/Leon Sister City Society, Inc. (52.14), said funds to be used for providing financial support for the above authorized activity, was adopted on motion of Councilman Haro.

(Item 406)

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 PSA Hotels, Inc., by Kenneth J. Zak, assistant controller, from the decision of the City Treasurer with respect to the 10 percent penalty for late payment of Transient Occupancy Tax (Room Tax) due for the Islandia Hotel in Mission Bay, and represents a period which ended with the cessation of PSA Hotels, Inc.'s interest in that hotel.

(Item 406 - Continued)

City Manager McKinley answered questions directed by the Council.

The motion of Councilman Ellis to close the hearing and grant the appeal, was not voted on at this time.

Discussion followed.

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

RESOLUTION 217038, granting the appeal of PSA Hotels, Inc., by Kenneth J. Zak, assistant controller, from the decision of the City Treasurer with respect to the ten percent penalty for late payment of transient occupancy tax due for the Islandia Hotel in Mission Bay for the period ended 8-9-76 (Invoice No. 29054), representing a period which ended with the cessation of PSA Hotels, Inc.'s interest in that hotel.

Mayor Wilson recessed the Regular Meeting at 3:45 p.m. into executive session in the 12th Floor Council Conference Room on pending litigation. Upon reconvening at 4:15 p.m., the Roll Call showed Councilwoman O'Connor absent.

(Item 410)

The matter of the prohibition of left turns at Ardath Road and La Jolla Scenic Drive North, was presented.

City Manager McKinley answered questions directed by the Council.

Donna Kruger appeared to speak.

On motion of Councilman Johnson, the item was filed and the City Manager was directed to meet with Donna Kruger and other residents on traffic matters in the area.

The Council considered unfinished business from the Meeting of Wednesday, October 27, 1976, 8:30 a.m.: Items 208, 250, and 251.

(Item 208)

A proposed Resolution, authorizing an offer to purchase agreement, and all other documents relating to the acquisition of a portion of Section 35, Township 14 South, Range 2 West, and a portion of Section 2, Township 15 South, Range 2 West, S.B.B.M., with the General Services Administration of the United States of America, to be used for the Northeast Miramar Land Fill; authorizing the expenditure of \$275,000 from Capital-Outlay Fund 245 for the acquisition of the above described property and other parcels required for the Northeast Miramar Land Fill, was presented.

(Item 208 - Continued)

Transportation and Land Use Committee Chairman Williams answered questions directed by the Council.

Ben Hagar, Property Department, answered questions directed by the Council.

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

The motion of Councilman Gade to continue the proposed Resolution to the Meeting of November 24, 1976

received no vote at this time.

Ben Hagar, Property Department, and City Manager McKinley answered questions directed by the Council.

The motion of Councilman Gade to continue the proposed Resolution to the Meeting of November 24, 1976

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

RESOLUTION 217039, authorizing an offer to purchase agreement, and all other documents relating to the acquisition of a portion of Section 35, Township 14 South, Range 2 West, and a portion of Section 2, Township 15 South, Range 2 West, S.B.B.M., with the General Services Administration of the United States of America, to be used for the Northeast Miramar Land Fill; authorizing the expenditure of \$275,000 from Capital Outlay Fund 245 for the acquisition of the above described property and other parcels required for the Northeast Miramar Land Fill, was adopted on motion of Councilman Morrow, by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Haro, and Mayor Wilson. Nays-Councilmen Gade and Ellis. Absent-Councilwoman O'Connor.

The Council considered Items 250 and 401 - Second Time simultaneously.

(Item 250)

A proposed Resolution, continued from the Meetings of September 29 and October 6, 1976 for written opinion from the City Attorney and written offer from the State's Attorney General, retaining the law firm of Harrigan, Ruff and Osborne 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, pursuant to the terms and conditions set forth in that letter dated August 20, 1976; 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) for the purpose of providing funds for said services, was presented.

The motion of Councilman Haro to continue the proposed Resolution to the Meeting of November 3, 1976, 2:00 p.m. Time Certain and Item 401 to the Meeting of November 3, 1976, 3:00 p.m. Time Certain for full Council, was not voted on at this time.

Discussion followed.



(Itemw 250 and 401 - Second Time - continued)

On motion of Councilman Haro, Item 250 was continued to the Meeting of November 3, 1976, 2:00 p.m. Time Certain and Item 401 was continued to the Meeting of November 3, 1976, 3:00 p.m. Time Certain for full Council.

Councilmen Haro and Morrow left the Chambers.

(Item 251)

RESOLUTION 217040, authorizing the Auditor and Comptroller to transfer within the 100 Fund the sum of \$250,000 from the Public Liability Insurance Reserve (44.24) to Claims (44.06) to be used for payment of claims against the City for the remainder of the Fiscal Year 1977, was adopted on motion of Councilman Hubbard.

(Unanimous Consent)


By Unanimous Consent granted to Councilman Johnson, a proposed Resolution, requesting the Director of National Marines Fisheries Service to reschedule hearings regarding regulations to govern the incidental take of marine mammals in the course of purse seine fishing operations for yellow fin tuna from Washington, D. C. to a location in San Diego, was presented.

RESOLUTION 217041, requesting and petitioning for and on behalf of the people of the City of San Diego and those most directly involved in the tuna industry, the Director of the National Marine Fisheries Services to renote and reschedule the hearing concerning the proposed regulations to govern the incidental take of marine mammals in the course of purse seine fishing operations for yellowfin tuna beginning November 15, 1976 from Washington, D. C. to a location in San Diego, California, so that those persons most directly involved in the tuna industry and affected by such regulations may have an opportunity to voice their views in an open, available and democratic process, was adopted on motion of Councilman Johnson.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 4:50 p.m. on motion of Councilman Johnson.

  
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Mayor of The City of San Diego, California

ATTEST:

  
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City Clerk of The City of San Diego, California