

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, NOVEMBER 3, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M.

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

Deputy Mayor O'Connor called the Regular Meeting to order at 8:39 a.m.

(Item 100)

Roll Call was taken.

(Item 105)

A communication from Edith Hobgood, MECRO Chairman, Municipal Employees Civic Responsibility Organization, requesting permission to address the Council regarding Council's leadership in publicly endorsing MECRO'S Annual Campaign among all City employees to support private health and human care agencies in San Diego County, was presented.

Bill White and Diane Geyser, representing Edith Hobgood, MECRO Chairman, appeared to speak regarding the communication.

City Manager McKinley presented his report.

The Council discussed the matter.

(Item 106)

A communication from the Purchasing Agent reporting on the sale of one Transit Mixer Truck from the Equipment Division; the \$25,100 from this sale has been deposited with the City Treasurer and credited to Central Garage and Machine Shop Working Capital Fund 522, was presented.

A motion by Councilman Hubbard to note and file the communication, passed unanimously.

(Item 107 - First Time)

A communication from Jack K. Jaynes, representing Jaymond Corporation, requesting permission to address the Council regarding the repeal of the Games of Skill Tax, was presented.

Jack K. Jaynes appeared to speak regarding said communication.

Councilman Haro, Chairman of the Public Services and Safety Committee, presented his report.

The Council discussed the matter.

By Common Consent, the matter was trailed to be considered with Item 203.

(Item 108)

A communication from Joanne L. Millum, representing 120 residents directly bordering a proposed bowling center along New Salem Street, requesting permission to address the Council relative to objections to the proposed site of the bowling center in the Mira Mesa Shopping Center and suggesting alternatives, was presented.

Joanne L. Millum appeared to speak regarding said communication.

A motion by Councilman Gade to refer the matter to the Planning Department, passed unanimously.

Councilmen Morrow and Haro left the Chambers.

The Council considered requests for continuances: Item 251.

(Item 251)

OTHER RESOLUTIONS: (Continued from the Meetings of July 28, August 18, September 15, and October 13, 1976.) Declaring Colwell-Windsor Development Co., subdividers of Del Cerro Heights Unit No. 2 Subdivision to be in default under terms and conditions entered into for completion of improvements in said subdivision; authorizing the City Attorney to cause notice of this declaration of default to be given to said subdividers and to Surety Company of the Pacific; authorizing the City Manager to complete or cause to be completed, said improvements.

City Manager McKinley presented his report.

A motion by Councilman Ellis to continue the matter one week until November 10, 1976, a.m., at the request of the City Manager, passed unanimously.

(Item 109 - Supplemental #2)

The matter of an agreement between the City and County of San Diego, and the Redevelopment Agency to transfer \$1,000,000 to the County for the construction of a minimum of a 150,000 net square foot building on County-owned property, was presented.

City Attorney Witt presented his report.

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

Deputy City Attorney Valderhaug answered questions directed by the Council.

RESOLUTION 217047, authorizing an Agreement with the City of San Diego, the County of San Diego, and the Redevelopment Agency of The City of San Diego, for the transfer of \$1,000,000 to the County for construction of a minimum 150,000 net square foot office building and a supporting parking facility, was adopted on motion of Councilman Williams.

The Council considered the Consent Agenda dealing with Resolutions, which consisted of Items 150, 151, 152, 153, 154, 156, 157, 158, 159, 200, 201 and 202. There was discussion on Items 159 and 201.

(Item 150)

The following Resolutions relative to Construction of Sewer Main Replacement Group 41, were adopted on motion of Councilman Gade:

RESOLUTION 217048, awarding a contract to Metro-Young Construction Co., a Division of Olson Construction Co., for the sum of \$352,223; authorizing the expenditure of \$442,000 out of Sewer Revenue Fund 506 for said purpose and related costs; and

RESOLUTION 217049, authorizing the use of City Forces to do all the work to perform operational checks and highline existing services as required in connection with the above construction; cost of said work shall not exceed \$22,000.

(Item 151)

The following Resolutions relative to the Final Subdivision Map of Palm View, a 28-lot subdivision, located south of Palm Avenue and east of Hollister Street, were adopted on motion of Councilman Gade:

RESOLUTION 217050, authorizing an Agreement with Joseph M. Burkhardt and Jon L. Jentz, for the installation and completion of certain public improvements in the subdivision to be known as Palm View;

RESOLUTION 217051, approving the Final Map of Palm View Subdivision;

RESOLUTION 217052, approving the acceptance by the City Manager of deed of Vincent Charles and Corrine Marie Bigboy (sewer and drainage purposes); and

RESOLUTION 217053, approving the acceptance by the City Manager of deed of Robert and Marcella J. Morley (sewer and drainage purposes).

(Item 152)

The following Resolutions relative to a drainage easement in Parcel 2, Parcel Map No. 4286 (being a portion of M.V.G. Subdivision), were adopted on motion of Councilman Gade:

RESOLUTION 217054, certifying that the information contained in the Environmental Impact Report No. 74-8-046P 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 217055, authorizing the divestment of City's easement interest by negotiated sale for the sum of \$65; authorizing the execution of a quitclaim deed, quitclaiming to M.V.G. Associates City's interest in unneeded drainage easement.

(Item 153)

RESOLUTION 217056, authorizing the divestment of City's easement interest by negotiated sale for the sum of \$65 that certain access easement affecting a portion of Lot 151, Resubdivision of Lots 491 and 494, Bay Terraces Unit 1; authorizing the execution of a quitclaim deed, quitclaiming to Southern California Terraces, Inc., said unneeded access easement, was adopted on motion of Councilman Gade.

(Item 154)

RESOLUTION 217057, authorizing an Agreement with Marvalene H. Styles, Ph.D., for her services as Psychological Consultant for the Southeast Involvement Project for the period from November 1, 1976 through June 30, 1977; allocating an amount not to exceed \$2,800 out of Fund 267, Program/Element 8571, Object Account 3295 for said purposes, was adopted on motion of Councilman Gade.

(Item 156)

RESOLUTION 217058, authorizing an Agreement with Mexican American National Bank to act as collector for the City in collecting water and sewer service bills, was adopted on motion of Councilman Gade.

(Item 157)

RESOLUTION 217059, approving Change Order No. 11, dated July 30, 1976, issued in connection with the contract with Gentry-Rados, a joint venture, for the construction of Sedimentation Basins 5 & 6 - Pt. Loma Wastewater Treatment Plant, said changes amounting to a net increase of \$46,646; authorizing the Auditor and Comptroller to transfer within the Sewer Revenue Fund 506 the sum of \$160,345 from Unallocated Reserve (69.97) to C.I.P. Force and Contract (62.19) for said purpose and related costs, was adopted on motion of Councilman Gade.

(Item 158)

RESOLUTION 217060, authorizing the additional expenditure of \$500 out of Public Transportation Reserve Fund 2571 for the purpose of providing funds for the payment of appraisal services performed by American International Transportation Consultants on August 13, 1976, for San Diego Economy Lines, and supplementing Resolution No. 216225 in that amount, was adopted on motion of Councilman Gade.

(Item 159)

RESOLUTION 217061, establishing a parking time limit of two hours, between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Voltaire Street, between Cable Street and Sunset Cliffs Boulevard; authorizing the installation of necessary signs and markings, was adopted on motion of Councilman Gade.

(Item 200)

RESOLUTION 217062, authorizing an Agreement with Centro Cultural de la Raza, Inc. to coordinate the efforts of Chicano artists, to develop a Chicano Cultural Center, and to promote Chicano contemporary creative achievements and cultural heritage, was adopted on motion of Councilman Gade.

(Item 201)

RESOLUTION 217063, authorizing an Agreement with Century Club of San Diego, to produce and promote the Andy Williams San Diego Open and Pro-Am Golf Tournament, was adopted on motion of Councilman Gade.

RESOLUTION 217064, amending Council Policy 600-21 regarding subdivision agreements; rescinding Resolution No. 211762 adopted October 10, 1974, was adopted on motion of Councilman Gade.

(155)

A proposed Resolution, authorizing an Agreement with San Diego Unified School District for the purpose of providing two (2) San Diego Police Officers at each of the twenty-two (22) night football games between city schools during the period September 17, 1976 through November 12, 1976; in consideration of this service the San Diego Unified School District shall pay City an amount not to exceed \$4,000, was presented.

The Council discussed the matter.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 217065, authorizing an Agreement with San Diego Unified School District for the purpose of providing two (2) San Diego Police Officers at each of the twenty-two (22) night football games between city schools during the period September 17, 1976 through November 12, 1976; in consideration of this service the San Diego Unified School District shall pay City an amount not to exceed \$4,000, was adopted on motion of Councilman Hubbard.

Deputy Mayor O'Connor recessed the Meeting at 9:19 a.m. Upon reconvening at 9:40 a.m., the Roll Call showed Councilmen Johnson, Morrow, Ellis, and Haro absent.

Councilman Ellis entered the Chambers.

(Item 103)

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

Councilman Ellis addressed the group.

Councilman Morrow entered the Chambers.

Councilman Haro entered the Chambers.

(Item 252)

The hour of 8:30 having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meetings of July 27, September 14, and October 26, 1976, on the 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.

Superintendent Crosby, Engineering and Development Department, presented his report.

The Council discussed the matter.

Charles Kerch appeared to address the Council and answered questions directed by the Council.

Mrs. Ruth Schneider, Otay Mesa Homeowners Association, appeared to address the Council in opposition to the appeal.

Councilman Johnson entered the Chambers.

Superintendent Crosby, Engineering and Development Department, answered questions directed by the Council.

Charles Kerch answered questions directed by the Council regarding the La Nacion Fault and his plan for dirt removal.

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

A motion by Councilman Morrow to close the hearing, adopt the Environmental Impact Report No. 76-05-19P, and adopt a Resolution denying the appeal, received no vote at this time.

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

Charles Kerch answered questions directed by the Council.

The Council discussed the matter.

The hearing was closed on motion of Councilman Morrow.

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

RESOLUTION 217066, certifying that the information contained in Environmental Impact Report No. 76-05-19P 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 217067, denying the 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, Application No. 62352, for a land development permit on property located on both sides of Palm Avenue, east of I-805.

(104)

Mayor Wilson welcomed forty students from Southwest High School, accompanied by Virginia Syverson.

Councilman Haro addressed the group.

(Item 204 - Supplemental #2)

A proposed Resolution, authorizing the City Manager through the Human Resources Department to negotiate with the below community agencies for the purpose of developing agreements for a six (6) month period (January 1, 1977 through June 30, 1977) for amounts not to exceed the following:

San Diego Urban League (Business Outreach)	\$143,450
Legal Aid Society of San Diego (Legal Services)	142,000
Barrio Station, Inc. (Barrio Station)	<u>68,397</u>
TOTAL	\$353,847

Total monies available from Block Grant Funds 2910 and 290, was presented.

Councilman Haro, Chairman, Public Services and Safety Committee, presented his report.

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

The Council discussed the matter.

City Attorney Witt presented his report.

The Council discussed the matter.

Director Ross, Human Resources Department, presented his report.

Councilman Morrow left the Chambers.

Mayor Wilson announced the successful candidacy of Councilman Ellis to the California State Assembly.

Director Ross, Human Resources Department, answered questions directed by the Council.

Councilman Morrow entered the Chambers.

The Council discussed the matter.

Director Ross, Human Resources Department, answered questions directed by the Council.

The Council discussed the matter.

Deputy City Attorney Reiss answered questions directed by the Council at length.

Director Ross, Human Resources Department, answered questions directed by the Council.

The Council discussed the matter at length.

A motion by Councilman Williams to amend the proposed Resolution to include six other projects, received no second at this time.

The Council discussed the matter.

A motion by Councilman Williams to amend the proposed Resolution to include six other projects, received no vote at this time.

The Council discussed the matter.

(Item 204 - Supplemental #2 - Continued)

Director Ross, Human Resources Department, answered questions directed by the Council.

The Council discussed the matter.

Deputy City Attorney Reiss answered questions directed by the Council.

Director Rachel Ortiz, Barrio Station, appeared to address the Council and answered questions directed by the Council.

The Council discussed the matter.

A vote was then taken on the previous motion of Councilman Williams to amend the proposed Resolution to include six other projects, which was defeated by the following vote: Yeas-Councilmen Hubbard, Williams, and Morrow. Nays-Councilmen Johnson, O'Connor, Gade, Ellis, Haro, and Mayor Wilson. Absent-None.

RESOLUTION 217068, authorizing the City Manager through the Human Resources Department to negotiate with the below community agencies for the purpose of developing agreements for a six (6) month period (January 1, 1977 through June 30, 1977) for amounts not to exceed the following:

San Diego Urban League (Business Outreach	\$143,450
Legal Aid Society of San Diego (Legal Services)	142,000
Barrio Station, Inc. (Barrio Station)	68,397
TOTAL	\$353,847

Total monies available from Block Grant Funds 2910 and 290, was adopted on motion of Councilman Haro.

A motion by Councilman Williams to authorize the City Manager to negotiate with six other community agencies and have the Public Facilities and Recreation Committee examine and review other sources of funding in the event HUD rejects the applications, received no vote at this time.

Director Ross, Human Resources Department, answered questions directed by the Council.

The Council discussed the matter.

Councilman Ellis left the Chambers.

A vote was then taken on the previous motion of Councilman Williams to authorize the City Manager to negotiate with six other community agencies and have the Public Facilities and Recreation Committee examine and review other sources of funding in the event HUD rejects the applications, which passed unanimously.

Dr. Caldwell, Director, Legal Aid Society, appeared to address the Council and answered questions directed by the Council.

Director Ross, Human Resources Department, answered questions directed by the Council.

Councilwoman O'Connor left the Chambers.

The Council discussed the matter.

Director Ross, Human Resources Department, answered questions directed by the Council regarding City of San Diego Service Delivery project.

A motion by Councilman Morrow to reaffirm the decision to eliminate

(Item 204 - Supplemental #2 - Continued)

project #5, (City of San Diego Service Delivery), died for lack of a second.

A motion by Councilman Gade to reconsider the previous motion of Councilman Williams to amend the proposed Resolution to include six other projects, which was defeated, passed unanimously.

A motion by Councilman Williams to direct the City Attorney to prepare a Resolution deeming these five projects, 1) YWCA of San Diego, Inc. - Cultural Arts Project; 2) San Ysidro Elementary School District - San Ysidro's School Projects; 3) Model Ex-Offenders of San Diego County, Inc. - Rehabilitation of Ex-Offenders; 4) Senior Citizens Federation - Senior Citizens Meals Program; and 5) City of San Diego - Center for Community Development, eligible and fundable under which the City Manager is authorized to enter into six-month Agreements, really to negotiate, received no vote at this time.

The Council discussed the matter.

A vote was then taken on the previous motion by Councilman Williams to direct the City Attorney to prepare a Resolution deeming these five projects, 1) YWCA of San Diego, Inc. - Cultural Arts Project; 2) San Ysidro Elementary School District - San Ysidro's School Projects; 3) Model Ex-Offenders of San Diego County, Inc. - Rehabilitation of Ex-Offenders; 4) Senior Citizens Federation - Senior Citizens Meals Program; and 5) City of San Diego - Center for Community Development, eligible and fundable under which the City Manager is authorized to enter into six-month Agreements, passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Williams, Morrow, Haro, and Mayor Wilson. Nays-Councilman Gade. Absent-Councilmen O'Connor and Ellis.

Mayor Wilson recessed the Regular Meeting at 12:16 p.m. to reconvene at 2:00 p.m.

OFFICE OF CITY CLERK
SAN DIEGO, CALIFORNIA

MINUTES OF CITY COUNCIL

DATE OF MEETING: 11-3-76 Noon

MINUTE CLERK'S NAME: Ellen Boward

TO BE READ: 2-13-78 TDM
(initials)

CORRECTIONS MADE: _____
(initials)

TO BE REREAD: _____
(initials)

FINAL CORRECTIONS MADE: _____
(initials)

TO BE APPROVED: _____
(date)

TO BE NUMBERED: _____
(initials)

FILED: _____
(initials)

Upon reconvening at 12:43 p.m. in Room 2000, the roll call showed Councilmen Ellis and Haro, and Mayor Wilson absent.

(Item 101)

A report, continued from the Meeting of September 28, 1976, from Frank L. Hope and Associates on the Police Site Selection Study, was presented as a Special Order of Business.

Deputy City Manager Blair answered questions directed by the Council.
Frank L. Hope appeared to speak and made a presentation.

Mayor Wilson entered Room 2000.

Frank Hope continued with his presentation.

Councilman Hubbard left Room 2000.

Frank Hope continued with his presentation and answered questions directed by the Council.

Mayor Wilson left Room 2000.

Frank Hope answered questions directed by the Council.
Deputy City Manager Blair answered questions directed by the Council.
Frank Hope answered further questions directed by the Council.
Police Chief Kolender answered questions directed by the Council.

Councilman Morrow left Room 2000.

At this time there was no quorum present.

Deputy City Attorney Valderhaug stated that the matter would be continued as unfinished business.

Deputy Mayor O'Connor recessed the Regular Meeting at 1:50 p.m. to 2:00 p.m. in the Council Chambers, 12th Floor.

Upon reconvening at 2:14 p.m., the roll call showed Councilman Morrow absent.

(Item 401)

A proposed Resolution, continued from the Meetings of September 29 and October 6 and 27, 1976, 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.

Chief Deputy City Attorney Conrad answered questions directed by Council.

Mayor Wilson presented a letter from State Attorney General Evelle Younger.

A motion by Councilman Hubbard to file and direct the Mayor to correspond with the Attorney General and accept his offer to conduct a study of the San Diego police intelligence activities, received no vote at this time.

Councilman Morrow entered the Chambers.

Mr. Conrad further answered questions directed by Council.

A vote was then taken on the previous motion by Councilman Hubbard to file and direct the Mayor to correspond with the Attorney General and accept his offer to conduct a study of the San Diego police intelligence activities, which passed unanimously.

(Unanimous Consent No. 1)

Councilman Ellis presented his letter of resignation effective December 3, 1976 (Assemblyman-elect for District 76).

City Attorney Witt answered questions directed by Council.

(Unanimous Consent No. 2)

By Unanimous Consent granted to Councilman Haro, a communication from San Diegans, Inc. by George A. Scott, expressing the association's appreciation for Council's efforts to ensure location of the County office building downtown, was presented.

George A. Scott and Roy Potter appeared to speak regarding said communication.

No action was taken by the Council.

(Item 101 - Second Time)

City Manager McKinley answered questions directed by Council.

A motion by Councilwoman O'Connor to continue the matter for two months, received no vote at this time.

Mr. McKinley further answered questions directed by Council.

Councilwoman O'Connor moved to accept the report and refer to City Manager to place on future docket with his recommendations, passed unanimously.

(Items 203 and 107 were taken simultaneously - Second Time)

Councilwoman O'Connor left the Chambers.

Committee Consultant Carpi answered questions directed by Council.

Councilwoman O'Connor entered the Chambers.

Jack Jaynes appeared to speak.

Officer Beckett, Police Department, City Attorney Witt, City Manager McKinley, and Ken Ahlgren, Financial Management, answered questions directed by Council.

A motion by Councilman Morrow to abolish games of skill tax, received no vote at this time.

Larry Haden, Financial Management, answered questions directed by Council.

A motion by Councilman Williams to refer the communication (Item 107) to the City Manager for purposes of studying inequities, died for lack of a second.

A motion by Councilman Gade to introduce the Ordinance (Item 203), received no vote at this time.

A motion by Councilman Morrow to amend the Ordinance to delete the words at the end of the sentence proposed to be added to Section 31.0314 "for each games of skill or amusement", was defeated by the following vote: Yeas-Councilmen Hubbard, Williams, Morrow, and Ellis. Nays-Councilmen Johnson, O'Connor, Gade, Haro, and Mayor Wilson. Absent-None.

A proposed Ordinance, amending Chapter III, Article 1, Division 3 of the San Diego Municipal Code by repealing Section 31.0313; by amending Division 1, Section 31.0110, Paragraph (a) and Division 3, Section 31.0314; by amending Article 3, Division 16 by repealing Section 33.1631.2; and by amending Sections 33.1641, 33.1641.1, 33.1641.3 and 33.1641.4 relating to Business License Taxes on Arcades and Games of Skill and the regulations pertaining to Games of Skill or Amusement, was introduced on motion of Councilman Gade by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Gade, Ellis, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-None.

ORDINANCE NO. _____
(New Series)

O. 76-81

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 31.0313; BY AMENDING DIVISION 1, SECTION 31.0110, PARAGRAPH (a) AND DIVISION 3, SECTION 31.0314; BY AMENDING ARTICLE 3, DIVISION 16 BY REPEALING SECTION 33.1631.2; AND BY AMENDING SECTIONS 33.1641, 33.1641.1, 33.1641.3 AND 33.1641.4 RELATING TO BUSINESS LICENSE TAXES ON ARCADES AND GAMES OF SKILL AND THE REGULATIONS PERTAINING TO GAMES OF SKILL OR AMUSEMENT.

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

Section 1. That Chapter III, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 31.0313 . LICENSE TAX--MECHANICAL PLAY DEVICES

Section 2. That Chapter III, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 31.0110, paragraph (a), to read as follows:

SEC. 31.0110 LICENSE TAXES--DEFINITIONS

The following words and phrases whenever used in this Chapter shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "ARCADE." The word "Arcade" shall mean a business whose principal source of business revenue is derived from providing games of skill or amusement for public use.

[No amendment to paragraphs (b) through (s).]

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(Items 203 and 107 were taken simultaneously - Continued)

Councilman Ellis left the Chambers.

A motion by Councilman Williams to refer the communication (Item 107) to the City Manager and Rules Committee, passed unanimously.

(Item 250)

The following proposed Resolutions, continued from the Meeting of October 27, 1976, for report from City Manager, 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, were presented.

City Manager McKinley answered questions directed by Council.

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

Ruth Schneider appeared to speak.

J. R. Crosby, Engineering and Development Department, answered questions directed by Council.

Jim McCarthy appeared to speak.

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

RESOLUTION 217069, authorizing an agreement with McKeon Construction, for completion of improvements in Iris Gardens Duplex, a 46-lot subdivision, located easterly of Interstate 5 and south of Iris Avenue;

RESOLUTION 217070, approving the final map of Iris Gardens Duplex and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program; and

RESOLUTION 217071, 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.

Councilman Morrow left the Chambers.

(Item 403 - T.M. 75-158)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the application of Larwin-Southern California, Inc., by Don Willet, Assistant Vice President, for special permission to waive underground utility requirements in connection with the Subdivision Map of Coronado Highlands Unit 1 Resubdivision Unit 3, located on the east side of 19th Street, between Palm Avenue and Coronado Avenue, in the R-2 (proposed R-1-5) Zone. It was reported that no written protests had been received.

No one appeared to be heard.

City Manager McKinley and J. F. McLaughlin, Engineering and Development Department, answered questions directed by Council.

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

RESOLUTION 217072, granting the application of Larwin-Southern California, Inc., by Don Willet, Assistant Vice President, for special permission to waive underground utility requirements in Coronado Highlands Unit 1 Resubdivision Unit 3.

(Item 404 - CASE NO. 45-76-2 - City-initiated)

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 rezoning Penasquitos Hills; a portion of Penasquitos Unit 1; Lot 3, Penasquitos Unit 2; Lot 1, Penasquitos Village; Penasquitos Gardens; and Parcels 1 and 2, Parcel Map 3913 (being a division of Lot 2, Penasquitos Unit 1), located on both sides of Carmel Mountain Road between Via San Marco and I-15 and on the east side of Penasquitos Drive between Del Diablo Way and Alamazon Street, from Zone R-1-5 to Zones R-2, R-2Am and CA. It was reported that no written protests had been received.

No one appeared to be heard.

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

RESOLUTION 217073, certifying that the information contained in Environmental Negative Declaration No. 76-06-34C 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.

(Item 404 - CASE NO. 45-76-2 - City-initiated - Continued)

A proposed Ordinance, incorporating Penasquitos Hills; a portion of Penasquitos Unit 1; Lot 3, Penasquitos Unit 2; Lot 1, Penasquitos Village; Penasquitos Gardens; and Parcels 1 and 2, Parcel Map 3913, into R-2, R-2A and CA Zones as defined by Sections 101.0409, 101.0410 and 101.0428.1, respectively, of the San Diego Municipal Code, and repealing Ordinance No. 8831 (New Series), adopted May 16, 1963, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Johnson by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Haro, and Mayor Wilson. Nays-None. Absent-Councilmen Morrow and Ellis.

(Item 402)

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 October 27, 1976, for full Council, 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.

A motion by Councilwoman O'Connor to continue the matter to November 10, 1976 10:00 a.m. Time Certain, for full Council, received no vote at this time.

Lawrence Fogel appeared to speak.

A vote was then taken on the previous motion by Councilwoman O'Connor to continue the matter to November 10, 1976 - 10:00 a.m. Time Certain for full Council, which passed unanimously.

(Unanimous Consent No. 3)

By common consent, Council agreed to hold a Special Meeting on November 10, 1976 at 11:30 a.m., Time Certain on the matter of filling the vacancy in Council District No. 7.

(Unanimous Consent No. 4)

By Unanimous Consent granted to the City Manager, a proposed Ordinance amending Chapter III, Article 2 of the San Diego Municipal Code by amending Section 32.01 relating to the allocation of sales tax revenues, was presented.

City Manager McKinley and Deputy City Attorney Valderhaug answered questions directed by Council.

A proposed Ordinance, amending Chapter III, Article 2 of the San Diego Municipal Code by amending Section 32.01 relating to Allocation of Sales Tax Revenues was introduced on motion of Councilman Gade, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Haro, and Mayor Wilson. Nays-None. Absent-Councilmen Morrow and Ellis.

ORDINANCE NO. _____
(New Series)

O.77-84

AN ORDINANCE INCORPORATING PENASQUITOS HILLS; A PORTION OF PENASQUITOS UNIT 1; LOT 3, PENASQUITOS UNIT 2; LOT 1, PENASQUITOS VILLAGE; PENASQUITOS GARDENS; AND PARCELS 1 AND 2, PARCEL MAP 3913, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO R-2, R-2A AND CA ZONES AS DEFINED BY SECTIONS 101.0409, 101.0410 AND 101.0428.1, RESPECTIVELY, OF THE SAN DIEGO MUNICIPAL CODE, AND REPEALING ORDINANCE NO. 8831 (NEW SERIES), ADOPTED MAY 16, 1963, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

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

Section 1. That Penasquitos Hills; a portion of Penasquitos Unit 1; Lot 3, Penasquitos Unit 2; Lot 1, Penasquitos Village; Penasquitos Gardens; and Parcels 1 and 2, Parcel Map 3913, in the City of San Diego, California, within the boundary of the district designated "R-2," "R-2A," and "CA" on Zone Map Drawing No. B-3932, filed in the office of the City Clerk as Document No. 756984, be and it is hereby incorporated into R-2, R-2A, and CA Zones, as such zones are described and defined by Sections 101.0409, 101.0410, and 101.0428.1, respectively, of the San Diego Municipal Code.

Section 2. That Ordinance No. 8831 (New Series), adopted May 16, 1963, of the ordinances of The City of San Diego, be, and it is hereby repealed insofar as it conflicts herewith.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By 

Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
10/2/76
45-76-2
OrDept.:Clerk

(Unanimous Consent No. 5)

By Unanimous Consent granted to the Mayor, a proposed Resolution designating Mayor Wilson as City's voting delegate and Deputy Mayor O'Connor as alternate delegate at National League of Cities Annual Congress, Denver, Colorado - November 28, 1976 through December 1, 1976, was presented.

RESOLUTION 217074, designating Mayor Pete Wilson and Deputy Mayor Maureen O'Connor as the City's voting delegate and alternate delegate, respectively, at the National League of Cities Annual Congress at Denver, Colorado, November 28, 1976 through December 1, 1976.

(Item 102)

The matter of eliminating the Committee System, continued from the Meeting of October 27, 1976, for full Council, was presented.

On motion of Councilman Hubbard, the matter was continued to November 17, 1976 - a.m., for full Council.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 4:48 p.m. on motion of Councilman Johnson.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Charles A. Johnson

City Clerk of The City of San Diego, California