

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - WEDNESDAY, DECEMBER 15, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M. AND 2:00 P.M.

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

Absent--Councilman Williams.

Vacant--District 7.

Clerk---Edward Nielsen

Mayor Wilson called the Regular Meeting to order at 8:46 a.m.

(Item 100)

Roll call was taken.

(Item 101)

Mayor Wilson welcomed students from Carson Elementary School, accompanied by
Mr. Wil Nikkel.

Councilman Morrow addressed the group.

At this time the Council was informed of the rescheduling of the Public
Services and Safety Committee from December 16, 1976, 2:00 p.m. to 8:30 a.m.,
December 16, 1976 to be held in the Council Chambers, 12th Floor, City
Administration Building, 202 "C" Street.

(Item 102 - Supplemental No. 1)

A report on the Obligations and Contracts in excess of \$10,000 approved by
the RETC Policy Board on December 5, 1976, and submitted to the City Council
for confirmation: a) Fourth amendment to Memorandum of Understanding between
the San Diego Regional Employment and Training Consortium and the County of
San Diego - \$5,752,050; b) 1976 Summer Youth Recreational Support Program -
City of San Diego \$79,581; c) 1976 Summer Youth Recreational Support Program -
County of San Diego - \$65,112; 1977 RETC Title I-Contracts with County of
San Diego - d) Other Manpower activities selection procedures evaluation - \$97,560
e) Comprehensive Employment Program - \$586,950, was presented.

Tom Nagle of RETC appeared to speak.

A motion by Councilman Hubbard for a Special Order of Business on
January 26, 1977, 8:30 a.m. to provide an exposition of the administration
of the RETC Program to include as specific points the policy question of
whether the City continues to make use of Public Service Employment money if they're
extended by the Congress and the bill signed by the President, and in the absence
of that to determine what the impact is and what provisions shall be made therefore
with respect to the City's budget, received no vote at this time.

City Manager McKinley answered questions directed by the Council.

Councilman Williams entered the Chambers.

A vote was then taken on the previous motion for a Special Order of Business on January 26, 1977, 8:30 a.m. to provide an exposition of the administration of the RETC Program to include as specific points the policy question of whether the City continues to make use of Public Service Employment money if they're extended by the Congress and the bill signed by the President, and in the absence of that to determine what the impact is and what provisions shall be made therefore with respect to the City's budget, which passed unanimously.

RESOLUTION 217258, assenting to the following obligations and contracts in excess of \$10,000 of the Regional Employment and Training Consortium, approved by its Policy Board on December 6, 1976, and submitted to this Council for confirmation pursuant to the Joint Powers Agreement:

1. Fourth Amendment to Memorandum of Understanding with the County of San Diego \$5,752,050
 2. 1976 Summer Youth Recreational Support Program with the City of San Diego 79,581
 3. 1976 Summer Youth Recreational Support Program with the County of San Diego 65,112
 4. 1977 RETC Title I Contracts with County of San Diego:
 - a. Other Manpower Activities
 - Selection Procedures Evaluation 97,560
 - b. Comprehensive Employment Program 586,950
- was adopted on motion of Councilman Hubbard.

(Item 102)

A communication from Tom Sherrard, representing LEAF, requesting permission to address the Council regarding a request to defer any action on Urban Renewal until after new legislative safeguards are in effect, was presented.

On motion of Councilman Johnson, the communication was filed.

(Item 103)

A communication from Robert D. Woods, Esq., representing San Diego Scottish Highland Games, Inc., requesting permission to address the Council regarding the possibility of obtaining an Annual Stipend from the fund generated by the hotel and motel room tax, in order to support, promote and enlarge the annual, San Diego Scottish Highland Games, was presented.

Robert D. Woods appeared to speak regarding said communication.

A motion by Councilman Haro to refer to City Manager for report to Public Services and Safety Committee and refer to Public Services and Safety Committee, received no vote at this time.

City Manager McKinley answered questions directed by the Council.

A vote was then taken on the previous motion of Councilman Haro to refer to City Manager for report to Public Services and Safety Committee and refer to Public Services and Safety Committee, which passed unanimously.

(Item 104)

A communication from Mrs. Wesley C. Young, representing Mission Hills Approvement Association, requesting permission to address the Council relative to adoption of regulations that would require a review and public hearing of any requests for remodeling on Building Permits that required public hearings on the original building permit, was presented. (The specific case in point is Allen Canyon.)

City Clerk Nielsen reported that a request for withdrawal had been received from Mrs. Young.

On motion of Councilman Gade, the communication was filed.

Councilwoman O'Connor left the Chambers.

(Item 105)

A communication from Mr. Donald G. Perwin, representing area residents, requesting permission to address the Council regarding ban on right turn for northbound traffic on Torrey Pines Road to Glenbrook Way, was presented.

Donald Perwin appeared to speak regarding said communication.

On motion of Councilman Johnson the communication was referred to the City Manager with a report back to Council and Mr. Perwin.

(Unanimous Consent No. 1)

By Unanimous Consent granted to Councilman Johnson, a communication from Marie Pearce regarding a proposed traffic signal at Ardath Road and La Jolla Scenic Drive, was presented.

Marie Pearce appeared to speak regarding said communication.

On motion of Councilman Johnson the communication was referred to the City Manager for a report back to Council and Mrs. Pearce.

There were no requests for continuances.

Councilwoman O'Connor entered the Chambers.

The Council considered that portion of the Consent Agenda dealing with Ordinances to be Introduced: Item 120.

(Item 120)

A proposed Ordinance, amending Section 1 of Ordinance No. 8766 (New Series), adopted December 13, 1962, amended by Ordinance No. 11411 (New Series), adopted October 17, 1974, incorporating a portion of Rancho San Bernardo, Record of Survey 6081, in the City of San Diego, California, into CA-S Zone, as defined by Section 101.0428 of the San Diego Municipal Code, was introduced on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-None.

The Council considered that portion of the Consent Agenda dealing with Resolutions, which consisted of Items 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, and 200. There was discussion on Items 151, 156, 158, and 200.

(Item 150)

The following Resolutions relative to Awarding Contracts, were adopted on motion of Councilman Williams:

RESOLUTION 217259, Balboa Sheet Metal, for the sum of \$16,250 for the construction of the police garage paint spray booth; authorizing the expenditure of \$23,650 out of Capital Outlay Fund (Fund 245) for said purpose and related costs;

RESOLUTION 217260, B. F. Goodrich Company, Global Automotive Enterprises, The Price Company, Kennedy's Firestone, and Goodyear Service Stores for the purchase of tires and tubes for trucks and passenger cars as may be required for the period ending March 31, 1977, for a total estimated cost, including tax and terms, of \$88,050.44;

ORDINANCE NO. _____
(New Series)

120
O.77-113

AN ORDINANCE AMENDING SECTION 1 of ORDINANCE NO. 8766 (NEW SERIES), ADOPTED DECEMBER 13, 1962; AMENDED BY ORDINANCE NO. 11411 (NEW SERIES), ADOPTED OCTOBER 17, 1974, INCORPORATING A PORTION OF RANCHO SAN BERNARDO, RECORD OF SURVEY 6081, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO CA-S ZONE, AS DEFINED BY SECTION 101.0428 OF THE SAN DIEGO MUNICIPAL CODE.

WHEREAS, a request has been received to extend the time on Ordinance No. 8766 (New Series), adopted December 13, 1962; and

WHEREAS, Section 1 of Ordinance No. 8711 (New Series) provided that the CA-S Zone would attach if a final subdivision map or maps were recorded on or before November 16, 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. 8766 (New Series), adopted December 13, 1962, amended by Ordinance No. 11411 (New Series), adopted October 17, 1974, be, and it is hereby amended to read as follows:

Section 1. That in the event that a portion of Rancho San Bernardo, Record of Survey 6081, in the City of San Diego, California, within the boundary of the district designated "CA-S" on Zone Map Drawing No. B-2803, is subdivided and a final subdivision map or maps

01840

thereof duly submitted to the City on or before November 16, 1977, and thereafter recorded, and within such subdivision or subdivisions, 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 101.0428 shall attach and become applicable to the said subdivided land and the said subdivided land shall be incorporated into CA-S Zone, as described by Section 101.0428 of the San Diego Municipal Code, the boundary of such zone to be as indicated on Zone Map Drawing No. B-2803, filed in the office of the City Clerk as Document No. 747575. Said zoning shall attach only to those areas included in the subdivision map or maps recorded as provided in the section.

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
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
45-74-4/EOT
Or.Dept.:Planning Comm.

PLANNING REPORTS

RECEIVED
CITY PLANNING DEPARTMENT
SAN DIEGO, CALIF.

CITY PLANNING DEPARTMENT - SAN DIEGO, CALIF. 92101

236-6460

November 11, 1976

SUBJECT: REZONING CASE NO. 45-74-4/EOT an extension of time to rezone portion Rancho San Bernardo, ROS 6081, from the R-1-5 to the CA-S zone. On the west side of Acena Drive north of Obispo Road. Applicant: AVCO Community Developers EQD No. 74-3-016P

BACKGROUND

This hearing concerns a request for a one year extension of time in which to rezone a .6 acre parcel of vacant land located on the west side of Acena Drive between Hierba Drive and Obispo Road from the R-1-5 to the CA-S zone. Surrounding development and land use consist of single-family residential development to the east, across Acena Drive, in the R-1-5 zone and the Rancho Bernardo Town Center to the north, west and south in the CA-S zone. The adopted Rancho Bernardo Community Plan designates the subject property for commercial use as a portion of the town center.

Rezoning to the CA-S zone was originally approved by the Planning Commission on July 31, 1974, and by the City Council on October 17, 1974. The rezoning was subject to the recordation of a subdivision map or maps within two years of the effective date of the ordinance.

RECOMMENDATION

The Planning Department recommends APPROVAL of the requested one year extension of time to November 16, 1977, in which to rezone this property by the recordation of a map or maps, based on the belief this circumstances have not materially changed since the initial approval of the rezoning.

ANALYSIS

The subject property is designated on the Rancho Bernardo Community Plan as a portion of the 52 acre commercial town center. The request was initially approved on this basis

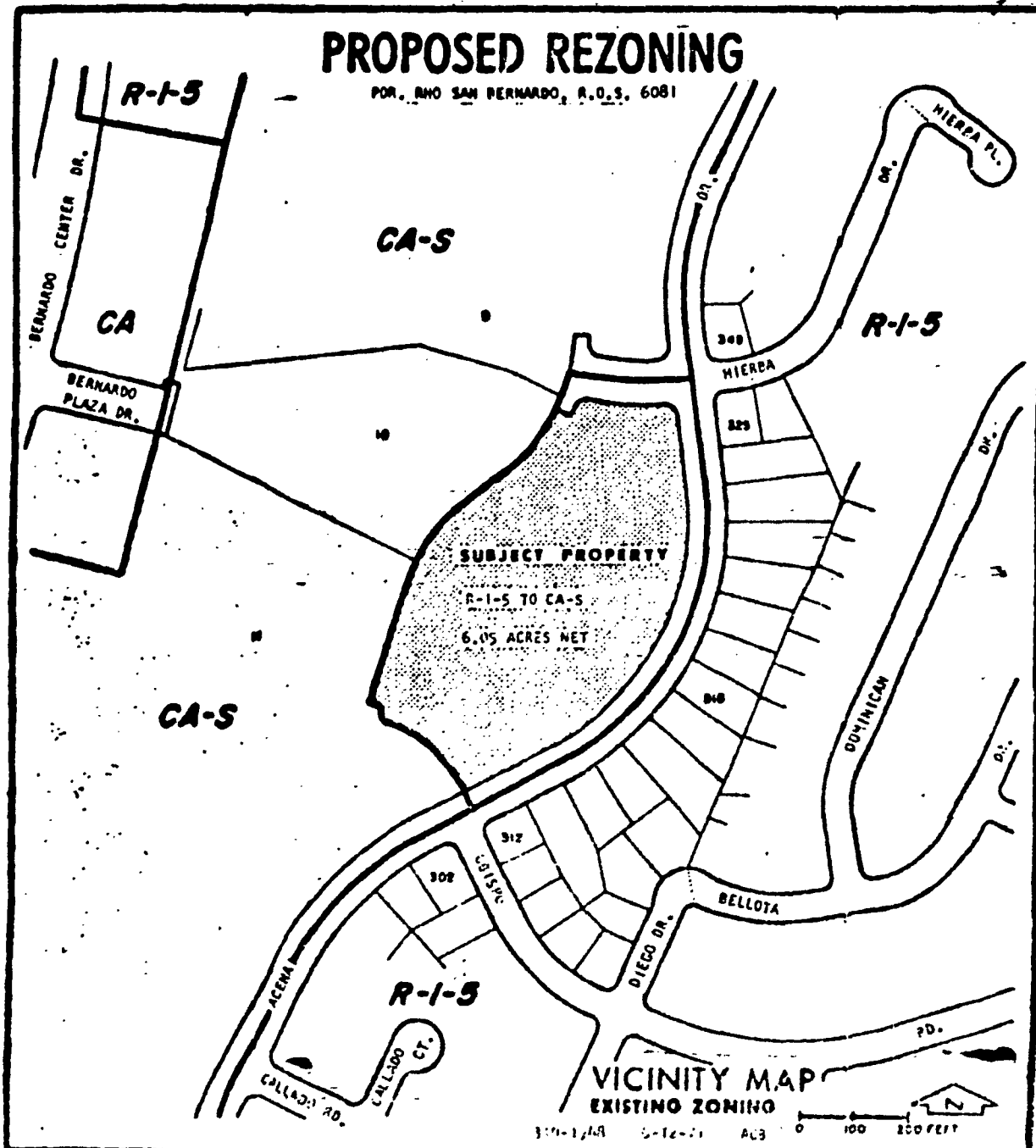
and the applicant is now requesting an additional one year extension of time, to November 16, 1977, in which to record a map upon the subject property and effectuate the rezoning.

Circumstances surrounding the subject property have not materially changed since the original approval. Based on this belief, the Department recommends a one year extension of time to November 16, 1977, in which to record a subdivision map or maps upon the subject property.

An extension of time is exempt from the environmental review process.

PROPOSED REZONING

POR. BHO SAN BERNARDO, R.O.S. 6081



ORDINANCE NO. <u>11411 N.S.</u>	REQUEST <u>CA-S</u>	 Mary M. Baskett Secretary of Planning
EFF. DATE ORD. <u>11-16-74</u>	PLAN COMM RECOMMENDATION <u>CA-S</u>	
ZONING SUBJ. TO <u>Sub. maps</u>	CITY COUNCIL ACTION <u>CA-S</u>	CASE NO. <u>B-2803</u>
BEFORE DATE <u>11-16-76</u>		
EFF. DATE ZONING _____		
MAP NAME & NO. _____		

(Item 150 - Continued)

RESOLUTION 217261, the Otto Gerdau Co. for the purchase of 50,000 pounds of polypropylene broom bristles, for an actual cost, including tax and terms, of \$22,011.17; and

RESOLUTION 217262, Lumber Purveyors Co., Inc., for the purchase of Portland Cement for a period of one year ending November 30, 1977, for an actual estimated cost, including tax and terms, of \$12,737.09.

(Item 151)

RESOLUTION 217263, awarding a contract to Cofferdam Unwatering Corporation, for the Geohydrologic Investigation of Pamo Valley, for the sum of \$40,738.26; authorizing the expenditure of \$49,000 out of the Water Revenue Fund (Fund 500) for said purpose and related costs; authorizing the City Auditor and Comptroller to transfer \$49,000 within Water Revenue Fund (Fund 500) from Unallocated Reserve - 69.69 to Water Engineering Services - Operation and Maintenance - 69.46 for said purpose and related costs was adopted on motion of Councilman Williams.

(Item 152)

The following Resolutions relative to the Final Subdivision Map of Fiesta Time Unit No. 5, a 53-lot subdivision, located southwest of Palm Avenue and Churrituck Drive, were adopted on motion of Councilman Williams:

RESOLUTION 217264, authorizing an agreement with T.F.L. Co. for completion of improvements;

RESOLUTION 217265, approving the final map and acknowledging receipt of Subdivider's Assurance of Compliance with the Affirmative Marketing Program; and

RESOLUTION 217266, authorizing the execution of a Quitclaim Deed, quitclaiming to T.F.L. Co., effecting the revestment of those abutter's rights of access to Churrituck Drive affecting a portion of Diamond Park.

(Item 153)

The following Resolutions relative to the Final Subdivision Map of Clairemont Greens, a 69-lot subdivision, located south of Clairemont Mesa Boulevard, east of Diane Street and north of Mt. Cervin Drive, were adopted on motion of Councilman Williams:

RESOLUTION 217267, authorizing an agreement with T. F. L. Co. for completion of improvements;

RESOLUTION 217268, approving the final map; and

RESOLUTION 217269, vacating a portion of the alley, adjacent to Lot 142, northeast Clairemont Unit No. 2, under the Summary Vacation Procedure where that portion to be vacated has been superseded by relocation.

(Item 154)

The following Resolutions relative to the Final Subdivision Map of Vista Madrone Unit No. I, a 135-lot subdivision located south of Imperial Avenue on both sides of 65th Street:

RESOLUTION 217270, authorizing an agreement with Vista Madrone for completion of improvements;

RESOLUTION 217271, approving the final map; and

RESOLUTION 217272, vacating those portions of 66th Street, Benson Avenue, and Cielo Drive, under the Summary Vacation Procedure where those portions to be vacated have been superseded by relocation.

(Item 155)

RESOLUTION 217273, approving the acceptance by the City Manager of Deed of Penasquitos, Inc., (public purposes); authorizing the expenditure of \$600 from Building Permit Park Fee Fund No. 12141 and \$600 from Building Permit Park Fee Fund No. 12145, located in the Rancho Penasquitos Community west of I-5, was adopted on motion of Councilman Williams.

(Item 156)

RESOLUTION 217274, authorizing an agreement with Bennett Engineers, for professional engineering services for design of a bikeway-pedestrian bridge and approaches on the East Mission Bay Drive bridge at Tecolote Creek; authorizing the expenditure of \$5,000 and \$3,400 out of Local Transportation Fund 2720 and Capital Outlay Fund 245, CIP No. 58-068(7), respectively for the above-referenced services, was adopted on motion of Councilman Williams.

(Item 157)

RESOLUTION 217275, authorizing an agreement with Herman Kimmel & Associates, Inc., for professional engineering services for design of traffic signal and safety lighting systems and major roadway widening at the intersection of La Jolla Shores Drive and Torrey Pines Road and the intersection of Nimitz Boulevard and West Point Loma Boulevard; authorizing the transfer within Capital Outlay Fund 245 the sum of \$7,000 to Capital Outlay Fund 244 in an amount of \$3,500 to CIP No. 61-137(7) and \$3,500 to CIP No. 61-136(7) for the above referenced services, was adopted on motion of Councilman Williams.

(Item 158)

RESOLUTION 217276, rescinding Resolution No. 216703 adopted September 1, 1976; authorizing the City Manager to execute that document entitled "Memorandum of Understanding, Joint Government Information Center, San Diego, California", continuing a Joint Government Information Center to be located in the Federal Building at 880 Front Street, San Diego, for the purpose of providing citizens with information pertaining to the City, County, State and Federal government services; said Memorandum of Understanding being terminable unilaterally with

(Item 158 - Continued)

six(6) months notice by any of the participating parties; authorizing the City Manager to execute, at his option, an extension of the one-year term for two(2) additional periods of one(1) year each, was adopted on motion of Councilman Williams.

(Item 159)

RESOLUTION 217277, authorizing an agreement with the San Diego Community College District on behalf of the San Diego Evening College for utilizing student services in the College Work Study Program for a period between November 1976 through June, 1977, was adopted on motion of Councilman Williams.

(Item 160)

RESOLUTION 217278, authorizing an agreement with United Way of San Diego County for the purpose of obtaining an inventory of Social Service Programs and other information pertaining to clientele and funding levels in each of the 48 statistical areas of The City of San Diego; authorizing the expenditure of \$1,400 out of Community Development Block Grant Fund 290 - Social Planning, Object Account 3295 (Professional Services) - for the above stated purpose, was adopted on motion of Councilman Williams.

(Item 161)

RESOLUTION 217279, authorizing the transfer of \$100,000 within Capital Outlay Fund 245 to Capital Outlay Fund 244, CIP 64-001(5) and expenditure of said funds for the purpose of providing funds for the purchase and installation of 3,385 miscellaneous traffic and street name signs at various locations city-wide; authorizing the City Manager to do by City Forces, all necessary installation work in conjunction with the above-referenced project, was adopted on motion of Councilman Williams.

(Item 162)

RESOLUTION 217280, declaring the buildings owned by Henry R. Pearce, located at 3720 42nd Street, to be a public nuisance; authorizing the City Attorney to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Williams.

(Item 163)

RESOLUTION 217281, declaring the buildings owned by Margaret A. Cole and Sophia Aranda, located at 3742 T Street, to be a public nuisance; authorizing the City Attorney to take appropriate legal action to abate said nuisance, was adopted on motion of Councilman Williams.

(ITEM 164)

CERTIFICATE OF CITY CLERK

I, EDWARD NIELSEN, City Clerk of The City of San Diego, California,
DO HEREBY CERTIFY the results of the canvass of the Special Municipal
Election held on Tuesday, November 2, 1976, to be as follows, to wit:

(a) The whole number of votes cast in the City was 318,770

(b) The measures voted upon, and the number of
votes given for and against each measure are
as follows, to wit:

PROPOSITION H

CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 28 OF
THE CHARTER OF THE CITY OF SAN DIEGO.

Relates to hiring of experts or consultants by the City
Manager. Provides that the City Council shall establish
by ordinance a dollar limit above which prior Council
approval shall be required by the City Manager in order
to hire experts or consultants when such assistance is
necessary.

For said proposition the vote was

204,263

Against said proposition the vote was

60,681

The total vote was

264,944

PROPOSITION J

CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 94 OF
THE CHARTER OF THE CITY OF SAN DIEGO.

Authority presently exists in Charter Sections 35 and 94 for
the purchase of materials, supplies and equipment. This
results in two procedures and creates ambiguity and inconsis-
tency. This amendment deletes that language in Section 94
and provides that the purchase of all materials, supplies
and equipment be governed by Charter Section 35.

For said proposition the vote was

207,560

Against said proposition the vote was

52,707

The total vote was

260,267

PROPOSITION K

CITY OF SAN DIEGO LOW-RENT HOUSING PROPOSAL FOR LOW-INCOME
OR ELDERLY LOW-INCOME PERSONS.

Do the qualified electors of the City of San Diego approve
the development, construction and acquisition of low-rent
housing projects within the City to provide not more than
2,500 dwelling units on scattered sites for living accom-
modations for low-income persons including but not limited
to low-income elderly or low-income disabled persons?

For said proposition the vote was

186,991


Against said proposition the vote was

86,247

The total vote was

273,238

- (c) The number of votes given in each precinct for and
against each measure are recorded in the Election
Returns Book, which book is authorized and is
considered as a part of the record of the Council.


EDWARD NIELSEN, City Clerk of The
City of San Diego, California

(SEAL)

Dated at San Diego, California,
this 8th day of December, 1976.

(Item 164 - Continued)

RESOLUTION 217282, declaring the result of the canvass of the Special Municipal Election held on November 2, 1976, and consolidated with the Statewide General Election held on that same date, on two propositions to amend the City Charter, Section 28, "Duties of the Manager", Section 94, "Contracts", and one Low-Rent Housing Proposal for low-income persons, was adopted on motion of Councilman Williams.

Propositions H, J, and K received the affirmative vote of a majority of the qualified voters voting thereon and such Propositions are hereby declared to have been approved.

The City Clerk shall make public the results of the canvass of the special municipal election by publication of a copy of this resolution.

(Item 200)

The following Resolutions relative to the development of industrial facilities in San Ysidro and Otay Mesa, were adopted on motion of Councilman Williams:

RESOLUTION 217283, certifying that the information contained in Environmental Negative Declaration No. 76-06-24P 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 217284, approving the Scope of Services Work Program and budget; authorizing the expenditure of \$562,210 from Block Grant Fund 290 for above stated purpose.

(Item 106)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the meetings of October 27, November 3, 10, 17, and 24, 1976, on the matter of the 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 hearing on Annual Council Programming conducted in September. There were no written protests received.

City Manager McKinley answered questions directed by Council.

Gordon Luce appeared to speak.

RESOLUTION 217285, directing the City Manager to work with the Executive Director of EDC to formulate a total program at a cost not to exceed \$250,000 as recommended; authorizing the City Manager to negotiate a contract with a firm to perform a marketing study at a cost not to exceed \$75,000; authorizing the balance of the funds earmarked hereinabove for the total program for said purpose after the City Manager has brought back and presented a program in January, 1977, and executing the necessary and appropriate agreements to effectuate the above objectives assuring that the above enumerated funds are sufficiently identified and legally allocated and encumbered by the Auditor and Comptroller, was adopted on motion of Councilman Hubbard.

Mayor Wilson recessed the Meeting at 10:12 a.m. Upon reconvening at 10:42 a.m., the roll call showed Councilmen Williams and Morrow absent.

Councilmen Williams and Morrow entered the Chambers.

Councilwoman O'Connor left the Chambers.

The Council considered Items 205, 206, 207, 208, and 257 simultaneously.

(Item 205)

A proposed Resolution amending Council Policy No. 500-2, Taxicabs - Certificates of Convenience and Necessity,

(Item 206)

A proposed Resolution granting the transfer of eleven (11) Certificates of Public Convenience and Necessity for taxicabs from Pleasureline Products, Inc., dba La Jolla Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code,

(Item 207)

A proposed Resolution granting the transfer of nine (9) Certificates of Public Convenience and Necessity for taxicabs from Pleasureline Products, Inc., dba ABC Cab Company to the new owner, subject to compliance with all provisions of the San Diego Municipal Code,

(Item 208)

A proposed Resolution granting the transfer of sixteen (16) Certificates of Public Convenience and Necessity for taxicabs from Pleasureline Products, Inc., dba Checker Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code, and

(Item 257)

A proposed Resolution approving the transfer of 280 Certificates of Public Convenience and Necessity from the San Diego Yellow Cab Company to the new owners, were presented.

Councilman Williams presented a report of actions taken in the Committee Meeting of December 9, 1976.

Dick Wilken, Committee Consultant, answered questions directed by Council.

City Manager McKinley answered questions directed by Council.

George Simpson, Transportation Department, answered questions directed by Council.

(Items 205, 206, 207, 208 and 257 - Continued)

A motion by Councilman Gade to suspend the rules to allow speakers additional testimony per each side, passed unanimously.

Edward Pratt, Robert Kratovil, Alexander Irwin appeared to speak in favor of the matter.

Councilwoman O'Connor entered the Chambers.

Thomas Grela, Gerald Newport, Ian Fann, Cesar Johnson, and John Harper appeared to speak in favor of the matter.

Gerald Baker appeared to speak.

Councilmen Hubbard, O'Connor and Johnson left the Chambers.

Testimony continued.

Mayor Wilson recessed the Meeting at 12:06 p.m. to reconvene at 2:00 p.m.

Upon reconvening at 2:07 p.m., the roll call showed Councilmen Morrow and Haro absent. District 7 vacant.

(Item 401)

The group of eight visitors from the Explorer - Scouts, accompanied by John Kaheny, were not presented to the Council.

The Council considered requests for continuances: Item 406.

(Item 406)

NOTICED HEARINGS: Appeal of John Antonello, by Gerald S. Mendell, attorney, from the decision of the Chief of Police in denying his application for a Card Room License pursuant to Municipal Code Section 33.1625.2.

Gerald Mendell appeared to speak requesting a continuance of the matter.

On motion of Councilman Gade, the hearing was continued to the Meeting of December 22, 1976 p.m. at the appellant's request.

Mayor Wilson recessed the Regular Meeting at 2:10 p.m. - Upon reconvening at 2:14 p.m., the roll call showed Councilmen Morrow and Haro absent. District 7 vacant.

The Council considered further requests for continuances: Items 407, 405, and 202.

(Item 407)

NOTICED HEARINGS: Appeal of Hilton San Diego Corporation, by J. Stacey Sullivan, Jr., attorney, 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 San Diego Hilton Inn, located at 1775 East Mission Bay Drive.

Stacy Sullivan appeared to speak requesting a continuance.

On motion of Councilman Gade, the Hearing was continued to the Meeting of December 22, 1976, p.m. at the appellant's request.

(Item 405)

NOTICED HEARINGS: Proposed amendments to the La Jolla Shores Precise Plan and to the La Jolla Shores Planned District Regulations--San Diego Municipal Code Section 103.0304.1 Single Family Zone - Permitted Uses, to permit the construction of a fire station in the area bounded by Ardath Road, Torrey Pines Road, and Ardath Lane (Ardath Triangle).

(Item 405 - Continued)

Mrs. Ward appeared to speak regarding a continuance.

On motion of Councilman Johnson, the Hearing was continued to the Meeting of December 22, 1976 2:00 p.m. Time Certain, due to lack of time.

Councilman Morrow entered the Chambers.

(Item 202)

RESOLUTIONS: (Continued from the Meeting of November 17, 1976.) Withdrawing recognition of the Kearny Vista Community Planning Organization as the planning group representing the Kearny Vista area granted by the Council in Resolution No. 191414, adopted August 24, 1967 and rescinding said resolution; instructing the City Manager to undertake to conduct an informal election in the Kearny Vista area to assist the residents and land and business owners to organize another organization which the Council can recognize as the Community Planning Organization pursuant to Council Policy No. 600-5.

Members of the audience spoke regarding a continuance.

The motion of Councilman Morrow to continue the matter to the Meeting of December 21, 1976, 4:00 p.m. Time Certain, due to lack of time, was not voted on at this time.

Councilwoman O'Connor left the Chambers.

The vote was then taken on the previous motion of Councilman Morrow to continue the matter to the Meeting of December 21, 1976, 4:00 p.m. Time Certain, due to lack of time, which passed unanimously.

(Item 256 - First time.)

A proposed Resolution, authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings portions of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian; portions of Lots A-177, A-178, A-179, A-180, A-181 and A-182, San Ysidro Addition No. 2; portions of Lots A-211, A-217, A-218, A-219, A-220 and A-221, San Ysidro Addition No. 4; portions of Lots A-1, A-2, A-3, A-4, A-5, A-81k A-82, and A-85, San Ysidro; and portions of Lots A-79, A-80 and A-81, Little Landers Subdivision of San Ysidro, according to United States Government Survey for the construction, operation and maintenance of a public street and incidents thereto, together with certain earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances, was presented.

There was brief discussion on the matter, and by common consent trailed until later in the Meeting.

Councilwoman O'Connor entered the Chambers.

Council considered Items 206, 207, and 208 - Supplemental No. 1 with Item 205 - Supplemental No. 1.

(Item 205 - Supplemental No. 1 - Second time.)

Thomas Manning, Raoul Lowry, Bill Hilton and Bud James appeared to speak.

Councilman Haro entered the Chambers.

Mary Lou Schaefer, Don Davidson, Mr. Renny, Alvin Miller, Romando Valdez, Stan Voltaire, John Lee, Patrick Caldwell, Chris Nelson, and Herb Kunzel appeared to speak.

Councilman Haro left the Chambers.

Mr. Kunzel answered questions directed by the Council.

Transportation Director Simpson answered questions directed by the Council.

Mr. Hilton and Mr. Simpson answered questions directed by the Council.

Councilman Haro entered the Chambers.

City Manager McKinley, Mr. Simpson, Mr. Renny, Mr. Lee, Mr. Kunzel, Mr. Hilton, Mr. James, Mr. Miller, Lieutenant Eric Punell, and O.D. Erikson answered questions directed by the Council.

Discussion followed at length.

Councilman Hubbard made a motion that would allow for the Council to set the number of certificates issued through the calendar year 1978 at 400; immediately transfer the 280 Yellow Cab certificates, if the request is still there; complete the 36 Pleasureline certificates transfer; agree Yellow Cab limited to no more certificates through 1978 until the subject comes back for more certificates; and the balance of the certificates - 45 - will be set up for regular hearings; and the owner-operator concept would be allowed as long as there were a coordinate group of 12 or more; and preference treatment would be given any new group or organization who would in fact center their activities in geographical preferred locations by City Council, which died for lack of a second.

The motion of Councilman Morrow to adopt the item on the docket and authorize the issuance and the transfer of all outstanding certificates, including the total 280 that Yellow Cab wishes to transfer to the new owner, was not voted on at this time.

Dick Wilken, Transportation and Land Use Committee Consultant, answered questions directed by the Council.

Discussion followed.

(Item 205 - Supplemental No. 1 - Second time - Continued)

The vote was then taken on the previous motion of Councilman Morrow, which failed due to the lack of five affirmative votes by the following vote: Yeas-Councilmen O'Connor, Williams, Morrow, and Haro. Nays-Councilmen Johnson, Hubbard, Gade, and Mayor Wilson. Absent-None. District 7 vacant.

The motion of Councilman Hubbard to set the parameters for the calendar period through 1978 for a total of 400 certificates - transferring or making available the Yellow Cab, if they have a buyer - the 280; transferring the Pleasureline the 36; opening up the normal hearing process over the next two-year period or up to 45 certificates; and accepting the concept of owner-operator potential through coordinated groups, or as potential owner-operator applicants, died for lack of a second.

The motion of Councilman Gade to refer the whole matter back to the Transportation and Land Use Committee, received no vote at this time.

Discussion followed.

City Manager McKinley answered questions directed by the Council.

The motion of Councilwoman O'Connor to suspend the rules to extend the Meeting past 5:30 p.m. passed unanimously.

Mr. Hilton and Mr. Wilken answered questions directed by the Council.

The vote was then taken on the previous motion of Councilman Gade which was defeated by the following vote: Yeas-Councilmen Johnson, Gade, and Mayor Wilson. Nays-Councilmen O'Connor, Hubbard, Williams, Morrow, and Haro. Absent - None. District 7 vacant.

Discussion followed.

(Items 206, 207, and 208 - Supplemental No. 1 - First Time)

The motion of Councilman Hubbard to adopt the following proposed Resolutions, was not voted on at this time:

(Item 206)

Granting the transfer of eleven (11) Certificates of Public Convenience and Necessity for Taxicabs from Pleasureline Products, Inc., dba La Jolla Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code;

(Item 207)

Granting the transfer of nine (9) Certificates of Public Convenience and Necessity for Taxicabs from Pleasureline Products, Inc., dba ABC Cab Company, to the new owners, subject to compliance with all provisions of the San Diego Municipal Code; and

(Item 208)

Granting the transfer of sixteen (16) Certificates of Public Convenience and Necessity for Taxicabs from Pleasureline Products, Inc., dba Checker Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code.

(Items 206, 207, and 208 - Supplemental No. 1 - First Time - Continued)
Councilwoman O'Connor left the Chambers.

Senior Chief Deputy City Attorney Fitzpatrick answered questions directed by the Council.

The vote was then taken on the previous motion of Councilman Hubbard, which passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Williams. Absent-Councilwoman O'Connor. District 7 vacant; and the following Resolutions were adopted at this time. (The following Resolutions were not numbered as this action was reconsidered later in the Meeting.) (Item 206)

Granting the transfer of eleven (11) Certificates of Public Convenience and Necessity for Taxicabs from Pleasureline Products, Inc., dba La Jolla Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code;
(Item 207)

Granting the transfer of nine (9) Certificates of Public Convenience and Necessity for Taxicabs from Pleasureline Products, Inc., dba "ABC Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code; and
(Item 208)

Granting the transfer of sixteen (16) Certificates of Public Convenience and Necessity for Taxicabs from Pleasureline Products, Inc., dba Checker Cab Company, to the new owner, subject to compliance with all provisions of the San Diego Municipal Code.

(Item 257 - Supplemental No. 1)

A proposed Resolution, continued from the Meetings of December 8 and 10, 1976, approving the transfer of 280 Certificates of Public Convenience and Necessity from the San Diego Yellow Cab Company to the new owners, was presented.

The motion of Councilman Gade to continue this Meeting and this item to the Adjourned Regular Meeting of December 16, 1976 a.m. to trail the special Meeting received no second at this time.

City Attorney Witt answered questions directed by the Council.

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

Discussion followed.

The vote was then taken on the previous motion of Councilman Gade, which passed unanimously.

Councilwoman O'Connor entered the Chambers.

(Items 206, 207, and 208 - Supplemental No. 1 - Second Time)

Mr. Harper appeared to speak.

The motion of Councilman Johnson to reconsider Items 206, 207 and 208 for the purpose of affording public testimony, passed unanimously.

Mayor Wilson recessed the Regular Meeting at 5:57 p.m. Upon reconvening at 6:10 p.m., the roll call showed Councilmen O'Connor and Morrow absent. District 7 vacant.

(Item 106 - Second Time.)

NOTICED HEARINGS: (Continued from the Meetings of October 27, November 3, 10, 17 and 24, 1976.) 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.)

By common consent the hearing was continued to the Meeting of December 29, 1976 - p.m.

Councilmen O'Connor and Morrow entered the Chambers.

The Council considered requests for continuances: Item 408 - Supplemental No. 2, Item 403, Items 33 and 34 of Tuesday, December 14, 1976, and Item 402.

(Item 408 - Supplemental No. 2)

SPECIAL HEARINGS: Approving the availability of the northerly half of the Sports Arena Boulevard and Hancock Street site for the development of low-income senior citizen and handicapped housing; authorizing a one-year option agreement with ST Associates for portions of Pueblo Lot 243, located at Sports Arena Boulevard and Hancock Street; and authorizing execution of a 55-year lease with ST Associates.

On motion of Councilman Gade the hearing was continued to the Meeting of January 5, 1977 -a.m. due to lack of time.

(Item 403 - CASE NO. 60-76-7)

NOTICED HEARINGS: (Continued from the Meeting of December 8, 1976.) Appeal of Miramedical Associates, by John A. Recht, from the decision of the Planning Commission in denying its application to rezone a portion of Lot 1, H. L. Barrow's Subdivision of the North 1/2 of the Southeast 1/4, Section 9 and Lots 4, 5, and 6 in Section 9, Township 15 South, Range 3 West, S.B.B.M. (approximately 4.74 acres), located on the south side of Miramar Road between I-805 and Eastgate Mall, from Zone A-1-10 to Zone M-1A.

On motion of Councilman Gade, the hearing was continued to the Meeting of January 4, 1977 - 2:00 p.m. Time Certain due to lack of time.

(Item 33 - Docket of 12-14-1976)

RESOLUTIONS: (Unfinished Business from the Meeting of December 8, 1976.)
Confirming appointments by the Mayor to the San Diego Stadium Authority Governing Board for four-year terms ending December 31, 1979:-

Sam T. Loftin (Reappointment)

Paul A. Peterson (Reappointment)

George Stevens (Reappointment)

Dan W. Dierdorff (To replace W. Bert Ritchey, who has resigned.)

On motion of Councilman Haro, the matter was continued to the Meeting of January 5, 1977 - a.m. due to lack of time.

(Item 34 - Docket of 12-14-1976)

RESOLUTIONS: (Unfinished Business from the Meeting of December 8, 1976.)
Amending Council Policy No. 000-13 regarding Procedure for Mayor and Council Appointments.

On motion of Councilman Haro, the matter was continued to the Meeting of January 5, 1977 - a.m. due to lack of time.

(Item 402)

SPECIAL HEARINGS: (Continued from the Meetings of November 10 and 24, 1976.)
Two Resolutions relative to acquiring right-of-way for the widening of Palm Avenue between I-5 and Hawaii Avenue:

a - Authorizing the City Attorney to commence action in Superior Court to acquire, under Eminent Domain Proceedings property and easements for the construction, operation and maintenance of a public street (Palm Avenue) together with earth excavations, embankments, slope or slopes, and a storm drain or drains and appurtenances thereto in portions of Section 22, Township 18 South, Range 2 West; and

b - Authorizing the expenditure of \$175,000 out of Gas Tax Fund 220, for the acquisition of all rights of way for the widening of Palm Avenue.

On motion of Councilman Haro, the special hearing was continued to the Meeting of January 5, 1977 - 2:00 p.m. Time Certain due to lack of time.

(Item 256 - Second Time)

William Schempers, Engineering and Development, answered questions directed by the Council.

On motion of Councilman Haro, the matter was continued to the Meeting of December 28, 1976 - 2:00 p.m. Time Certain.

(Item 259 - Supplemental No. 1)

The following Resolutions, relative to the Final Subdivision Map of Montoro Subdivision, were adopted on motion of Councilman Johnson:

RESOLUTION 217286, authorizing an agreement with Lexington Properties, Inc., for completion of improvements in Montoro Subdivision, a 51-lot subdivision located east of La Jolla Shores Drive and north of Calle Del Oro;

RESOLUTION 217287, approving the final map of Montoro Subdivision; and

RESOLUTION 217288, authorizing the divestment of the City's easement interest through negotiated sale for the sum of \$65, by a quitclaim deed conveying to the fee owner an unneeded drainage easement in Pueblo Lot 1297.

(Item 206, 207, and 208 - Supplemental No. 1 - Third Time)

Mr. Harper, Bob Levech, Mr. Martin, and Mr. Perkins appeared to speak.

Mr. Wilken and Mr. Harper answered questions directed by the Council.

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

Mr. Simpson and Mr. Fitzpatrick answered questions directed by the Council.

The motion of Councilman Haro to add the condition that radios will be installed in the cabs within one year (ask applicants if they can do this in 6 months or 1 year), received no vote at this time.

Mr. James and Mr. Levech appeared to speak.

The vote was then taken on the previous motion of Councilman Gade and the amendment by Councilman Haro, which failed due to lack of 5 affirmative votes by the following vote: Yeas-Councilmen Johnson, Hubbard, Gade, and Mayor Wilson. Nays-Councilmen O'Connor, Williams, Morrow, and Haro. Absent-None. District 7 vacant.

(Item 39 - Unfinished Business from the Meetings of December 7 and 14, 1976.)

RESOLUTION 217289, authorizing the City Manager, or his designated representative, to accept a federal grant program under the HUD Innovative Projects Program for Government Productivity Improvement, pursuant to the Housing and Urban Development Act of 1970; authorizing the expenditure of \$31,076 out of General Fund 100, solely and exclusively for the purpose of providing funds to match the federal grant funds herein, was adopted on motion of Councilwoman O'Connor.

(Item 210)

A proposed Resolution, authorizing a Lease Agreement with the San Diego Unified School District of San Diego County, California, whereby School District leases approximately 1.669 acres of land adjacent to the Ericson Elementary School site for a playground area, for a period of twenty-five years, was presented.

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

City Manager McKinley answered questions directed by the Council.

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

RESOLUTION 217290, authorizing a Lease Agreement with the San Diego Unified School District of San Diego County, California, whereby School District leases approximately 1.669 acres of land adjacent to the Ericson Elementary School site for a playground area, for a period of twenty-five years.

Council considered Items 254 and 255 simultaneously.

Councilwoman O'Connor left the Chambers.

(Item 254)

A proposed Resolution, authorizing the City Auditor and Comptroller to transfer the sum of \$200,000 from Community Development Block Grant Fund No. 290, Program Element 87.95 (Contingencies and Unspecified) to Program Element 87.58 (Comprehensive Health Care Program) in order to provide total funds required to impelment the Comprehensive Health Care Project; authorizing the City Manager to execute an agreement with the County of San Diego for the purpose of continuing City support of activities leading to completion of the Comprehensive Health Care Facility for a period of twelve months ending December 31, 1976, and participate in one-third of the operational cost of the completed facility for a period of nine months ending September 30, 1977, was presented.

City Manager McKinley answered questions directed by the Council.

RESOLUTION 217291, authorizing the City Auditor and Comptroller to transfer the sum of \$200,000 from Community Development Block Grant Fund No. 290, Program Element 87.95 (Contingencies and Unspecified) to Program Element 87.58 (Comprehensive Health Care Program) in order to provide total funds required to implement the Comprehensive Health Care Project; authorizing the City Manager to execute an Agreement with the County of San Diego for the purpose of continuing City support of activities leading to completion of the Comprehensive Health Care Facility for a period of twelve months ending December 31, 1976, and participate in one-third of the operational cost of the completed facility for a period of nine months ending September 30, 1977, was adopted on motion of Councilman Haro.

(Item 255)

RESOLUTION 217292, authorizing the City Manager to execute a Fourth Amendment to Agreement with the County of San Diego for the purpose of extending the time element of the Comprehensive Health Care Project to cover a nine-month period ending September 30, 1977, was adopted on motion of Councilman Morrow.

At 7:01 p.m., on motion of Councilman Haro, the balance of the items on the December 15, 1976 - a.m. docket, consisting of the following: Items 201, 203, 204, 250, 251, 252, and 253 on the regular docket, and Items 209 and 258 on Supplemental Docket No. One were continued due to lack of time and this Meeting was adjourned until the hour of 8:30 a.m., Thursday, December 16, 1976, in the Council Chambers, City Administration Guilding, 202 "C" Street.

Acting Maureen O'Connor
Mayor of The City of San Diego, California

ATTEST:

Charles J. Chelgren
City Clerk of The City of San Diego, California