

19841001

THE CITY OF SAN DIEGO, CALIFORNIA MINUTES FOR REGULAR COUNCIL
MEETING OF MONDAY, OCTOBER 1, 1984 AT 2:00 P.M. IN THE COUNCIL
CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Hedgecock at 2:02 p.m.

Mayor Hedgecock adjourned the meeting at 4:06 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Hedgecock-present
 - (1) Council Member Mitchell-present
 - (2) Council Member Cleator-present
 - (3) Council Member McColl-present
 - (4) Council Member Jones-excused by R-261661 (City business)
 - (5) Council Member Struiksma-excused by R-261662 (City
business)
 - (6) Council Member Gotch-present
 - (7) Council Member Murphy-present
 - (8) Council Member Martinez-present
- Clerk-Abdelnour (bb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Hedgecock-present
- (1) Council Member Mitchell-present
- (2) Council Member Cleator-not present
- (3) Council Member McColl-present
- (4) Council Member Jones-not present
- (5) Council Member Struiksma-not present
- (6) Council Member Gotch-present
- (7) Council Member Murphy-present
- (8) Council Member Martinez-present

ITEM-10: INVOCATION

Invocation was given by Reverend David Farrell of the
Metropolitan Community Church.

FILE LOCATION: MINUTES

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ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member

Martinez.

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ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

08/27/84 P.M. Adjourned

08/28/84 A.M. and P.M. Adjourned

09/03/84 P.M. Adjourned

09/04/84 A.M. and P.M. Adjourned

09/10/84 P.M.

09/11/84 A.M. and P.M.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A049-060.)

MOTION BY GOTCH TO APPROVE. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

Oct-1-1984

* ITEM-51: (O-85-29) ADOPTED AS ORDINANCE O-16288 (New Series)

Amending Chapter VI, Article 3 of the San Diego Municipal Code by adding Section 63.05, relating to vehicle access and parking in any public park.

(Introduced on 9/17/84. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B070-079.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

Oct-1-1984

* ITEM-52: (O-85-37) ADOPTED AS ORDINANCE O-16289 (New Series)

Amending Chapter X, Article 2, Division 3 of the San Diego Municipal Code by amending Section 101.0310 relating to expiration of Tentative Maps.

(Introduced on 9/17/84. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B070-079.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea,

Martinez-yea, Mayor Hedgecock-yea.

Oct-1-1984

* ITEM-53: (O-85-30) ADOPTED AS ORDINANCE O-16290 (New Series)

Amending Chapter X, Article 3 of the San Diego Municipal Code by adding Division 11, Sections 103.1100, 103.1102, 103.1104, 103.1104.1, 103.1104.2, 103.1104.3, 103.1104.4, 103.1106, 103.1108, 103.1108.1, 103.1108.2, 103.1108.3, 103.1108.4, 103.1110 and 103.1112 relating to the Otay Mesa Development District for development of approximately 449 acres, including the Otay International Center property. (District-8. Introduced as amended on 9/11/84. Council voted 9-0.)

FILE LOCATION: LAND

COUNCIL ACTION: (Tape location: B070-079.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

Oct-1-1984

ITEM-54: (O-85-8) FILED

Amending Chapter X, Article 3 of the San Diego Municipal Code by adding Division 11, Sections 103.1100, 103.1102, 103.1104, 103.1104.1, 103.1104.2, 103.1104.3, 103.1104.4, 103.1106, 103.1108, 103.1108.1, 103.1108.2, 103.1108.4, 103.1110 and 103.1112, relating to the Otay Mesa Development District for development of approximately 350 acres. This excludes the Otay International Center property.

(District-8. Introduced on 9/11/84. Council voted 9-0.)

FILE LOCATION: LAND

COUNCIL ACTION: (Tape location: A565-585.)

MOTION BY GOTCH TO FILE. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

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Oct-1-1984

* ITEM-55: (O-85-9) ADOPTED AS ORDINANCE O-16291 (New Series)

Incorporating a portion of Sections 1, 2 and 35, Township

19 South, Range 2 West, S.B.B.M.; Lots 117-118, 120-121, 158-163, A-(37-40), A-(45-50), A-(52-54), A-(203-204); and a portion of Lot N, San Ysidro Map-1174 (approximately 30.4 acres) into CR and CA-RR Zones.

(Case-84-0351. San Ysidro Community Area. District-8.

Introduced on 9/18/84. Council voted 9-0.)

FILE LOCATION: ZONE ORD NO.

COUNCIL ACTION: (Tape location: B070-079.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

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ITEM-56: (O-85-35) ADOPTED AS ORDINANCE O-16292 (New Series)

Incorporating Lots 5 and 6, Block 5; Lots 1 and 2, and portions of Lots 11 and 12, Block 8; Fractional Lots 9 through 12, inclusive, Block 40; Fractional Lots 2 through 5, inclusive, Block 41, North Florence Heights Map-634, and Lots 9 through 12, inclusive, Block 40; Lots 2 through 5, inclusive, Block 41, Arnold and Choates Map-334 (approximately 1 acre), located on portions of the north and south side of Lewis Street between Palmetto Way and Lark Street, into CC Zone. Sex Offenders (Case-84-0568. Uptown Community Area. District-2. Introduced on 9/11/84. Council voted 6-3. Districts 4, 6 and 8 voted nay.)

FILE LOCATION: ZONE ORD NO.

COUNCIL ACTION: (Tape location: B080-178.)

MOTION BY CLEATOR TO ADOPT CC ZONING AND DIRECT PLANNING DEPARTMENT TO INCLUDE AN OVERLAY ZONE WHICH WILL ADDRESS THE ISSUE OF SIGNS AND HIGH-INTENSITY USES FOR ALL COMMERCIAL PROPERTY ALONG W. LEWIS STREET FOR THE WESTERN SECTION. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-nay on adoption of CC zoning and yea on direction to Planning Department, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

Oct-1-1984

* ITEM-57: (O-85-40) ADOPTED AS ORDINANCE O-16293 (New Series)

Amending Ordinance O-16214 (New Series), as amended,

entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for Fiscal Year 1984-85" by amending exhibits A and B thereto to create the new classified position of Stadium Turf Manager and establish a schedule of compensation therefor.

(Introduced on 9/10/84. Council voted 8-0. District 2 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B070-079.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

Oct-1-1984

* ITEM-58: (O-85-41) INTRODUCED, TO BE ADOPTED OCTOBER 15, 1984

Introduction of an Ordinance setting aside a portion of Hilltop Park and Recreation Center for public street purposes.

(Located north of the intersection of Carmel Mountain Road and Paseo Valdear. Penasquitos Community Area. District-1.)

CITY MANAGER REPORT: The City owns 33.2 acres of land in the Penasquitos area, which is dedicated park and identified as Hilltop Park & Recreation Center. A requirement in connection with the subdivision of adjacent land is the dedication and improvement of Oviedo Way. A portion of this dedication affects 1.78 acres of the park. This proposed alignment was requested by the community and staff of the Park & Recreation Department for the purpose of providing access to Hilltop Community Park. Park & Recreation Department staff estimates the value of road work that serves the community park to be \$210,000. In addition, the developer, at the community and staff's request, agreed to remove 293,300 yards of material from the top of the park site to increase the usable level area of the park from approximately 2 acres to 10 acres. The estimated cost to the developer for this work is \$586,000.

The market value of the Oviedo Way right-of-way (1.779 acres), as a part of the 33.2-acre Hilltop Community Park site, is estimated to be \$30,000 per acre or \$53,375. It is the policy of the City that whenever City-owned land is required for public purposes as a condition of the subdivision process, the subdivider/developer pays fair market value for the City's

rights. However, in view of the contribution to the City of the street improvements adjacent to the park site of \$210,000 and the \$586,000 of on-park-site grading, the Park & Recreation and Property Departments recommend that the developer not be required to pay the City for the right-of-way to be dedicated on City land.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B179-189.)

CONSENT MOTION BY MARTINEZ TO INTRODUCE. Second by Gotch.

Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-100:

Two actions relative to the Museum of Man Rehabilitation:
(Balboa Park Community Area. District-8.)

Subitem-A: (R-85-463) ADOPTED AS RESOLUTION R-261604

Accepting the generous donation of \$30,000, in the form of an Irrevocable Letter of Credit, from the Museum of Man for the purpose of assisting with the financing of the rehabilitation of the Museum; authorizing and directing the Auditor and Comptroller to place these funds in Private Contribution Trust Fund 63022, to be used solely and exclusively for the purpose of paying for the improvements to the Museum of Man; authorizing the Auditor and Comptroller to return to the Museum of Man any funds attributable to the generous donation by the Museum which remain unexpended or unencumbered in Trust Fund 63022 after completion of the improvements.

Subitem-B: (R-85-462) ADOPTED AS RESOLUTION R-261605

Accepting the bid of \$178,000 and awarding a contract to T. B. Penick & Sons, Inc., for the Museum of Man rehabilitation; authorizing the expenditure of \$30,000 from Private Contribution Trust Fund 63022 to supplement funds previously authorized by Resolutions R-261166 and R-261167, adopted July 16, 1984, for providing funds for said project and related costs. (BID-5749)

CITY MANAGER REPORT: This project will provide access for the handicapped to the second floor exhibit space in the Museum of Man. The work will include improvements to interior stairways and ramps and construction of an elevator hoistway with a hydraulic elevator. The new work will be

architecturally compatible with the existing style and has been approved by the Historical Site Board and the Facilities Committee of the Park and Recreation Board. The project has been recommended by the Committee for Removal of Architectural Barriers. Bids were opened on August 16, 1984, and the lowest of five bids received is 20 percent over the estimate of \$148,000 (65 bid packages were issued). The higher bid prices are due in part to difficulty and uncertainties inherent in demolition and remodeling work. The Museum of Man is increasing their contribution to offset the increased cost.

FILE LOCATION:

Subitem A MEET;

Subitem B CONT - T. B.

Penick & Sons, Inc. CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-101:

Three actions relative to awarding contracts:

Subitem-A: (R-85-455) ADOPTED AS RESOLUTION R-261606

For the purchase of tires and tubes as may be required for a period of September 1, 1984 through August 31, 1985 for an estimated cost of \$355,942.07, including tax and terms as follows:

1) B.F. Goodrich for Group I - Passenger Car/Compact Truck, Radial/Tubeless; 2) G. F. Kennedy Inc. for Group II - Police High Speed, Radial; Group III - Light Trucks, Radial/Bias; and Group V - Off Road Bias Tube; 3) General Tire Service for Group IV - Medium/Heavy Duty Truck, Radial/Bias; 4) Talin Tire Inc. for Group VI - Fire Department Truck Tire, Miscellaneous; 5) Goodyear Tire and Rubber Co. for Group VII - City Wide, Inner Tubes.
(BID-5817)

Subitem-B: (R-85-457) ADOPTED AS RESOLUTION R-261607

Carus Chemical Company, Division of Carus Corporation for the purchase of an estimated 200,434 pounds of potassium permanganate free flowing cairox as may be required for a

period of one year beginning November 1, 1984 through October 31, 1985, for an estimated cost of \$212,747.86, including tax, terms and estimated freight. (BID-5836)

Subitem-C: (R-85-419) ADOPTED AS RESOLUTION R-261608
Parkson Co. for the purchase of 3,000 valves, meter 1" straight ball for a total cost of \$52,480.18, including tax and terms. (BID-5852Q)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-102:

Three actions relative to awarding contracts:

Subitem-A: (R-85-420) ADOPTED AS RESOLUTION R-261609
For furnishing plastic and plastic products as may be required for a period of one year beginning October 1, 1984 through September 30, 1985 as follows: 1) EJR Plastic for Section I - polyethylene sheets, Section II - polycarbonate sheets, Section IV - plastic lenses; and 2) Transparent Products for Section III - styrene sheets, and Section V - other plastic products, for an estimated cost of \$26,656.98, including tax and terms, with an option to renew the contract for an additional one-year period. (BID-5855)

Subitem-B: (R-85-413) ADOPTED AS RESOLUTION R-261610
Case Power and Equipment for the purchase and installation of one tractor-mounted ripper, for an actual cost of \$10,813.14, including tax and labor. (BID-5839Q)

Subitem-C: (R-85-456) ADOPTED AS RESOLUTION R-261611
Frazee Paint and Wallcoverings for the purchase of field marking paint, for an actual cost of \$10,262.05, including tax and terms. (BID-5851)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-103: (R-85-458) ADOPTED AS RESOLUTION R-261612

Inviting bids for the construction of Sewer Main Replacement Group 65 on Work Order No. 147168; authorizing the execution of a contract with the lowest responsible and reliable bidder; authorizing the expenditure of funds not to exceed \$558,000 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation - Sewer Main Replacements for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-5909)
(Estimated construction cost \$457,625. Mid-City Community Area. District-3.)

CITY MANAGER REPORT: This project consists of the installation of approximately 1,810 feet of 8-inch and 4,075 feet of 10-inch sewer mains in the East San Diego area. The purpose of this project is to replace old deteriorated sewers in City streets and alleys to reduce maintenance problems.
WU-P-84-171.

FILE LOCATION: W. O. 147168 CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-104:

Two actions relative to the improvement of the 69th Street culvert south of Jamacha Road:
(Skyline-Paradise Hills Community Area. District-4.)

Subitem-A: (R-85-382) ADOPTED AS RESOLUTION R-261613

Inviting bids on Work Order No. 118187; authorizing the execution of a contract with the lowest responsible and reliable bidder; authorizing the expenditure of not to exceed \$224,000 from Capital Outlay Fund 30244, CIP-12-053, 69th Street Culvert, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-5890)

Subitem-B: (R-85-409) ADOPTED AS RESOLUTION R-261614

Certifying that the information contained in Environmental Negative Declaration END-84-0589 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.

CITY MANAGER REPORT: This project will replace the existing corrugated metal culverts under 69th Street south of Jamacha Road with a concrete box culvert, complete the installation of curb and sidewalk in this area, and install a drainage system for the intersection of 69th Street and Jamacha Road. The existing culverts are inadequate to convey storm water during heavy rainfall, allowing flooding of property.

FILE LOCATION: W. O. 118187 CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksm-a-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-105: (R-85-414) ADOPTED AS RESOLUTION R-261615

Inviting bids for the Linda Vista Community Park Gymnasium floor reconstruction on Work Order No. 118494; authorizing the execution of a contract with the lowest responsible and reliable bidder; authorizing the City Auditor and Comptroller to add CIP-29-542, Linda Vista Community Park Gymnasium Floor Reconstruction, to the Fiscal Year 1985 Capital Improvements Program; authorizing the City Auditor and Comptroller to transfer \$100,000 from Park Service District Fund 11403 to CIP-29-542, Linda Vista Community Park Gymnasium Floor Reconstruction; authorizing the expenditure of not to exceed \$100,000 from CIP-29-542, Linda Vista Community Park Gymnasium Floor Reconstruction, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-5902)

(Linda Vista Community Area. District-5.)

CITY MANAGER REPORT: The Linda Vista Community Park Gymnasium is located at 7064 Levant Street. The gymnasium was constructed in 1979-80. Early in 1981, the vinyl flooring used in the gymnasium began to buckle and separate from the underlying concrete slab due to moisture and water vapor penetration. After several months of testing, study and evaluation, it was determined that the vinyl floor should be replaced. In February 1983, the vinyl floor was removed and the concrete slab allowed to air dry. In July 1983, the glue emulsion and old sealer was ground off and the concrete slab

resealed. The exterior building walls were also repainted, regROUTED, hydroblasted and resealed. The proposed reconstruction will provide for a new hardwood playing floor laid on "sleepers" which will create an air space between the concrete slab and the wood floor and will allow full use of the facility rather than the activities restricted by a concrete slab surface.

FILE LOCATION: W. O. 118494 CONTFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, StruiksmA-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-106: (R-85-459) ADOPTED AS RESOLUTION R-261616

Inviting bids for the reroofing of four buildings in Balboa Park on Work Order No. 117815; authorizing the execution of a contract with the lowest responsible and reliable bidder; authorizing the total expenditure of \$69,000 from Fund 100, Dept. 532, Org. 205, Obj. Acct. 4222, not to exceed \$7,500 from Job Order 2734, \$33,000 from Job Order 2796, \$11,000 from Job Order 2813, and \$17,500 from Job Order 2749 solely and exclusively for providing funds for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-5910)

(Balboa Park Community Area. District-8.)

CITY MANAGER REPORT: The roofing on the lower west portion of the Natural History Museum, the Old Globe Administration Building, The Cassius Carter Center Stage, and the Old Balboa Park Administration Building is deteriorating and leaking. It no longer adequately protects the buildings. The leaks are causing damage to the structures, paint plaster and improvements. The reroofing will help preserve and protect the capital investment in these four major Balboa Park buildings.

FILE LOCATION: W. O. 117815 CONTFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, StruiksmA-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-107: (R-85-461) ADOPTED AS RESOLUTION R-261617

Inviting bids for Alvarado Filtration Plant roof repair on Work Order No. 148179; authorizing the execution of a contract with the lowest responsible and reliable bidder; authorizing the City Auditor and Comptroller to transfer \$36,000 from the Water Revenue Fund 41502, Unallocated Reserve (70679), to the Water Operating Fund 41500, Alvarado Filtration Plant Maintenance Program (70342); authorizing the expenditure of not to exceed \$36,000 from Water Operating Fund 41500, Alvarado Filtration Plant Maintenance Program (70342) for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-5912)

(Navajo Community Area. District-7.)

CITY MANAGER REPORT: This project consists of the replacement and repair of the roof, expansion joints and flashing on Building No. 6719 at the Alvarado Filtration Plant. The existing roof leaks, causing operation and maintenance problems.

WU-P-84-167.

FILE LOCATION: W. O. 148179 CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struikma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-108:

Two actions relative to the final subdivision map of N.C.W. Neighborhood 7 Unit No. 3, a 54-lot subdivision located northeasterly of El Camino Real and Black Mountain Road: (North City West Community Area. District-1.)

Subitem-A: (R-85-495) ADOPTED AS RESOLUTION R-261618

Authorizing the execution of an agreement with Pardee Construction Company for the installation and completion of certain public improvements.

Subitem-B: (R-85-494) ADOPTED AS RESOLUTION R-261619

Approving the final map.

FILE LOCATION: SUBD - N.C.W. Neighborhood 7 Unit No. 3
CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed

by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-109:

Two actions relative to the final subdivision map of Oro Vista Unit No. 1, a seven-lot subdivision located southerly of Oro Vista Road and Interstate 5:
(Otay-Nestor Community Area. District-8.)

Subitem-A: (R-85-502) ADOPTED AS RESOLUTION R-261620
Authorizing the execution of an agreement with C.D.S. Development of California, Inc. for the installation and completion of certain public improvements.

Subitem-B: (R-85-501) ADOPTED AS RESOLUTION R-261621
Approving the final map.

Subitem-C: (R-85-503) ADOPTED AS RESOLUTION R-261622
Authorizing the execution of a quitclaim deed to C.D.S. Development of California, Inc., quitclaiming all the City's right, title and interest in a drain easement.

FILE LOCATION:

Subitems A & B SUBD - Oro Vista Unit No. 1;

Subitem C DEED F-2550 CONTFY85-1;
DEEDFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-110:

Two actions relative to the final subdivision map of Oro Vista Unit No. 2, a one-lot subdivision located northeasterly of Oro Vista Road and Highway 117:
(Otay-Nestor Community Area. District-8.)

Subitem-A: (R-85-505) ADOPTED AS RESOLUTION R-261623
Authorizing the execution of an agreement with Clint W. Roberts for the installation and completion of certain

public improvements.

Subitem-B: (R-85-504) ADOPTED AS RESOLUTION R-261624

Approving the final map.

FILE LOCATION: SUBD - Oro Vista Unit No. 2 CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-111: (R-85-445) ADOPTED AS RESOLUTION R-261625

Granting an extension of time to March 29, 1985 to The Fieldstone Company, subdivider, to complete the improvements required in Mesa Ridge.

(Located northerly of Samoa Avenue and Galvin Avenue. Mira Mesa Community Area. District-5.)

CITY MANAGER REPORT: On March 29, 1982, the City entered into an agreement with the Fieldstone Company for the construction of public improvements for Mesa Ridge.

Approximately 40 percent of the work has been completed. The agreement expired on March 29, 1984. The developer has requested a time extension to March 29, 1985. It is recommended that the time extension be granted since the incomplete improvements are not necessary to serve adjacent developments or the general public.

FILE LOCATION: SUBD - Mesa Ridge

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-112: (R-85-454) ADOPTED AS RESOLUTION R-261626

Authorizing the release of a portion of the surety issued by The Aetna Casualty and Surety Company in the form of Performance Bond No. 59-SB-015549-BCA, so that the same is reduced as follows:

1. For faithful performance, to the sum of \$557,824; 2.

For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$278,912.

(Penasquitos East Community Area. District-1.)

CITY MANAGER REPORT: On January 29, 1980, the City entered

into an agreement with Ponderosa Homes, formerly A. E. Realty Partners, for the construction of public improvements for Penasquitos Golf Views Unit No. 2 , and Performance Bond No. 59-SB-015549-BCA issued by The Aetna Casualty and Surety Company in the amount of \$1,467,957 was provided by the subdivider. The agreement expired on January 29, 1982. A time extension was granted by Resolution R-256053 to February 25, 1984. On March 5, 1984 a second time extension was granted to December 28, 1985 by Resolution R-260218. The subdivider has requested a partial release of surety. 82 percent of the work has been completed to the satisfaction of the City Engineer. The job order account has sufficient funds to cover the anticipated costs to complete the work. There are no mechanic liens filed against the surety, and there has not been a previous partial release. In accordance with Council Policy 800-11 and 600-21, respectively, it is recommended that the surety be reduced (approximately 62 percent) to \$557,824.

FILE LOCATION: SUBD - Penasquitos Golf Views Unit No. 2

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-113: (R-85-480) ADOPTED AS RESOLUTION R-261627

Granting the petition for the improvement of the Alley in Block B, Teralta Heights under the Improvement Act of 1911; directing the City Manager to prepare plans, drawings, typical cross-sections, profiles and specifications for the improvement of the Alley in Block B, Teralta Heights, together with estimates of the costs and expenses of such work and to furnish Council with a description of the district to be included in the assessment for the work and improvements hereinabove mentioned.

(Mid-City Community Area. District-3.)

CITY MANAGER REPORT: The petition for this improvement was signed by the owners of 73 percent of the property frontage involved. There are no executed waivers for alley improvements. The proposed improvements would consist of grading and paving the alley.

FILE LOCATION: STRT D-2250

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea,

Martinez-yea, Mayor Hedgecock-yea.

* ITEM-114: (R-85-500) ADOPTED AS RESOLUTION R-261628

Vacating portions of Carroll Canyon Road (RS 466) adjacent to Parcel 4 of Parcel Map PM-12137, all within the boundaries of the proposed Pacific Corporate Center Unit 1 Subdivision (TM-83-0378), under the procedure for the summary vacation of an excess right-of-way of a street or highway not required for street or highway purposes; declaring that this resolution shall not become effective unless and until the final subdivision map for the Pacific Corporate Center Unit 1 Subdivision (TM-83-0378) has been approved by Council action; in the event that the final map is not approved by August 6, 1990, this resolution shall become void and be of no further force or effect; directing the City Engineer to advise the City Clerk of the approval of the aforementioned subdivision map.

(A subdivision map is required. Mira Mesa Community Area. District-5.)

CITY MANAGER REPORT: Carroll Canyon Road was dedicated by Council action in 1932. The two-lane paved roadway provides access to the adjacent properties and traffic circulation between the Miramar and Sorrento Valley areas. The abutting property owners have petitioned for the closing to resubdivide and develop their property as the Pacific Corporate Center Unit 1 Subdivision, a Planned Industrial Development (PID-83-0378). As a condition of its approval, the Pacific Corporate Center Unit No. 1 Subdivision is required to realign and partially improve Carroll Canyon Road to major street design standards. The proposed subdivision will dedicate the right-of-way and provide the improvements needed for the realignment. The required improvements consist of grading the right-of-way to major street design standards and providing a 60-foot-wide paved roadway with curbs and sidewalk on the north side adjacent to the proposed subdivision. The additional improvements required to complete Carroll Canyon Road as a major street at this location will be provided with the development of the property on the south. The right-of-way portions proposed to be vacated are unimproved, contain no public facilities, and are all in excess of the required major street design standards. The street improvements will be bonded for and constructed with the proposed subdivision. Staff has concluded that the right-of-way proposed to be vacated is no longer needed for present or prospective public use and can be summarily vacated, conditioned upon the Pacific Corporate Center Unit No. 1 Subdivision

(TM-83-0378) being approved and recorded. This application has been processed in accordance with Council Policy 600-15.

FILE LOCATION: STRT J-2535; DEED F-2551 DEEDFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-115: (R-85-484) ADOPTED AS RESOLUTION R-261629

Vacating a portion of Vervain Street southwesterly of Brome Way adjacent to Lots 411 and 412 of Penasquitos Park View Estates Unit 3, Map-10043, all within the boundaries of the proposed Park Village Estates Unit 5 Subdivision (TM-83-0830), under the procedure for the summary vacation of streets where the portion of street to be vacated consists of a portion of a street or highway that has been superseded by relocation; declaring that this resolution shall not become effective unless and until the final subdivision map of the Park Village Estates Unit 5 Subdivision (TM-83-0830) has been approved by Council action; in the event that the final map is not approved by January 9, 1990, this resolution shall become void and of no further force or effect; directing the City Engineer to advise the City Clerk of the approval of the aforementioned subdivision map.

(A subdivision map is required. Penasquitos East Community Area. District-1.)

CITY MANAGER REPORT: Vervain Street was dedicated as a cul-de-sac street by the Penasquitos Park View Estates Unit No. 3 Subdivision in 1981. The owners of the abutting undeveloped property have petitioned for the closure to resubdivide and develop their property as the Park Village Estates Unit No. 5 Subdivision. The right-of-way to be vacated is unimproved and contains no public utilities. The proposed Park Village Estates Unit 5 will shorten Vervain Street by approximately 150 feet and will dedicate a new turnaround and improve the right-of-way. The street improvements will be bonded for and constructed with the proposed subdivision. Staff has concluded that this right-of-way is no longer needed for present or prospective public use and can be summarily vacated, conditioned upon the Park Village Estates Unit No. 5 Subdivision being approved and recorded. This action was processed in accordance with Council Policy 600-15.

FILE LOCATION: STRT J-2536; DEED F-2552 DEEDFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-116: (R-85-386) ADOPTED AS RESOLUTION R-261630

Approving the acceptance by the City Manager of that street easement deed of Park Haven No. 2, granting to City an easement for public street purposes in a portion of Lot 1 of Plaza Mayor Unit No. 4, Map-9990; dedicating said land as and for a public street, and naming the same Camino De La Plaza.

(Tia Juana River Valley Community Area. District-8.)

FILE LOCATION: DEED F-2553 DEEDFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-117: (R-85-508) ADOPTED AS RESOLUTION R-261631

Approving the acceptance by the City Manager of that street easement deed of Will-Hinton Co., Inc., granting to City an easement for public street purposes in a portion of Menlo Avenue as vacated by Resolution R-252622; dedicating said land as and for a public street, and naming the same Home Avenue.

(Located at the corner of Home and Menlo Avenues. Mid-City Community Area. District-3.)

FILE LOCATION: DEED F-2554 DEEDFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-118: (R-85-509) ADOPTED AS RESOLUTION R-261632

Authorizing the acceptance by the City Manager of that deed of McMillin Scripps Two, granting to City Lot 441 of McMillin Scripps Two Unit 6 and Lot 595 of McMillin Scripps Two Unit 8; authorizing the addition of CIP-29-547.0, Scripps Ranch Vest Pocket Parks, to the 1985 Capital

Improvement Program; authorizing the transfer of not to exceed \$66,000 from Fund 11230 to CIP-29-547.0; authorizing the expenditure of an amount not to exceed \$66,000 from CIP-29-547.0 for the purchase of said vest pocket park sites.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER REPORT: Two vest pocket park sites in the Scripps Ranch area are identified for acquisition in the Scripps Miramar Ranch Community Plan adopted by City Council. One site, consisting of 15,600 square feet, is on the north side of Forestview Lane just east of Pine Falls Court. The second site has 17,859 square feet and lies on the northeasterly side of Semillon Boulevard between Charbono Street and Riesling Drive. The properties are being offered to the City at the cost by the owner to develop the lots for recreational purposes, an amount which is much less than fair market value.

FILE LOCATION: DEED F-2555 DEEDFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-119: (R-85-523) ADOPTED AS RESOLUTION R-261633

Approving the acceptance by the City Manager of that deed of Barrio Station granting to City Lots 21 and 22 of Block 127 of San Diego Land and Town Company's Addition; authorizing the expenditure of an amount not to exceed \$57,000 from 1984 Block Grant Funds, Fund 18520, Dept. 5813, Org. 1311, for the acquisition of the above described property.

(Barrio Logan Community Area. District-8.)

CITY MANAGER REPORT: 1984 Community Development Block Grant Funds have been allocated for the purpose of providing landscaped parking lots to serve the Barrio Station and the Barrio Youth Center Swimming Pool to be constructed on the adjoining lot. These facilities are located in Barrio Logan in the block surrounded by Sampson Street, Evans Street, Newton Avenue and National Avenue. The Property Department recommends acceptance of a deed to the parcel of land located at 2184 Newton Avenue. This is a 50-foot by 140-foot site, directly adjacent to the proposed swimming pool. Authorization of funds not to exceed \$57,000 are requested from the 1984 CDBG Program, Fund 18520, Dept. 5813, Org. 1311, to complete acquisition by the City of San Diego.

FILE LOCATION: DEED F-2556 DEEDFY85-1
COUNCIL ACTION: (Tape location: B190-200.)
CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed
by the following vote: Mitchell-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea,
Martinez-yea, Mayor Hedgecock-yea.

* ITEM-120: (R-85-491) ADOPTED AS RESOLUTION R-261634

Approving the acceptance by the City Manager of those
street easement deeds of Betty Jagger, J.M. Luna and Lena
Luna, and Pardee Construction Company, granting to the City
easements for public street purposes in a portion of the
Southeast Quarter of the Northwest Quarter, Section 18,
Township 14 South, Range 3 West, San Bernardino Meridian;
dedicating said land as and for a public street and naming
the same Quarter Mile Drive.

(Located easterly of El Camino Real and Quarter Mile Drive.
North City West Community Area. District-1.)

FILE LOCATION: DEED F-2557 DEEDFY85-3
COUNCIL ACTION: (Tape location: B190-200.)
CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed
by the following vote: Mitchell-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea,
Martinez-yea, Mayor Hedgecock-yea.

* ITEM-121: (R-85-492) ADOPTED AS RESOLUTION R-261635

Changing the name of a portion of Gildred Drive, located
between Miramar Road and Activity Road, to Clayton Drive.
(Mira Mesa Community Area. District-5.)

CITY MANAGER REPORT: Gildred Drive was dedicated and named
by the Lion Industrial Park Unit No. 1 Subdivision, Map-8828.
The abutting property owners have petitioned for the street name
change in order to use the Gildred Street name at a different
location. One hundred percent of the abutting property owners
have signed the petition for the name change. The existing
Gildred Drive is bounded on the north by Activity Road and on
the south by Miramar Road. The street has been fully improved,
but the adjacent properties have not been completely developed.
The name change will not require any address changes, since all
properties taking their access from Gildred Drive are either
currently being developed or are vacant land. The applicant has
paid the costs associated with re-signing the street as Clayton
Drive. Staff recommends approval of the subject street name
change. This application has been processed in accordance with

Council Policy 600-12.

FILE LOCATION: DEED F-2558 DEEDFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-122: (R-85-273) ADOPTED AS RESOLUTION R-261636

Declaring that the City Council sponsors legislation to amend Penal Code Section 311 to define pornography in a manner consistent with the standards established by the U.S. Supreme Court, to wit: Pornographic material shall be defined as: 1) Material that the average person, applying contemporary community standards, would find taken as a whole, appeals to the prurient interest; 2) That the material depicts or describes in a patently offensive way, explicit sexual conduct of a specifically defined nature. (See Intergovernmental Relations Department Report IRD-84-53.)

COMMITTEE ACTION: Reviewed by RULES 9/10/84. Recommendation to include in 1985 Sponsorship Program. Districts 5,7,8 and Mayor voted yea. District 6 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-123: (R-85-271) ADOPTED AS RESOLUTION R-261637

Declaring that the Council of the City of San Diego sponsors legislation supporting the restriction of pornographic materials and activities to ensure that the civil rights of the citizens of California are protected through certain means which include the following: 1) That it be declared to be a public policy of the State of California that a person's civil rights include the right to be free from pornography or its effects; 2) That any victim or any person who suffers injury or harm as a result of the production, distribution or dissemination of pornography in any medium be granted a civil cause of action as a violation of his or her civil rights; 3) That the word "pornography" when involved in a violation of a

person's civil rights shall be defined by the least restrictive interpretation of either the United States Supreme Court, the California Supreme Court, or the California Legislature that applied when the injury occurred; 4) That the statute of limitations for the bringing of an action for a violation of a civil right based on pornography shall not commence until the victim or person injured discovers the injury or harm, and shall extend thereafter for a period of three years; 5) That the victim or person injured shall be entitled to collect damages plus a minimum penalty of \$50,000 from each person, party or business enterprise responsible for the production, distribution or dissemination of pornography thorough which the person became a victim or suffered injury; 6) That the term "injury" shall include psychological injury as well as physical injury, damage, or death; 7) That the cause of action shall survive the death of the victim or person injured.

(See Intergovernmental Relations Department Report IRD-84-54.)

COMMITTEE ACTION: Reviewed by RULES on 9/10/84. Recommendation to include in the 1985 Sponsorship Program. Districts 5, 7, 8 and Mayor voted yea. District 6 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-124: (R-85-478) ADOPTED AS RESOLUTION R-261638

Authorizing payment of \$4,580 to Edwin F. Edelbrock by Bank of America for lost bonds and coupons and accrued interest.

CITY MANAGER REPORT: Mr. Edwin F. Edelbrock was robbed of six Sewer Revenue Bonds (#24386, 31503/7) with coupons attached. Coupons due 6/1/83, 12/1/83, and 6/1/84 have not been redeemed, and Mr. Edelbrock has asked for payment in lieu of these lost coupons. This particular bond issued has a sinking fund requirement, under which the City must purchase \$1,300,000 par value of bonds each year. Current market value of these bonds is \$690 per \$1,000 par value. The Treasurer has offered to pay this amount, plus accrued interest, for Mr. Edelbrock's bonds. The total payment for lost coupons and purchase of lost bonds plus accrued interest will be \$4,580.

Principal \$4,140.00

Accrued Interest 80.00
Unpaid Lost Coupons 360.00
TOTAL \$4,580.00

(Settlement date 10/1/84)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-125: (R-85-477) ADOPTED AS RESOLUTION R-261639

Authorizing payment to Lee Slaff by Bank of America for lost Coupons Nos. 5 and 6 detached from City of San Diego Hospital Bonds, Hospital Revenue Bond (Children's Hospital), Series A, Bond Nos. 1735 and 1736.

CITY MANAGER REPORT: Coupon No. 5 due 6/1/83 and Coupon No. 6 due 12/1/83 in the face amount of \$287.50 each detached from Bonds 1735 and 1736 for \$5,000 of City of San Diego Hospital Bond, Hospital Revenue Bond (Children's Hospital), Series A, maturing on 12/1/2010, interest rate of 11.50 percent were lost on or about 1/16/84 and have not been found or paid. In order for the paying agent, Bank of America, to make payment for the lost coupons, the City must authorize approval of the payment. An indemnity agreement indemnifying the City of San Diego against loss has been received, and a stop payment order has been issued.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-126: (R-85-427) ADOPTED AS RESOLUTION R-261640

A Resolution approved by the City Council in Closed Session on Tuesday, January 3, 1984 by the following vote: Mitchell-yea; Cleator-not present; McColl-yea; Jones-not present; Struiksmma-not present; Gotch-yea; Murphy-yea; Martinez-yea; Mayor Hedgecock-yea.

Authorizing the City Manager to pay the total sum of \$200,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Ferrell Hudson Nihart (Superior Court

Case No. 490235, Ferrell H. Nihart v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$200,000 made payable to Ferrell Hudson Nihart and his attorney, Donald L. Salem, in full settlement of all claims.

CITY MANAGER REPORT: This constitutes the complete and final settlement of Ferrell H. Nihart's personal injuries as a result of a traffic collision on April 22, 1982.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-127: (R-85-329) ADOPTED AS RESOLUTION R-261641

A Resolution approved by the City Council in Closed Session on Tuesday, August 14, 1984 by the following vote: Mitchell-nay; Cleator-yea; McColl-yea; Jones-not present; Struiksmas-not present; Gotch-yea; Murphy-yea; Martinez-yea; Mayor Hedgecock-yea.

Authorizing the City Manager to pay the total sum of \$13,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the plaintiff's disqualification as a firefighter for the City of San Diego (Superior Court Case No. 488279, Donald M. Johnson v. Civil Service Commission of the City of San Diego); authorizing the City Auditor and Comptroller to issue a warrant check in the amount of \$13,000 made payable to Donald M. Johnson and Frederick Phillips in full settlement of the lawsuit and all claims.

CITY MANAGER REPORT: This constitutes complete and final settlement of Donald Michael Johnson's claim resulting from the incident of April 1, 1982.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-128: (R-85-482) ADOPTED AS RESOLUTION R-261642

Establishing a truck parking prohibited zone, pursuant to the San Diego Municipal Code Section 85.02, on the portion

of Del Cerro Boulevard between College Avenue and Madra Avenue on both northerly and southerly sides; authorizing the City Manager to cause the installation of appropriate signs giving notice thereof.

(Navajo Community Area. District-7.)

COMMITTEE ACTION: Reviewed by TLU on 9/17/84.

Recommendation to adopt the Resolution. Districts 1, 4 and 5 voted yea. Districts 2 and 3 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-129: (R-85-515) ADOPTED AS RESOLUTION R-261643

Authorizing the execution of a month-to-month lease agreement with Crystal Pier Partners for the use, on a gift basis, of office No. 209 in the Sea Coast Square facility for a district office for the Sixth Council District; expressing gratitude for this gift to the City.

(District-6.)

FILE LOCATION: LEAS - Crystal Pier Partners LEASFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-130: (R-85-451) ADOPTED AS RESOLUTION R-261644

Authorizing the execution of an Automatic Aid Agreement between the City of San Diego and the Bonita-Sunnyside Fire Protection District for mutual fire protection aid.

CITY MANAGER REPORT: It is the policy of the City of San Diego to render fire protection mutual aid to its neighbors whenever such aid is needed. Automatic Aid carries the concept of mutual aid one step further by dropping political boundaries so the nearest fire units would respond, regardless of jurisdiction, thus facilitating even faster responses to emergencies. Since 1980 the City has entered into Automatic Aid Agreements with other municipalities or governmental agencies.

FILE LOCATION: MEET CONTFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed

by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-131: (R-85-452) ADOPTED AS RESOLUTION R-261645

Authorizing the execution of an Automatic Aid Agreement between the City of San Diego and the City of El Cajon for mutual fire protection aid.

CITY MANAGER REPORT: It is the policy of the City of San Diego to render fire protection mutual aid to its neighbors whenever such aid is needed. Automatic Aid carries the concept of mutual aid one step further by dropping political boundaries so the nearest fire units would respond, regardless of jurisdiction, thus facilitating even faster responses to emergencies. Since 1980 the City has entered into Automatic Aid Agreements with other municipalities or governmental agencies.

FILE LOCATION: MEET CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-132: (R-84-1692) ADOPTED AS RESOLUTION R-261646

Authorizing the execution of a fifth amendment to the Sewage Disposal Agreement of 1960 with the City of Chula Vista.

CITY MANAGER REPORT: On February 21, 1984, Council consented to an agreement authorizing the transfer of 1.20 million gallons per day capacity rights in the San Diego Metropolitan Sewerage System from the City of Chula Vista to the Otay Water District. Council also authorized an agreement with the Otay Water District providing for the newly acquired rights and obligations of Otay as a later participating agency of the Metro Sewer System. As a result of this consent to the transfer of capacity rights and the new agreement with Otay, it is also necessary to modify the City's agreement with the City of Chula Vista to appropriately reflect the reduced rights and obligations associated with the transfer.

WU-U-84-114.

FILE LOCATION: MEET CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea,

Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-133: (R-85-490) ADOPTED AS RESOLUTION R-261647

Authorizing the execution of a two-year lease agreement with Montgomery Plaza Shopping Center for use by the San Diego Police Department of the property at 2953 Beyer Boulevard as a community relations office, at a rent of \$555.75 per month.

(San Ysidro Community Area. District-8.)

CITY MANAGER REPORT: The San Diego Police Department has located space in San Ysidro for a community relations office. A lease agreement has been negotiated as follows:

Landlord: Montgomery Plaza Shopping Center.

Address: 2953 Beyer Boulevard, San Ysidro (855 sq. ft.)

Location: 30th and Beyer Boulevard

Lease Term: Two years.

Rent: First year \$6,669 or \$555.75 per month (65[per square foot per month). Thereafter, rent is subject to an annual Consumer Price Index adjustment.

The office is in excellent location of the community for this purpose, and the 65[per square foot per month rental is less than other rents in the area.

Aud. Cert. 85263.

FILE LOCATION: LEAS - Montgomery Plaza Shopping Center
LEASFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-134: (R-85-338) CONTINUED TO OCTOBER 8, 1984

Authorizing the execution of an agreement with Pountney & Associates, Inc. for consultant services in connection with the Public Improvement Survey of Council District 4; authorizing the expenditure of not to exceed \$47,000 from Fund 18520 for the above purpose.

(Southeast San Diego, South Bay Terraces, Skyline-Paradise Hills and Greater Golden Hill Community Areas.
District-4.)

CITY MANAGER REPORT: In order to revitalize Southeast San Diego, Project First Class was adopted. Part of Project First

Class calls for a prioritized survey of the existing unimproved streets and alleys including the cost, locations and type of improvement necessary to bring Council District 4 up to City standards. Funds for this survey are provided under the Public Facilities Element of the Community Development Block Grant Program for calendar year 1984.

Letters of Interest were solicited from qualified consultants by means of advertisements appearing in the San Diego Daily Transcript on June 8th and June 15th. After reviewing data submitted by the 23 responding firms, the Design Consultant Nominating Committee recommended four firms for further consideration. Staff then interviewed all finalists and selected the firm of Pountney & Associates as the recommended consultant. The consultant will be responsible for all the survey, evaluation, displays and reports for a total fee not to exceed \$47,000. The consultant does not intend to subcontract any of the work in this agreement.

FILE LOCATION: MEET CCONFY85-1

COUNCIL ACTION: (Tape location: A476-484.)

MOTION BY MURPHY TO CONTINUE TO OCTOBER 8, 1984, AT THE REQUEST OF COUNCIL MEMBER JONES. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-135: (R-85-499) ADOPTED AS RESOLUTION R-261648

Authorizing an agreement with Travelers Aid Society of San Diego, Inc., to operate a telephone "helpline" for transients in the downtown area of the City of San Diego for three months, from October 1, 1984 to December 31, 1984; authorizing the City Auditor and Comptroller to transfer from CDBG funds an amount not to exceed \$9,600 from Fund 18502 (Program Income) for Fund 18520, Department 5814, Organization 1414 (Travelers Aid Society); authorizing the expenditure of not to exceed \$9,600 from Fund 18520, Department 5814, Organization 1414 (Travelers Aid Society) solely and exclusively for the purpose of providing funds for the above project.

(Center City Community Area. District-8.)

CITY MANAGER REPORT: The downtown "Helpline" was implemented by the Central City Association on April 18, 1983 to provide informational access, by telephone, to all emergency and social services within the downtown area of the City. The Helpline has been funded by the private sector, through the efforts of the Central City Association, and operated by the Travelers Aid

Society of San Diego. Helpline services are available during the hours of 5:00 p.m. to midnight on weekdays and from noon to 10:00 p.m. on weekends. Utilization of the Helpline by transients has increased from an average of 150 calls per month shortly after implementation to 1,000 calls per month in August, 1984. Nearly as many women as men have benefitted from the service, and over 25 percent of the calls for assistance involve children. On August 31, 1984 the Helpline service was discontinued due to the inability of the private sector to provide continued funding. On September 12, a representative from the Central City Association communicated a request to the Public Services and Safety Committee for funding from the City to reactivate the Helpline and sustain its operations for three months. It is anticipated that in the interim the Mayor's Task Force on the Downtown Homeless, which is addressing the Helpline issue, will submit a recommendation to the City Council for a permanent funding arrangement.

Pursuant to the directions of the PS&S Committee, the City Manager is requesting authorization to execute a contractual agreement with the Travelers Aid Society to reactivate and operate the Helpline for three months, from October 1, 1984 to December 31, 1984, and to expend \$9,600 in CDBG funds for this purpose. Sole source procurement of these services is believed to be justified on the basis of the prior experience of Travelers Aid in providing the services and the immediacy of the need.

Aud. Cert. 85265.

FILE LOCATION: MEET CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-136: (R-85-428) ADOPTED AS RESOLUTION R-261649

Authorizing an amendment to lease agreement with the United States of America (U.S. Border Patrol) for office space, Rooms 11 and 12 (697 square feet) in the Administration Building 2002, Brown Field Airport, at an initial rent of \$288 per month, increasing on November 1, 1984 to \$314 per month.

(Otay Mesa Community Area. District-8.)

CITY MANAGER REPORT: Under previous agreements since June 20, 1979, the City has leased office space to the U.S.

Government for Border Patrol Flight Operations located in the

Administration Building 2002 at Brown Field Airport. The existing lease has been on holdover awaiting action on the proposed new agreement. During that period the rent of \$261 per month was adjusted to \$288 per month effective May 1, 1984, as the first increment of a general rental increase being implemented at the Airport. The new lease was negotiated to extend the present occupancy of 697 square feet of space in Building 2002 for the present 5-year period ending September 30, 1987. The lease may be terminated by either party on 30 days' notice. The proposed new rental of \$314 per month (the second incremental increase) represents an overall 20 percent adjustment in the former rate. This was established from a recent fair market rental survey conducted for Brown Field Airport commercial/industrial tenants. The lease is subject to further rental adjustments by the City upon 30 days' notice.

FILE LOCATION: LEAS - USA, Department of Justice, Border patrol LEASFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-137: (R-85-493) ADOPTED AS RESOLUTION R-261650

Authorizing the execution of a five-year Use and Occupancy Permit with the United States Department of Justice (Border Patrol) for use of a portion of the City's vault and an antenna site in San Ysidro for communication purposes, at a yearly rental of \$600.

(San Ysidro Community Area. District-8.)

CITY MANAGER REPORT: In December of 1979, the City Council authorized the United States Department of Justice (Border Patrol) to use eight square feet of the City's vault and an antenna site at San Ysidro for communication purposes to serve Brown Field, San Ysidro and the Chula Vista area. The term of the agreement was five years at a yearly rental of \$500. The agreement will terminate on September 30, 1984.

The Department of Justice has requested renewal of the agreement for another five years. Terms and conditions of the agreement are the same as the previous agreement except that the yearly rent has been increased to \$600. The agreement is renewed on a yearly basis by the Department of Justice, provided Federal funds are available from year to year for payment of rentals. The City's General Services Department, Communications and Electrical Division, recommends approval of this agreement.

FILE LOCATION: LEAS - USA, Department of Justice, Border
Patrol LEASFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed
by the following vote: Mitchell-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea,
Martinez-yea, Mayor Hedgecock-yea.

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* ITEM-138: (R-85-525) ADOPTED AS RESOLUTION R-261651

Approving the form of the health services agreement with
Villa View Community Hospital and authorizing the City
Manager to execute the agreement; instructing the City
Manager to exercise the option of the City set forth in the
option agreement, and to transfer the hospital facilities
to Villa View Community Hospital upon receipt of evidence
satisfactory to the City Manager with respect to a Center
for the Aging, as defined in the option agreement.

(See City Manager Report CMR-84-354. District-3.)

COMMITTEE ACTION: Reviewed by RULES on 9/10/84.

Recommendation to adopt the Resolution. Districts 5, 7, 8 and
Mayor voted yea. District 6 abstained.

FILE LOCATION: MEET CONTFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed
by the following vote: Mitchell-yea, Cleator-yea,
McColl-ineligible, Jones-not present, Struiksmma-not present,
Gotch-ineligible, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-139: (R-85-390) ADOPTED AS RESOLUTION R-261652

Approving Change Order No. 3, dated March 24, 1984, issued
in connection with the contract between the City of San
Diego and D & H Perry, dba Perry Electric; approving said
Changer Order amounting to a net increase in the contract
price of \$48,626.06 and an extension of time of 42 calendar
days extending the completion date to October 4, 1984.

(Centre City Community Area. District-8.)

CITY MANAGER REPORT: Between advertising of bids and
awarding the Central Business District Master Traffic Control
System contract, various downtown building construction and
other development projects, which were nearing completion,
necessitated installation of proposed conduit and associated
underground facilities prior to the construction of decorative
sidewalks. This was intended to minimize disruption to traffic

and to avoid damage to the new sidewalk at a later date. As a result, City forces installed the appropriate underground facilities and were reimbursed by the developers.

Additional conduit was reduced from the contract when the Metropolitan Transit Development Board (MTDB) made available some of their spare conduit along Twelfth Avenue. In addition, control equipment was eliminated from eleven proposed locations as a result of removing the proposed Convention Center from the Columbia redevelopment area, control equipment required as a condition of private development, and construction by the California Department of Transportation (CalTrans).

Recent traffic studies made in Centre City indicated that it would be desirable to include the existing signalized intersections of 19th Street, 22nd Street, and 25th Street at Market Street and the intersections of 19th Street at B Street, Market Street and Harbor Drive at Kettner Boulevard in the Master Traffic Control System. Savings from the above mentioned deleted items will fully cover the costs involved in expanding the system to include these six intersections. A time extension of 42 calendar days to the contract is required for the contractor to perform the proposed new work. This is an FAU project administered by CalTrans. CalTrans has approved the proposed new work.

FILE LOCATION: CONT - Perry Electric

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-150: (R-85-406) ADOPTED AS RESOLUTION R-261653

(Continued from the meeting of September 17, 1984 at Deputy Manager Lockwood's request.)

Authorizing the execution of an agreement with Vertical Management Services for the collection of delinquent parking violation fees on vehicles registered out-of-state.

COMMITTEE ACTION: Reviewed by RULES on 9/10/84.

Recommendation to refer to Council on 9/17/84 with no Committee recommendation. Districts 5, 7, 8 and Mayor voted yea. District 6 not present.

CITY MANAGER REPORT: Since July, 1981, the City has contracted with an outside agency for the collection of delinquent parking citations issued to vehicles registered out-of-state. The current contract expires on August 1,

1984. On May 31, 1984, a notice was published in the Daily Transcript inviting bids from qualified collection agencies. Seven bid packages were mailed to interested companies. Three bids were submitted for consideration. The low bid of a 32 percent commission was submitted by Vertical Management Systems. Acceptance of this bid is recommended. Vertical Management Systems specializes in the collection of parking fees from in-state and out-of-state drivers. They have a computerized system for locating violators through the violators' state Department of Motor Vehicles. Because of their experience, established contacts, and proposed operational plan, Vertical Management Systems was selected as the successful bidder by the screening committee.

FILE LOCATION: MEET CONFY85-1

COUNCIL ACTION: (Tape location: B217-350.)

MOTION BY MITCHELL TO ADOPT. Second by McColl. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-151: (R-85-489) CONTINUED TO OCTOBER 8, 1984

Authorizing the City Manager to expend the State Library Foundation funds in the amount of \$216,837 received for Fiscal Year 1984-85 from Public Library Fund 19207 in the manner prescribed in Attachment A of City Manager Report CMR-84-315.

(See City Manager Reports CMR-84-390 and CMR-84-315.)

COMMITTEE ACTION: Reviewed by PSS on 8/8/84. Recommendation to refer to the City Council with direction to the City Manager to include background material specifically addressing how the proposal will affect the individual branches and affect the whole system. The Committee also requested information regarding short and long term budget implications. Districts 3, 4, 5, 8 voted yea. District 6 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A485-520.)

MOTION BY CLEATOR TO CONTINUE TO OCTOBER 8, 1984, AT THE REQUEST OF COUNCIL MEMBER STRUIKSMA. Second by McColl. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-200: (O-85-39) FIRST HEARING HELD

First public hearing in the matter of:

Amending Ordinance O-16249 (New Series), as amended, entitled " An Ordinance Adopting the Annual Budget for the Fiscal Year 1984-85 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-16249-1, as amended and adopted therein, by amending Section 2.II thereof to add a new Subsection 35 entitled, "Hillcrest Parking and Business Improvement District Fund (10565)" to provide funds for the purposes of the District.

(See City Manager Report CMR-84-385. Districts-2 and 8.)
See Item 333.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B201-216.)

MOTION BY MARTINEZ TO HOLD FIRST HEARING. Second by Murphy.
Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksm-a-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-201: (O-85-43) FIRST HEARING HELD

First public hearing in the matter of:

Amending Ordinance O-16249 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1984-85 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Documents No. OO-16249-1 and No. OO-16249-2, as amended and adopted therein, by appropriating the sum of \$3,064,668 from the Unappropriated Revenue of the Sewerage Utility Revenue Fund (41506); amending Section 2, Subsection VI, Item 2, entitled "Sewerage Utility Revenue Fund (41506)" to increase non-personnel expense and total by said \$3,064,668; directing the Auditor and Comptroller to set aside, transfer and allocate the \$3,064,668 appropriated above to the Wastewater Research Program (70242).

(Serra Mesa Community Area. District-5.)

CITY MANAGER REPORT: On November 16, 1981, Council authorized an agreement with Black & Veatch, Consulting Engineers, for engineering services related to the San Diego Aquaculture Project. This project is funded through the Clean Water Grant Program and will demonstrate the feasibility of an aquaculture system for treatment of waste water equivalent to secondary treatment quality. The City recently received new State and Federal grants to expand the current aquaculture program to a total water reuse project which will convert the sewage to potable water. This addition to the project has

caused a need for modifications to the engineering agreement. On April 2, 1984, Council authorized Amendment No. 1 to the original Black & Veatch agreement which deleted certain services and added additional testing needed for the expansion of the project. The new agreement with Black & Veatch has been negotiated to coincide with the new grant. This new agreement includes those tasks deleted from the original agreement, and provides for design, testing, and operation of the plant. Black & Veatch will also determine results and write reports to the EPA.

WU-U-84-165.

NOTE: The second public hearing for the introduction and adoption of this Ordinance will be held on Monday, October 8, 1984.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B351-394.)

MOTION BY MURPHY TO HOLD FIRST HEARING. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmá-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-202: (R-85-479) CONTINUED TO OCTOBER 29, 1984

Matter of the appeal of the owners of property adjacent to Coolidge and Burton Streets from the denial of their request for a vacation of Coolidge and Burton Streets adjacent to Lots 3 and 4, Block 63, and Lots 6 and 8 through 10, Block 59; the north/south alley adjacent to Lots 2 through 5, Block 63; and east/west alley adjacent to Lots 1, 2, 5, 6 and 7, Block 63; and the walk adjacent to Lots 8 and 9, Block 59, all in Linda Vista Unit 4, Map-3256.

(See City Manager Report CMR-84-384. Kearny Vista Community Area. District-5.)

FILE LOCATION: STRT J-2537

COUNCIL ACTION: (Tape location: A485-520.)

MOTION BY CLEATOR TO CONTINUE TO OCTOBER 29, 1984, AT THE REQUEST OF APPELLANT'S ATTORNEY. Second by McColl. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmá-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-203: (R-85-497) ADOPTED AS RESOLUTION R-261654

Authorizing the sale of Lots 53 and 54, Empire Addition to Encanto Heights to the highest bidder at the October 1,

1984 auction; authorizing the execution of a grant deed, granting to the highest bidder said property; declaring that a broker's commission shall be paid if the successful bidder is represented by a registered broker; authorizing payment of related expenses in accordance with the sale from the proceeds thereof.

(Encanto Community Area. District-3.)

CITY MANAGER REPORT: This property, located at Burian Street and Radio Drive in the Encanto Community Area, was processed through the City's land clearance procedure. The Transportation and Land Use Committee recommended that the site be designated for sale. The Council accepted this recommendation and authorized the sale of the parcel. It is irregular in shape, consisting of 38,324 square feet of vacant land in the R-1-20 zone. A public auction of this property is to be held in the Council Chambers on the morning of October 1, 1984, and the results of this auction are to be brought forward to Council for consideration.

WU-PR-84-176.

FILE LOCATION: DEED F-2559 DEEDFY85-1

COUNCIL ACTION: (Tape location: B395-430 and B541-614.)

MOTION BY McCOLL TO ADOPT AND DIRECT PROPERTY DEPARTMENT AND PLANNING DEPARTMENT TO COORDINATE REVIEW OF FUTURE ZONING OF PROPERTY OR AMENDMENTS TO COMMUNITY PLANS ON PROPERTY THAT WAS

PREVIOUSLY SOLD BY THE CITY. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-204: (R-85-472) ADOPTED AS RESOLUTION R-261660

Authorizing the sale of a portion of Lot 390, Princess Gardens Unit No. 7, Map-6834 to the highest bidder at the October 1, 1984 auction; authorizing the execution of a grant deed, granting to the highest bidder said property; declaring that a broker's commission shall be paid if the successful bidder is represented by a registered broker; authorizing payment of related expenses in accordance with the sale from the proceeds thereof.

(Navajo Community Area. District-7.)

CITY MANAGER REPORT: This property, located southerly of Monte Verde Drive in the San Carlos area, was authorized for sale on February 19, 1980, by Council Resolution R-251228. It is irregularly shaped, level to sloping, vacant land comprising 3.2 acres and is zoned R-1-5. There is an approved 13-lot

tentative subdivision map on this property. A public auction of this property is to be held in the Council Chambers on the morning of October 1, 1984, and the results of this auction are to be brought forward to Council for consideration.

FILE LOCATION: DEED F-2560 DEEDFY85-1

COUNCIL ACTION: (Tape location: B431-540.)

MOTION BY MURPHY TO ADOPT AND DIRECT THE CITY MANAGER TO REVIEW DISPOSITION OF PROCEEDS AS TO WHETHER THEY SHOULD BE DEPOSITED IN THE GENERAL FUND, CAPITAL IMPROVEMENTS PROGRAM, OR A PORTION RETURNED TO THE HOMEOWNERS, AND REPORT BACK TO THE PUBLIC FACILITIES AND RECREATION COMMITTEE. Second by Martinez.

Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-205: (R-85-473) ADOPTED AS RESOLUTION R-261655

Authorizing the sale of Lot 2, Block 19, Muirlands to the highest bidder at the October 1, 1984 auction; authorizing the execution of a grant deed, granting to the highest bidder said property; declaring that a broker's commission shall be paid if the successful bidder is represented by a registered broker; authorizing payment of related expenses in accordance with the sale from the proceeds thereof.

(La Jolla Community Area. District-1.)

CITY MANAGER REPORT: This property, located at Nautilus Street and Muirlands Drive, west of Via Valverde in the La Jolla Community Area, was authorized for sale by the Transportation and Land Use Committee. The Council accepted this recommendation and authorized the sale. It is rectangular in shape, consisting of 14,800 square feet of vacant land in the R-1-10 zone. A public auction of this property is to be held in the Council Chambers on the morning of October 1, 1984, and the results of this auction are to be brought forward to Council for consideration.

FILE LOCATION: DEED F-2561 DEEDFY85-1

COUNCIL ACTION: (Tape location: B615-670.)

MOTION BY MURPHY TO ADOPT WITH PROCEEDS FROM SALE OF PROPERTY TO BE HELD IN ABEYANCE UNTIL A DECISION IS MADE ON HOW LOW-INCOME HOUSING PROCEEDS SHOULD BE USED. Second by Mitchell. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S400: (R-85-496) REFERRED TO PUBLIC SERVICES AND SAFETY COMMITTEE AGENDA OF OCTOBER 10, 1984

Authorizing the City Manager to commence a program to implement the provisions of Revenue and Taxation Code Sections 17274 and 24436.5 regarding rental housing regulation, and to apply for funds from the Local Agency Code Enforcement and Rehabilitation Fund.

(See City Manager Report CMR-84-386.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A586-600.)

MOTION BY MARTINEZ TO REFER TO THE PUBLIC SERVICES AND SAFETY COMMITTEE AGENDA OF OCTOBER 10, 1984, AT THE REQUEST OF COUNCIL MEMBER JONES. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksm-a-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

* ITEM-S401: (R-85-544) ADOPTED AS RESOLUTION R-261656

Authorizing the execution of an agreement with the State of California, Department of Transportation, for the use of aquaculture effluent to irrigate sections of Interstate 15.

(See City Manager Report CMR-84-382. Mission Valley Community Area. District-5.)

COMMITTEE ACTION: Reviewed by PFR on 9/19/84. Recommendation to adopt the Resolution. Districts 1, 2 and 4 voted yea.

Districts 3 and 7 not present.

CITY MANAGER REPORT: On September 19, 1984, the Public Facilities and Recreation Committee directed the City Manager to negotiate an agreement with CalTrans for the use of aquaculture effluent to irrigate sections of Interstate 15. The Committee also directed the Manager to proceed directly to the City Council at its October 1, 1984 meeting for execution of the negotiated agreement. The agreement has been negotiated and this resolution by the Council authorizes the City Manager to execute the agreement.

WU-U-84-179.

FILE LOCATION: MEET CONFY85-1

COUNCIL ACTION: (Tape location: B190-200.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksm-a-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S402: (R-85-543) ADOPTED AS AMENDED AS RESOLUTION
R-261657

Adopting the recommendations contained in Committee

Consultant Analysis RULES-84-17, dated August 13, 1984, regarding the City's tax exempt bond program; directing the City Auditor and City Manager to include in future City Budget documents an outline of the City's debt position. (See Committee Consultant Analysis RULES-84-17; memorandum from Ed Ryan, City Auditor, dated 7/26/84; City Manager Report CMR-84-322; Intergovernmental Relations Department Report IRD-84-48; memorandum from Ben Montijo, Housing Commission, dated 8/7/84; memorandum from Hervey Sweetwood, Health Systems Agency, dated 8/3/84 and the letter from Gray, Cary, Ames and Frye, dated 8/10/84.)

COMMITTEE ACTION: Reviewed by RULES on 8/13/84. Recommendation to adopt the Resolution. Districts 5, 7, 8 and Mayor voted yea. District 6 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B671-C044.)

MOTION BY MARTINEZ TO ADOPT AS AMENDED THE RECOMMENDATIONS CONTAINED IN COMMITTEE CONSULTANT ANALYSIS RULES-84-17, DATED AUGUST 13, 1984, REGARDING THE CITY'S TAX EXEMPT BOND PROGRAM AND DIRECT TO THE CITY MANAGER AND CITY AUDITOR TO REPORT TO THE RULES COMMITTEE ON THE IMPACT OF H.R. 4170 ON FUTURE ISSUING OF TAX EXEMPT BONDS WITH RESULTS TO BE BROUGHT BEFORE THE COUNCIL MEETING OF OCTOBER 22, 1984. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S403: (R-85-547) CONTINUED TO OCTOBER 8, 1984

Declaring that the Dennis V. Allen Park shall be relocated and reconfigured at the northeastern edge of the Gateway Center East Project within the Mount Hope Redevelopment Project.

(See SEDC Report to PFR dated 9/17/84; memorandum from Council Member William Jones dated 9/17/84; site map attached to R-85-547. Southeast San Diego Community Area. District-4.)

COMMITTEE ACTION: Reviewed by PFR on 9/19/84. Recommendation to adopt the Resolution. Districts 1, 2 and 4 voted yea. Districts 3 and 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A601-B069.)

MOTION BY GOTCH TO CONTINUE TO OCTOBER 8, 1984. Second by McColl. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor

Hedgecock-yea.

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ITEM-S404: (R-85-736) ADOPTED AS RESOLUTION R-261658

The matter of the San Diego Symphony's request to temporarily fence a portion of Balboa Park for a special benefit.

(See City Manager Report CMR-84-370. District-8.)

COMMITTEE ACTION: Reviewed by PFR on 9/19/84. PFR approved in a lukewarm manner, a one-time use subject to Park and Recreation Board approval, and required that the section of the park be refurbished after this use by the permittee. Districts 1, 2, and 4 voted yea. Districts 3 and 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C056-284.)

MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S405: (R-85-510) ADOPTED AS RESOLUTION R-261659

Authorizing the submittal of a proposed second amendment to the existing U.S. Grant Hotel Urban Development Action Grant (UDAG) and first amendment thereto to the United States Department of Housing and Urban Development (HUD) under Section 119 of Title I of the Housing and Community Development Act of 1974, as amended; authorizing the City Manager to execute the second amendment and related documents, upon approval by HUD of the amended agreement and provided that the final document results in no significant changes to the grant terms and conditions beyond those hereby approved by Council; authorizing the City Manager to take such actions as are necessary in connection with meeting the terms and conditions contained in the UDAG agreement, as amended, and in other related documents and agreements.

(See City Manager Report CMR-84-388. District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C285-394.)

MOTION BY MARTINEZ TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S406: (O-85-38) INTRODUCED, DISPENSED WITH THE READING
AND ADOPTED AS ORDINANCE O-16294 (New
Series)

(Continued from the meeting of September 18, 1984 at
Assistant Manager Lockwood's request.)
Introduction and adoption of an Ordinance amending
Ordinance No. O-16249 (New Series), as amended, entitled
"An Ordinance Adopting the Annual Budget for the Fiscal
Year 1984-85 and Appropriating the Necessary Money to
Operate the City of San Diego for said Fiscal Year" by
amending Document No. OO-16249-1, as amended and adopted
therein, by amending Section 2.II thereof to add a new
subsection 34 entitled "Dells and Mount Hope Project Fund
(10232)" to provide funds for future use in said projects.
(See memorandum from Reese Jarrett dated 8/20/84.
Southeast San Diego Community Area. District-4.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C045-055.)

MOTION BY MARTINEZ TO INTRODUCE, DISPENSE WITH THE READING, AND
ADOPT. Second by Gotch. Passed by the following vote:
Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present,
Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea,
Mayor Hedgecock-yea.

19841001

ITEM-UC-1: (R-85-637) ADOPTED AS RESOLUTION R-261661

A Resolution presented to the City Council with UNANIMOUS
CONSENT:
Excusing Council Member William Jones from the City
Council, Redevelopment Agency, and Housing Authority
meetings of October 1 and 2, 1984; the City Council
meetings of October 15 and 16, 1984; the Transportation and
Land Use Committee meeting of October 15, 1984; and the
Public Facilities & Recreation Committee meetings of
October 3 and 17, 1984.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C395-400.)

MOTION BY GOTCH TO ADOPT. Second by Murphy. Passed by the
following vote: Mitchell-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea,
Martinez-yea, Mayor Hedgecock-yea.

19841001

ITEM-UC-2: (R-85-638) ADOPTED AS RESOLUTION R-261662

A Resolution presented to the City Council with UNANIMOUS
CONSENT:

Excusing Council Member Ed Struiksma from the regular City
Council meetings of October 1 and 2, 1984, and the
Redevelopment Agency and Housing Authority meetings of
October 1, 1984.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C401-410.)

MOTION BY MARTINEZ TO ADOPT. Second by McColl. Passed by the
following vote: Mitchell-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksma-not present, Gotch-yea, Murphy-yea,
Martinez-yea, Mayor Hedgecock-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Hedgecock at 4:06 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C411-422).

MOTION BY MITCHELL TO ADJOURN IN HONOR OF THE MEMORY OF DR.
LAURENCE SPRINGER. Second by McColl. Passed by the following
vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present,
Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea,
Mayor Hedgecock-yea.

SPECIAL ORDER OF BUSINESS: (R-85-636) ADOPTED AS RESOLUTION
R-261663

Proclaiming Monday, October 1, 1984, as Padre Victory
Day.

FILE: MEET

COUNCIL ACTION: (Tape location: A007-048.)

MOTION BY GOTCH TO ADOPT. Second by Murphy. Passed by the
following vote: Mitchell-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksma-not present, Gotch-yea,
Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

COMMUNICATION NO. 1: CONTINUED TO OCTOBER 8, 1984, 2:00 P.M.

Opponents of the Conditional Use Permit approved for the
law offices of Frank & Milchen requested reconsideration
of item by Council.

FILE: MEET

COUNCIL ACTION: (Tape location: A061-277.)

Motion by Gotch to suspend the rules for reconsideration.

MOTION BY MURPHY TO SUSPEND RULES TO OCTOBER 8, 1984, AT 2:00
P.M. Second by Gotch. Passed by the following vote:

Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present,
Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-nay,
Mayor Hedgecock-nay.

COMMUNICATION NO. 2: CONTINUED TO OCTOBER 8, 1984

Communication from San Diegans for Managed Growth
regarding the threshold determination for La Jolla
Valley.

FILE: MEET

COUNCIL ACTION: (Tape location: A278-464.)

MOTION BY GOTCH TO CONTINUE TO OCTOBER 8, 1984, AT THE
REQUEST OF SAN DIEGANS FOR MANAGED GROWTH, AND DIRECT THE
CITY ATTORNEY TO GIVE CLARIFICATION AND LEGAL OPINION
REGARDING FINAL DATE OF ADOPTION. Second by Martinez.

Passed by the following vote: Mitchell-yea, Cleator-yea,
McColl-yea, Jones-not present, Struiksma-not present,
Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-50:

Two actions relative to the Transient Occupancy Tax
Rate:

(Introduced on 9/17/84. Council voted 6-3. Districts
2, 3 and 5 voted nay.)

Subitem-A: (O-85-44) ADOPTED AS ORDINANCE O-16286
(New Series)

Amending Chapter III, Article 5 of the San Diego
Municipal Code by adding Sections 35.0103.1 and
35.0116.1 to increase the Transient Occupancy Tax rate
from 6 percent to 7 percent effective January, 1985.

Subitem-B: (O-85-45) ADOPTED AS ORDINANCE O-16287
(New Series)

Amending Chapter III, Article 5 of the San Diego
Municipal Code by amending Sections 35.0102, 35.0103 and
35.0116 to guarantee 20 percent minimum of present 6
percent annual Transient Occupancy Tax revenues for the
Convention and Visitors Bureau, excluding revenues from
hotels at Navy Field effective FY 1985-86.

COMMITTEE ACTION: Reviewed by RULES on 9/10/84.
Recommendation to adopt recommendations in 9/6/84 memorandum
from Mayor Hedgecock to increase Transient Occupancy Tax rate
from 6 percent to 7 percent effective January, 1985, and
guarantee 20 percent minimum of present 6 percent annual

Transient Occupancy Tax revenues for Convention and Visitors Bureau, excluding revenues from hotels at Navy Field effective FY 1985-86; directing City Attorney to include in Ordinance contingency provisions regarding CONVIS performance audits, work program and budget review. Districts 6, 7, 8 and Mayor voted yea. District 5 voted nay.

FILE: MEET

COUNCIL ACTION: (Tape location: A466-475 and A521-564.)

Motion by Cleator to continue to October 8, 1984. No Second.

MOTION BY CLEATOR TO CONTINUE TO OCTOBER 8, 1984, AT THE REQUEST OF COUNCIL MEMBER STRUIKSMA. Second by McColl.

Failed by the following vote: Mitchell-nay, Cleator-yea,

McColl-nay, Jones-not present, Struiksma-not present,

Gotch-nay, Murphy-nay, Martinez-nay, Mayor Hedgecock-nay.

MOTION BY COMMON CONSENT TO ADOPT THE ORDINANCES. Passed by the following vote: Mitchell-yea, Cleator-nay, McColl-yea,

Jones-not present, Struiksma-not present, Gotch-yea,

Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.