

870209

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 9, 1987
AT 2:00 P.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Jones at 2:03 p.m. Deputy Mayor Jones made a presentation to Dorothy Smith, San Diego Board of Education, commemorating the month of February as Black History Month. Deputy Mayor Jones adjourned the meeting at 4:48 p.m. to meet in Redevelopment Agency Meeting at 9:30 a.m. and Council at 10:00 a.m., Tuesday, February 10, 1987.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-267721
(City business in New York)
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Cleator-present
 - (3) Council Member McColl-present
 - (4) Council Member Jones-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Gotch-present
 - (7) Council Member McCarty-present
 - (8) Council Member Ballesteros-present
- Clerk-Abdelnour (eb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-not present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-not present
- (7) Council Member McCarty-not present
- (8) Council Member Ballesteros-present

ITEM-10: INVOCATION

Invocation was given by Reverend Bob Maas, Faith

Luthern Church.
FILE LOCATION: MINUTES

Feb-9-1987
ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
McColl.

FILE LOCATION: MINUTES

ITEM-30: (R-87-1490) ADOPTED AS RESOLUTION R-267627

Declaring Saturday, February 14, 1987 to be "United We
Stand Against Drugs Day" in support of the upcoming gala
and the students who give their time to this important
work.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A084-109.)

MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by
the following vote: Wolfsheimer-yea, Cleator-not present,
McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,
Ballesteros-yea, Mayor O'Connor-not present.

ITEM-31: APPROVED

Approval of Council Minutes for the Meetings of:

01/12/87

01/13/87

01/13/87 Special

01/15/87 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A110-114.)

MOTION BY STRUIKSMA TO APPROVE. Second by McColl. Passed by
the following vote: Wolfsheimer-yea, Cleator-not present,
McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,
Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-50: (O-87-128) ADOPTED AS ORDINANCE O-16806 (New
Series)

Incorporating Black Mountain Vistas, Unit 2, a portion of
the Southeast 1/4 of Section 12, Township 14 South, Range 3
West, SBBM (approximately 42.8 acres), located north of
Carmel Mountain Road, west of Twin Trails Drive and east of
Russet Leaf Lane, into Zones R1-5000 and R1-5000 (HR).

(Introduced on 1/26/87. Council voted 5-4. Districts 1, 6, 8, and Mayor voted nay. Case-84-0497. Penasquitos East Community Area. District-1.)

FILE LOCATION: ZONE Ord No.

COUNCIL ACTION: (Tape location: A210-223.)

CONSENT MOTION BY STRUIKSMA TO DISPENSE WITH THE READING AND ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-nay, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-nay, McCarty-yea, Ballesteros-nay, Mayor O'Connor-not present.

* ITEM-51: (O-86-226) ADOPTED AS ORDINANCE O-16807 (New Series)

Incorporating certain properties along the rim of Tecolote Canyon, adjacent to Tecolote Canyon Natural Park, into the Hillside Review (HR) Overlay Zone.

(Introduced on 1/26/86. Council voted 9-0. Clairemont Mesa and Linda Vista Community Areas. Districts-5 and 6.)

FILE LOCATION: LAND Tecolote Canyon Natural Park Master Plan

COUNCIL ACTION: (Tape location: A210-223.)

CONSENT MOTION BY STRUIKSMA TO DISPENSE WITH THE READING AND ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-52: (O-87-149) ADOPTED AS ORDINANCE O-16808 (New Series)

Applying the Community Plan Implementation Overlay Zone (CPIOZ) Type "A" to that area of the community lying north of the AT&SF Railroad Tracks and Type "B" to the La Jolla Village Inn Property.

(Introduced on 1/27/87. Council voted 9-0. University Community Area. District-1.)

FILE LOCATION: ZONE Ord No.

COUNCIL ACTION: (Tape location: A210-223.)

CONSENT MOTION BY STRUIKSMA TO DISPENSE WITH THE READING AND ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-53: (O-87-127) ADOPTED AS ORDINANCE O-16809 (New Series)

Approving the River Run Development Agreement between the City of San Diego and River Run Club, LTD. and River Run Office Park, LTD., California Limited Partnerships, which would apply to approximately 39.8 acres in the Mission Valley community.

(Introduced on 1/27/87. Council voted 9-0. District-5.)

FILE LOCATION: DEVL River Run Development Agreement

COUNCIL ACTION: (Tape location: A210-223.)

CONSENT MOTION BY STRUIKSMA TO DISPENSE WITH THE READING AND ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-100: (R-87-1421) ADOPTED AS RESOLUTION R-267628

Accepting the low bid by R. E. Staite Engineering, in the amount of \$434,000, for Crystal Pier - Reconstruction; authorizing the execution of a contract in accordance with the form on file in the Office of the City Clerk as Document No. 118807; authorizing the City Manager and the Auditor and Comptroller to approve the terms and conditions, and accept the Federal Emergency Management Agency's grant, in an amount not to exceed \$268,500 in connection with the Federal/State Disaster Assistance Program No. FEMA677-DR to subsidize the construction of the Crystal Pier - Reconstruction; authorizing the Auditor and Comptroller to transfer \$34,000 from CIP-90-245, Capital Outlay Fund Reserve - General - Contingency Funds to supplement CIP-37-137.1, Crystal Pier Reconstruction; authorizing the expenditure of funds not to exceed \$34,000 from CIP-37-137.1, Crystal Pier Reconstruction, to supplement funds previously authorized by Resolution R-266713, adopted on October 6, 1986, 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-7574)

(Pacific Beach Community Area. District-6.)

CITY MANAGER REPORT: On November 6, 1986, the bids for Crystal Pier Reconstruction were opened. Of the four bids

received, R. E. Staite Engineering, Inc., was the low bidder in the amount of \$434,000. This is \$34,000 over the project estimate of \$400,000. In order to proceed with this project, the following options were considered and rejected:

1. Reduce the cost of the pier's construction to that of the City's estimate. Normally, this would entail reducing the structure's length. However, the low bid contractor's deductive alternate cost in the bid proposal to shorten the pier one 20-foot bent is only \$8,800. This would not lower the bid to less than the project estimate; therefore, this is not recommended.
2. Rebid the project. Bid analysis does not indicate any likelihood of reduced costs through a rebid. Furthermore, the delay caused by rebidding would result in loss of the FEMA grant as the delayed construction would result in not being able to meet the September 1, 1987 stipulated FEMA grant termination date.
3. Request additional FEMA funding. The Federal Emergency Management Agency, in accordance with the Federal/State Disaster Assistance Agreement No. FEMA 677-DR, provided the City with a subsidy grant of \$268,500 for the pier's reconstruction. The \$268,500 is included in the \$400,000 construction budget. Due to several time extensions already issued on the use of this money, no additional federal funding is likely forthcoming. Because the above options are not feasible, it is requested that \$34,000 be authorized from unallocated reserves to supplement the construction estimate of \$400,000 and permit acceptance of the low bid of \$434,000.

Aud. Cert. 8700604.

FILE LOCATION: CONT R. E. Staite Engineering CONTFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-101: (R-87-1417) ADOPTED AS RESOLUTION R-267629

Awarding a contract for the purchase of various truck bodies for a combined total cost of \$70,016.05, including tax, as follows: (BID-7700)

1. Denardi Truck Equipment for Item 1 - 35 cross bed tool boxes; Item 4 - eight 1 1/2 cu. yard dump bodies; Item 7-one 9 ft. flatbed body; Item 8 - one 10 ft. flatbed

body with hoist; Item 9 - two 12 ft. flatbed bodies; Item 10 - one 14 ft. flatbed with hoist; and Item 11 - two 14 ft. flatbed bodies.

2. Service Manufacturing Co. for Item 2 - four 56" service bodies; and Item 3 - five 60" service bodies.
3. Terra Excavation and Trailer Sales for Item 5 - one dump body, 5 cu. yard, installed;
4. Royal Truck Bodies, Inc. for Item 6 - one engineer body.

Aud. Cert. 8700613.

FILE LOCATION: MEET CONTFY87-4

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-102: (R-87-1420) ADOPTED AS RESOLUTION R-267630

Awarding a contract to John C. Henberger Co., Inc. for the purchase of emergency pre-emption equipment, for an estimated cost of \$122,000, including tax and terms, as may be required for a period of one year beginning February 1, 1987 through January 31, 1988, with an option to renew the contract for an additional one year period, with the option year price increases not to exceed 10 percent of the original contract prices. (BID-7786)

FILE LOCATION: MEET CONTFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-103: (R-87-1419) ADOPTED AS RESOLUTION R-267631

Inviting bids for the construction of Howard Lane Neighborhood Park on Work Order No. 118667; authorizing the execution of a contract with the lowest responsible and reliable bidder; authorizing the Auditor and Comptroller to establish an interest bearing special trust fund, Howard Lane Park Grant Fund, for receipt of State of California Grant Funds (Proposition 18) in accordance with Grant requirements; authorizing the Auditor and Comptroller to transfer \$19,124 from Park Service District Fund No. 11740,

\$2,210 from Park Service District Fund No. 11741, \$10,597 from Park Service District Fund No. 11742, \$1,940 from Park Service District Fund No. 11743, and \$25,819 from Park Service District Fund No. 16740 to CIP-23-358, Howard Lane Neighborhood Park - Development; authorizing the expenditure of funds not to exceed \$552,425 (\$315,000 from the Howard Lane Park Grant Fund in accordance with State Grant requirements, and \$237,425 from Park Service District Funds, CIP-23-358, Howard Lane Neighborhood Park - Development) 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-7848) (San Ysidro Community Area. District-8.)

CITY MANAGER REPORT: This project will develop an approximate seven acre neighborhood park site adjacent to Nicoloff Elementary School. The site is located on the northwest corner of Dairy Mart Road and Plantel Way in the San Ysidro Community. The proposed improvements are in accordance with the approved General Development Plan for this park and include: a large open play area, an automatic irrigation system, a tiny tots area, a picnic shelter, walkways, a safety lighting system, multi-purpose courts, picnic tables and benches and miscellaneous landscaping.

Aud. Cert. 8700594.

FILE LOCATION: W.O. 118667 CONFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-104: (R-87-209) ADOPTED AS RESOLUTION R-267632

Resolution of Intention for the improvement of Alley Block 68, Arnold and Choate's Addition under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

(Uptown Community Area. District-2.)

CITY MANAGER REPORT: The project was initiated by 84 percent of the property owners involved. The petition was accepted by Council on July 8, 1985, per Resolution R-263626. The alley to be improved is located between Washington Street and University Avenue, and between Eagle Street and Falcon Street. The improvements consist of a 6-inch sewer main, pedestrian ramps,

and the grading and paving of a 15-foot wide alley. The new 6-inch sewer main will replace an existing deteriorated sewer main. There will be a City contribution for the replacement of this 6-inch sewer main.

FILE LOCATION: STRT D-2253

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-105: (R-87-1474) ADOPTED AS RESOLUTION R-267633

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of an Underground Utility District to be known and denominated as the Morena Boulevard (Friars Road to West Morena Boulevard) Underground Utility District.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER REPORT: The proposed district will underground the overhead utility facilities on Morena Boulevard between Friars Road and West Morena Boulevard. This is a scheduled project in the calendar year 1988 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. The total number of affected properties in this district is 76, of which 12 are single-family residential properties, and 64 are commercial or multi-family properties. A typical cost range for a licensed contractor to perform this conversion work on residential private property is \$600 to \$1,100. Conversion costs on commercial properties may vary from \$600 to several thousand dollars or more due to differences in service size and location. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Fund (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

FILE LOCATION: STRT K-172

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,

Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-106: (R-87-1473) ADOPTED AS RESOLUTION R-267634

Vacating Liggett Street north of Britt Court and the north/south alley adjoining Lots 1-5, Block 10 of Map-669; declaring that this resolution shall not become effective unless and until the final parcel map, as shown per TM-86-0814, has been approved by Council action; in the event that the final parcel map is not approved within three years after adoption of this resolution, 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 Parcel Map TM-86-0814.

(Serra Mesa Community Area. District-5.)

CITY MANAGER REPORT: The abutting property owners have requested the vacation of Liggett Street and the adjacent alley in Block 10 of Map 669 in conjunction with their proposed Tentative Parcel Map TM-86-0814. The tentative map proposes resubdivision of the five existing lots and areas of vacation to form three residential parcels. The rights-of-way and project site are within an R1-5000 Zone in the Serra Mesa Community. The areas of vacation are unimproved rights-of-way that do not contain public or franchised facilities. When the surrounding areas were resubdivided and developed in the late 1950's, the subject rights-of-way and the adjacent property were excluded from development. The areas proposed for vacation total 4100 square feet. The subdivision will require the dedication of 2200 square feet and will contain three lots totalling 16,900 square feet. The tentative map requires the completion of street improvements on Britt Court. Adequate traffic circulation will be provided via Galahad Road and Britt Court adjacent to the site. The Subdivision Board recommended approval of Tentative Parcel Map TM-86-0814 on December 8, 1986, subject to City Council approval of the street vacation. Staff review has indicated that the rights-of-way to be vacated are no longer required for present or prospective public use and may be summarily vacated conditioned upon the approval and recordation of Tentative Parcel Map TM-86-0814.

FILE LOCATION: STRT J-2641 DEED F-3765 DEEDFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,

Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-107:

Two actions relative to vacating a portion of Road Survey 65:
(Penasquitos East Community Area. District-1.)

Subitem-A: (R-87-1401) ADOPTED AS RESOLUTION R-267635
Vacating a portion of Road Survey 65 within a portion of Section 13, Township 14 South, Range 3 West.

Subitem-B: (R-87-1451) ADOPTED AS RESOLUTION R-267636
Vacating the City's interest in an unneeded water easement affecting portions of Section 13, Township 14 South, Range 3 West, pursuant to Section 8300 et seq. of the Streets and Highways Code.

CITY MANAGER REPORT: CalTrans has requested the vacation of a portion of Road Survey 65 and a portion of a water easement on behalf of the affected property owner who granted an alternate alignment for right-of-way to CalTrans in 1980. The rights-of-way proposed for vacation are located within the Vernal Pool Preserve created by CalTrans as part of the mitigation for SR-56 freeway. The portions of the rights-of-way to be vacated are located southerly of the newly acquired CalTrans easement which is to be relinquished to the City when the SR-56 freeway project is completed. The abutting property is zoned A-1-10 and is situated in the westerly end of the Penasquitos East Community Plan Area. The area of vacation totals approximately 1.07 acres and will not effect density under the existing zone. The property owner has no development plans at this time. The Planning Department has no objections to the vacation and abandonment requested. The Planning Commission recommended approval by a 6-0 vote on May 29, 1986. The road easement described in Road Survey 65 was granted to the County of San Diego in 1899 and subsequently relinquished to the City when the area was annexed. The water easement was granted to the City in 1971 but has never been used. Both of these rights-of-way were realigned to avoid the Vernal Pool Preserve and the areas proposed for vacation represent rights-of-way no longer needed because of the realignment. Both rights-of-way are unimproved and contain no public or franchise facilities. Staff review has indicated that the rights-of-way are no longer needed for present or prospective public use and may be summarily vacated.

FILE LOCATION:

Subitem-A STRT J-2640 DEED F-3766,

Subitem-B

STRT J-2640 DEED F-3767 DEEDFY87-2

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-108: (R-87-1469) ADOPTED AS RESOLUTION R-267637

Vacating the City's interest in two unneeded water easements affecting Lots 3 and 4 of Lusk Industrial Park Unit 5, pursuant to Section 8300 et seq. of the Streets and Highways Code.

(Mira Mesa Community Area. District-5.)

CITY MANAGER REPORT: Requested is the abandonment by resolution of two water easements affecting Lots 3 and 4 of Lusk Industrial Park Unit 5. These easements were acquired in March 1985 at no cost to the City and all appropriate City departments have reviewed and concluded that there is no present or prospective need for the easements which have never been used. The developer of the property wishes to have the easements removed to maximize his development potential of the property.

FILE LOCATION: DEED F-3768 DEEDFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-109: (R-87-1483) ADOPTED AS RESOLUTION R-267638

Authorizing the City Auditor and Comptroller to transfer \$2,889 from PSD Fund 11691, \$3,810 from PSD Fund 11692 and \$3,861 from PSD Fund 11693 to CIP-29-409, Skyview Neighborhood Park; authorizing the expenditure of an amount not to exceed \$10,560 from CIP-29-409, Skyview Neighborhood Park, to supplement the expenditure previously authorized by Resolution R-263787 and further authorizing the City Auditor and Comptroller to transfer unexpended funds to the appropriate reserves upon the advice of the administering

department.

(Skyline-Paradise Hills Community Area. District-4.)

CITY MANAGER REPORT: Skyview Neighborhood Park construction commenced in November 1985, with an anticipated completion date of April 1986. During construction, delays were experienced due to discrepancies in the property line between the police sub-station and the park, and to the method of providing water to the site. The contractor was requested to stop work on the project in order to allow the issues to be studied and resolved. The plans were subsequently amended and the contractor was directed to proceed with the work. The original project budget does not include sufficient funding for additional engineering inspection, surveying and other construction related expenses resulting from the resolution of the project discrepancies and delays. The transfer of funds is necessary to complete the project. All monies not expended will be returned to the appropriate reserves.

Aud. Cert. 8700611.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksmma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-110: (R-87-1496) ADOPTED AS RESOLUTION R-267639

A Resolution approved by the City Council in Closed Session on Tuesday, January 13, 1987 by the following vote: Wolfsheimer-yea; Cleator-yea; McColl-yea; Jones-not present; Struiksmma-yea; Gotch-yea; McCarty-yea; Martinez-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$40,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the death of David Herwig (Superior Court Case No. 504979, Carol Ann Herwig, et al v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the amount of \$40,000 made payable to the Clerk of the Superior Court on behalf of Kimberly Herwig and Wendy Herwig, minors, and their attorney Dennis Paul Dorman, in full settlement of the lawsuit and all claims.

CITY MANAGER REPORT: This constitutes the full and final settlement of all claims against the City of San Diego as a result of David Herwig's death on October 28, 1982.

Aud. Cert. 8700614.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-111: (R-87-1497) ADOPTED AS RESOLUTION R-267640

Authorizing the waiver of youth permit fees for participation in Kids' Fishing Days sponsored by the San Diego County Fish and Game Association at Lake Miramar on March 7, 1987, and Lake Otay on June 6, 1987.
(See Committee Consultant Analysis PSS-87-1.)

COMMITTEE ACTION: Initiated by PSS on 1/21/87. Recommendation to adopt the Resolution. Districts 1, 3, and 7 voted yea. Districts 2 and 4 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-112: (R-87-1457) ADOPTED AS RESOLUTION R-267641

Authorizing the execution of an agreement with Cooper and Associates, Inc. for replacement or redesign of the existing Taylor Street Storm Drain Pump Station; authorizing the City Auditor and Comptroller to add a new CIP-11-230.0, Taylor Street Storm Drain Pump Station - Phase I to the 1987 Capital Improvements budget; authorizing the Auditor and Comptroller to transfer an amount not to exceed \$25,000 from the General Fund, Department 534, Program No. 53452 to CIP-11-230.0, Taylor Street Storm Drain Pump Station - Phase I; authorizing the expenditure of an amount not to exceed \$25,000 from the General Fund, CIP-11-230.0, Taylor Street Storm Drain Pump Station - Phase I for the purpose of providing funds for the above project.

(Old San Diego Community Area. District-2.)

CITY MANAGER REPORT: Maintenance problems at Taylor Street Pump Station require that an engineering report be performed to recommend possible alternatives for replacement or redesign of

the Taylor Street Pump Station. It is proposed to utilize the services of a consultant to provide the engineering report. It is not practical to prepare the engineering report utilizing City staff as they are already fully involved in other projects. Additionally, the project requires specific technical skills and expertise that are not now available within present City staff. A short list of four consultants was certified from the list of consultants providing "as-needed" services for civil engineers, water and sewer utilities. The consultants were interviewed in conformance with Council Policy 300-7, and the firm of Cooper and Associates, Inc., was selected as the recommended consultant for Taylor Street Pump Station - Phase I, Engineering Report. The engineering report is identified as Phase I and would be authorized under this agreement. After completion of Phase I, another agreement, Phase II, would be brought to Council for approval. Phase II would implement Phase I recommendations. Completion of Phase I and Phase II in a timely manner would improve the operation of Taylor Street Pump Station and minimize future flooding. Therefore, it is anticipated that Cooper and Associates would be recommended as the consultant for Phase II in accordance with Council Policy 300-7.

Aud. Cert. 8700590.

FILE LOCATION: MEET CCONFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-113: (R-87-1484) ADOPTED AS RESOLUTION R-267642

Authorizing the execution of an agreement with Architect Milford Wayne Donaldson, AIA Inc., for the stabilization of the Ruiz-Alvarado Adobe Ruins; authorizing the expenditure of an amount not to exceed \$24,950 from CIP-20-010.0, Annual Allocation - Resource Based Open Space Parks, for the purpose of providing funds for the above project; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer unexpended funds, if any, to the appropriate reserves.

(Mira Mesa Community Area. District-5.)

CITY MANAGER REPORT: The proposed agreement with Architect Milford Wayne Donaldson, AIA, Inc. will provide professional services required for stabilization of the Ruiz Alvarado Adobe ruins, which are located in Los Penasquitos Canyon Preserve.

The site of the adobe ruins is now a local historical landmark and is listed in the National Register of Historic Places. Presently there are three segments of the original adobe walls intact. This professional services contract will provide for the consultant to develop and implement a wall stabilization program to preserve the three remaining adobe wall segments. On April 14, 1986, the Design Consultant Nominating Committee nominated two consultants for this project. On May 20, 1986, the Consultant Review Committee, comprised of members from Park and Recreation, EQD and State of California Park and Recreation Department, interviewed the two consultants. Milford Wayne Donaldson, AIA, Inc. is recommended in accordance with Council Policy 300-7 as the consultant for this project.

Aud. Cert. 8700605.

FILE LOCATION: MEET CCONFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-114: (R-87-1456) ADOPTED AS RESOLUTION R-267643

Authorizing the execution of an agreement with James R. Libby and Associates for the design of the removal and replacement of a deteriorated girder in the West Mission Bay Drive Bridge Over Mission Bay Channel; authorizing the expenditure of an amount not to exceed \$35,000 from CIP-22-066.0, Rehabilitation of the West Mission Bay Drive Bridge Girder, Fund 18013, for the purpose of providing funds for the above project.

(Mission Bay Community Area. District-6.)

CITY MANAGER REPORT: On July 14, 1986, under Council authorization, Document RR-266208, the City entered into an agreement with James R. Libby and Associates to provide professional consulting services for the investigation and analysis of a deteriorated girder in the West Mission Bay Drive bridge. The consultant found that a portion of the prestressed concrete girder was deteriorating due to an unusually high concentration of chlorides. In a corrosive environment, the presence of a substantial quantity of chloride ions greatly accelerates the deterioration of steel reinforcement. This localized problem has led to concrete cracking and spalling of a portion of one bridge girder. The consultant has recommended that the subject girder be replaced. As a consequence of the

removal of an existing girder, bridge elements that are supported and attached to the bridge girder must also be removed. The elements include: a section of sidewalk, a portion of the concrete deck (including the deck area used as a bike lane), the attached barrier rail, a portion of the concrete diaphragm, and a safety light standard. This agreement provides for the preparation of plans, specifications, and cost estimate to replace this bridge girder and appurtenant bridge elements. In the interest of time and due to the special expertise required in prestressed structures and the unique position that this firm is in by performing the initial investigation, it is recommended that, in accordance with paragraph 3A of Council Policy 300-7, the firm of James R. Libby and Associates be selected as sole source consultant for this project.

Aud. Cert. 8700592.

FILE LOCATION: MEET CCONFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-115: (R-87-1478) ADOPTED AS RESOLUTION R-267644

Authorizing the execution of a first amendment to the agreement with Architects Lorimer-Case, for the design and construction of Fire Station 18, Reconstruction; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$100,000 (\$50,000 from CIP-90-245, Capital Outlay Reserve Fund 30245, and \$50,000 from CIP-33-069, Fire Department Support Services Complex) to CIP-33-056.1, Fire Station 18, Reconstruction; authorizing the expenditure of an amount not to exceed \$13,000 from Capital Outlay Fund 30245, CIP-33-056.1, for the purpose of providing funds for the above project.

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

CITY MANAGER REPORT: The original Capital Improvements Program for Fire Station No. 18 called for a single engine company replacement station on the existing site at 4676 Felton Street in Normal heights. Subsequent Council-authorized amendments to the program added a Hazardous Materials Unit with a team of three fire fighters and a two-man Paramedic Unit. The acquisition of an adjacent parcel of land was approved in order to accommodate the added units. In March, 1986, \$100,000 was added to the program, but current estimates indicate that an

additional \$100,000 will be required to fund the expanded facility. These program changes have required that the size of the station be more than double its originally proposed 3,000 square feet. The first amendment to the agreement will provide for the increase design fees required due to the expansion, bringing the total base fee for the work to \$53,000 based on a construction budget of \$660,000. An additional \$1,000 is to be authorized for additional services if required. The original base fee of \$41,000 was based on a construction budget of \$400,000.

Aud. Cert. 8700607.

FILE LOCATION: MEET CCONFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-116: (R-87-1276) ADOPTED AS RESOLUTION R-267645

Authorizing the execution of a second amendment to the agreement with Nasland Engineering, Inc. for development of the First San Diego River Improvement Project (FSDRIP); authorizing the expenditure of an amount not to exceed \$35,000 (\$25,000 from the Sewer Revenue Fund (41506), North Mission Valley Interceptor Sewer (NMVIS), CIP-43-033; and \$10,000 from FSDRIP, Fund 79360), for the purpose of providing funds for the above project.

(See City Manager Report CMR-85-542. Mission Valley Community Area. District-5.)

CITY MANAGER REPORT: On November 18, 1985, the City of San Diego entered into an agreement with Nasland Engineering, Inc., a California Corporation, for engineering design services for development of the First San Diego River Improvement Project (FSDRIP). FSDRIP will provide for the channelization of the San Diego River in order to provide for 100-year flood protection. The two existing river crossings at Mission Center Road and Stadium Way will be upgraded to the 10-year flood level along with the new crossing at Camino del Este. The agreement with Nasland Engineering had an authorized fee of \$547,500, of which \$15,000 was available for "Additional Services" which are unforeseen services which could reasonably be expected during the course of the consultant's agreement. The first amendment was approved on June 2, 1986, and provided \$29,000 for additional services. These funds were used to redesign Camino

del Este and to do a capacity study for the North Mission Valley Interceptor Sewer (NMVIS). This second amendment to the agreement requests that \$35,000 be added to additional services. Of this amount, \$25,000 will provide for the design of an extension of the NMVIS from east of Mission Center Road to State Route 163, at the request of the Water Utilities Department. The remaining \$10,000 of additional services would be available for future services that are likely to occur.

Aud. Cert. 8700589.

WU-M-87-098.

FILE LOCATION: STRT D-2256 CCONTFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-117: (R-87-1136) ADOPTED AS RESOLUTION R-267646

Authorizing the execution of an agreement with The Price Company for the construction of a portion of Morena Boulevard, southeasterly of Jutland Drive, in accordance with Drawing Nos. 22721-1 through 22721-5-D; authorizing the expenditure of amounts not to exceed \$48,253 from CIP-58-001, Annual Allocation - New Development, and \$747 from CIP-58-004, Annual Allocation - Miscellaneous Improvements on City Streets, all from Capital Outlay Fund 30245, for the purpose of providing funds for the above project.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER REPORT: As a condition of approval of the building permit for expansion of Price Company facilities on Morena Boulevard, southeasterly of Jutland Drive, the developer was required to improve Morena Boulevard along the entire frontage of their property. Those improvements consisted of curb, sidewalk and asphalt pavement to the centerline of the street. In addition, the developer has agreed to install an additional 10 feet of asphalt pavement on the opposite, or westerly side of the street to complete full improvement of Morena Boulevard. The property on the westerly side of Morena Boulevard is City owned and is developed as a flood control channel. CIP-58-001 provides for the reimbursement of improvements adjacent to City owned property. The estimated costs of improvements are \$49,000.

Aud. Cert. 8700481.

FILE LOCATION: MEET CONFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksmma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-118: (R-87-1485) ADOPTED AS RESOLUTION R-267647

Authorizing the execution of an agreement with the San Diego Unified School District and the San Diego Community College District, for the use and maintenance of Balboa Stadium; authorizing the City Auditor and Comptroller to expend the sum of \$77,778, solely and exclusively as the City's share of the matching fund for the project. (See City Manager Report CMR-86-587. Balboa Park Community Area. District-8.)

COMMITTEE ACTION: Reviewed by PFR on 12/10/86. Recommendation to approve the City Manager's recommendation to jointly participate in the reconstruction of the Balboa Stadium Track. Districts 2, 3, 7 and 8 voted yea. District 5 not present. Aud. Cert. 8700618.

FILE LOCATION: MEET CONFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksmma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

* ITEM-119:

Two actions relative to the Islandia Hotel Expansion: (See City Manager Report CMR-87-46. Mission Bay Park Community Area. District-6.)

Subitem-A: (R-87-1464) ADOPTED AS RESOLUTION R-267648

Authorizing the execution of a 50-year lease agreement with Islandia Associates, Ltd. for City-owned property in the Quivira Basin area of Mission Bay Park, for development and operation of a resort hotel, at a minimum annual rent of \$660,000 versus various percentages of lessee's gross income.

Subitem-B: (R-87-1465) ADOPTED AS RESOLUTION R-267649

Certifying that the information contained in Environmental

Negative Declaration END-85-0929, dated May 1, 1986, issued in connection with the Islandia Hotel expansion, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and that said Declaration has been reviewed and considered by the Council.

COMMITTEE ACTION: Reviewed by PFR on 1/28/87. Recommendation to approve the amendment to the Islandia Hotel lease. Districts 2, 3, 5, 7 and 8 voted yea.

FILE LOCATION:

Subitems A and B LEAS Islandia Associates,
Ltd. LEASFY87-1

COUNCIL ACTION: (Tape location: A274-280.)

CONSENT MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-150: (O-87-53) INTRODUCED, TO BE ADOPTED FEBRUARY 23, 1987

Introduction of an Ordinance amending Chapter III, Article 1, Division 1, of the San Diego Municipal Code, by amending Sections 31.0101, 31.0110, 31.0120, 31.0121, 31.0122, 31.0125, 31.0126, 31.0127, 31.0128, 31.0130, 31.0131, 31.0132, 31.0133, 31.0134, 31.0135, 31.0140, 31.0141, 31.0142, and by repealing Sections 31.0110.1 and 31.0129; Division 2 of the San Diego Municipal Code by amending Sections 31.0201, 31.0202, 31.0204, and by repealing 31.0203; Division 3 of the San Diego Municipal Code by amending Sections 31.0301, 31.0302, 31.0305, 31.0305.1, 31.0305.2 and by adding Section 31.0305.3 and by repealing Sections 31.0303, 31.0304.1, 31.0306 through 31.0307, 31.0309 through 31.0312, 31.0313.1 through 31.0336, 31.0338 through 31.0343, 31.0345, 31.0345.1, 31.0348, 31.0350, 31.0351, 31.0353 through 31.0365, 31.0367 through 31.0370, 31.0371 through 31.0385, 31.0387 through 31.0396 relating to Licenses, Permits, Business Regulations and Business Taxes, to clarify the imposition and administration of business taxes.

(See City Manager Reports CMR-87-24 and CMR-86-511.)

COMMITTEE ACTION: Reviewed by RULES on 1/14/87. Recommendation to refer the matter of proposed business tax code revisions to Council with no recommendation. The Committee also requested a report from the City Attorney regarding whether Council Members

owning business licenses would have a conflict of interest if they were to participate in the discussion and disposition of this issue. Districts 3, 6 and Mayor voted yea. Districts 2 and 4 not present.

NOTE: See Items 152, and 200.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A280-B180.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES FOR ITEMS-150, 152, and 200. Second by Ballesteros.

The question was divided.

The vote to introduce the ordinance for ITEM-150 passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea (nay on provision to increase business tax fees from \$25 to \$30), Jones-yea, Struiksma-yea (nay on provision to increase business tax fees from \$25 to \$30), Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-151: (R-87-67) CONTINUED TO MARCH 16, 1987

(Continued from the meetings of July 14, 1986, Item 150; July 28, 1986, Item 150; September 15, 1986, Item 151; September 22, 1986, Item S400; September 29, 1986, Item S400; October 13, 1986, Item 150; and December 8, 1986, Item 151; last continued at the City Attorney's request, to review Council Member Cleator's proposal.)

A Resolution reiterating the Rules Committee position in support of full divestiture of Retirement funds from investments in companies doing business in South Africa; not accepting the report and recommendation of the Retirement Board because it lacks a time frame for total divestment; requesting the Retirement Board to prepare, no later than January 31, 1987, an appropriate RFP for distribution to Investment Counselor contractual applicants, to include as a condition thereof, the intent of Council to assure a divestment philosophy, and return to the Rules Committee and full Council for information and action; directing the City Attorney to report back to the Rules Committee with a newly drafted version of investment guidelines incorporating the concept of divestment.

(See City Manager Reports CMR-86-571, CMR-86-425; memorandum from the City Manager to Council Member Cleator dated 7/28/86; memorandum from Robert P. Logan, Retirement Administrator, dated 5/16/86.)

COMMITTEE ACTION: Reviewed by RULES on 6/16/86. Recommendation to adopt the Resolution. Districts 2, 3, and 8 voted yea.

District 5 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A188-200, B182-275.)

MOTION BY CLEATOR TO CONTINUE TO MARCH 16, 1987, AT MAYOR O'CONNOR'S REQUEST TO BE PRESENT AND FOR A REPORT FROM THE RETIREMENT SYSTEM'S ACTUARY ON THE RAMIFICATIONS OF COUNCIL MEMBER CLEATOR'S PROPOSAL. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-152:

Three actions relative to amending the S. D. Municipal Code to establish a separate permit for Police regulated businesses:

(See City Manager Reports CMR-86-600, CMR-86-510, CMR-86-511; Committee Consultant Analysis PSS-86-19.)

Subitem-A: (O-87-67 Rev.1) INTRODUCED, TO BE ADOPTED
FEBRUARY 23, 1987

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code, relating to Police Regulated Businesses, to establish that businesses which are classified as Police regulated are required to obtain a Police permit.

Subitem-B: (O-87-70) INTRODUCED, TO BE ADOPTED FEBRUARY
23, 1987

Introduction of an Ordinance amending Chapter V, Article 9.5, of the San Diego Municipal Code, by adding Division 8, Sections 59.5.0801, 59.5.0802, 59.5.0803, 59.5.0804, 59.5.0805, 59.5.0806, 59.5.0807, 59.5.0808, 59.5.0809, 59.5.0810, 59.5.0811, relating to Loud Speakers - Sound Amplifiers.

Subitem-C: (O-87-71) INTRODUCED, TO BE ADOPTED FEBRUARY
23, 1987

Introduction of an Ordinance amending Chapter V, Article 2, of the San Diego Municipal Code, by adding Division 91, Sections 52.9100, 52.9101, 52.9102, 52.9103, 52.9104, 52.9105, 52.9106, relating to Hotels, Motels, Inns, Auto Courts, Trailer Parks, Transient Lodging Places.

COMMITTEE ACTION: Reviewed by PSS on 12/17/86. Recommendation to introduce the Ordinances. Districts 1,2,3, and 7 voted yea.

District 4 not present.

NOTE: See Items 150 and 200 for companion items.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A280-B180.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES FOR ITEMS 150, 152, and 200. Second by Ballesteros.

The question was divided.

The vote to introduce the ordinances for ITEM-152 passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-153: (R-87-1374 Rev.) ADOPTED AS AMENDED AS RESOLUTION
R-267650

870209

19870209

(Continued from the meeting of January 26, 1987, Item 151, at Council Member Cleator's request, so that Council can be provided information to review the financial impact.)

Authorizing the City Auditor and Comptroller to transfer the sum of \$100,000 from the General Fund 100, Unallocated Reserve (605) to the Transient Occupancy Tax (T.O.T.) Fund 10223, Department 915; authorizing the expenditure of \$100,000 for the purpose of promoting the City of San Diego by providing said funds to the "Sail America Foundation" for necessary operating expenses incurred by the "Stars and Stripes" challenge in the 1986-87 "America's Cup" competition; directing the City Manager and the Auditor and Comptroller to reimburse the General Fund 100 in the sum of \$100,000 from Transient Occupancy Tax funds as soon as sufficient unencumbered T.O.T. funds are available, but not later than Fiscal Year 1988.

(See City Manager Report CMR-86-598.)

COMMITTEE ACTION: Reviewed by PSS on 12/17/86. Recommendation to adopt. District 2,3, 7 voted yea. District 1 voted nay.

District 4 not present.

CITY MANAGER REPORT: On December 17, 1986, the Public Services and Safety (PS&S) Committee approved a motion recommending that the Council authorize the expenditure of \$100,000 for a contribution to the "Sail America Foundation." The Foundation is administering the sailing craft "Stars and Stripes" in the America's Cup competition off the coast of Western Australia. The PS&S Committee recommended that the City's contribution be funded by the Transient Occupancy Tax

(T.O.T.) to the extent available, with the General Fund Unallocated Reserve to pay the remainder--even if 100 percent, due to insufficient T.O.T. revenues. The Committee further recommended that Council direct that T.O.T. funds reimburse the General Fund Unallocated Reserve, as revenues may allow in the future. (The Manager projects no surplus T.O.T. funds will be available in FY 1987.) The Committee expressed the civic support behind the skillful Sail America enterprise (led by San Diegans), and noted the opportunity presented by a potential "Stars and Stripes" victory--viz, the increased possibility that the 1990-1991 America's Cup defense might be held in San Diego, with substantial benefit to the local economy.

The PS&S Committee took no action concerning the economic impact analysis addressed in City Manager Report CMR-86-598. The Manager had recommended against contributing any General Fund monies to the Foundation to fund operating expenses, and recommended that any economic analysis, if desired, be conducted and funded by other interested parties, not the City.

Aud. Cert. 8700547.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B281-C363.)

MOTION BY CLEATOR TO PROVIDE FOR \$50,000 FROM THE CRUISE SHIP CONSORTIUM FUNDS TO GO TO SAIL AMERICA FOUNDATION AT THIS TIME TO RETIRE THE DEBT, AND A BALANCE NOT TO EXCEED \$50,000 TO GO TO SAIL AMERICA FOUNDATION FROM THE ABOVE FUND FOR FUTURE

PROMOTION

AFTER THE CLOSE OF THE FISCAL YEAR, JUNE 30, 1987, AND ADOPT AS AMENDED. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-154: (R-87-1387) ADOPTED AS RESOLUTION R-267651

Authorizing the City Manager, on and after July 1, 1986, to apply water and sewer capacity charges in effect on June 30, 1986, to those projects received by the City in Fiscal Year 1985-86, between July 1, 1985 and May 16, 1986, which had not been checked by the City, for the purpose of determining water and sewer requirements, by June 30, 1986, and for which water and sewer fees were paid by November 30, 1986.

COMMITTEE ACTION: Reviewed by PSS on 1/21/86. Recommendation to adopt the Resolution. Districts 3, 4 and 7 voted yea. Districts 1 and 2 not present.

CITY MANAGER REPORT: On September 29, 1986, Council adopted Resolution R-266672 which provided that the City Manager be authorized to apply water and sewer capacity charges in effect on June 30, 1986 to projects where plans had been checked and returned by that date. Under Fiscal Impact, it was noted that the total revenue loss anticipated was \$141,000 "based on six projects of which we are aware." Since that Council action, we have identified approximately 30 additional plans for construction projects that had been received by the City in FY 1985-86, between July 1, 1985 and May 16, 1986, which had not been checked by the City, for the purpose of determining water and sewer requirements. Since water and sewer plan checking had been taking approximately six weeks for the past several years, those who submitted plans in the period between and including these dates should have received their plans back in time to pull permits at the Fiscal Year 1985-86 rates. Because of the severe backlog caused by increased building activity resulting from the improved economy and falling interest rates, they did not receive them by June 30, 1986. In a number of instances foundation and or structural permits were obtained and construction was underway. Consequently, it is proposed that water and sewer capacity charges in effect on June 30, 1986 be applied to these projects so long as water and sewer fees were paid by November 30, 1986, thereby allowing a five-month "grace-period."

WU-U-87-096.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C365-374.)

MOTION BY STRUIKSMA TO ADOPT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-200: (O-87-50) INTRODUCED, TO BE ADOPTED FEBRUARY 23,
1987

Introduction of an Ordinance amending Chapter VI, Article 6, Division 1 of the San Diego Municipal Code by amending Sections 66.0107, 66.0108, 66.0109, 66.0112, 66.0113, 66.0116 and 66.0117 relating to Collection, Transportation and Disposal of Refuse, to revise business taxes for private refuse hauling firms to be consistent with other local businesses.

CITY MANAGER REPORT: The Municipal Code currently provides separate requirements for the licensing of private refuse

hauling firms and privately operated refuse collection vehicles. The City Treasurer's office is proposing to standardize all local business taxes. This action would eliminate the current \$100 per company per year fee, and instead charge the standard municipal business tax for these firms, consistent with the taxes charged to all other local businesses. The Municipal Code also provides for an annual licensing fee of \$100 per vehicle for each privately operated vehicle used for the collection, transportation and disposal of refuse in the City of San Diego. The responsibility for annual licensing and inspection of these vehicles will remain with the City Manger and will be administered by the Refuse Disposal Division. These ordinance changes will delete the inappropriate annual company license fee, and eliminate references to the City Treasurer with respect to licensing and inspection of refuse collection vehicles.

NOTE: See Items 150 and 152.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A280-B180.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES FOR ITEMS-150, 152, and 200. Second by Ballesteros

The question was divided.

The vote to introduce ITEM-200 passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,

Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-201:

(Continued from the meeting of January 26, 1987, Item 103, at Council Member Wolfsheimer's request, to allow the Council to hear from the developer.)

Two actions relative to approving the final subdivision map of Carmel Mountain Ranch Unit No. 13, a 1-lot subdivision located southeasterly of I-15 and Carmel Mountain Road: (Carmel Mountain Ranch Community Area. District-1.)

Subitem-A: (R-87-1342) ADOPTED AS RESOLUTION R-267652
Approving the final map.

Subitem-B: (R-87-1343) ADOPTED AS RESOLUTION R-267653
Authorizing the execution of an agreement with Carmel Mountain Ranch allowing the developer to record a final map without first obtaining approval of a planned residential development permit, but instead, requiring that a planned residential development permit must be obtained before any

permits for construction of buildings.

CITY MANAGER REPORT: As a condition of Tentative Map Resolution No. 4064, a Planned Residential Development Permit must be approved by the Planning Director prior to the recording of the final map TM-85-0708. The developer is requesting to enter into an agreement which would allow the map to record in lieu of a P.R.D. with the understanding that no building permits would be issued until a P.R.D. is processed and approved. This agreement would satisfy Tentative Map Resolution Requirement No. 2 and allow the map to record upon satisfaction of all other conditions contained in the Resolution.

FILE LOCATION: SUBD Carmel Mountain Ranch Unit No. 13
CONTFY87-1

COUNCIL ACTION: (Tape location: C390-D260.)

MOTION BY McCOLL TO ADOPT. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

Motion by Wolfsheimer to deny approval of the final map until the Planned Residential Development Permit is approved. No second.

ITEM-202: (R-87-1470) REFERRED TO HOUSING COMMISSION

Approving the 1987 Affirmative Fair Housing Program, including specific educational, outreach, organizational and enforcement activities with a goal of preventing, reducing or eliminating housing discrimination and other barriers to equal housing choice.

(See Housing Commission Report HCR-87-001CC.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A135-141.)

MOTION BY WOLFSHEIMER TO REFER TO THE HOUSING COMMISSION AT THE REQUEST OF MAYOR O'CONNOR FOR REVIEW BY NEW MEMBERS OF THE COMMISSION. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-203: DISCUSSION HELD

Discussion of Fiscal Year 1988 Budget priorities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D307-450.)

ITEM-S400:

Nine actions relative to congratulating top students and the football team at Lincoln High School for their academic achievements:

Subitem-A: (R-87-1528) ADOPTED AS RESOLUTION R-267654
Congratulating Raquel Buchannon for her academic achievements and wishing her continued success.

Subitem-B: (R-87-1525) ADOPTED AS RESOLUTION R-267655
Congratulating Sam Coleman for his academic achievements and wishing him continued success.

Subitem-C: (R-87-1524) ADOPTED AS RESOLUTION R-267656
Congratulating Joe Jackson for his academic achievements and wishing him continued success.

Subitem-D: (R-87-1527) ADOPTED AS RESOLUTION R-267657
Congratulating Shannon Ross for her academic achievements and wishing her continued success.

Subitem-E: (R-87-1523) ADOPTED AS RESOLUTION R-267658
Congratulating Sean Archer for his academic achievements and wishing him continued success.

Subitem-F: (R-87-1522) ADOPTED AS RESOLUTION R-267659
Congratulating Winfredo Navel for his academic achievements and wishing him continued success.

Subitem-G: (R-87-1526) ADOPTED AS RESOLUTION R-267660
Congratulating Wendy Price for her academic achievements and wishing her continued success.

Subitem-H: (R-87-1529) ADOPTED AS RESOLUTION R-267661
Congratulating Marybeth Sangil for her academic achievements and wishing her continued success.

Subitem-I: (R-87-1521) ADOPTED AS RESOLUTION R-267662
Congratulating the 1986 Lincoln Preparatory High School football team for their athletic achievements as CIF Champions and for their quest for excellence in academics.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A114-121.)

MOTION BY McCARTY TO ADOPT. Second by Gotch. Passed by the

following vote: Wolfsheimer-yea, Cleator-not present,
McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,
Ballesteros-yea, Mayor O'Connor-not present.

ITEM-S401: (R-87-1498 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-267663

870209

(Continued from the meeting of February 2, 1987, Item S403,
at Council Member Gotch's request, to allow time to discuss
alternative financing plans with Mr. Lockwood.)

Approving the placing of proposals for the issuance of
general obligation bonds for capital improvements in
Mission Bay and Balboa Park on the November 1987 election
ballot; authorizing the City Attorney to solicit proposals
for and retain bond counsel for said bond issues;
authorizing the expenditure of an amount not to exceed
\$20,000 for said bond counsel services from the Unallocated
Reserve Fund 100 with a condition that upon successful
issuance of bonds, the Unallocated Reserve shall be
reimbursed from the proceeds of the bond sales; declaring
that any additional bond counsel fees shall be paid solely
and exclusively from the proceeds of said bond sales.

(See City Manager Reports CMR-87-25 and CMR-86-536.)

COMMITTEE ACTION: Reviewed by RULES on 1/14/87. Recommendation
to adopt. The Committee also directed that the "Blue Ribbon
Task Force" be comprised of individuals suggested by each
Councilmember to be approved by the Rules Committee at its
meeting of February 4, 1987. Districts 3, 6 and Mayor voted
yea. Districts 2 and 4 not present.

Reviewed by PFR on 11/12/86. Recommendation to approve in
concept Bond Issues for Mission Bay Park and Balboa Park.

Districts 1, 2, 5, and 7 voted yea. District 6 not present.

Aud. Cert. 8700620.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D521-648.)

MOTION BY GOTCH TO ADOPT THE RESOLUTION AS AMENDED TO PROVIDE
THAT THE CITY MANAGER AND CITY ATTORNEY ALSO SOLICIT ALTERNATIVE
FINANCIAL PROPOSALS TO BE RECEIVED BY THE CITY ON OR BEFORE
MARCH 9, 1987 AND DIRECT THE CITY MANAGER TO REPORT ON THE
FINDINGS OF THE SOLICITATION TO THE RULES COMMITTEE IN MARCH,

1987. Second by Ballesteros. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,
Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea,
Mayor O'Connor-not present.

ITEM-S402: (R-87-1595) CONTINUED TO FEBRUARY 17, 1987

Establishing a "Blue Ribbon Task Force" to assist the City of San Diego in the evaluation of the bond issues for Mission Bay and Balboa Park areas appearing on the November 1987 Ballot.

(See City Manager Report CMR-87-25.)

COMMITTEE ACTION: Reviewed by RULES on 2/4/87. Recommendation to adopt the Manager's recommendation, as well as the Rules Committee directive of 1/14/87 that the Task Force include individuals suggested by each Councilmember. Districts 3,4,6, and the Mayor voted yea. District 2 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A162-172.)

MOTION BY GOTCH TO CONTINUE TO FEBRUARY 17, 1987, AT THE CITY MANAGER'S REQUEST TO OBTAIN RESUMES FROM THE APPOINTEES. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-S403: (R-87-1436) CONTINUED TO FEBRUARY 17, 1987 3:30 P.M. TIME CERTAIN

Establishing a Committee against drug abuse; authorizing the transfer and expenditure of funds not to exceed \$64,800 for staffing and supporting said Committee; waiving Council Policy 300-7 and authorizing the City Manager to execute an agreement with Manny Lopez for professional consultant services in connection with the task assigned the Committee.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A162-172.)

MOTION BY GOTCH TO CONTINUE TO FEBRUARY 17, 1987, 3:30 P.M. TIME CERTAIN AT MAYOR O'CONNOR'S REQUEST FOR HER TO BE PRESENT.

Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-S404: (R-87-1582) ADOPTED AS RESOLUTION R-267664

Commending skipper Dennis Conner and the Stars and Stripes Team for their outstanding and skillful sailing victory in recapturing the America's Cup Trophy; proclaiming the day that the Stars and Stripes Team arrive back in San Diego to

be "Stars and Stripes Day"; urging all the people of San Diego and the surrounding environs to participate in the Stars and Stripes Welcome Celebration.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A264-274.)

MOTION BY CLEATOR TO ADOPT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

NON DOCKET ITEMS:

None.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CITY CLERK

Request by David Anthony Wilde for procedure to see Mayor O'Connor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D544-600.)

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Jones at 4:48 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D600).