

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF

MONDAY, NOVEMBER 21, 1988

AT 2:00 P.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:05 p.m.  
Mayor O'Connor adjourned the meeting at 3:47 p.m. to meet in Closed  
Session in the twelfth floor conference room regarding pending  
litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksmma-present
- (6) Council Member Henderson-excused by R-272419  
(Vacation)
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (jb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-not present
- (5) Council Member Struiksmma-not present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

Invocation was given by Father Dennis Mikulanis,  
Pastor of Holy Spirit Catholic Church.

FILE LOCATION: MINUTES

Nov-21-1988

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
McColl.

FILE LOCATION: MINUTES

Nov-21-1988

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

10/10/88

10/11/88

10/11/88 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A025-032.)

MOTION BY McCOLL TO APPROVE THE MINUTES. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-yea, Pratt-not present, Struiksma-not present,  
Henderson-not present, McCarty-yea, Filner-yea, Mayor  
O'Connor-yea.

ITEM-31: GRANTED HEARING - Set for January 17, 1989, at  
2:00 P.M.

Matter of the request of Cheng Development, Inc., by  
Michael L. Krichman, Esq., of Latham & Watkins, for a  
hearing of an appeal from the decision of the Planning  
Commission in denying Planned Commercial Development Permit  
PCD-87-1135, which proposes a 13-story, 336,102  
square-foot commercial office tower and a six level  
subterranean parking garage (Laurel and Fifth Center).  
The subject 1.38-acre property is located in the block  
bounded by Fourth and Fifth Avenues and Laurel and Kalmia  
Streets and is further described as Lots A-L, Block 281 of  
Horton's Addition, in Zone C, in the Uptown Community Plan  
area.

(PCD-87-1135. District-8.)

A motion granting or denying the request for a hearing of the  
appeal.

FILE LOCATION: PERM - PCD-87-1135

COUNCIL ACTION: (Tape location: A033-068.)

MOTION BY FILNER TO GRANT THE HEARING WITH THE FINDINGS THAT THE  
ISSUE IS OF CITY-WIDE INTEREST, AND SET THE DATE FOR JANUARY 17,

1989. Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present,

Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

\* ITEM-50: (O-89-92) ADOPTED AS ORDINANCE O-17181 (New Series)

Amending Ordinance O-17098 (New Series), as amended,  
entitled "An Ordinance Establishing a Schedule of  
Compensation for Officers and Employees of the City of San  
Diego for the Fiscal Year 1988-89" to create the new  
classification of Grants Coordinator; amending Exhibit C  
to said Ordinance to include said classification of Grants  
Coordinator in Managerial category "B"; exempting said  
position from the Classified Service; establishing a salary  
rate therefor.

(Introduced on 11/7/88. Council voted 7-0. District 6 and  
Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-374.)

CONSENT MOTION BY McCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

\* ITEM-51: (O-89-88) ADOPTED AS ORDINANCE O-17182 (New Series)

Amending Chapter II, Article 6, of the San Diego Municipal  
Code, by adding a new Section 26.3401, relating to the  
Creation of a Waste Management Advisory Board.

(Introduced on 11/7/88. Council voted 7-0. Districts 6  
and Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-374.)

CONSENT MOTION BY McCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

\* ITEM-52: (O-89-78) ADOPTED AS ORDINANCE O-17183 (New  
Series)

Amending Chapter IV, Article 5, of the San Diego Municipal  
Code by adding Division 2, Sections 45.0201, 45.0202,  
45.0203 and 45.0204, relating to Prohibition of Plastic  
Food Containers.

(Introduced on 11/7/88. Council voted 7-0. District 6 and

Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-374.)

CONSENT MOTION BY McCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

\* ITEM-53: (O-89-73) INTRODUCED, TO BE ADOPTED DECEMBER 12, 1988

Introduction of an Ordinance amending Chapter IX, Article 2, Divisions 1, 2, 3, 4, 5 and 6 of the San Diego Municipal Code, by amending Sections 92.0100, 92.0101, 92.0102, 92.0103, 92.0104, 92.0105, 92.0106, 92.0107, 92.0202, 92.0203, 92.0204, 92.0206, 92.0207, 92.0301, 92.0401, 92.0501, 92.0502, 92.0506, 92.0507, 92.0508, 92.0509, 92.0606, 92.0607, 92.0626, 92.0627, 92.0628 and 92.0629; by repealing Section 92.0503; and amending Chapter IX, Article 3, Division 3, of the San Diego Municipal Code, by amending Section 93.0305, relating to the Electrical Code.  
(See City Manager Report CMR-88-431.

COMMITTEE ACTION: Reviewed by PSS on 9/7/88. Recommendation to approve the City Manager's recommendation. Districts 3, 4, 6 and 7 voted yea. District 2 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A375-379.)

CONSENT MOTION BY McCOLL TO INTRODUCE THE ORDINANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-100:

Two actions relative to the Improvement of Project First Class Alley and Sewer Main Replacement - Contract No. 3 (1911 Improvement Act):  
(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-89-997) ADOPTED AS RESOLUTION R-272356  
Awarding a contract to Cal Southwest Construction, Inc.  
for the improvement of Project First Class Alley and Sewer  
Main Replacement - Contract No. 3.

Subitem-B: (R-89-998) ADOPTED AS RESOLUTION R-272357

Authorizing the expenditure of an amount not to exceed \$103,289.58 from Fund 18522, Dept. 5863, Org. 6304; \$6,136.52 from CIP-58-007, Fund 30244; and \$119,333.96 from CIP-44-001, Sewer Revenue Fund 41506, for the purpose of providing funds for the improvement of Project First Class Alley and Sewer Main Replacement - Contract No. 3 and related costs.

CITY MANAGER SUPPORTING INFORMATION: The Project First Class Alley and Sewer Replacement - Contract No. 3 Assessment District is the third project in the Project First Class area. The project improvements consist of grading and paving five alleys. Some of the alleys will have the existing sewer mains replaced because of their deteriorated condition and inadequate capacity. Alley improvements are being financed under the CDBG/Assessment District cost sharing program and sewer replacement costs are funded by the City Sewer Main Replacement Annual Allocation. The lowest of five bids received was from Cal Southwest Construction, Inc., in the amount of \$256,198.57, which is 2.3 percent higher than the estimate of \$250,528. Although the cost for the total project increased, the alley improvement portion, which is paid for in part by the assessment district, decreased resulting in most assessments to property owners being lowered from what they were noticed for the April 1988 public hearing. On two alleys, the assessments were increased 10 percent on one and 2 percent on the other.

Aud. Cert. 8900426.

WU-U-89-043.

FILE LOCATION: STRT D-2272

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-101: (R-89-839) ADOPTED AS RESOLUTION R-272358

Accepting the bid of \$308,924 and awarding a contract to L.R. Hubbard Construction Co., Inc. for San Carlos Community Park - Improvements ; authorizing the City Auditor and Comptroller to transfer \$139,414 from Capital Outlay Fund Unallocated Reserve to CIP-29-601, San Carlos Community Park - Improvements; authorizing the expenditure of an amount not to exceed \$139,414 from Capital Outlay Fund 30245, CIP-29-601, San Carlos Community Park - Improvements, to supplement funds previously authorized by Resolution R-271591, adopted on August 8, 1988, 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-0028/89)

(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide a turf-ed multi-purpose ballfield at San Carlos Community Park. A portion of the field is on the adjacent Forward Elementary School site now occupied by Coleman School. The site is located on Lake Adlon Drive between Boulder Lake Avenue and Lake Badin Avenue in the Navajo Community. The improvements include a turf-ed 4-acre multi-purpose field, concrete walks, fencing, bleachers, and an automatic irrigation system. This increased ballfield capacity allows league activity that now occurs at Lake Murray Community Park to move to San Carlos Community Park. That move facilitates the future construction of improvements at Lake Murray Community Park. The low bid of \$308,924 from L.R. Hubbard Construction Company was 65 percent over our consultant's estimate of \$186,625. The large discrepancy was due to our consultant's low estimate for soil preparation and fencing. There are no discrepancies on the plans or in the specifications which would warrant a rebidding and a significant reduction in the size of the field is not a reasonable alternative. Additional funds are required to award this contract.

Aud. Cert. 8900427.

FILE LOCATION: CONT - L.R. Hubbard Construction Co., Inc.

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-102:

Two actions relative to the Construction of Penn Athletic Area - Development, Phase III:  
(South Bay Terraces Community Area. District-4.)

19881121

Subitem-A: (R-89-832) ADOPTED AS RESOLUTION R-272359

Inviting bids for the Construction of Penn Athletic Area - Development, Phase III on Work Order No. 118744; authorizing the execution of a contract with the lowest responsible bidder; authorizing the Auditor and Comptroller

to transfer \$177,874 (\$98,469 from PSD 11700 and \$79,405 from PSD 11702) to CIP-23-386.1, Penn Athletic Area - Development, Phase III; authorizing the expenditure of an amount not to exceed \$511,000 from CIP-23-386.1, Penn Athletic Area - Development, Phase III, 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-0242/89)  
(Prime construction contract \$400,000.)

Subitem-B: (R-89-833) ADOPTED AS RESOLUTION R-272360

Authorizing the use of City Forces to do all the work to make connections and perform operational checks as required in connection with the above project; declaring that the cost of said work shall not exceed \$20,000.

CITY MANAGER SUPPORTING INFORMATION: This project provides for Phase III development of Penn Athletic Area, located at 2500 Dusk Drive in the South Bay Terraces Community Area. The proposed improvements include: the construction of a 3,000 square foot field house, parking lot security lighting, a small children's and tiny tot play area, new fencing, a drinking fountain, landscaping and irrigation. This request for authorization to advertise for bids includes a request for transfer of funds between the subject project (Penn Athletic Area) and a second park project in the community, Boone Neighborhood Park. Both projects require additional financing, but old Park Service District Fees which have accumulated in PSD Funds 11700 and 11702 and are available to provide the necessary additional financing, can only be used for the Penn Project. They cannot be used for the Boone Project. It is proposed, therefore, that a total of \$177,874 is to be transferred to Penn Athletic Area Development, CIP-23-386.1, from PSD Funds 11700 and 11702 and the same sum is to be transferred to Boone Neighborhood Park, CIP-29-463.0, from the Penn Athletic Area project, SPF-39089. This transfer permits the expenditure of old PSD funds and provides the additional needed funding for both projects.

Aud. Cert. 8900392.

FILE LOCATION: W.O. 118744 CONT - Commercial Builders & Contractors, Inc. CONTFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-103: (R-89-838) ADOPTED AS RESOLUTION R-272361

Awarding a contract to Tekcom Inc. for the purchase of three communications service monitors (two each - IFR FM/AM 1200S; one each - IFR FM/AM 1500, for a total cost of \$37,743, including tax and terms. (BID-0180/89)  
Aud. Cert. 8900432.

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-104: (R-89-835) ADOPTED AS RESOLUTION R-272362

Awarding a contract to The Trebor Company for furnishing traffic barricades , as may be required for a period of one year beginning November 1, 1988 through October 31, 1989, for an estimated cost of \$40,150.50, including tax and terms, with an option to renew the contract for two additional one year periods. (BID-0151/89)

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-105:

Two actions relative to the Construction of Wabash Trunk Sewer:  
(Park North-East Community Area. District-8.)

19881121

Subitem-A: (R-89-841) ADOPTED AS RESOLUTION R-272363

Inviting bids for the Construction of Wabash Trunk Sewer on Work Order No. 170641; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$820,189 within the Sewer Revenue Fund 41506 from the Unallocated Reserve 70697 to Sewer Construction Outlay 70492, CIP-46-146, Wabash Trunk Sewer; authorizing the expenditure of an amount not to exceed \$2,720,189 from Sewer Revenue



Fund 41506, Sewer Construction Outlay 70492, CIP-46-146, Wabash Trunk Sewer, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-0253/89)

Subitem-B: (R-89-842) ADOPTED AS RESOLUTION R-272364

Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-1079, dated September 21, 1988, in connection with the Construction of Wabash Trunk Sewer, 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 SUPPORTING INFORMATION: Located in the Park North-East Community area along the Route 15 corridor between I-805 and Route 94, the existing 18 to 24-inch diameter Wabash Trunk Sewer serves about 3.2 square miles of the Mid-City area, including all or portions of the communities of Normal Heights, Kensington, Talmadge, City Heights, Park North-East and Chollas Creek. Having been in service for nearly 50 years, recent flow measurements and observations indicate that the capacity of all but about 17 percent of this 1.2 mile long trunk sewer has been exhausted. This capital improvement project provides for the installation of new 24 to 30-inch diameter pipes to replace/parallel the undersized portions of the existing trunk sewer, thereby providing capacity for both the present and ultimate development of its tributary area.

Aud. Cert. 8900425.

WU-P-89-059.

FILE LOCATION: W.O. 170641 CONT-Peter C. David Company  
CONTFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-106: (R-89-840) ADOPTED AS RESOLUTION R-272365

19881121

Inviting bids for the Barrio Logan CDBG Sidewalk Improvement Phase IV on Work Order No. 119151; authorizing the execution of a contract with the lowest responsible

bidder; authorizing the expenditure of funds not to exceed \$111,500 (\$6,500 from CDBG Fund 18522, Dept. 5863, Org. 6310; \$100,000 from CDBG Fund 18524, Dept. 5663, Org. 6306 and \$5,000 from Capital Outlay Fund 30245, CIP-58-007, Annual Allocation - Overhead & Other City Costs for Federal Grant Projects) 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-0252/89) (Barrio Logan Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This project is the fourth of four sidewalk improvement contracts proposed for the Barrio Logan area under the Community Development Block Grant Program. The original sidewalks in the Barrio Logan area were constructed in the early 1900s. These broken and deteriorated sidewalks have required increased City maintenance. This project has been approved by the Barrio Logan Task Force Committee.

Aud. Cert. 8900376.

FILE LOCATION: W.O. 119151 CONT - Sapper Construction Co.  
CONFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-107: (R-89-837) ADOPTED AS RESOLUTION R-272366

Rejecting all bids received on September 29, 1988, pursuant to publication of notice calling for bids, for Multi-Purpose Court Resurfacing - FY '88; inviting bids for Multi-Purpose Court Resurfacing - FY '88; authorizing the execution of a contract with the lowest responsible bidder. (BID-0065/89A)

(Old San Diego, Park North East, Skyline Paradise Hills, Scripps Miramar Ranch, Clairemont Mesa, Balboa Park and San Ysidro Community Areas. Districts-2,3,4,5,6 and 8.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide for repairs to existing multi-purpose courts at: Lindbergh Neighborhood Park, Presidio Recreation Center, North Park Recreation Center, Golden Hill Recreation Center, Skyline Recreation Center, and San Ysidro Recreation Center, as well as existing tennis courts at Jerabek and Gershwin Neighborhood Parks. The repairs may include patching, leveling, surfacing, sealing, color coating, and line stripping as required by the

project specifications. These repairs will maintain the courts for continued safe use by the public. One bid was received for these improvements on September 29, 1988. Sixteen bid packages were issued. The sole bid received was \$104,409 which is 17 percent over the estimate of the \$88,569 estimate. Departmental staff feel that rebidding the project and using a system of direct mailing to contractors who perform this type of work will provide a significantly greater response. This process should result in a bid more consistent with the \$88,569 estimate. In addition, the Equal Opportunity Coordinator reports that the sole bidder has shown a lack of good faith effort in meeting the City's established women-owned (WBE) and minority-owned (MBE) contracting goals.

Aud. Cert. 8800891.

FILE LOCATION: W.O. 119175

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-108: (R-89-974) ADOPTED AS RESOLUTION R-272367

Approving Parcel Map TM-84-0326 , located southwesterly of Beyer Blvd. and Averil Road.

(San Ysidro Community Area. District-8.)

FILE LOCATION: SUBD - San Ysidro Addition No. 5, Lot A-223, portion

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-109: (R-89-981) ADOPTED AS RESOLUTION R-272368

Resolution of Intention to acquire 12.34 acres of Los Penasquitos Canyon Preserve - North No. 5 for the Open Space Park Facilities District No. 1.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 12.34 acre parcel is a portion of a large finger canyon north of and adjacent to the Genstar tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to

have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority. Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds in order of established priorities. Funding is now available for the acquisition of this parcel, which consists mainly of canyon bottom and slope. This request is for \$240,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-110: (R-89-979) ADOPTED AS RESOLUTION R-272369

Resolution of Intention to acquire 19.99 acres of Los Penasquitos Canyon Preserve - North No. 6 for the Open Space Park Facilities District No. 1.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 19.99 acre parcel is a portion of a large finger canyon north of and adjacent to the Genstar tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority. Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds in order of established priorities. Funding is now available for the acquisition of this parcel, which consists mainly of canyon bottom and slope. This request is for \$450,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-111: (R-89-983) ADOPTED AS RESOLUTION R-272370

Resolution of Intention to acquire approximately 4.32 acres of Southwest Neighborhood Park for the San Diego Open Space Park Facilities District No. 1.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide for the acquisition of 4.32 acres for a neighborhood park site in the Otay Mesa-Nestor Community Plan area. The property, which is located in Park Service District No. 725, will help to provide a portion of the population based park standards acreage required in this area. The Otay Mesa-Nestor Community Plan area is an urbanized area which is 97 percent built out; funding generated through park fees and impact fees are insufficient to provide for acquisition of this parcel. On June 1, 1987, the City Council approved recommendations for open space acquisition priorities as described in City Manager Report CMR-87-237, which identified the use of up to \$1,500,000 of open space bond funds to acquire land for Southwest Neighborhood Park.

That report referred to two possible sites. The site now recommended is a third site. Agreement on this acquisition has been reached with the owner, subject to resolution of a zoning issue on this property owner's adjacent land. However, approval of this request will in no way obligate the Council to any future decision on that issue. This request is for \$800,000 to purchase these parcels at fair market value, plus funds to cover title, escrow, and other miscellaneous costs.

FILE LOCATION: STRT OS-35

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-112: (R-89-973) ADOPTED AS RESOLUTION R-272371

Declaring the City Council's intention to establish the Mission Hills Business Improvement District, pursuant to the Parking and Business Improvement Area Law of 1979. (See City Manager Report CMR-88-524. Uptown Community Area. District-2.)

COMMITTEE ACTION: Reviewed by TLU on 10/24/88.

Recommendation to approve the City Manager's recommendation to

proceed with the establishment of a Business Improvement District in Mission Hills by 1) Adopting a Resolution of Intention; 2) Directing the City Manager to prepare documents initiating noticed public hearings; and 3) Schedule a noticed hearing related to the formation of this District. Districts 1, 2, 4 and 8 voted yea. District 5 not present.

FILE LOCATION: STRT L-12

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-113: (R-89-968) ADOPTED AS RESOLUTION R-272372

Declaring the City Council's intention to establish the Ocean Beach Business Improvement District, pursuant to the Parking and Business Improvement Area Law of 1979. (See City Manager Report CMR-88-529. Ocean Beach Community Area. District-2.)

COMMITTEE ACTION: Reviewed by TLU on 10/24/88.

Recommendation to approve the City Manager's recommendation to proceed with the establishment of a Business Improvement District in Ocean Beach by: 1) Adopting a Resolution of Intention; 2) Directing the City Manager to prepare documents initiating noticed public hearings, and 3) Schedule a noticed hearing related to the formation of this district. Districts 1, 2, 4 and 8 voted yea. District 5 not present.

FILE LOCATION: STRT L-11

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-114: TRAILED TO TUESDAY, NOVEMBER 22, 1988

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

Subitem-A: (R-89-994)

Vacating a portion of Road Survey 65 within a portion of Section 32, Township 14 South, Range 3 West, and in conjunction with Sorrento Hills Corporate Center Phase II (TM-84-0520), under the procedure for the summary vacation

of streets and public service easements.

Subitem-B: (R-89-995)

Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0520, in connection with Sorrento Hills Corporate Center Phase II (TM-84-0520), has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested in connection with the proposed Sorrento Hills Corporate Center Phase II (TM-84-0520) subdivision. The subdivision area totals 337.6 gross acres, which includes the area of vacation of approximately 3.21 acres. The tentative map was approved by the Subdivision Board on January 22, 1985, and amended on March 22, 1985. The subject vacation and proposed subdivision are located in the southeast portion of the Sorrento Hills Community Plan area and situated in future M-1B and M-1-P Zones. The vacation is more precisely located within a portion of Section 29 of Township 14 South, Range 3 West (future units 3, 5 and 6 of the Tentative Map). Future development will consist of office, industrial, and residential uses under Planned Industrial Development Permit PID-84-0520 and Planned Residential Development Permit PRD-84-0518. The future development is consistent with the General Plan and the Sorrento Hills Community Plan. The road easement described as Road Survey 65 was dedicated as a public highway in 1899 to the County of San Diego and subsequently relinquished to the City when the area was later annexed. The vacation area is unimproved and does not contain public or franchise facilities and will not affect access. The right-of-way has a 40 foot width on a describable centerline that traverses over canyon terrain which precludes it from development. In addition, the subdivision will dedicate and improve a street system that will accommodate future traffic circulation. Staff review has indicated that the right-of-way proposed for vacation is no longer required for present or prospective public use and may be summarily vacated.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A270-368.)

MOTION BY ROBERTS TO TRAIL TO TUESDAY, NOVEMBER 22, 1988, AT HIS REQUEST. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-115: (R-89-996) ADOPTED AS RESOLUTION R-272373

Vacating the easterly excess portion of Normal Street and the westerly excess portion of Park Boulevard adjacent to Lot 1, Block 141 of University Heights, under the procedure for the summary vacation of streets where the portions of streets to be vacated are excess right-of-way no longer required for street or highway purposes; reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature; reserving and excepting from vacation and abandonment, easements and rights of any public utility, pursuant to any existing franchise; declaring that the general utility easement reserved herein is in, under, over, upon, along and across that portion of Normal Street vacated.

(Uptown Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation of excess rights-of-way has been requested by the abutting property owner to accommodate redevelopment of the adjacent property under Conditional Use Permit CUP-87-0797. Proposed for redevelopment is a conversion of the existing gasoline service station to a 1,032 square foot convenience store with self-service gasoline sales. The proposed vacation is located in the Uptown Community Plan area and is within the C-Zone. The vacation consists of approximately 3,900 square feet, which is included as part of the 10,952 square feet to be redeveloped. Although the residential entitlement of the adjacent property will be increased by two units, no residential use will be permitted under the Conditional Use Permit, which was approved by the Planning Director on March 4, 1988. The Planning Department has no objections to the proposed vacation, and the Planning Commission recommended approval on May 27, 1988, by a 7-0 vote. The subject rights-of-way are both 150 feet wide and fully improved with curbs, gutters, sidewalks, and medians. Park Boulevard and Normal Street currently accommodate four traffic lanes and six traffic lanes respectively. The existing curb-to-property-line distances for both streets is 20 feet. The proposed vacation will reduce the curb-to-property-line distance to the standard ten feet, thus vacating a ten-foot-wide strip of right-of-way around the adjacent property which is excess and surplus to future right-of-way requirements. The vacation area also contains franchise facilities for which an easement is to be reserved. Staff review has indicated that excess rights-of-way to be vacated are no longer required for



present or prospective public use and may be summarily vacated.  
FILE LOCATION: STRT J-2703; DEED F-4729 DEEDFY89-1  
COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McCull-yea, Pratt-yea, Struiksma-yea, Henderson-not present,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-116: (R-88-1312) CONTINUED TO NOVEMBER 28, 1988

Vacating an unneeded general utility easement affecting  
Lot 1 of Carmel Valley Inn, Map-11697, pursuant to Section  
8300 et seq. of the Streets and Highways Code.  
(See City Manager Report CMR-88-564. Carmel Valley  
Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: An application for the  
abandonment of a 12-foot-wide general utility easement has been  
received by the Engineering & Development Department. The  
easement was reserved by City Council Resolution R-264378, dated  
November 4, 1985, which vacated a portion of Carmel Valley Road.  
No facilities have been installed in this easement and cognizant  
City departments agree there is no prospective need for its  
retention. Lot 1 of Carmel Valley Inn is located north of  
Carmel Valley Road and is the site of the proposed Del Mar  
Hilton Hotel. The applicant wishes to remove this encumbrance  
from the property. It is therefore recommended that a  
Resolution of Abandonment be adopted by the City Council.  
WU-PR-88-079.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A270-368.)

MOTION BY STRUIKSMA TO CONTINUE TO NOVEMBER 28, 1988, AT THE  
CITY MANAGER'S REQUEST. Second by McColl. Passed by the  
following vote: Wolfsheimer-yea, Roberts-yea, McCull-yea,  
Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea,  
Filner-yea, Mayor O'Connor-yea.

\* ITEM-117: (R-89-927) ADOPTED AS RESOLUTION R-272374

A Resolution approved by the City Council in Closed Session  
on Tuesday, October 25, 1988 by the following vote:  
Wolfsheimer-yea; Roberts-yea; McCull-not present;  
Pratt-yea; Struiksma-not present; Henderson-yea;  
McCarty-yea; Filner-not present; Mayor-not present.  
Authorizing the City Manager to pay the total sum of  
\$108,000 in the settlement of each and every claim against  
the City, its agents and employees, resulting from the

personal injuries to Gregory Larson, Kevin Walsh and Lynn Barton, (Superior Court Case No. 581978, Gregory Larson, et al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue three checks: one check in the amount of \$53,000 made payable to Gregory Larson and Jeffrey P. Wade, his attorney; a second check in the amount of \$38,000 made payable to Kevin Walsh and Jeffrey P. Wade, his attorney; and a third check in the amount of \$17,000 made payable to Lynn Barton and Jeffrey P. Wade, her attorney, in full settlement of the lawsuit and of all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claims of Gregory Larson, Kevin Walsh, and Lynn Barton against the City of San Diego as a result of the incident of April 9, 1986.

Aud. Cert. 8900413.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-118: (R-89-816) ADOPTED AS RESOLUTION R-272375

Authorizing the execution of a first amendment to the agreement with Klagge-Stevens & Associates, Inc. to provide construction documents for the Front Street-Extension to Harbor Drive ; authorizing the expenditure of an amount not to exceed \$27,000 from CIP-52-363.0, Capital Outlay Fund 30245, Front Street-Extension to Harbor Drive, for the purpose of providing funds for the above project.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On November 24, 1986, by Resolution R-267110, the City authorized an agreement with Klagge-Stevens & Associates, Inc. to provide construction documents for the Front Street/First Avenue Extension from Island Avenue to Harbor Drive. The original preliminary design concept was to provide a single "Y" intersection at Harbor Drive for Front Street and First Avenue. This amendment will provide for the design of two intersections at Harbor Drive for Front Street and First Avenue as requested by CCDC. At CCDC's further request, this amendment will additionally provide final construction documents for the improvement of Front Street and First Avenue between Island Avenue and Market Street to the

north.

Aud. Cert. 8801085.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-119: (R-89-975) ADOPTED AS RESOLUTION R-272376

Approving Change Order No. 1 , dated September 9, 1988, issued in connection with the contract with L. R. Hubbard Construction Company, Inc. for the Rancho Bernardo Community Park Phase II Development , amounting to a net increase in the contract price of \$60,175, and extending the completion to 40 working days.

(Rancho Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Rancho Bernardo Recreation Council received a grant to design and construct a building on Rancho Bernardo Community Park. The building was constructed by private contract and was mislocated. It was constructed before the surrounding park improvements were constructed because delay threatened their grant. The City's Rancho Bernardo Community Park Phase II project assumed that the building was in the correct location. City surveyors discovered the problem while surveying for the grading to be done by the City's contractor. The project's plans were then revised to adjust the park improvements to fit the existing building. Additional grading was required. The proposed construction change order adds 40 working days and \$60,175 to the contract. Aud. Cert. 8900396.

FILE LOCATION: CONT - L. R. Hubbard Construction Company, Inc. CCONFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-120: (R-89-992) ADOPTED AS RESOLUTION R-272377

Approving Change Order No. 3 , dated August 18, 1988, issued in connection with the contract with Roca Construction, Inc. for the Mid-City Commercial Revitalization Project - Phase II , amounting to a net

increase in the contract price of \$85,641.72; authorizing the expenditure of funds not to exceed \$85,641.72 from Fund 18520, Dept. 5817, Org. 1701, Acct. 4220, Job Order 118695, for the purpose of funding the above change order.  
(North Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This change order relates to the Roca Construction contract to install public improvements on University Avenue between 30th and Ray Streets, in North Park. The project is Phase II of the Mid-City Revitalization Project. The original construction contract amount was \$289,953. Previously approved Change Orders 1 and 2 totaled \$17,852.73. This change order will increase the revised approved construction contract amount of \$307,805.73 by \$85,641.72 for a new final construction contract price of \$393,447.45. This final change order increase of \$85,641.72 is the result of a community requested project re-design and changes in field measured and/or counted quantities of backfill material, removal of additional existing concrete, addition of a tree drainage system, reimbursement for repair of ruptured water main damage, electrical/street light modifications, installation of a water service, revised costs for traffic control, and anticipated need for \$4,200 to complete scheduled work.  
Aud. Cert. 8900379.

FILE LOCATION: CONT - Roca Construction, Inc.  
CONTFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-121: (R-89-976) ADOPTED AS RESOLUTION R-272378

Approving Change Order No. 7, dated September 6, 1988, issued in connection with the contract with William J. Kirchnavy Construction, Inc., for Collier Community Park, amounting to a net increase in the contract price of \$26,558.08 and extending the completion by 7 working days.  
(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: A special infield mix, usually provided in connection with the construction of new ballfields, was inadvertently omitted from the plans for this park. Delaying the installation of the infield mix until after the construction contract is completed would have an adverse effect on establishing the lawn. Trucks are required to move the material. The contractor's cost to provide and spread the

infield mix, (approximately 616 cu. yards), is comparable to what the City would pay if the work was done by purchase order at a later date. The proposed Change Order No. 7 adds 7 working days and \$26,558.08 to the contract.

Aud. Cert. 8900398.

FILE LOCATION: CONT - William J. Kirchnavy Construction, Inc. CONTFY89-1

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (R-89-977) ADOPTED AS RESOLUTION R-272379

Authorizing the City Manager to waive the payment of fees, in the amount of \$495, by the San Diego Committee on the Bicentennial of the Bill of Rights - American Committee on the French Revolution for the use of the Organ Pavilion in Balboa Park on June 10, July 29, and August 5, 1989, for purposes of commemorating the 200th anniversary of the American Bill of Rights and the Bicentennial of the French Revolution.

(See Committee Consultant Analysis PFR-88-29. Balboa Park Community Area. District-8.)

COMMITTEE ACTION: Initiated by PFR on 10/26/88. Recommendation to approve the request for the waiver of fees. Districts 6, 7 and 8 voted yea. Districts 1 and 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200:

Three actions relative to the transfer of Binational Affairs from the Office of the City Manager to the Office of the Mayor:

(See City Manager Report CMR-88-465.)

Subitem-A: (O-89-93) INTRODUCED AND ADOPTED AS ORDINANCE O-17184 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document OO-17122-1, as amended and adopted therein, by deleting the Binational Affairs Department (0160) and all appropriations thereto; transferring the positions and such appropriated funds within the General Fund 100, to the Mayor's Office (0100); authorizing concurrently the positions of Binational Affairs Officer and Assistant Binational Affairs Officer in lieu of Binational Affairs Director and Assistant Director; and establishing salary rates therefor.

NOTE: The first public hearing was held on Monday, November 7, 1988, Item 201A.

Subitem-B: (O-89-89) ADOPTED AS ORDINANCE O-17185 (New Series)

Adoption of an Ordinance amending Chapter II, Article 2, of the San Diego Municipal Code by repealing Sections 22.2201 and 22.2202, relating to the Department of Binational Affairs and amending Section 22.1801, relating to Departments of the City, by deleting the Department of Binational Affairs.

(Introduced on 11/7/88. Council voted 6-1. District 5 voted nay. District 6 and Mayor not present.)

Subitem-C: (O-89-94) INTRODUCED, TO BE ADOPTED DECEMBER 12, 1988

Introduction of an Ordinance amending Ordinance O-17098 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1988-89", to create the new classifications of Binational Affairs Officer and Assistant Binational Affairs Officer; amending Exhibit C to said Ordinance to include the new classifications in Managerial Categories C and B, respectively, and to delete the classifications of Binational Affairs Director and Assistant Binational Affairs Director from Executive Categories III and II, respectively; establishing salary rates for the newly created Managerial classifications; and exempting said new positions from the Classified Service.

FILE LOCATION:

Subitems A & B MEET;

Subitem C--

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-nay, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: (O-89-91) HEARING APPROVED

First public hearing in the matter of:

An Ordinance amending Ordinance No. O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document OO-17122-1, as amended and adopted therein, by exempting one Deputy Director position in the Waste Management Department (510) from the Classified Service ; amending the personnel authorization schedule of the Waste Management Department, Planning and Administration Division (51110) to reflect the Deputy Director position as Unclassified, and establishing a salary rate therefor.

(See memorandum from the Personnel Director dated 8/12/88.)

CITY MANAGER SUPPORTING INFORMATION: The position of Waste Management Deputy Director, Planning and Administration, is recommended for exemption from the Classified Service. The position has significant management level responsibilities which fall within the managerial definition contained in Charter Section 117(a)17. This position has duties and responsibilities comparable in level of difficulty and independence similar to other Deputy Director positions in the City which have been exempted from the Classified Service. On August 11, 1988, the Civil Service Commission reviewed this recommendation and determined that the position met all criteria of the Charter and commented in support of exempting this position from the Classified Service. This position is shown in the FY 89 budget, which created the Waste Management Department.

NOTE: See Item 333 on the docket of Tuesday, November 22, 1988, for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea,

Filner-yea, Mayor O'Connor-yea.

ITEM-202: (O-89-98) HEARING APPROVED

First public hearing in the matter of:

An Ordinance amending Ordinance O-17122 (New Series), as amended, entitled "An Ordinance adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-17122-1, as amended and adopted therein, by amending the personnel authorization of Council District 8 (028) by exempting one Council Representative I position from the Classified Service, and establishing a salary rate therefor.

(See Memorandum from Council Member Filner dated 8/2/88 and Memorandum from the Personnel Director dated 8/12/88.)

NOTE: The second public hearing for the introduction and adoption of the Ordinance will be held on Tuesday, November 22, 1988, Item 334.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-203: CONTINUED TO DECEMBER 13, 1988, AT  
2:00 P.M.

In the matter of a Growth Management Information/Status Report regarding:

1. Single-Family Lots
2. Use of Planned Infill Residential Developments
3. Neighborhood Character (single-family urban design aspects)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A270-368.)

MOTION BY STRUIKSMA TO CONTINUE TO DECEMBER 13, 1988, AT THE CITY MANAGER'S REQUEST. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-204: (R-89-1002) ADOPTED AS RESOLUTION R-272380

Authorizing the Auditor and Comptroller to transfer the



sum of \$10,000 within the General Fund 100 from the Unallocated Reserve (605) to the Allocated Reserve (901) for the purpose of defraying legal expenses incurred in non-tort litigation.

Aud. Cert. 8900435.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-205:

Two actions relative to transfer of funds to defray costs incurred in Pacific Bell and SDG&E Company hearings:

Subitem-A: (R-89-999) ADOPTED AS RESOLUTION R-272381

Authorizing the City Auditor and Comptroller to transfer the sum of \$5,000 within Fund 100 from the Unallocated Reserve 605 to the Allocated Reserve 901 for the purpose of providing funds to augment Resolution R-268165 for expenses incurred in connection with participation in the California Public Utilities Commission and Federal Power Commission hearings relating to the San Diego Gas and Electric Company.

Subitem-B: (R-89-1000) ADOPTED AS RESOLUTION R-272382

Authorizing the City Auditor and Comptroller to transfer the sum of \$5,000 within Fund 100 from the Unallocated Reserve 605 to the Allocated Reserve 901 for the purpose of providing funds to augment Resolution R-268164 for expenses incurred in connection with participation in the California Public Utilities Commission rate hearings relating to Pacific Bell.

Aud. Cert. 8900434.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-206: (R-89-691) CONTINUED TO DECEMBER 13, 1988, AT 2:00 P.M.

(Continued from the meeting of October 24, 1988, Item 208,

at Council Member Roberts' request, to go back before the community planning group for review.)

Vacating Witherby Street northeast of California Street and adjacent to Block 227 of Middletown Jackson Map, under the procedure for the summary vacation of streets where for a period of five consecutive years the street to be vacated has been impassable for vehicular travel and during such period no public money has been expended for maintenance; reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature; declaring that the easements reserved herein are in, under, over, upon, along and across Witherby Street; declaring that this resolution shall not become effective unless and until the issuance of permits for the required public improvements has been approved by Council action; in the event that the permits are not issued within 18 months 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 issuance of permits.

(Uptown Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The applicants have requested the proposed vacation in order to utilize and incorporate the area with their abutting property. The applicants propose to upgrade the existing driveway located within the vacation area and to install additional landscaping. This area of vacation, which totals 7,840 square feet, is located in the Uptown Community Plan area and is situated in an R1-5000 Zone. No increase in density is anticipated at this time. However, any proposed redevelopment which proposes an increase in density will require discretionary permits, i.e., Planned Residential Development Permit or Tentative Map. The Planning Department has no objections, and the Planning Commission recommended approval on December 12, 1984, by a 6-0 vote. The area of vacation is unimproved except for an encroaching paved driveway that provides access to the petitioner's garage. The right-of-way also contains public utilities and franchise facilities for which easements are to be reserved. Traffic circulation by way of Witherby Street has been precluded due to previous closings of Witherby Street south of California Street in 1979 and immediately north of the proposed vacation when that area was subdivided in 1956. California Street is a long deadend street with no turnaround facility. As a condition of this vacation, the applicant is

required to construct an acceptable turnaround, satisfactory to the City Engineer. Staff review has indicated that the right-of-way to be vacated is no longer needed for present or prospective public use and may be summarily vacated, conditioned upon the issuance of permits for the required turnaround.

FILE LOCATION: STRT J-2700

COUNCIL ACTION: (Tape location: A270-368.)

MOTION BY ROBERTS TO CONTINUE TO DECEMBER 13, 1988, AT HIS REQUEST. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-207: (R-88-2337) CONTINUED TO JANUARY 23, 1989, AT 2:00 P.M.

(Continued from the meetings of June 6, 1988, Item 201, July 26, 1988, Item 202, September 13, 1988, Item 335 and October 10, 1988, Item 209; last continued at Council Member Struiksma's request, for further review.)  
Declaring S & S Construction Company, formerly Shapell Industries, Inc., to be in default of the terms and conditions of the agreement filed in the office of the City Clerk on October 15, 1979, as Document No. RR-250363, relating to the improvement of Mesa Del Sol; declaring that the City Attorney shall cause notice of this declaration of default to be given to S & S Construction Company, formerly Shapell Industries, Inc., and to SafeCo Insurance Company of America; authorizing the City Manager to complete, or cause to be completed, said work and improvements in accordance with the terms of the agreement. (See City Manager Reports CMR-88-375 and CMR-88-268. Mira Mesa Community Area. District-5. )  
NOTE: See Item 208 on today's docket for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A270-368.)

MOTION BY STRUIKSMA TO CONTINUE TO JANUARY 23, 1989, AT THE CITY MANAGER'S REQUEST. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-208: CONTINUED TO JANUARY 23, 1989, AT 2:00 P.M.

(Continued from the meetings of January 5, 1988, Item 339, January 19, 1988, Item 336, March 22, 1988, Item 337, April

19, 1988, Item 337 and October 11, 1988, Item 339; last continued at Council Member Struiksma's request, to be taken with a companion item which was also continued.)

MESA DEL SOL Project

Rezoning the 84.5-acre site from Zone A-1-10, R1-5000, R-3000 and Hillside Review Overlay to Zones R1-5000, R-1500 and Hillside Review Overlay; and amending the Mira Mesa Community Plan to 1) Redesignate the 84.5-acre site from Commercial Recreation, Low (5-9 du/ac) and Low Medium (10-15 du/ac) density residential to Medium Low (16-29 du/ac) density residential; 2) Reclassify Black Mountain Road from a four-lane major to a six-lane primary arterial between Galvin Avenue and Los Penasquitos Canyon bridge; and 3) Reclassify Capricorn Way from a four-lane major to a four-lane collector between Westview Parkway and the western boundary of the subject property.

The subject property is located east and west of Black Mountain Road, north of Galvin Avenue, and is further described as Lots 1-297, Mesa del Sol, Tract 9407.

(Case-86-0613. District-5.)

Subitem-A: (R-88-1145)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0613 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-88-92)

Introduction of an Ordinance for R-2000 Zoning.

Subitem-C: (R-88-1128)

Adoption of a Resolution amending the Mira Mesa Community Plan affecting property east and west of Black Mountain Road and north of Galvin Avenue.

Subitem-D: (R-88- )

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-86-0613.

NOTE: See Item 207 on today's docket for a companion item.

FILE LOCATION:

Subitems A,C,D LAND - Mira Mesa Community  
Plan,

Subitem B--

COUNCIL ACTION: (Tape location: A270-368.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JANUARY 23, 1989, AT HIS REQUEST. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400: (O-89-97) CONTINUED TO NOVEMBER 29, 1988

Introduction and adoption of an Interim Emergency Ordinance prohibiting the establishment of a business with a drive-in or drive-thru facility within the Golden Hill Community Plan area for a one year period or until the implementing Ordinances for the Community Plan are in effect, whichever occurs first.

(See memorandum from Council Member Filner dated 11/14/88; Planning Department Report PDR-88-468; and the letter from the Golden Hill Planning Group. Golden Hill Community Area. Districts-4 and 8.)

COMMITTEE ACTION: Initiated by TLU on 11/14/88.

Recommendation to approve the Emergency Ordinance prohibiting establishment, enlargement or alteration of drive-in or drive-thru facilities in the Golden Hill Community Plan area. Districts 1, 2 and 5 voted yea. Districts 4 and 8 not present.

NOTE: Six votes required.

FILE LOCATION: LAND - Golden Hill Community Plan

COUNCIL ACTION: (Tape location: A646-C175.)

Mayor O'Connor closed the public testimony.

Motion by Filner to adopt. Second by Wolfsheimer. No vote.

MOTION BY McCARTY TO CONTINUE TO NOVEMBER 29, 1988, AT MAYOR O'CONNOR'S REQUEST, AND DIRECT THE PLANNING STAFF AND CITY ATTORNEY TO COME BACK WITH AN ACCEPTABLE APPROACH TO SOLVING THE

PROBLEMS ASSOCIATED WITH THIS PROJECT WITHOUT IMPLEMENTING AN EMERGENCY ORDINANCE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S401: (O-89-101 Rev.2) INTRODUCED AND ADOPTED AS AMENDED AS  
ORDINANCE O-17186 (New Series)

(Continued from the meeting of November 15, 1988, Item

S500, at Council Member Roberts' request, for the sole purpose of voting on the amended language regarding the residential area provided by the City Attorney.)  
Introduction and adoption of an Emergency Ordinance necessary to preserve the public safety, health and welfare, establishing a moratorium on processing development applications within the Otay Mesa Community Plan area (Brown Field) of the City of San Diego. (District-8.)

NOTE: Six votes required.

NOTE: Directed by Council at the Council Meeting of November 7, 1988.

19881121

FILE LOCATION: LAND - Otay Mesa Community Plan

COUNCIL ACTION: (Tape location: A070-268.)

MOTION BY ROBERTS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE AS AMENDED BY INSERTING THE WORD "DISCRETIONARY" IN SECTION 3 OF THE ORDINANCE TO READ, "OTAY MESA DEVELOPMENT DISTRICT DISCRETIONARY PERMIT". Second by Struiksmas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmas-yea, Henderson-not present, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S402: (O-89-103) INTRODUCED, TO BE ADOPTED DECEMBER 12, 1988

Introduction of an Ordinance amending Ordinance O-17098 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1988-89" by amending Exhibit B thereto to create and add a new class entitled "Fire Dispatcher" in the Communications Occupational Group; amending Exhibit A-2 of said ordinance to provide a new salary rate number 46.4 for said position in the Classified Service; amending Resolution R-270952 to place the newly created class in the Technical Representation Unit; and amending Resolution R-270951 to approve and declare the above newly created class as eligible for premium rate overtime by placing it in Group A of said Overtime Eligibility Resolution R-270951. (See Personnel Director Report dated 11/14/88.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by

the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (O-89-107) HEARING APPROVED

First public hearing in the matter of:

An Ordinance amending Ordinance O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17122-1, as amended and adopted therein, by amending the personnel authorization of the Mayor's Office (010) by exempting two Council Representative II positions from the Classified Service, and establishing salary rates therefor.

(See memorandum from the Personnel Director dated 11/4/88.)

NOTE: The second public hearing for the introduction and adoption of the Ordinance will be held on Tuesday, November 22, 1988, Item S500.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (R-89-1063) ADOPTED AS RESOLUTION R-272383

Council confirmation of the following appointments by the Mayor to serve as members of the Board of Zoning Appeals , for terms expiring as indicated:

(See memorandum from Mayor O'Connor dated 11/16/88 with resumes attached.)

NAME	TERM EXPIRES
Naomi F. Zimmerman (Replacing Henry Empeno Jr., who has resigned.)	3/1/89
Glenn P. Goltz (Replacing Lawrence F. Hodge, whose term has expired.)	3/1/90

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea,

Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-89-1062) ADOPTED AS RESOLUTION R-272384  
Accepting the 1988 Annual Report of the Advisory Board on  
Women.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A420-640.)

MOTION BY ROBERTS TO APPROVE. Second by McColl. Passed by the  
following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea,  
Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea,  
Filner-yea, Mayor O'Connor-yea.

ITEM-S406: (R-89-1017) ADOPTED AS RESOLUTION R-272385

Authorizing the Personnel Director to expend an amount not  
to exceed \$15,024 from the General Fund 100, Personnel  
Department (060), to complete the contract previously  
authorized by Council with Dennis Joiner and Associates for  
testing services in several Fire Department  
classifications, said sum to provide for completion and  
feedback to candidates, as set forth in the Report of the  
Personnel Director to the Mayor and City Council.  
(See Personnel Director Report.)  
Aud. Cert. 8900447.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-420.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl. Passed by  
the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea,  
Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea,  
Filner-yea, Mayor O'Connor-yea.

\* ITEM-S407: (R-89-1070) ADOPTED AS RESOLUTION R-272386

A Resolution approved by the City Council in Closed Session  
on Tuesday, November 1, 1988 by the following vote:  
Wolfsheimer-not present; Roberts-yea; McColl-yea;  
Pratt-yea; Struiksma-yea; Henderson-not present;  
McCarty-yea; Filner-not present; Mayor-not present.  
Authorizing the City Manager to pay the total sum of  
\$362,500 in the settlement of each and every claim against  
the City, its agents and employees, resulting from the  
personal injuries to Roger W. Davis, Jr., Eugene F. Clark,  
William Bicknell, and Amanda Cunningham (Superior Court  
Case No. 582011, Davis/Clark v. Christina D.  
King/Bicknell/Cunningham v. Cunningham v. City of San



Diego, et al.); authorizing the City Auditor and Comptroller to issue three checks: one in the amount of \$262,500 made payable to Roger W. Davis, Jr., and his attorney, Fred Hammett; one check in the amount of \$25,000 made payable to Eugene F. Clark and his attorney, Fred Hammett; and one check in the amount of \$75,000 made payable to William Bicknell, Amanda Cunningham, and their attorney, Lee Witham in full settlement of the lawsuit and of all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claims of Roger W. Davis, Jr., Eugene F. Clark, William Bicknell, and Amanda Cunningham against the City of San Diego as a result of the accident which occurred April 5, 1986.

Aud. Cert. 8900454.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-420.)

CONSENT MOTION BY WOLFSHEIMER TO APPROVE. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1: By Suzanne Finch regarding the lack of street lights in residential areas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C180-200.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor O'Connor at 3:47 p.m. in honor of the memory of Mrs. Jackie McNeal.

19881121

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C176-179.)