

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

TUESDAY, JANUARY 10, 1989

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:26 a.m. The meeting was recessed by Mayor O'Connor at 11:22 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor McCarty at 2:05 p.m. with Mayor O'Connor and Council Members Roberts, McColl, and Pratt not present. Deputy Mayor McCarty recessed the meeting at 2:12 p.m. The meeting was reconvened by Mayor O'Connor at 2:30 p.m. with Council Members Roberts and McColl not present. Mayor O'Connor adjourned the meeting at 4:56 p.m. to 9:00 a.m., Tuesday, January 17, 1989, to meet in Closed Session in the twelfth floor conference room to discuss pending and potential 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-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (tm,eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour 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-present
- (5) Council Member Struiksmma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-206: (O-89-147) HEARING APPROVED

First public hearing in the matter of:

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 adding to the personnel authorization of the City Attorney's Office (045)

two (2.00) Deputy City Attorney positions, one (1.00) Legal Assistant position, and one (1.00) Legal Secretary position; authorizing the City Auditor and Comptroller to transfer the sum of \$126,625 in the General Fund 100 from the Unallocated Reserve (605) to the City Attorney's Office (045), all in connection with providing legal support in regard to the proposed merger between Southern California Edison and San Diego Gas and Electric Company.

Aud. Cert. 8900564.

NOTE: See Item 335 on Tuesday, January 10, 1989 for the introduction and adoption of the Ordinance.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A075-089.)

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

ITEM-330: (R-89-1038) ADOPTED AS RESOLUTION R-272643

Considering the protests and confirming the assessment in the matter of paving and otherwise improving Alley Block E, University Heights, on Assessment Roll No. 4022, under Resolution of Intention R-270169, adopted January 19, 1988. (1911 Street Improvement Act.)

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

CITY MANAGER SUPPORTING INFORMATION: The construction contract for the improvement of Alley Block E, University Heights was awarded by Council on June 6, 1988. The work has now been completed and the assessments have been spread, based on the final project costs and in proportion to the benefit each parcel receives. This public hearing will confirm the assessments and complete the proceedings for this project.

FILE LOCATION: STRT D-2260

COUNCIL ACTION: (Tape location: A089-101.)

Hearing began at 10:31 a.m. and halted at 10:32 a.m.

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

ITEM-331: (R-89-691) ADOPTED AS RESOLUTION R-272644

19890110

(Continued from the meetings of October 24, 1988, Item 208, November 21, 1988, Item 206, and December 13, 1988, Item 340; last continued at Council Member Roberts' request, to allow the City Attorney to look into the legality of requiring a stipulation that the property will not be subdivided in the future and to meet with the applicant to work out an agreement.)

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 DEED F-4669

COUNCIL ACTION: (Tape location: A112-292.)

Hearing began at 10:33 a.m. and halted at 10:47 a.m.

MOTION BY ROBERTS TO ADOPT AND TO REFER TO THE TRANSPORTATION AND LAND USE COMMITTEE AND TO THE CITY ATTORNEY THE QUESTION OF WHETHER OR NOT THE CITY SHOULD CHARGE FOR THE PROPERTY FOR THESE STREET VACATIONS. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ADDITIONAL BUSINESS: (R-89-1450) ADOPTED AS RESOLUTION R-272843

MOTION BY ROBERTS TO DIRECT THE CITY ATTORNEY TO WORK WITH THE CITY MANAGER TO PREPARE POTENTIAL STATE LEGISLATION TO ALLOW FOR THE SALE OF UNNEEDED STREET EASEMENTS BY THE CITY, AND TO TAKE SUCH

SUGGESTED LEGISLATION TO THE T&LU COMMITTEE FOR REVIEW. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Matters of the following variance requests from the Interim Development Ordinance (IDO):

- a) 1) A variance request from the Interim Development Ordinance (IDO) for a 693 unit project.
- 2) Appeal of IDO Administrator's denial of units.

3) Appeal of Section 11 of the IDO which requires the receipt of discretionary permits prior to a public hearing.

The subject property is located on the north side of Friars Road at Northside Drive and is described as a portion of Lot 36 of Rancho Mission of San Diego. The R-2, (subject to Northside Specific plan) zoned site is within the Mission Valley Community Plan area. (Case-88-6019 (Non-accelerated). District-5.)

- b) A variance request from the Interim Development Ordinance (IDO) for a 4 unit project (includes proposed units and any existing units to remain). The subject property is located at 1019, 1021, and 1023 Hornblend St. and is described as Lots 5 & 6, Block 230, Pacific Beach, Map-854. The R-1500 zoned site is within the Pacific Beach Community Plan area. Under the provisions of the ordinance, only a limited number of building permits are allowed per community planning area. This is not a variance from development standards, but would allow the project as described to proceed under the building permit process for the specific amount of units requested. The project is required to meet all applicable city development standards. (Case-88-7036 (Accelerated). District-6.)

19890110

Subitem-A: (R-89-) CONTINUED TO JANUARY 17, 1989 AT 10:00 A.M.

Adoption of a Resolution granting or denying the variance request for Case-88-6019 with appropriate findings to support Council action.

Subitem-B: (R-89-1390) ADOPTED AS RESOLUTION R-272645 GRANTING THE VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-88-7036 with appropriate findings to support Council action.

FILE LOCATION:

Subitem-A - ZONE IDO Variance Case-88-6019

Subitem-B - ZONE IDO Variance Case-88-7036
COUNCIL ACTION: (Tape location: A022-032; A292-312.)

Hearing began at 10:47 a.m. and halted at 10:48 a.m.

MOTION BY STRUIKSMA TO CONTINUE SUBITEM-A FOR ONE WEEK FOR FURTHER REVIEW. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO GRANT THE VARIANCE FOR SUBITEM-B. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: CONTINUED TO JANUARY 23, 1989

(Continued from the meeting of November 15, 1988, Item 330, at Council Member Wolfsheimer's request, at the request of the Developer.)

Approval of the proposed Sorrento Hills Development Agreement Case-88-0590 between the City of San Diego and American Newland Associates et al. The agreement would apply to approximately 557 acres in the Sorrento Hills community. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with Sorrento Hills Community Plan; Zones M-IP, M-1B, R-1500 and A-1-1; PRD, PID and Tentative Map TM-84-0570; PRD-84-0518; Tentative Map TM-84-0519; HRP-183; and HRP and Tentative Map TM-83-0167 for the 20-year term of the agreement. Additional provisions are included in the draft development agreement.

The subject property is located on the east side of I-5 and I-805 between Carmel Valley and Rancho de Los Penasquitos Canyon. A brief legal description is as follows: portions of Sections 29, 30, 31, 32, 24 and 25, Township 14 South, Range 3 West, SBBM; Map Nos. 433, 36 and others and Record of Survey Maps. The specific legal description is on file in the City Planning Department.

(Case-88-0590. District-1.)

Subitem-A: (R-89-947)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-81-12-33 (Sorrento Hills) 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: (R-89-923)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-82-0380, an Addendum to EIR-81-12-33, SCH No. 82022406, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said addendum to report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-C: (R-89-921)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-83-0167, an Addendum to EIR-81-12-33, SCH No. 82022406, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said addendum to report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-D: (R-89-922)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0101, an Addendum to EIR-81-12-33, SCH No. 82022406, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said addendum to report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-E: (R-89-610)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0590, an Addendum to EIR-81-12-33, SCH No. 82022406, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said addendum to report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-F: (R-89-924)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0518, an Addendum to EIR-81-12-33, SCH No. 82022406, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-G: (R-89-925)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0519, an Addendum to EIR-81-12-33, SCH No. 82022406, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-H: (R-89-926)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0520, an Addendum to EIR-81-12-33, SCH No. 82022406, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings

of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-I: (O-89-55)

Introduction of an Ordinance approving the development agreement.

FILE LOCATION: DEVL - Sorrento Hills Development Agreement

COUNCIL ACTION: (Tape location: A032-040.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JANUARY 23, 1989 AT THE REQUEST OF THE CITY MANAGER TO ALLOW THE ITEM TO BE HEARD WITH THE NCW PHASING PLAN. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (O-89-102) INTRODUCED AND ADOPTED AS ORDINANCE
O-17220 (New Series)

Introduction and adoption 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 6 (026) by authorizing one new Council Representative I position; deleting one Council Secretary position; exempting the newly authorized Council Representative I position from the Classified Service, and establishing a salary rate therefor.

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

NOTE: See Item 205 on the docket of Monday, January 9, 1989 for the first public hearing. Today's action is the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A101-112.)

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (O-89-147) CONTINUED TO JANUARY 17, 1989

Introduction and adoption 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 adding to the personnel authorization of the City Attorney's Office (045) two (2.00) Deputy City Attorney positions, one (1.00) Legal Assistant position, and one (1.00) Legal Secretary position; authorizing the City Auditor and Comptroller to transfer the sum of \$126,625 in the General Fund 100 from the Unallocated Reserve (605) to the City Attorney's Office (045), all in connection with providing legal support in regard to the proposed merger between Southern California Edison and San Diego Gas and Electric Company.

Aud. Cert. 8900564.

NOTE: See Item 206 on Monday, January 9, 1989 for the first public hearing. Today's action is the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A312-321.)

MOTION BY HENDERSON TO CONTINUE FOR ONE WEEK AT THE REQUEST OF THE CITY MANAGER SINCE THE FIRST HEARING, WHICH WAS SCHEDULED TO BE HELD ON JANUARY 9, 1989, WAS NOT HELD UNTIL JANUARY 10, 1989 (ITEM 206). Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (R-89-982) ADOPTED AS RESOLUTION R-272647

Acquiring 12.34 acres of Los Penasquitos Canyon Preserve - North No. 5 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-272368, adopted on November 21, 1988; authorizing the expenditure of an amount not to exceed \$240,000 as payment for the property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to the property without further Council action.

(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.

Aud. Cert. 8900400.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: C050-064.)

Hearing began 2:09 p.m. and halted 2:10 p.m.

MOTION BY STRUIKSMA TO ADOPT THE RESOLUTIONS FOR ITEMS 336 AND 337. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-337: (R-89-980) ADOPTED AS RESOLUTION R-272648

Acquiring 19.99 acres of Los Penasquitos Canyon Preserve - North No. 6 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-272369, adopted on November 21, 1988; authorizing the expenditure of an amount not to exceed \$450,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to the property without further Council action.

(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.

Aud. Cert. 8900402.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: C050-064.)

Hearing began 2:09 p.m. and halted 2:10 p.m.

MOTION BY STRUIKSMA TO ADOPT THE RESOLUTIONS FOR ITEMS 336 AND 337. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-338: (R-89-984) ADOPTED AS RESOLUTION R-272649

Acquiring 4.32 acres of Southwest Neighborhood Park for the San Diego Open Space Park Facilities District No. 1 under Resolution of Intention R-272370, adopted on November 21, 1988; authorizing the expenditure of an amount not to exceed \$800,000 as payment for the property and related costs from Open Space Park District Bond Fund 79103; authorizing the City Manager to accept the deed to the property without further Council action.

(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.

Aud. Cert. 8900401.

FILE LOCATION: STRT OS-35

COUNCIL ACTION: (Tape location: C065-075.)

Hearing began 2:10 p.m. and halted 2:11 p.m.

MOTION BY FILNER TO ADOPT THE RESOLUTION. Second by McColl.

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

ITEM-339:

(Continued from the meeting of November 29, 1988, Item 338, at the City Manager's request, in order to open the hearing.)

Five actions relative to the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2 under Resolution of Intention R-272213 adopted on October 31, 1988, and the Improvement Act of 1911:

(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-89-778) ADOPTED AS RESOLUTION R-272650

Adoption of a Resolution of Feasibility for the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

Subitem-B: (R-89-779) ADOPTED AS RESOLUTION R-272651

Ordering the work for the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

Subitem-C: (R-89-780) ADOPTED AS RESOLUTION R-272652

Approving the City Engineer's Report submitted in connection with the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

Subitem-D: (R-89-781) ADOPTED AS RESOLUTION R-272653

Adopting plans and specifications for City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

Subitem-E: (R-89-782) ADOPTED AS RESOLUTION R-272654

Inviting sealed proposals for bids for the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

CITY MANAGER SUPPORTING INFORMATION: The City-Wide Alley Improvement and Sewer Replacement - Contract No. 2 is the second project in the Southeast San Diego area to be considered by

Council under the Gas Tax - Assessment District cost sharing concept. The cost sharing concept is based on gas tax funds being used to finance 50 percent of the alley improvements and the remaining 50 percent of the alley improvement cost being assessed to the benefitting parcels. Under this program, all property owners will pay their assessments, since gas tax funds cannot be utilized to pay individual assessments. The proposed improvements to the six alleys included in this contract consist of clearing, grubbing, grading, paving, curb, retaining wall, storm drain and sewer main replacement improvements. There are 78 parcels in the proposed district. The cost of the sewer main replacements will be paid from Water Utility Department sewer annual allocation funds.

FILE LOCATION: STRT - D-2278

COUNCIL ACTION: (Tape location: C130-482.)

Hearing began 2:30 p.m. and halted 2:55 p.m.

Council Member McColl entered 2:33 p.m.

Testimony in favor by James Thomas.

Council Member Roberts entered 2:40 p.m.

Testimony in opposition by Jose Lopez, George Stevens, and Frank Butler.

MOTION BY PRATT TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-ineligible, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S401: (R-89-1325) ADOPTED AS RESOLUTION R-272642

Honoring Betty G. Sherman and expressing sincere gratitude and appreciation for her selfless dedication and continued support of San Carlos, the library system, and the citizens of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-075.)

MOTION BY McCARTY TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-89-1334) ADOPTED AS RESOLUTION R-272655

Accepting the recommendations of the San Diego Dr. Martin Luther King, Jr., Citizen's Tribute Committee.
(See Tribute Committee Recommendations.)

COMMITTEE ACTION: Reviewed by RULES on 12/14/88.
Recommendation to accept the recommendations. Districts 2, 4,

6, 7 and Mayor voted yea. District 3 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C486-F399.)

MOTION BY PRATT TO ADOPT RESOLUTION NAMING THE CONVENTION CENTER

THE SAN DIEGO MARTIN LUTHER KING CONVENTION CENTER AND THAT IT BE MARKETED AS THE SAN DIEGO MARTIN LUTHER KING CONVENTION CENTER. Second by Filner. By common consent the motion was divided.

The vote on the portion of the motion to name the convention center the San Diego Martin Luther King Convention Center passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-nay, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

The vote on the portion of the motion that the convention center be marketed as the San Diego Martin Luther King Convention Center passed by the following vote: Wolfsheimer-yea, Roberts-nay, McColl-nay, Pratt-yea, Struiksmay-nay, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-S501: (R-89-1336) ADOPTED AS RESOLUTION R-272646

Authorizing the execution of Amendment No. 1 of the agreement with James M. Montgomery Consulting Engineers, Inc., for professional services in connection with planning the modifications and enlargement of the Metropolitan Sewerage System to provide secondary treatment and water reclamation; authorizing the transfer of funds within the Sewer Revenue Fund (No. 41506); reducing the project allocation of the Rose Canyon Trunk Sewer, CIP-46-111.0 of the Wastewater Systems Construction Program (No. 70492) by the sum of \$3,700,000 and increasing the project allocation of the Modified Wastewater Treatment Facilities Plan, CIP-46-147.0 of the Special Projects Capital Improvements Program (No. 70792) by the sum of \$926,895 and increasing the Unallocated Reserve (No. 70697) by the sum of \$2,773,105; authorizing the expenditure of an amount not to exceed \$4,612,542 from Modified Wastewater Treatment Facilities Plan, CIP-46-147.0, within the Sewer Revenue Fund (No. 41506), for the above purpose.

(See City Manager Report CMR-88-617; Committee Consultant Analysis PSS-88-13.)

COMMITTEE ACTION: Reviewed by PSS on 12/15/88.

Recommendation to approve amendments to the contract with James M. Montgomery, Consulting Engineers, Inc. with the exception of

the Sewer System Modeling which should be handled with a separate contract. Districts 2, 3 and 7 voted yea. Districts 4 and 6 not present.

WU-SP-89-075.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: A321-B026.)

MOTION BY McCOLL TO ADOPT AND TO INCLUDE IN THE REPORTS THE COMPARISON OF WHAT THE BENEFITS WOULD BE TO SOCIETY IF THESE FUNDS WERE DIVERTED INTO OTHER INTRA-STRUCTURAL PROJECTS.

Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Mayor O'Connor announced that she would be late to the afternoon meeting. She would be attending the Chairman of the Port swearing in ceremony.

COUNCIL ACTION: (Tape location: B128-137.)

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CLOSED SESSION

Comments by Joe Sayatovich relative to the drainage of Lake Morena.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B026-128.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:56 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F414).