

19890206

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 6, 1989
AT 2:00 P.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor McCarty at 2:05 p.m. Deputy Mayor McCarty adjourned the meeting at 2:46 p.m. to meet in Closed Session at 9:00 a.m., Tuesday, February 7, 1989, in the twelfth floor conference room on pending and potential litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-272956
(attend Conference of Mayors in Washington,D.C.)
- (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-Fishkin (eb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

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

ITEM-10: INVOCATION

Invocation was given by The Reverend Father Theodore Philips, pastor, Saints Constantine and Helen Greek Orthodox Church of North County.

FILE LOCATION: MINUTES

Feb-6-1989

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Pratt.

FILE LOCATION: MINUTES

ITEM-30: (R-89-1411) ADOPTED AS RESOLUTION R-272801

Acknowledging Joan McCollum for her many fine teaching
accomplishments and congratulating her for doing such a
wonderful job teaching our children and for bringing
acclaim to San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A432-537.)

MOTION BY FILNER TO ADOPT. 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-not present.

Feb-6-1989

ITEM-31: APPROVED

Approval of Council Minutes for the Meetings of:

1/09/89

1/10/89

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A045-049.)

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

ITEM-32: GRANTED REQUEST FOR A HEARING FEBRUARY 28, 1989, 10:00
A.M.

Matter of the requests of University Ford, by Robert J.
Fredrick, Attorney, and of Ford Leasing Development
Company, by Steven S. Wall, Attorney, of Luce, Forward,
Hamilton & Scripps, for a hearing of the appeals from the
decision of the Board of Zoning Appeals in denying
extension of time for Conditional Use Permit CUP-9024,
originally approved December 20, 1968, which permitted a
parking lot to utilize approximately 100,000 sq. ft. for

storage of automobiles, trucks, customer and employee parking in connection with the dealership in adjoining CA Zone. The extension of time request was for an additional 5 year period, extending to December 31, 1993. The subject property is located at 750 Camino de la Reina, and is a portion of Lot 1, Mission Valley Shopping Center, Map-4244, in Zone R1-40000, in the Mission Valley Community Plan area.

(CUP-9024. District-5.)

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

FILE LOCATION: ZONE Zoning Appeals Case C-9024

COUNCIL ACTION: (Tape location: A049-064.)

MOTION BY STRUIKSMA TO GRANT THE REQUEST FOR A HEARING BASED ON THE FINDING THAT THERE IS NEW EVIDENCE NOT AVAILABLE IN THE HEARING REGARDING THE RELOCATION. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-not present.

* ITEM-50: (O-89-117) ADOPTED AS ORDINANCE O-17242 (New Series)

Amending Chapter X, Article 3, Division 6, of the San Diego Municipal Code, by amending Section 103.0611 by adding a new Subsection 3, and by renumbering Subsections 3 through 13, relating to the North City West Planned District Ordinance, by adding Health Clubs to the uses permitted on Lots 1 and 3, Neighborhood 6, Precise Plan area in the Employment Center (EC) Zone.

(Case-7366. District-1. Introduced on 1/24/89. Council voted 7-0. Districts 4 and 6 not present.)

FILE LOCATION: LAND North City West Planned District

COUNCIL ACTION: (Tape location: A075-083.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT. Second by Pratt. 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-51: (O-89-116) ADOPTED AS ORDINANCE O-17243 (New Series)

Incorporating properties on the south side of Palm Avenue from west of 14th Street, eastward toward 19th Street, into C-1 and R-3000 Zones.

(Case-88-0626. Otay Mesa-Nestor Community Area.
District-8. Introduced on 1/24/89. Council voted 5-0.
Districts 4, 5, 6 and 7 not present.)

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A075-083.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT. Second by Pratt. 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-52: (O-89-155) INTRODUCED, TO BE ADOPTED FEBRUARY 21,
1989

Introduction of an Ordinance amending Chapter II, Article 6, Section 26.07 of the San Diego Municipal Code relating to Terms of Office for All Members of the Commission for Arts and Culture.

CITY MANAGER SUPPORTING INFORMATION: The Commission for Arts and Culture recommends that the expiration date of all Commissioners' terms be changed from March 31 to August 31 because (1) Commission members were appointed August 8, 1988 and if the March expiration date of term were used, some Commissioners would not complete one full year, and (2) use of the August expiration month allows the Commissioners' terms to end at the completion of a funding cycle rather than in the middle of the allocation process.

Draft: Revised Section of Municipal Code
Sec. 26.07 Commission for Arts and Culture

B. Commission for Arts and Culture Established
(Paragraph 2, line 8 to read as follows):

The expiration date of all terms shall be August 31. During September of each year, the Mayor may designate one (1) member as chairperson; however, in the absence of such designation, the Commission shall on or after October 15 select from their members a chairperson.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A083-089.)

CONSENT MOTION BY McCOLL TO INTRODUCE. 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-53: (O-89-156) INTRODUCED, TO BE ADOPTED FEBRUARY 21,
1989

Introduction of an Ordinance establishing a parking meter zone on the east side of Falcon Street between Washington Street and the alley south of Washington Street.

(Uptown Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed two-hour time limit parking meter zone on Falcon Street was petitioned by property owners representing 100 percent of the affected frontage. Recent parking studies of this location determined the average parking occupancy to be 75 percent and the average vehicle stay to be 3.0 hours. All of the time limit parking meter zones in the general area are for two-hour limits. This area receives a high level of enforcement. These facts meet the requirements of Council Policy 200-4 and either a one-hour or two-hour time limit parking zone is justified. The problem caused by long-time parkers would effectively be reduced by the use of either time limit. The uniformity of having only two-hour limits enables the Police Department to provide better parking enforcement for the area. Therefore, the two-hour parking meter time zone is recommended for implementation.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A083-089.)

CONSENT MOTION BY McCOLL TO INTRODUCE. Second by Wolfsheimer.

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-100: (R-89-1265) ADOPTED AS RESOLUTION R-272802

Awarding contracts for the purchase of Medium and Heavy Duty Vehicles, for a total cost of \$1,487,898.88, including tax, as follows: (BID-0234/89)

1. George Chevrolet for Item 1 - five Dump Trucks, 3 cubic yard (Chevrolet C7D042 with dump body and hoist); Item 2 - two Truck Tractors (Chevrolet C7D042 with 5th wheel); Item 4 - eight Cab and Chassis - 102" CA, 24,000 lb. GVW (Chevrolet C7D042); Item 10 - two Cab and Chassis 14,000 lb. GVW (Chevrolet C6D042 Lo Pro); Item 11 - one Cab and Chassis - 114" CA, 24,000 lb. GVW (Chevrolet C7D042 with PTO); Item 12 - eight Cab and Chassis - 84" CA, 22,000 lb. GVW (Chevrolet C7D042 with PTO); and GVW (Chevrolet C7D042 with PTO); Item 13 - Seven Cab and Chassis - 84" CA, 24,000 lb. GVW (Chevrolet C7D042 with PTO).
2. Reynolds Buick GMC for Item 3 - one Cab and Chassis - 102" CA, 24,000 lb. GVW (GMC C7D042 with

- PTO); Item 14 - one Dump Truck, 8 cubic yard (GMC C7D042 with dump body and hoist).
3. Miramar Ford Truck Sales, Inc. for Item 7 - two Cab and Chassis - 102" CA, 20,000 lb. GVW (Ford F-600 with PTO); Item 9 - seven Tilt Cab and Chassis - 20,000 lb. GVW (Ford CF6000 with PTO).
 4. GMC Truck & Coach Operation (Oakland) for Item 5 - three Dump Trucks, 5 cubic yard (GMC C7D042 with dump body and hoist).
 5. Dion International Trucks, Inc. for Item 6 - one Dump Truck, 6 cubic yard, 6x6 (IHC - F4954 6x6 with dump body and hoist).
 6. GMC Truck & Bus Group, General Motors Corporation - (Los Angeles) for Item 8 - fifteen Cab and Chassis - 84" CA, 20,000 lb. GVW (GMC C69042).
 7. Pacific Freightliner Trucks for Item 15 - one Dump Truck 54,000 lb. GVW (Freightliner FLC11264 with dump body and hoist).
 8. Los Angeles Freightliner - GMC Trucks for Item 16 - one Cab and Chassis - 108" CA, 24,000 lb. GVW (GMC C7D042 with PTO).

Aud. Cert. 8900633.

FILE LOCATION: MEET CONFY89-8

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-101:

Two actions relative to approving the final subdivision map of Carmel Mountain Ranch Unit No. 14, a 148-lot subdivision located northeasterly of North City Parkway and Highland Ranch Road:
(Carmel Mountain Ranch Community Area. District-1.)

Subitem-A: (R-89-1393) ADOPTED AS RESOLUTION R-272803
Authorizing the execution of a Subdivision Improvement Agreement with Carmel Mountain Ranch for the installation and completion of public improvements.

Subitem-B: (R-89-1392) ADOPTED AS RESOLUTION R-272804
Approving the final map.

FILE LOCATION: SUBD Carmel Mountain Ranch Unit No. 14

CONTFY89-1

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-102: (R-89-1470) ADOPTED AS RESOLUTION R-272800

Commending Lionel Van Deerlin for his many years of public service.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-103: (R-89-1446) ADOPTED AS RESOLUTION R-272805

Commending the Indochinese community, including all groups and individuals involved in the Second Annual Cultural Fair, for their effort to broaden the cultural horizons of all San Diegans.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-104: (R-89-1471) ADOPTED AS RESOLUTION R-272806

Excusing Mayor Maureen O'Connor from attending the regularly scheduled City Council meeting of January 23, 1989, to testify before the State Legislature, regarding the City's position on the "Stirling Bill", and AB 4521 (Hanningan) and other restrictions on transient occupancy taxes.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-105: (R-89-1434) ADOPTED AS RESOLUTION R-272807

Approving the filing of an application with the State Coastal Conservancy for the preparation of an enhancement/management plan for Famosa Slough in the amount of \$39,000, as well as acceptance and expenditures of the funds; authorizing the City Manager to execute all agreements and conduct all negotiations necessary to complete the project.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: On December 13, 1988, the City Council in Closed Session approved amendments to the purchase agreement and escrow instructions for the City's acquisition of Famosa Slough. A requirement of the purchase agreement is that prior to the transfer of title to Famosa Slough, the City Coastal Conservancy and State Fish and Game complete a mutually satisfactory enhancement/management program with funding identified. The City Manager has subsequently submitted an application to the State Coastal Conservancy for grant funding in the amount of \$39,000 for the preparation of the enhancement/management Plan for Famosa Slough. The grant request has been scheduled on the agenda of the Conservancy's January 20, 1989 meeting. Coastal Conservancy staff have informed the City Manager's office that their established guidelines for determination of project eligibility for grant funds require that the applicant must certify by Resolution the approval by the City Council of application to the State. This Resolution is intended to satisfy this requirement in order to secure the grant funds for the preparation of the enhancement/management plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-106: (R-89-1447) ADOPTED AS RESOLUTION R-272808

Officially accepting the \$100,000 1988 Innovations Award grant from the Ford Foundation; authorizing the City Manager, or his designee, to process and execute all contracts, agreements and ancillary documents within the scope of the Ford Foundation Innovations grant; authorizing the Planning Director to administer the grant award, when received.

PLANNING DIRECTOR SUPPORTING INFORMATION: On December 16, 1987, the Planning Department submitted an application to the John F. Kennedy School of Government at Harvard University for an Innovations Award in State and Local Government. Based on preliminary applications received from a pool of about 1,000 national applicants, about 75 programs were requested to submit a more extensive application. This secondary application was made on March 25, 1988. Following this second round of applications, 25 programs were requested to make presentations before the Innovations National Advisory Committee at Harvard University on June 30, 1988. On July 5, 1988, the City of San Diego was notified that the Single Room Occupancy Hotel Program was selected as a 1988 Innovations Award recipient. The award carries with it a one-time grant of \$100,000 to advance the program and transfer the concept to other cities. On September 30, 1988, the Mayor and members of the Planning Department went to New York to receive the award; however, the grant needs official acceptance by the City Council before it can be received. This action is to authorize the City to receive the \$100,000 grant, which will be used to further the SRO program and to transfer the concept to other cities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-107: (R-89-1443) ADOPTED AS RESOLUTION R-272809

Declaring that for the jurisdictional changes associated with the Via Rancho Parkway/Sunset Reorganization, the annual tax increment attributable to the city from which territory is being detached shall be transferred to the city to which territory is being annexed.

CITY MANAGER SUPPORTING INFORMATION: The Via Rancho Parkway/Sunset Reorganization involves an exchange of public right-of-way area due to a realignment of Via Rancho Parkway and Sunset Drive. The boundaries of the Cities of San Diego and Escondido previously coincided with the alignment of these roadways. This reorganization will restore that relationship and simplify road maintenance responsibilities. Approved by Council in July 1984, Resolution R-261171 authorized the granting of fee title of portions of Rancho San Bernardo to the City of Escondido for the purpose of widening Via Rancho Parkway. The County of San Diego Auditor and Comptroller has

determined that, although there is no assessed value or property tax revenue applicable to the proposed jurisdictional changes, the annual tax increment attributed to each City must be reallocated. This Resolution is necessary to finalize that reallocation.

FILE LOCATION: ANNEX Via Rancho Parkway/Sunset
Reorganization

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-108: (R-89-1324) ADOPTED AS RESOLUTION R-272810

Authorizing the City to access summary criminal history information for employment, licensing, or certification purposes; declaring that the City shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment or license in question.

(See City Manager Report CMR-89-38.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-109: (R-89-1388) ADOPTED AS RESOLUTION R-272811

Establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Gaines Street between Hancock Street and the alley to the east; authorizing the installation of the necessary signs and markings; declaring that the hereinabove imposed regulations shall become effective upon the installation of such signs.

(Midway Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This proposed two-hour time limit zone on Gaines Street was petitioned by a property owner representing 100 percent of the affected frontage. Recent

parking studies of this location determined the average parking occupancy to be 98 percent and the average vehicle stay to be 5.4 hours. This location is closed to other time limit parking zones which receive a high level of enforcement. This meets the requirements of Council Policy 200-4 for the establishment of a two-hour time limit parking zone. Therefore, this parking restriction is recommended for implementation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-110: (R-89-1404) ADOPTED AS RESOLUTION R-272812

Authorizing the execution of a 10-year license agreement with Chula Vista Model & Radio Control Club for the operation of model airplane activities on a 10-acre City-owned parcel described as the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 5, Township 19 South, Range 2 West, SBBM.

(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The Tijuana River National Estuarine Reserve was established in 1982 and encompasses approximately 2,531 acres of publicly and privately owned coastal wetlands near the border with Mexico. The Reserve was set aside for scientific research, education, limited agriculture, and protection of natural resources and endangered species. The City participates on a Management Authority which administers the Reserve. A major focus of the Reserve program is the public acquisition with Federal and State funds of key parcels of land still under private ownership. Lands purchased from private owners are vested with the City because of special State funding conditions and to facilitate the City's Local Coastal Program. The State provides the City with the acquisition funds and directs the City as to which parcels to purchase. Parcels are acquired from willing sellers only, and any rental income from the parcels goes to the State. One of the parcels acquired by the City under this program is subject to an existing license with the Chula Vista Model & Radio Control Club for model airplane activities. The Club has been permitted to use the 10-acre site for over 15 years. Although model airplane activities are basically not in conformance with the purpose of the Reserve, no suitable site is presently available where the Club can relocate. For that reason, the

State requested the City to negotiate a new license with the Club, as the existing license is expiring. The proposed license, which has been approved by the Management Authority of the Reserve, has a term of 10 years but is revocable upon 60 days' notice. The annual license fee paid by the Club to the State is being increased from \$250 to \$500.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-111: (R-89-1382) ADOPTED AS RESOLUTION R-272813

Authorizing the execution of an agreement with Engineering Alliance Corporation for professional services required for development of North Park Community Park Improvements; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 from Park North-East Park Development Fund No. 39095 to CIP-29-662, North Park Community Park - Improvements; authorizing the expenditure of an amount not to exceed \$103,300 from CIP-29-662, North Park Community Park - Improvements, for the purpose of providing funds for the execution of the above agreement; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(Park North-East Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The proposed agreement with Engineering Alliance Corporation will provide the professional services required for the design of an addition to the existing Senior Center, a covered patio and the replacement of tennis courts, concrete walks and one shuffleboard court. The proposed consultant was selected in accordance with Council Policy 300-7. The City advertised for professional services, as needed, in the San Diego Daily Transcript, on March 11, 1988, and established an "as needed" list of consultants. The Park and Recreation Department interviewed four Civil Engineering consultants from the list. The City Manager received recommendations from the Park and Recreation Department and has selected Engineering Alliance Corporation for this project. The transfer of the additional \$500,000 will provide the funding necessary to design and construct an addition to the existing Senior Center that will accommodate the existing senior programs and functions.

Aud. Cert. 8900590.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-112: (R-89-1405) ADOPTED AS RESOLUTION R-272814

Authorizing the execution of an encroachment removal agreement with Oliver McMillan Hillcrest Square, Ltd. for construction of private underground facilities in the public right-of-way, located on Washington Street between 5th Avenue and 6th Avenue.

(Uptown Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The developer of Oliver McMillan Hillcrest Square has applied for a permit to construct a permanent underground parking structure at the corner of 5th Avenue and Washington Street. This structure encroaches about 14 feet onto 5th Avenue. An Encroachment Removal Agreement (ERA) is required for this structure. This encroachment will not cause any problems with the existing underground utilities or the surface improvements on Washington Street and 5th Avenue. The approval of this ERA is recommended since it is consistent with Council Policy 700-18. The T.M., P.C.D. and C.U.P. were approved on July 5, 1988. The improvement and building plans have been prepared to the satisfaction of the Engineering and Development Department.

Before an encroachment permit is issued, the developer will be required to pay all fees and provide a full surety to cover all improvements.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-113: (R-89-1403) ADOPTED AS RESOLUTION R-272815

Authorizing the execution of a lease agreement with Mission Bay Marina Associates for the use by the Mission Bay Coordinator of 240 square feet of office space at 1500 Quivira Way, at an initial monthly rental of \$360; authorizing the expenditure of an amount not to

exceed \$4,320 from the General Fund for the above described lease costs for Fiscal Year 1989.

(Mission Bay Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The Mission Bay Coordinator has been occupying 240 square feet of office space at 1500 Quivira Way since 1987. The office space is located in the Mission Bay Marina Administration Building. This lease will extend his occupancy for three additional years with an option to extend for two terms of one year each.

Aud. Cert. 8900602.

FILE LOCATION: LEAS Mission Bay Marina Associates
LEASFY89-1

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-114: (R-89-1426) ADOPTED AS RESOLUTION R-272816

Authorizing the execution of a fifth amendment to the agreement with Nasland Engineering, Inc. for engineering design services for development of the First San Diego River Improvement Project (FSDRIP) under the provisions of the Improvement Act of 1913; authorizing an increase of \$65,000 for consultant services for the Fifth Amendment with \$45,200 from FSDRIP, Fund 79364, and \$19,800 from the Sewer Revenue Fund (41506); authorizing the expenditure of an amount not to exceed \$45,200 from FSDRIP, Fund 79364, and \$19,800 from the Sewer Revenue Fund (41506), to provide funds for the above purpose.

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

CITY MANAGER SUPPORTING INFORMATION: On November 18, 1985, the City of San Diego entered into an agreement with Nasland Engineering, Inc., a California Corporation, for engineering design services for development of the First San Diego River Improvement Project (FSDRIP). The construction contract for \$20,798,482.42 will provide for the channelization of the San Diego River with 100-year flood protection. The two existing river crossings at Mission Center Road and Stadium Way will be upgraded to the ten-year flood level and a new crossing at Camino Del Este will be constructed. This fifth amendment to the agreement requests that \$65,000 be added for consultant services. Of this amount \$40,000 is for the "Construction Phase" and \$25,000 for "Additional Services". These funds are

necessary due to unforeseen and previously unidentified consultant services. These services include research, calculations and documentation of earthwork quantities as well as additional work related to soil conditions and the 78-inch sewer. This amendment will also provide additional funds for the consultant to assist City staff in the review and analysis of necessary construction changes occurring in the field. These very involved changes and accompanying accounting procedures are the result of extreme variations in soil conditions which has complicated construction of the channel and sewer that are funded by the property owners and Water Utilities Department, respectively. As of December 2, 1988, FSDRIP is 62 percent complete and on schedule. Approval of this fifth amendment will provide additional consultant services to maintain the current schedule.

Aud. Cert. 8900615.

WU-E-89-107.

FILE LOCATION: STRT D-2256 CCONFY89-1

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-115: (R-89-1402) ADOPTED AS RESOLUTION R-272817

Authorizing the execution of an agreement with the Sherman Heights Community Center Corporation to provide for the design of a community center at 2230-2260 Island Avenue, and restoration of an existing building; authorizing the expenditure of an amount not to exceed \$75,000 from CDBG Fund No. 18523, Account No. 4279; and \$75,000 from CDBG Fund No. 18524, Account No. 4279 for a total of \$150,000, for the purpose of providing funds for the above project.

(Sherman Heights Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: As part of the 1986 Community Development Block Grant Program, Council approved funds for the acquisition of a site for the Sherman Heights Community Center. The site at 2230-2260 Island Avenue, has been acquired. Additional CDBG funds were allocated in 1987 and 1988 for the design of the proposed facility. This agreement will make available to the Sherman Heights Community Center Corporation the funds necessary to obtain the services of a licensed architect to develop the plans and specifications for the center. Upon completion, the Sherman Heights Community Center will function as the central point in the community for

the provision of a wide variety of social services. Operating expenses will be financed by an endowment of approximately \$1,000,000 provided by the Dayton-Hudson Corporation and its subsidiaries Mervyn's and Target.

Aud. Cert. 8900476.

FILE LOCATION: MEET CCONT89-1

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-116: (R-89-1433) CONTINUED TO FEBRUARY 7, 1989

Authorizing the execution of a second amendment to purchase agreement and escrow instructions with TLS Investors for the City's acquisition of property commonly known as "Famosa Slough," as previously authorized by Council Resolution R-272050, adopted October 10, 1988; authorizing the City Manager, in accordance with the terms and conditions of the second amendment, to loan TLS Investors not to exceed \$1 million of the previously authorized \$2.6 million for site acquisition and to take back a note secured by a first deed of trust against the property.

(Peninsula Community Area. District-2.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A064-075.)

MOTION BY FILNER TO CONTINUE TO FEBRUARY 7, 1989, AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Pratt. 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-200: (R-89-1319) ADOPTED AS AMENDED AS RESOLUTION R-272818

(Continued from the meeting of January 24, 1989, Item 114, at Council Member Henderson's request, for further clarification of the Conflict of Interest Code.)

Approving the Conflict of Interest Code of the Commission for Arts and Culture of The City of San Diego, submitted pursuant to the Political Reform Act of 1974, as amended.

CITY MANAGER SUPPORTING INFORMATION: The Conflict of Interest Code of the Commission for Arts and Culture provides guidelines for the Commission's decision process. The

Commission is responsible for making funding recommendations to the City Council. Therefore, it is important that conflicts such as the following be identified and resolved:

CONFLICT OF INTEREST CODE OF THE COMMISSION FOR ARTS AND CULTURE:

- 1) (Section 203, A&B) Re: Financial Interest - Commissioners shall not have a direct or indirect financial interest that conflicts or appears to conflict with his or her Commission duties and responsibilities; or engage in, directly or indirectly, a transaction as a result of or primarily relying on information obtained through his or her Commission affiliation.
- 2) (Section 205) Re: Conflicts of Interest - The trust of the citizenry demands that a Commissioner take no action which would constitute the use of his or her position to advance personal or private interest.
- 3) (Section 206) Re: Disqualification Because of Financial Interest - Commissioners must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest when it is reasonably foreseeable that such interest may be materially affected by the decision.
- 4) (Section 206) Re: Disqualification - When any person holding an official position as a Commissioner has reason to believe he or she may be disqualified, he or she shall immediately report the nature of the potential conflict and absent himself or herself from further consideration of the matter.
- 5) (Section 303) Contents of Disclosure Statements - Outlining contents of investment and real property reports.
- 6) Section 303-B) Contents of Disclosure Statements/Personal Income Reports - When personal income is required to be reported, the statement shall contain the name and address of each source of income aggregating \$250 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A099-136.)

MOTION BY HENDERSON TO ADOPT WITH AN AMENDMENT TO THE CODE, SECTION 102, SUBITEM A, TO INSERT REFERENCE TO EXCERPT FROM THE GOVERNMENT CODE REGARDING PENALTIES. 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-201: (R-89-1437) ADOPTED AS RESOLUTION R-272819

Amending Resolution R-272101 by increasing the allocation of funds by \$250,000 for payment of legal fees and costs to Sullivan, Delafield, McDonald and Middendorf and Hetland and Hansen, for matters pertaining to the U.S. Grant Hotel; authorizing the City Auditor and Comptroller to transfer an amount not exceed \$250,000 from the General Fund Unallocated Reserve 605 to the Allocated Reserve 901; authorizing the expenditure of an amount not to exceed \$250,000 from the Allocated Reserve 901.

Aud. Cert. 8900627.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A136-183, A537-570.)

MOTION BY WOLFSHEIMER 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-not present.

ITEM-202: (R-89-1421) ADOPTED AS RESOLUTION R-272820

Authorizing approval of the 1989 Rental Rehabilitation Program Application and Description; authorizing the execution of a Memorandum of Understanding with the Housing Commission; delegating the implementation of the Rental Rehabilitation Program, in accordance with federal requirements and guidelines, to the Housing Commission.

(See Housing Commission Report HCR-89-001CC.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY MCCOLL TO ADOPT. Second by Henderson. 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-203:

(Continued from the meetings of January 9, 1989, Item 203, and January 23, 1989, Item 200; last continued at the City Manager's request, for further review.)

Three actions relative to the vacation of portions of Sorrento Valley Road and Watsonia Street:

(Torrey Pines Community Area. District-1.)

Subitem-A: (R-89-1159) ADOPTED AS RESOLUTION R-272821

Vacating portions of the former alignment of Sorrento Valley Road, as granted April 17, 1899 in Book 277, page 135, of the Book of Deeds, and Watsonia Street, under the

procedure for the summary vacation of streets; 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 City reserves and excepts from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewal thereof; declaring that the easements reserved herein are in, under, over, upon, along and across Watsonia Street; declaring that this resolution shall not become effective until the filing of a consolidation map or other appropriate map to eliminate the parcels created outside of the subdivision process, which will exist upon vacation of the rights-of-way; in the event that the final map is not filed within two years following the 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 parcel map.

Subitem-B: (R-89-1160) ADOPTED AS RESOLUTION R-272822
Approving the acceptance by the City Manager of a slope easement deed of Edward G. Wong and Ellen G. Wong, granting to the City easements for slopes and incidental purposes in portions of Acre Lots 5 and 6 of Sorrento Lands and Townsite, Map-483.

Subitem-C: (R-89-1161) ADOPTED AS RESOLUTION R-272823
Certifying that the information contained in the Environmental Impact Report EIR-86-0981, in connection with the vacation of portions of Sorrento Valley Road and Watsonia Street, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The vacation of portions of Sorrento Valley Road southeast of Watsonia Street and Watsonia Street southwest of Sorrento Valley Road has been requested by the abutting property owner to accommodate further site development proposed under the approved Planned Industrial Development Permit PID-86-0981. The proposed vacation and adjoining property are situated in the Torrey Pines Community Plan area and within the MI-A Zone. The vacation area comprises approximately 0.345 acres (15,000 square feet) of right-of-way, which became surplus when Sorrento Valley Road was recently realigned. Under the PID, the applicant's property and vacated

area westerly of the new Sorrento Valley Road alignment, a total of 8.3 acres, will be developed with two buildings for light manufacturing and warehouse use. Residential use is not permitted under the existing zone. The Planning Department has no objections to the proposed vacation, and the Planning Commission recommended approval on September 1, 1988 by a 4-0 vote. The portions of Sorrento Valley Road and Watsonia Street (which has never been improved) are now barricaded with traffic being diverted to the new Sorrento Valley Road alignment. The rights-of-way to be vacated contain franchise facilities for which easements are to be reserved. In order to accommodate future construction of the remaining improvements for Sorrento Valley Road, slope easements and temporary construction areas are being provided by the property owner over segments of the vacated right-of-way by separate document as part of this action. In addition, a consolidation parcel map is being required in order to eliminate illegal parcels. Staff review has indicated that the rights-of-way to be vacated are no longer required for present or prospective public use and may be summarily vacated, conditioned upon the recordation of a consolidation parcel map.

FILE LOCATION:

Subitem-A STRT J-2707 DEED F-4780,

Subitem-B DEED F-4781,

Subitem-C STRT J-2707

DEEDFY89-2

COUNCIL ACTION: (Tape location: A153-184.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. 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-204: (O-89-146) INTRODUCED, TO BE ADOPTED FEBRUARY 21, 1989

(Continued from the meeting of January 17, 1989, Item 332, at Council Member Roberts' request, to allow time for the City Attorney to prepare language for the ordinance; Continued from the meeting of January 23, 1989, Item S402, at the City Manager's request, to allow time to identify the individual street addresses for each of the areas.)
Introduction of an Ordinance establishing the Ocean Beach

Business Improvement District, pursuant to the Parking and Business Improvement Area Law of 1979, and levying an assessment and charge for upgrading and promoting the area.

(Ocean Beach Community Area. District-2.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A089-099.)

MOTION BY McCOLL TO INTRODUCE. Second by Henderson. 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-S400: (R-89-1335) ADOPTED AS RESOLUTION R-272824

A Resolution approved by the City Council in Closed Session on Tuesday, November 21, 1988 by the following vote:

Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-yea; Struiksma-yea; Henderson-not present; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$790,000, plus interest which has accrued on the condemnation deposit of \$490,000, in settlement of Superior Court Case No. 585704 entitled Monopoly v. City of San Diego, et al.; said payment is for the purchase of property acquired by the City for the purpose of the development and completion of the Valencia Canyon Open Space Project, located between Radio Drive and 59th Street in the Encanto area, which was authorized by Resolution R-267083, adopted November 18, 1986; declaring that the sum of \$490,000 has already been deposited with the County Treasurer in accordance with the eminent domain action referred to above; \$489,800 has been withdrawn by Monopoly; \$16,789.41 was paid to Monopoly by the City (Check No. 1505444) from the accrued interest of \$22,950.01 which was withdrawn by the City; and \$225.45 has been paid to the County Treasurer-Tax Collector for the current 1987-88 prorated taxes; authorizing the City Auditor and Comptroller to pay \$283,185.14 and to utilize the available funds for said acquisition from the Open Space Bond Fund 79103; authorizing the expenditure of amounts totalling the sum of \$790,000 for the settlement of the eminent domain action, including full payment of the parcel and for all damages of every kind and nature suffered or to be suffered by reason of the acquisition of said parcel from Monopoly.

(Encanto Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: On November 21, 1988, the City Council voted in Closed session to settle City of San

Diego versus Monopoly, Superior Court Case 585704, in the total sum of \$790,000. This total sum includes the original condemnation deposit of \$490,000 and the interest accrued on said deposit. The initial eminent domain proceedings were filed as authorized by City Council Resolution R-267083, adopted on November 18, 1986.

Aud. Cert. 8900636.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-S401: (R-89-1479) ADOPTED AS RESOLUTION R-272825

Supporting Senate Bill SB 292 (Roberti) and Assembly Bill 376 (Klehs), as well as other legislation regulating the possession and sale of semiautomatic weapons, as set forth in Intergovernmental Relations Department Report IRD-89-10, dated January 31, 1989.

(See Intergovernmental Relations Department Report IRD-89-10.)

COMMITTEE ACTION: Reviewed by RULES on 2/1/89.

Recommendation to adopt the Intergovernmental Relations Department's recommendation to support SB 292 (Roberti) and AB 376 (Klehs), and other legislation regulating the possession and sale of semiautomatic assault weapons. Districts 2, 3, 6 and 7 voted yea. District 4 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-099.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Henderson. 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-S402: (R-89-1400 Rev.1) ADOPTED AS RESOLUTION R-272826

Authorizing the City Manager to enter into an Amendment No. 1 to the Agreement with Regional Environmental Consultants (RECON), for environmental work required to complete the EIR/EIS for the modification and enlargement of the Metropolitan Sewerage System; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$404,997 within the Sewer Revenue Fund, No. 41506, from the Unallocated Reserve, No. 70697, to the Modified Wastewater

Treatment Facilities Plan, CIP-46-147.0, thereby increasing the project allocation of the Special Projects Capital Improvements Program, No. 70792, by this amount; authorizing the expenditure of an amount not to exceed \$404,997 from the Modified Wastewater Treatment Facilities Plan, CIP-46-147.0, within the Sewer Revenue Fund No. 41506, for the purpose of providing funds for the above Amendment.

(See City Manager Reports CMR-89-48 and CMR-89-09.)

COMMITTEE ACTION: Reviewed by PSS on 1/18/89.

Recommendation to forward to City Council with no recommendation due to time constraints. The Committee requested the City Manager to answer questions raised at Committee when the Item is considered by the City Council. Districts 2, 3 and 7 voted yea. Districts 4 and 6 not present.

Aud. Cert. 8900609.

WU-U-89-101.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A192-432.)

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

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent the meeting was adjourned by Deputy Mayor McCarty at 2:46 p.m. in honor of the memory of Lt. Thomas Little Gibson.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A575-587).