

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

MONDAY, FEBRUARY 27, 1989

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 2:11 p.m. The meeting was recessed by Mayor O'Connor at 5:40 p.m. The meeting was reconvened by Mayor O'Connor at 5:51 p.m. with Council Members Struiksmas, McCarty and Filner not present. Mayor O'Connor adjourned the meeting at 7:21 p.m.

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 Struiksmas-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (tm)

FILE LOCATION: MINUTES

ITEM-1: 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 Struiksmas-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

Invocation was given by Rabbi Martin Levin of the Temple Beth El.

FILE LOCATION: MINUTES

Feb-27-1989

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
Struiksmā.

FILE LOCATION: MINUTES

Feb-27-1989

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

01/30/89

01/31/89

02/02/89 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A054-060.)

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

ITEM-31: PRESENTED

Presentation from Kaiser Permanente, by Dr. Maurice  
Alfaro, Ken Kolling and Chris Chrisafull to the City  
Council of a check for \$25,000 for the Day Center for  
Homeless Men.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A060-115.)

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

Feb-27-1989

ITEM-32: WELCOMED

Recognizing Ms. Athalie Okken and a group of approximately  
21 children and 5 adults from the San Diego Christian  
Elementary School.  
(District-7.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A120-135.)

ITEM-33: GRANTED HEARING FOR APRIL 4, 1989 AT 10:00 A.M.

Matter of the requests of Shirley Zirkel; Scott M. Marcus; La Jolla Village Estates, by Dennis Pearce, Chairman; and Villas Mallorca Homeowners Association, by Brian North, for a hearing of an appeal from the decision of the Planning Commission in approving, with modifications, Planned Residential Development Permit PRD-88-0934, proposing to develop 296 attached multi-family dwelling units (two to three stories high, over underground parking) on approximately 10.85 gross acres. The property is located at the northeast corner of

Villa La Jolla Drive and Gilman Drive, in Zone R-1000, in the University Community Plan area. The subject property is further described as Parcels 1 through 3, inclusive of Parcel Map PM-11169.

(PRD-88-0934. District-1.)

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

FILE LOCATION: PERM - PRD-88-0934

COUNCIL ACTION: (Tape location: A135-161.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

#### ITEM-34: DENIED HEARING

Matter of the request of Lomas Santa Fe Incorporated, by Paul E. Robinson of McDonald, Hecht & Solberg, from the decision of the Planning Commission in denying proposed amendment to Planned Commercial Development Permit PCD-85-0492.

The amendment to the permit would add an 11 story, 200,000 square-foot medical office tower; replace a low rise, 250 unit residential complex with an 11 story, 210 unit residential tower; and redesign a 7 story and a 10 story office structure.

The subject property is located on a 27.47-acre site on the north side of La Jolla Village Drive between Genesee Avenue and Regents Road, and is further described as Lots 1-19, Regents Park, Map-10703, in Zone CN, in the University Community Plan area.

(PCD-88-0589. District-1.)

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

FILE LOCATION: PERM - PCD-85-0492

COUNCIL ACTION: (Tape location: A161-191.)

MOTION BY WOLFSHEIMER TO DENY THE PROJECT. Second by Filner.  
Passed by the following vote: Wolfsheimer-yea, Roberts-nay,  
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-50:

Two actions relative to the Floodplain Management  
Ordinance:  
(Introduced on 2/14/89. Council voted 6-0. Districts 4, 5  
and 7 not present.)

Subitem-A: (O-89-125) ADOPTED AS ORDINANCE O-17251 (New  
Series)

Amending Chapter IX, Article 1, Division 1, of the San  
Diego Municipal Code, by adding Section 91.01.0001, by  
adding a new provision that defines the term "areas of  
special flood hazard" using the same language as the  
Federal Emergency Management Agency; the ordinance also  
prohibits construction within areas of special flood hazard  
except under certain circumstances.

Subitem-B: (O-89-126) ADOPTED AS ORDINANCE O-17252 (New  
Series)

Amending Chapter VI, Article 2, Division 4, of the San  
Diego Municipal Code, by adding Section 62.0421, to  
establish areas of special flood hazard in accordance with  
the standards of the Federal Emergency Management Agency;  
the new section would also prohibit work within the areas  
of special flood hazard except under certain circumstances.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A211-241.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND  
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-51: (O-89-161 Rev.2) ADOPTED AS ORDINANCE O-17253 (New  
Series)

Amending Chapter X, Article 1, Division 4, of the San Diego  
Municipal Code by amending Section 101.0462, relating to  
the Resource Protection Overlay Zone, to add biologically  
sensitive lands, significant prehistoric and historic  
resources, unmapped wetlands, and other related changes.

(Introduced as amended on 2/14/89. Council voted 8-0.  
District 4 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A211-241.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND 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-52: (O-89-65) ADOPTED AS ORDINANCE O-17254 (New  
Series)

Amending Chapter X, Article 1, Division 2, of the San Diego  
Municipal Code by amending Section 101.0204, relating to  
deletion of the Sunset Clause providing recognized  
planning groups a fee waiver for appeal fees.  
(Introduced on 2/14/89. Council voted 8-0. District 4 not  
present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A211-241.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND 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-53:

Two actions relative to the regulation of nudity depicted  
in public newsracks and public places:  
(See City Manager Report CMR-89-39.)

Subitem-A: (O-89-143) INTRODUCED, TO BE ADOPTED  
MARCH 20, 1989

Introduction of an Ordinance amending Chapter V, Article 8,  
of the San Diego Municipal Code by amending Section 58.07  
relating to Distribution of Harmful Material to Minors.

Subitem-B: (O-89-144) INTRODUCED, TO BE ADOPTED  
MARCH 20, 1989

Introduction of an Ordinance amending Chapter VI, Article  
2, of the San Diego Municipal Code, by amending Section  
62.0902 and Section 62.0903, relating to Newsracks on  
Public Rights-of-Way.

COMMITTEE ACTION: Reviewed by PSS on 2/15/89.

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: A246-261; G640-H059.)

Motion by McColl to introduce. Second by Roberts. No Vote.

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

\* ITEM-100: (R-89-1287) ADOPTED AS RESOLUTION R-272912

Accepting the second low bid in the amount of \$3,467,470  
and awarding a contract to Contri Construction Company  
for the construction of Palm City Trunk Sewer, Pump  
Station and Force Main, Group Nos. 2, 3 and 4; authorizing  
the execution of a first amendment to the agreement with  
NBS/Lowry, for engineering construction management  
services during construction of the Palm City Trunk Sewer,  
Pump Station and Force Main for an amount not to exceed  
\$50,162. (BID-9082)

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

CITY MANAGER SUPPORTING INFORMATION: On June 30, 1987, the  
City Council authorized the advertising for bids for the  
construction of the Palm City Trunk Sewer, Pump Station and  
Force Main. The bids were opened on April 8, 1988. The low  
bidder has withdrawn their bid and the second low bid is for  
\$3,467,470 or \$104,685.50 (3 percent) more than the low bid. It  
is recommended that a contract be awarded to the second low  
bidder. On June 30, 1987, the Council authorized the execution  
of an Engineering Services Agreement with NBS/Lowry for  
construction management support services in the amount of  
\$84,142. This agreement provided assistance to City staff  
during bidding and construction of the project. Amendment No. 1  
to this agreement provides \$50,162 for the following: 1) \$8,937  
to convert the standby power generator from a diesel fuel system  
to a natural gas system; 2) \$17,205 to study the feasibility of  
using the standby generator during peak electrical demand  
periods and, if economically feasible, redesign the electrical,  
mechanical and structural drawings; 3) \$9,218 for additional bid  
services; 4) \$9,302 for increased labor costs; and 5) \$5,000  
contingency. The conversion to a natural gas system will result  
in cost savings to the City and eliminate the need for  
underground fuel storage. Finally, by using the standby  
generator during peak electrical demand periods, preliminary  
in-house studies indicate \$7,500 can be saved annually.

WU-P-89-053.

FILE LOCATION: CONT - Contri Construction Company  
CONTFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-101: (R-89-1288) ADOPTED AS RESOLUTION R-272913

Awarding a contract to San Diego Police Equipment Company for furnishing ballistic raid jackets, as may be required for a period of one year beginning May 1, 1988 through April 30, 1989, for an estimated cost of \$59,392.48, including tax and terms, with an option to renew the contract for an additional one-year period. (BID-9596)

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-102: (R-89-1521) ADOPTED AS RESOLUTION R-272914

Awarding a contract to Av-Ox, Inc., for furnishing Scott Breathing Apparatus Parts, as may be required for a period of one year beginning April 1, 1988 through March 31, 1989, for an estimated cost of \$35,000, including tax and terms, with an option to renew the contract for two additional one-year periods. (BID-9643E)

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-103: (R-89-1286) ADOPTED AS RESOLUTION R-272915

19890227

Awarding a contract to Lamar Mobile Space Manufacturing for the purchase of one 24 ft. x 60 ft. office trailer for the Industrial Waste Program, for an actual

cost of \$37,608.60, including applicable tax.  
(BID-0346/89)

Aud. Cert. 8900691.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-104: (R-89-1522) ADOPTED AS RESOLUTION R-272916

19890227

Inviting bids for Street Light Painting on Work Order No. 052000; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$140,000 from Fund 70210 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-0464/89)

(Park North-East, Mid-City, Uptown, and Centre City Community Areas. Districts-3, 7 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The San Diego Street Lighting Maintenance District No. 1 was formed by Council Resolution R-20411 on July 28, 1970 under provisions of the San Diego Maintenance District Procedural Ordinance of 1969. The cost of maintenance and provision of electrical energy for the street lights is financed by a special assessment of the property owners within the District. The City Force painting of these and other street lights in the City was curtailed about fifteen years ago due to fiscal constraints. Between 1983-85, the City completed contracting the painting of about 1,700 district lights in response to complaints from citizens and Council representatives about the appearance of the lights. Approximately 1,700 poles will be painted in this contract and will include the areas of Downtown, Hillcrest, Adams Avenue, and Rolando. It is estimated that the project will be completed around June, 1989.

Aud. Cert. 8900614.

FILE LOCATION: W.O. 052000 CONT - X105 Painting Co.  
CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-105: (R-89-1289) ADOPTED AS RESOLUTION R-272917

19890227

Inviting bids for the Construction of Channelization Improvements at Various Locations FY '89 on Work Order No. 119213; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$21,000 from Capital Outlay Fund 30245, CIP-62-002, Annual Allocation - Minor Signal Requirements, to CIP-63-003, Annual Allocation - Channelization Requirements; authorizing the expenditure of an amount not to exceed \$121,000 from Capital Outlay Fund 30245, CIP-63-003, Annual Allocation - Channelization Requirements, 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-0452/89)

(Pacific Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: This project will construct turn pockets in existing median islands in order to improve traffic safety and better accommodate peak hour traffic flow. The turn pockets to be constructed are on Grand Avenue east and west of the following intersecting streets:

Gresham Street  
Haines Street  
Kendall Street

Aud. Cert. 8900664.

FILE LOCATION: W.O. 119213 CONT - ABC Construction Co.  
CONTFY89-1

COUNCIL ACTION: (Tape location: E565-683.)

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

\* ITEM-106: (R-89-1290) ADOPTED AS RESOLUTION R-272918

19890227

Inviting bids for the Construction of Traffic Signal and Street Lighting Systems at Marlborough Avenue and

University Avenue on Work Order No. 119167; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$99,000 from Capital Outlay Fund 30245, CIP-61-001, Annual Allocation - Signal Installations to Accommodate Sudden Traffic Changes for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in CIP-61-001, Annual Allocation - Signal Installations to Accommodate Sudden Traffic Changes. (BID-0456/89)

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

CITY MANAGER SUPPORTING INFORMATION: The traffic signal installation at Marlborough Avenue and University Avenue is proposed because of an increase in the number of accidents at that location.

Aud. Cert. 8900632.

FILE LOCATION: W.O. 119167 CONT - Select Electric CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-107:

Two actions relative to the final subdivision map of Carmel Mountain Ranch 20-B, Unit 1, a 56-lot subdivision located northeasterly of North City Parkway and Carmel Ridge Road:

(Carmel Mountain Ranch Community Area. District-1.)

Subitem-A: (R-89-1588) ADOPTED AS RESOLUTION R-272919

Authorizing the execution of a Subdivision Improvement Agreement with Carmel Mountain Ranch, for the installation and completion of public improvements.

Subitem-B: (R-89-1587) ADOPTED AS RESOLUTION R-272920

Approving the final map.

FILE LOCATION: SUBD - Carmel Mountain Ranch 20-B, Unit 1  
CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-108:

Two actions relative to the final subdivision map of Carmel Mountain Ranch 20-B, Unit 2, a 119-lot subdivision located northeasterly of North City Parkway and Carmel Ridge Road:  
(Carmel Mountain Ranch Community Area. District-1.)

Subitem-A: (R-89-1590) ADOPTED AS RESOLUTION R-272921  
Authorizing the execution of a Subdivision Improvement Agreement with Carmel Mountain Ranch, for the installation and completion of public improvements.

Subitem-B: (R-89-1589) ADOPTED AS RESOLUTION R-272922  
Approving the final map.

FILE LOCATION: SUBD - Carmel Mountain Ranch 20-B, Unit 2  
CONTFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-109:

Two actions relative to the final subdivision map of Carmel Mountain Ranch 20-B, Unit No. 3, a 124-lot subdivision located northeasterly of North City Parkway and Carmel Ridge Road:  
(Carmel Mountain Ranch Community Area. District-1.)

Subitem-A: (R-89-1592) ADOPTED AS RESOLUTION R-272923  
Authorizing the execution of a Subdivision Improvement Agreement with Carmel Mountain Ranch for the installation and completion of public improvements.

Subitem-B: (R-89-1591) ADOPTED AS RESOLUTION R-272924  
Approving the final map.

FILE LOCATION: SUBD - Carmel Mountain Ranch 20-B, Unit No. 3  
CONTFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-110:

Three actions relative to the final subdivision map of De La Fuente Business Park, a 28-lot subdivision located northeasterly of Siempre Viva Road and La Media Road: (Otay Mesa Community Area. District-8.)

Subitem-A: (R-89-1582) ADOPTED AS RESOLUTION R-272925  
Authorizing the execution of a Subdivision Improvement Agreement with De La Fuente Business Park, Inc. for the installation and completion of public improvements.

Subitem-B: (R-89-1581) ADOPTED AS RESOLUTION R-272926  
Approving the final map.

Subitem-C: (R-89-1583) ADOPTED AS RESOLUTION R-272927  
Approving the acceptance by the City Manager of a street easement deed of De La Fuente Business Park, Inc., granting to the City an easement for public street purposes in a portion of Section 35, Township 18 South, Range 1 West, San Bernardino Meridian; dedicating said land as and for a public street and naming the same Avenida De La Fuente.

FILE LOCATION:

Subitems A&B SUBD - De La Fuente Business Park

Subitem C - DEED F-4841 CONFY89-1  
DEEDFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-111:

Two actions relative to approving the final subdivision map of Mah Subdivision, an 8-lot subdivision located southeasterly of El Camino Real and Derby Downs Road: (North City West Community Area. District-1.)

Subitem-A: (R-89-1485) ADOPTED AS RESOLUTION R-272928  
Authorizing the execution of a Subdivision Improvement Agreement with Robert K. Mah for the installation and completion of public improvements.

Subitem-B: (R-89-1484) ADOPTED AS RESOLUTION R-272929

Approving the final map.

FILE LOCATION: SUBD - Mah Subdivision CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-112:

Three actions relative to approving the final subdivision map of Tierrasanta Norte V Unit No. 1, a two-lot subdivision located northwesterly of Portobelo Drive and Via Valarta:

(Tierrasanta Community Area. District-7.)

Subitem-A: (R-89-1585) ADOPTED AS RESOLUTION R-272930

Authorizing the execution of a Subdivision Improvement Agreement with Tierrasanta L-L Partnership, for the installation and completion of public improvements.

Subitem-B: (R-89-1584) ADOPTED AS RESOLUTION R-272931

Approving the final map.

Subitem-C: (R-89-1586) ADOPTED AS RESOLUTION R-272932

Authorizing the Mayor and the City Clerk to execute the certificate of ownership on the final map of Tierrasanta Norte V Unit No. 1.

FILE LOCATION: SUBD - Tierrasanta Norte V Unit No.1  
CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-113: (R-89-1486) CONTINUED TO MARCH 6, 1989

Approving Parcel Map TM-86-0356, a two-parcel Parcel Map located southwesterly of Attix Street and Klauber Avenue.

(Southeast San Diego Community Area. District-3.)

FILE LOCATION: SUBD - Highdale Addition To Encanto Heights,  
Lot 91, Portion

COUNCIL ACTION: (Tape location: A214-229.)

MOTION BY McCOLL TO CONTINUE FOR ONE WEEK AT THE REQUEST OF

VERNA QUINN FOR FURTHER REVIEW. Second by Filner. 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-114: (R-89-1505) ADOPTED AS RESOLUTION R-272933

Approving the acceptance by the City Manager of a street easement deed of Lily Hom, granting to the City an easement for public alley purposes in a portion of Lots 14 and 15, Block F of McFadden and Buxton's North Park, Map-1429; dedicating said land as and for a public alley.  
(Park North-East Community Area. District-3.)

FILE LOCATION: DEED F-4842 DEEDFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-115: (R-89-1520) ADOPTED AS RESOLUTION R-272934

Approving the acceptance by the City Manager of a grant deed of C. H. Brunner, granting to the City a 2,888-square-foot parcel of improved land, being a portion of Villa Lot 5, Tract 1361, Resubdivision of Lot 12 of Normal Heights, Map-1361, for the acquisition of Kenmore Terrace Park Site; authorizing the transfer of an amount not to exceed \$150,000 from CIP-29-608.0, Cherokee Park, Mid-City Park Development Fund 39094, to CIP-29-566.0, Mid-City Park Site - Acquisition; authorizing the expenditure of an amount not to exceed \$150,000 from CIP-29-566.0, Mid-City Park Site - Acquisition, to cover acquisition, relocation, appraisal and miscellaneous costs.  
(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The authorization of funds for the Kenmore Terrace Park Site - Acquisition will provide for the acquisition of one parcel improved with a single-family house from C.H. Brunner, located at 4836 Kenmore Terrace Drive. This project will provide a natural park of approximately 7,003 square feet or 0.16 acre in size for the area by combining this parcel with a previously acquired surplus parcel from CalTrans.

Aud. Cert. 8900658.

FILE LOCATION: DEED F-4843 DEEDFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-116: (R-89-1499) ADOPTED AS RESOLUTION R-272935

Vacating the City's interest in an unneeded sewer easement affecting Parcels 1 and 2 of Parcel Map PM-483 pursuant to Section 8300 et seq. of the Streets and Highways Code.

(Navajo Community Area. District-7.)

FILE LOCATION: DEED F-4844 DEEDFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-117: (R-89-1494) ADOPTED AS RESOLUTION R-272936

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of an underground utility district to be known and denominated as the Catalina Boulevard (Varona Street to Catalina Place) Underground Utility District.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Catalina Boulevard between Varona Street and Catalina Place. This is a scheduled project in the calendar year 1990 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. The total number of affected properties in this district is 46, of which all are single-family residential properties.

A typical cost range for a licensed contractor to perform this conversion work on residential private property is \$1,000 to \$1,500. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion. Aud. Cert. 9000009.

FILE LOCATION: STRT K-185

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-118:

Two actions relative to the Logan Avenue (43rd Street to Euclid Avenue) Underground Utility District:  
(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-89-1506) ADOPTED AS RESOLUTION R-272937

Designating March 15, 1989 as the date upon which all property in the Logan Avenue Underground Utility District must be ready to receive underground service and April 1, 1989 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-89-1507) ADOPTED AS RESOLUTION R-272938

Authorizing the City Auditor and Comptroller to open Fund No. 78036 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Logan Avenue Underground Utility District; authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Co.; authorizing payment of \$12,000 to all property owners in the Logan Avenue Underground Utility District as reimbursement for electrical service underground conversion work done on private property; authorizing the City Auditor and Comptroller to return to San Diego Gas and Electric Co. any undisbursed funds upon written notice from SDG&E to the City that all electric service conversions within a particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION: The Logan Avenue (43rd Street to Euclid Avenue) Underground Utility District was created by the City Council on March 11, 1986. The Resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set March 15, 1989 as the Customer Ready Date, which will require that, upon this date, all affected customers within the Underground Utility District must have their services prepared to receive service from the new underground system. This action will also establish April 1, 1989 as the Pole Removal Date, which will require that, upon



this date, all overhead facilities within the Underground Utility District must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.

FILE LOCATION: STRT - K-157

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-119:

Two actions relative to authorizing Suggestion Awards to the following City employees:

Subitem-A: (R-89-1519) ADOPTED AS RESOLUTION R-272939

John Mulvey - City Clerks Office - \$239.64.

Bernard Sepulvado - Police Department - \$160.

Carmen Lutes - Risk Management Department - \$100.

Tony Padilla - Water Utilities Department - \$45.

Subitem-B: (R-89-1518) ADOPTED AS RESOLUTION R-272940

Tony Padilla - Water Utilities Department - \$45.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-120: (R-89-1511) ADOPTED AS RESOLUTION R-272941

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$100,000 from Fund 18521, Dept. 5833, Org. 3314, to the San Diego Redevelopment Agency for the Linda Vista Redevelopment Project Expansion, Fund 98500, Dept. 9715.

(Linda Vista Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On October 31, 1988, the City Council accepted the Linda Vista Economic

Revitalization Study and designated the 123-acre survey area for a proposed amendment to the existing Linda Vista Redevelopment Plan. Prior year CDBG funds are available to finance the necessary consultant study. This action will make the funds available to the Redevelopment Agency.

Aud. Cert. 8900659.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-121: (R-89-1612) ADOPTED AS RESOLUTION R-272942

Authorizing the expenditure of an amount not to exceed \$110,000 from the Building Inspection Department Enterprise Fund 41300, Account 4118, to cover the cost of additional contract plan check services.

CITY MANAGER SUPPORTING INFORMATION: This Resolution would authorize the expenditure of \$110,000 from the Building Inspection Department Enterprise Fund to pay for contract structural plan checking services. The City has contracts with 21 private structural engineering firms for structural plan checking services. These services are used to supplement those provided by the Building Inspection Department staff when needed to maintain permit-processing time goals stated in the Building Inspection Department FY 1989 budget. The FY 1989 Building Inspection Department budget included \$165,000 for contract checking purposes. As of this date, all of that budgeted amount has been expended or committed. A significant amount of this budgeted amount was used to process a large amount of plan submittals, and a backlog from last year. In addition, a number of experienced engineers have left the plan check group. Plan check activity is continuing. It is estimated that an additional \$110,000 may be needed for the balance of this fiscal year to avoid excessive delays in the plan check process.

Aud. Cert. 8900042.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-122: (R-89-1620) ADOPTED AS RESOLUTION R-272943

A Resolution approved by the City Council in Closed Session on Tuesday, February 14, 1989 by the following vote: Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-not present; Struiksma-not present; Henderson-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$142,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Katrina Butler (Superior Court Case No. 505980, Katrina Butler v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the amount of \$142,500 made payable to Katrina Butler and her attorney, Donald Salem, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of Katrina Butler against the City of San Diego as a result of a traffic accident on May 9, 1983.

Aud. Cert. 8900690.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-123: (R-89-1619) ADOPTED AS RESOLUTION R-272944

A Resolution approved by the City Council in Closed Session on Tuesday, February 14, 1989 by the following vote: Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-not present; Struiksma-not present; Henderson-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$35,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Gabriella Bryant (Superior Court Case No. 568513, Gabriella Bryant v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,000 made payable to Gabriella Bryant and Timothy MacNeil, her attorney, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of Gabriella Bryant against the City of San Diego as a result of

injuries sustained on November 3, 1985.

Aud. Cert. 8900697.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-124: (R-89-1492) ADOPTED AS RESOLUTION R-272945

Authorizing the City Manager to allow only active duty officers to wear, if they so desire, the Commemorative Centennial Police Badge instead of the official badge, from the date of approval by the City Council through December 31, 1989.

COMMITTEE ACTION: Reviewed by PSS on 2/15/89.

Recommendation to approve the City Manager's recommendation.

Districts 3, 4, 6 and 7 voted yea. District 2 not present.

CITY MANAGER SUPPORTING INFORMATION: The San Diego Police Officers Association has offered to coordinate the purchase, ordering, and issuance of a Commemorative Centennial Police Badge to be bought by active duty officers of the San Diego Police Department. Individual officers will be given the option of purchasing, at their own expense, the Commemorative Badge as a permanent keepsake. The request before Council today is to authorize the City Manager to allow only active duty officers to wear, if they so desire, the Commemorative Badge instead of the regular official badge, from the date of Council approval through December 31, 1989. This will provide interested law enforcement personnel an opportunity to participate in the Department's celebration of its 100th year of service to the San Diego Community. The Commemorative Badge will serve as a symbol of the pride and dedication of all sworn personnel. Its design, a 6 pointed star, is a replica of the first badge worn by San Diego Police Officers. Each Commemorative Badge purchased by an active duty officer will have its own identification number. Only one badge will be issued per sworn member of the Department during the Centennial. Information regarding the specific badge numbers issued to respective personnel will be provided to the Police Department for accountability purposes. On January 1, 1990, the wearing of the Commemorative Badge will be discontinued.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-125: (R-89-1601) ADOPTED AS RESOLUTION R-272946

Authorizing the execution of a Joint Use Agreement with the California State Department of Transportation (CalTrans) for the rearrangement of water facilities along Interstate 15 at the Aero Drive Interchange. (Serra Mesa and Tierrasanta Community Areas. Districts-5 and 7.)

CITY MANAGER SUPPORTING INFORMATION: In 1980, a portion of the 36-inch Montgomery Pipeline was relocated within State right-of-way at Aero Drive to accommodate major freeway improvements constructed along the I-15 corridor. Although discussed but not finalized at the time, the State informally acknowledged that the City had prior easement and access rights for and to the then existing facility and that those rights should be transferred to the relocated facility. Joint Use Agreement 14381-D confirms the continued right to the City to locate and maintain the relocated facility within State right-of-way. The agreement further stipulates that the entire cost of any future relocation of the facility, if necessitated by any future rearrangement or reconstruction of the freeway, will be borne by the State.

WU-U-89-105.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-126: (R-89-1514) ADOPTED AS RESOLUTION R-272947

Authorizing the execution of an agreement with Hirsch and Company for annual engineering consultant services as needed by the Water Utilities Department; authorizing the expenditure of an amount not to exceed \$150,000 consisting of \$75,000 from the Water Operating Fund, No. 41500, Water Operations Engineering Program, No. 70830, and \$75,000 from the Sewer Revenue Fund, No. 41506, Sewer Operations Engineering Program, No. 70820, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: On July 29, 1988, an

advertisement was placed in the San Diego Daily Transcript for Annual Engineering Consultant Services to be provided, as needed, for the Water Utilities Department. These services include municipal water supply and wastewater treatment, civil, electrical and corrosion engineering, and economic and financial analysis. The City's Consultant Nominating Committee reviewed 21 letters of interest from qualified consultants and nominated 6 of them for final interviews. On September 30, 1988, the 6 finalists were interviewed by a Consultant Selection Committee comprised of personnel from the Water Utilities Department. The interviews were conducted in conformance with Council Policy 300-7. The firm of Hirsch and Company was selected as best qualified to provide the consultant services. The agreement will provide for the services by task orders on an hourly fee basis not to exceed \$25,000 per task. The total contract shall not exceed \$150,000 for one year and may be extended for an additional year at the discretion of the City Manager under the same terms for an additional sum of \$150,000. The Annual Consultant is needed by the Water Utilities Department due to the present large workload and the necessity of having specialized expertise available to staff.

Aud. Cert. 8900661.

WU-U-89-093.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-127: (R-89-1602) ADOPTED AS RESOLUTION R-272948

Authorizing the execution of a month-to-month lease agreement with the House of Hospitality Association, Inc. to provide office space for the personnel employed on the City's Balboa Park Master Plan Implementation Program; authorizing the expenditure of an amount not to exceed \$9,062.52 from Fund 10244 for a rental period not to exceed 12 months, for the purpose of providing funds for the above project.

(Balboa Park Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On September 22, 1988, the City Council approved the City Manager's recommendation to finance \$45 million in improvements to Balboa Park to be funded by debt financing and annual revenue equivalent to approximately one percent Transient Occupancy Tax. In order to implement this

major endeavor, the City Manager was authorized to amend the FY 1989 budget to finance project management requirements.

Adequate temporary office space is available in the House of Hospitality on a month-to-month basis until permanent offices can be located in one of the remodeled buildings. The monthly rent equates to \$0.63 per square foot and includes utilities and custodial services.

Aud. Cert. 8900675.

FILE LOCATION: LEAS - House of Hospitality Association Inc.  
LEASFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-128: (R-89-1490) ADOPTED AS RESOLUTION R-272949

Authorizing the execution of a five-year percentage lease agreement with Mustang Aviation, Inc. for the operation of a commercial aviation facility at Brown Field, with a minimum annual rent of \$24,568.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Mustang Aviation, Inc. has been a fixed base operator at Brown Field since 1972. The offices of this proposed lease are located in the Brown Field terminal building and the tiedown ramp is located immediately north and west of the terminal. The existing lease was placed on month-to-month holdover status on April 19, 1988, and extensive negotiations were commenced. The current rent is a yearly minimum of \$17,733 or percentages of various categories of gross income, whichever is greater. Mustang has paid \$85,500 in rent over the last four years. This proposed five-year lease agreement will allow Mustang to continue operating on the premises pending implementation of the updated Airport Master Plan. A 180-day cancellation clause has been included in the event the area is required for airport expansion. All terms and conditions of the lease have been updated to the current market. The lessee's initial rent has been increased to \$24,568 per year or percentage rents, whichever is greater. The minimum annual rent will be adjusted upward by 5 percent per year during the term of the lease. The tiedown ramp will be enlarged from 41,900 square feet to 127,000 square feet. The lessee has agreed to construct and landscape an additional public auto parking area easterly of the existing parking lot located in front of the terminal building. Mustang will be required to

install a new fence to secure the expanded tiedown area.  
FILE LOCATION: LEAS - Mustang Aviation, Inc.  
LEASFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-129: (R-89-1478) ADOPTED AS RESOLUTION R-272950

Authorizing the City Manager to amend the City of San Diego's Employees' Deferred Compensation Plan to conform with the Tax Reform Act of 1986, to allow for plan-to-plan transfers and to allow for a continuous open enrollment of participants.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego implemented a Deferred Compensation Plan by Resolution R-209364, dated November 29, 1973, which permits employees to defer a portion of their compensation and to provide for retirement, disability and death benefits in accordance with provisions of Sections 53212-53214 of the California Government Code and Section 457 of the Internal Revenue Code. This Plan has subsequently been amended on May 30, 1974 and July 23, 1979. This amended and restated document is presented to the City Council effective July 1, 1988, which includes the following changes:

1. The Tax Reform Act of 1986 requires that employees' gross income be reduced by the elective deferral contributions for other deferred compensation plans. Effective January 1, 1989, Internal Revenue Code Section 457(c) requires coordination with other deferred compensation plans (401(k)) whereby the total combined annual deferral cannot exceed \$7,500;
2. Adding a provision to the Plan which allows the transfer of funds from one eligible deferred compensation plan to another as allowed per Internal Revenue Code Section 457 (e) (10); and
3. Allowing for a continuous open enrollment as agreed during the recent Meet and Confer process.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-130: (R-89-1497) ADOPTED AS RESOLUTION R-272951

Authorizing the City Manager to amend the Supplemental Pension Savings Plan - Medicare to conform to the Tax Reform Act of 1986; to add an early retirement provision; to provide for an automatic payoff sixty days after termination; to add a hardship withdrawal provision; to allow for continuous open enrollment; and to delete the classification of Police Recruit from eligibility.

CITY MANAGER SUPPORTING INFORMATION: The City Council adopted Resolution R-255609 on January 4, 1982, establishing a Supplemental Pension Savings Plan for eligible employees. In 1986, the City Council approved a separate SPSP plan with amended participation rates for employees who were mandated by Federal Law to pay Medicare payroll taxes. The SPSP - Medicare Plan has subsequently been amended on January 12, 1987. Resolution R-264418, adopted on November 12, 1985, authorized the City Manager to effectuate future changes to the Plan without requirement of vote when such changes are necessary to bring the Plan into legal conformance with Federal or State Law. These changes have been incorporated into the Plan Document as they pertain to the Tax Reform Act of 1986. The changes include rules for discrimination testing; limitations on annual additions; rules reporting how monies can be withdrawn; and, rules on the distribution of benefits. Additionally, an amendment was submitted for a vote of active participants May 15 through May 29, 1987, to add an early retirement provision to the Plan so that distributions prior to age 59 1/2, but within the City's early retirement age provisions, are not subject to the 10 percent excise tax on early distributions. Results of this ballot were: Yes - 3,341 (98.7%); No - 40 (1.2%); Invalid - 5 (.1%). A subsequent amendment was submitted for a vote of the active participants June 10 through June 24, 1988, to (1) provide for automatic payoff 60 days after termination; (2) add a hardship withdrawal provision; (3) allow for continuous open enrollment; and (4) delete the classification of Police Recruit from eligibility. Results of this ballot were: Yes - 3,053 (94.6%); No - 147 (4.5%); Invalid - 28 (.9%).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-131: (R-89-1491) ADOPTED AS RESOLUTION R-272952

Authorizing the City Manager to amend the Supplemental Pension Savings Plan to conform to the Tax Reform Act of 1986 ; to add an early retirement provision ; to provide for an automatic payoff sixty days after termination ; to add a hardship withdrawal provision ; to allow for continuous open enrollment ; and to delete the classification of Police Recruit from eligibility.

CITY MANAGER SUPPORTING INFORMATION: The City Council adopted Resolution R-255609 on January 4, 1982, establishing a Supplemental Pension Savings Plan for eligible employees. Attached to Resolution R-255609 and referred to as Attachment B was a Plan Document containing all information about and related to the terms and conditions of the Plan. The Plan has subsequently been amended on July 29, 1982, May 29, 1984, October 6, 1986, and January 12, 1987. Resolution R-264418, adopted on November 12, 1985, authorized the City Manager to effectuate future changes to the Plan without requirement of vote when such changes are necessary to bring the Plan into legal conformance with Federal or State Law. Such changes have been incorporated as they pertain to the Tax Reform Act of 1986. The changes include rules for discrimination testing, limitations on annual additions, rules reporting how monies can be withdrawn and rules on the distribution of benefits. An amendment was submitted for a vote of active participants May 15 through May 29, 1987, to add an early retirement provision to the Plan so that distributions prior to age 59 1/2, but within the City's early retirement age provisions, are not subject to the 10 percent excise tax on early distribution. Results of this ballot were: Yes - 3,341 (98.7 percent); No - 40 (1.2 percent); Invalid - 5 (.1 percent). A subsequent amendment was submitted for a vote of the active participants June 10 through June 24, 1988, to: 1) provide for automatic payoff 60 days after termination; 2) add a hardship withdrawal provision; 3) allow for continuous open enrollment; and 4) delete the classification of Police Recruit from eligibility. Results of this ballot were Yes - 3,053 (94.6 percent); No - 147 (4.5 percent); Invalid - 28 (.9 percent).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-132: (R-89-1481) ADOPTED AS RESOLUTION R-272953

Adopting the City of San Diego's 401(k) Plan as part of the Fiscal Year 1989 Salary Ordinance as a benefit option for both the Flexible Benefit and Management Benefit Plans.

CITY MANAGER SUPPORTING INFORMATION: The City Council, as part of the FY 1986 Salary Ordinance, authorized the 401(k) Plan as a benefit option for both the Flexible Benefit and Management Benefits Plans as contained in Resolution R-263371, adopted on June 10, 1985. The City of San Diego established this Plan effective July 1, 1985, to provide a tax efficient method of retirement savings by its employees. This amended and restated document is presented to the City Council effective July 1, 1988, to formally authorize adoption of the restated Plan; to reflect required revisions in order to comply with the Tax Reform Act of 1986, and, to allow for continuous open enrollment as a result of recent Meet and Confer agreements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-133: (R-89-1509) ADOPTED AS RESOLUTION R-272954

Approving Change Order No. 1, issued in connection with the agreement with Mur-Vic Construction Company, Inc. for the construction of Coast Boulevard Storm Drain; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$5,800 from CIP-11-242, Gas Tax Fund 302191, Improvement of Witherby Street, Loma Portal, to CIP-11-241, Construction of Coast Boulevard Storm Drain; authorizing the expenditure of an amount not to exceed \$5,800 from CIP-11-242, Gas Tax Fund 302191, for the purpose of providing funds for the above project.

(Pacific Highway Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: At the Children's Pool in La Jolla, there was an old storm drain that had deteriorated to such a condition that the ground around it was settling. If not repaired, the lifeguard station which is adjacent to the storm drain could have been damaged. This project was designed to replace the storm drain. Design data, such as location of the existing pipe, was obtained from the as-built engineering drawings. During construction, the old pipe was found to be deeper than shown on the design data. Therefore, additional work was necessary to complete the

project. The cost of the additional work is \$5,464.48. This change order for \$5,800 is required to cover the work and a small amount of additional engineering.

Aud. Cert. 8900620

FILE LOCATION: CONT - Mur-Vic Construction Company, Inc.  
CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-134: (R-89-1500) ADOPTED AS RESOLUTION R-272955

Authorizing the execution of Change Order No. 2 to the contract with C. E. Wylie Construction Company, for additional work at the Lower Otay Filtration Plant; authorizing the expenditure of an amount not to exceed \$56,671 from CIP-73-234 for the purpose of providing funds for the above project.

(Paradise Hills, Otay Mesa, San Ysidro and South San Diego Community Areas. Districts-4 and 8.)

CITY MANAGER SUPPORTING INFORMATION: On November 16, 1987, the construction contract for the Lower Otay Filtration Plant Expansion was awarded to C. E. Wylie Construction Company of San Diego for the amount of \$12,181,052. A previous change order was in the amount of \$40,270 (or 0.3 percent of the contract amount). Change Order No. 2 in the amount of \$56,671 (0.5 percent of the original contract) is for additional work performed by the contractor at the City's request. Eight solenoid valves, one on each of the existing water filters, have required constant maintenance and are experiencing operational difficulties. Proper function of these valves is essential to cleaning the water filters and thus the production of clean water. Replacing the eight solenoid valves with power activated motorized butterfly valves will eliminate the operation and maintenance problems and provide equipment uniformity with the new construction.

Aud. Cert. 8900652.

WU-U-89-104.

FILE LOCATION: CONT - C. E. Wylie Construction Company  
CONFY89-1

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-135: (R-89-1593) ADOPTED AS RESOLUTION R-272956

Excusing Mayor Maureen O'Connor from attending the regularly scheduled City Council and Housing Commission meetings of February 6 and 7, 1989, due to other official City business relating to attendance of the United States Conference of Mayors in Washington, D.C., and City related discussions with members of the United States Congress.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-136: (R-89-1600) ADOPTED AS RESOLUTION R-272957

Excusing Council Member Bob Filner from attending the Transportation and Land Use Committee meeting of February 13, 1989, due to personal reasons.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-150: (O-89-154) INTRODUCED, TO BE ADOPTED MARCH 20,  
1989

Introduction of an Ordinance amending Chapter II, Article 8 of the San Diego Municipal Code by amending Sections 28.01 and 28.02, relating to Police Officers' uniforms, badges and insignias by adding an official Police Department patch to the restricted uniform items.

(See City Manager Report CMR-89-60.)

COMMITTEE ACTION: Reviewed by PSS on 2/15/89.

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: A261-280.)

MOTION BY STRUIKSMA TO INTRODUCE. 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-200: (O-89-168) INTRODUCED, TO BE ADOPTED MARCH 20,  
1989

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 to create and add a new class entitled, Senior Biologist in the Chemists Occupational Group; amending Exhibit A-2 of the Ordinance to provide a new salary rate number 80.4 for the position in the Classified Service; amending Resolution R-270952 to place the newly created class in the Supervisory Representation Unit; amending Resolution R-270951 to approve and declare the above newly created class as eligible for regular rate overtime by placing it in Group C of said overtime eligibility Resolution R-270951.

(See Report from the Personnel Director dated 2/6/89.)

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A261-280.)

MOTION BY STRUIKSMA TO INTRODUCE. 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-201: (O-89-167) INTRODUCED, TO BE ADOPTED MARCH 20,  
1989

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, to create and add a new class entitled, Employee Benefits Specialist II, in the Management, Fiscal and Staff Occupational Group and retitling Employee Benefits Specialist, to read Employee Benefits Specialist I; amending said Ordinance to provide a new salary rate number 40.7 for said new position in the Classified Service; amending Resolution R-270952 to place the newly created classes in the No Representation Unit; amending Resolution R-270951 to approve and declare the above newly created classes as ineligible for overtime by placing them in Group F of said overtime eligibility; and

amending Resolution R-271228 to authorize these classes to receive management benefits consistent with other unrepresented classes.

(See Report from the Personnel Director dated 2/6/89.)

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-202: (R-89-1606) ADOPTED AS RESOLUTION R-272958

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$370,000 from CIP-54-006.0, Fund 10225-TOT New Convention Facilities Pedestrian Bridges - Marina, to CIP-37-187.0, Underground Petroleum Abatement Project - Kettner Boulevard; authorizing the expenditure of an amount not to exceed \$370,000 from CIP-37-187.0, Underground Petroleum Abatement Project, for the purpose of providing funds for construction 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.

(See City Manager Report CMR-89-14. Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: As part of the City's consideration to the Port District for development of the new Convention Center Facility, the Convention Center Management Agreement provides that the City will convey the Old Central Police Station, 801 West Market Street, to the Port District free and clear of all encumbrances. During FY '85 it was positively identified that a City owned and operated underground fuel storage tank at the old Central Police Station garage experienced an unauthorized release. Federal and State law mandate contamination cleanup. Phase I was to clean up the free product, preventing further contamination, and to characterize the extent of the contamination plume.

This was accomplished pursuant to Resolution R-269189, adopted on September 8, 1987. \$400,000 was transferred from CIP-54-006.0, Pedestrian Bridges - Marina, for this purpose. No estimate, as to the type of work or costs, could be made pertaining to Phase 2 until the site characterization was completed, the local regulators indicated cleanup levels, and the Federal EPA underground tank rules were promulgated. Based on the extent of the hydrocarbon plume in the soil and the

groundwater, the planned future use of the property by Seaport Village, new State toxic waste legislation, directives by local and state regulators, and the EPA rules promulgated in September, 1988, Phase 2 of the remediation plan has been developed. \$370,000 is needed to perform the required work to obtain a site sign-off from the regulatory agencies. The work plan includes the installation and operation of groundwater, soil and vapor remediation systems, all laboratory testing and reports to the regulators documenting the site meets current, dictated clean-up standards.

Aud. Cert. 8900682.

NOTE: See Item 208 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G494-640.)

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

ITEM-203: (R-88-2337) CONTINUED TO APRIL 3, 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, October 10, 1988, Item 209, November 21, 1988, Item 207 and January 23, 1989, Item 202; last continued at the City Manager'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 204 on today's docket for a companion item.

FILE LOCATION: SUBD - Mesa Del Sol

COUNCIL ACTION: (Tape location: A191-214.)

MOTION BY STRUIKSMA TO CONTINUE ITEMS-203 AND 204 AT THE REQUEST OF JACK McGRORY FOR FURTHER REVIEW. 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-204: (R-88-1145) CONTINUED TO APRIL 3, 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, October 11, 1988, Item 339; November 21, 1988, Item 208 and January 23, 1989, Item 205; last continued at Council Member Struiksma's, request for further review, as a companion item to Item 202 of January 23, 1989.)

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 203 on today's docket for a companion item.

FILE LOCATION: LAND - Mira Mesa Community Plan

COUNCIL ACTION: (Tape location: A191-214.)

MOTION BY STRUIKSMA TO CONTINUE ITEMS-203 AND 204 AT THE REQUEST OF JACK McGRORY FOR FURTHER REVIEW. 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-205: CONTINUED TO MAY 30, 1989 AT 2:00 P.M.

(Continued from the meetings of September 13, 1988, Item 339, October 31, 1988, Item 203, December 12, 1988, Item 205 and January 23, 1989, Item 206; last continued at Council Member Struiksma's request, as requested by the Scripps Ranch Community Planning Group, for further review.)

An amendment to the Scripps Miramar Ranch Community Plan to designate seventeen acres south of Pomerado Road in Carroll Canyon on the United States International University (USIU) Campus for a resource-based park. (District-1.)

Subitem-A: (R-89- )

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0129 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.

Subitem-B: (R-89-884)

Adoption of a Resolution amending the community plan.

FILE LOCATION: LAND - Scripps Miramar Ranch Community Plan

COUNCIL ACTION: (Tape location: A229-240.)

MOTION BY STRUIKSMA TO CONTINUE FOR NINETY DAYS FOR FURTHER REVIEW. 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-206: (R-89-1420) TRAILED TO TUESDAY, FEBRUARY 28, 1989  
DUE TO A LACK OF TIME

(Continued from the meeting February 14, 1989, Item 334

Subitem D, at Council Member McCarty's request, for further review.)

Directing the City Manager and Planning Director to prepare the appropriate Council action to provide funds within the Planning Department Fiscal 1989 Budget for the Growth Management work program and consultant services agreement ; directing the Planning Director to docket a resolution for the approval of the proposed agreement for Growth Management consulting services.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: H123.)

ITEM-207: REPORT ACCEPTED

The matter of the Bi-Monthly Report of the Metropolitan Sewer Task Force to the City Council.

(See City Manager Report CMR-89-74.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

MOTION BY STRUIKSMA TO ACCEPT. Second by McColl. 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.

ITEM-208: (O-89-173) 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 reducing the Capital Improvements Program in the amount of \$2.2 million, said sum to come from the new convention facility (10225) CIP-54-006.0, entitled "Pedestrian Bridges"; directing the Auditor and Comptroller to transfer said \$2.2 million to San Diego Festivals, Inc. - TOT Contributions (91141), for the sole and exclusive purpose of funding the Soviet Arts Festival.

NOTE: See Item 336 on the docket of Tuesday, February 28,

1989 for the introduction and adoption of the ordinance.  
FILE LOCATION: --

COUNCIL ACTION: (Tape location: F051-105.)

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

ITEM-209: (O-89-170) HEARING APPROVED

First public hearing in the matter of:

Amending Ordinance O-17098 (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. 00-17098-1, as amended and adopted therein, by amending the personnel authorization of Councilmanic Administration (029) by deleting one Confidential Secretary Position and by adding one Council Representative I Position; exempting the position from the Classified Service, and establishing a salary rate.

(See memorandum from Deputy Mayor McCarty dated 1/18/89; memorandum from the Personnel Director dated 2/7/89.)

NOTE: See Item 337 on the docket of Tuesday, February 28, 1989, for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A261-280.)

MOTION BY STRUIKSMA TO APPROVE THE FIRST HEARING. 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-210: DISCUSSION HELD, DIRECTIVE ISSUED

(Continued from the meeting of February 13, 1989, Item S401, at Councilmember McColl's request, for further discussion and review.)

The matter of a potential Ordinance amending Municipal Code Section 26.07 to provide that the Commission for Arts and Culture's allocation recommendations be reviewed by the Public Services and Safety Committee prior to review by the Mayor and Council.

(See memorandum from Jack McGrory dated 2/10/89.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F105-G431.)

Motion by Henderson to adopt an Ordinance that would change the procedure to require that the Commission for Arts and Culture report to the Committee of the Whole, then to the Public Services and Safety Committee then to Council. No second.

Motion by Filner to reaffirm the original Ordinance requiring that the Commission for Arts and Culture report directly to Council. Second by Pratt. Failed: Yeas-1,4,8,M.

Nays-2,3,5,6,7.

Motion by Pratt to change the procedure to require that the Commission for Arts and Culture report to Special Council Meetings of the Committee of the Whole as to satisfy the first public hearing requirement, then to Council as to satisfy the second public hearing requirement. Second by Wolfsheimer. No vote.

MOTION BY HENDERSON TO DIRECT THE CITY ATTORNEY TO PREPARE AND BRING BACK TO COUNCIL AN ORDINANCE THAT WILL AMEND MUNICIPAL CODE SECTION 26.07 TO PROVIDE THAT THE COMMISSION FOR ARTS AND CULTURE'S ALLOCATION RECOMMENDATIONS BE REVIEWED BY THE COMMITTEE OF THE WHOLE WORKSHOP, THEN BY THE PUBLIC SERVICES AND SAFETY COMMITTEE, THEN ULTIMATELY BY COUNCIL. Second by McColl.

Passed by the following vote: Wolfsheimer-nay, Roberts-yea,

McColl-yea, Pratt-nay, Struiksma-yea, Henderson-yea,

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

MOTION BY PRATT TO SUSPEND THE RULES AND EXTEND THE MEETING TO 6:30 P.M. Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-not present, Henderson-yea, McCarty-not present,

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

ITEM-211:

Two actions relative to Assault Weapons:

(See City Manager Report CMR-89-71.)

19890227

Subitem-A: (O-89-176) INTRODUCED AND ADOPTED AS  
ORDINANCE O-17255 (New Series)

Introduction and adoption of an Emergency Ordinance, pursuant to Section 17 of the Charter of the City of San Diego, by amending Chapter V, Article 3, of the San Diego Municipal Code, by adding Section 53.31, relating to the Possession of Assault Weapons within the City of San Diego.

Subitem-B: (O-89-177) INTRODUCED AS AMENDED, TO BE

ADOPTED MARCH 20, 1989

Introduction and adoption of an Emergency Ordinance, pursuant to Section 17 of the Charter of the City of San Diego, by amending Chapter V, Article 3, of the San Diego Municipal Code, by adding Section 53.31, relating to the Prohibition of Sale or Possession of Assault Weapons.

COMMITTEE ACTION: Initiated by RULES on 2/15/89.

Recommendation to approve the Ordinance relating to possession of assault weapons and to refer to the full City Council without a recommendation the Ordinance relating to the prohibition of sale or possession of assault weapons. Districts 2, 3, 4, 6, 7 and Mayor voted yea.

FILE LOCATION:

Subitem-A - MEET

COUNCIL ACTION: (Tape location: A280-E565.)

MOTION BY PRATT TO INTRODUCE AND ADOPT THE ORDINANCE FOR SUBITEM-A, AND TO INTRODUCE THE ORDINANCE FOR SUBITEM-B WITH THE FOLLOWING THREE AMENDMENTS: (1) SUPPORTING STATE LEGISLATION; (2) POLICE TRAINING; AND (3) RETURNING OF WEAPONS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-nay (Subitem-A:-yea), Henderson-nay (Subitem-A:-yea), McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-S400: (R-89-1626) ADOPTED AS RESOLUTION R-272959

Authorizing the City Manager to apply to the California Arts Council State/Local Partnership Program for a grant in the amount of \$60,000 for the FY 1990 Arts and Cultural Program; authorizing the City Manager or his designee to administer any grant funds received from the California Arts Council State/Local Partnership Program for FY 1990, for program and administrative support of the City's Commission for Arts and Culture.

(See City Manager Report CMR-89-85.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-S401: (R-89-1658) ADOPTED AS RESOLUTION R-272960

Accepting the City Manager's Responses to Recommendations

in the Final Report of the 1987-88 San Diego County Grand Jury, and forwarding those responses to the Presiding Judge of the Superior Court; directing the City Clerk to file a copy of the approved responses with the County Clerk as a public record.

(See City Manager Report CMR-89-66.)

COMMITTEE ACTION: Reviewed by RULES on 2/15/89.

Recommendation to accept the City Manager's recommendation to forward the Responses to the full City Council for review and approval. Districts 2, 3, 6 and 7 voted yea. District 4 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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-S402: (R-89-1640) ADOPTED AS RESOLUTION R-272961

Authorizing the City Manager to request funding from the San Diego Regional Justice Facilities Financing Agency for the construction and operation of a temporary Misdemeanor Prearrestment Detention Facility utilizing Proposition A (1/2 cent sales tax earmarked for jail construction) funds; authorizing the City Manager to execute a Request for Proposal for the design, construction and operation of a Misdemeanor Prearrestment Detention Facility for use by the San Diego Police Department.

(See City Manager Report CMR-89-68.)

COMMITTEE ACTION: Reviewed by PSS on 2/15/89.

Recommendation to approve the City Manager's recommendation.

Districts 3, 4, 6 and 7 voted yea. District 2 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G431-494.)

MOTION BY McCOLL 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-yea.

ITEM-S403: (R-89-1464) ADOPTED AS RESOLUTION R-272962

(Continued from the meeting of February 21, 1989, Item 119, at Assistant City Manager McGrory's request, for further review.)

Authorizing the City Manager to initiate negotiations for a

right-of-entry permit with Mission Valley Associates to grade a portion of City-owned Site 19, Area A, and remove excess excavated material to other areas of their adjacent Mission City development; declaring that upon completion of successful negotiations and subject to the preparation and review of an appropriate environmental document, it is acknowledged that the City Manager may execute the right-of-entry permit pursuant to section 22.0901 of the Municipal Code.

(See City Manager Report CMR-89-59. Serra Mesa Community Area. District-5.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-280.)

CONSENT MOTION BY STRUIKSMA 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.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO THE CITY MANAGER

Comments by Paul Abramson relative to Zoning problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H059-123.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor O'Connor at 7:21 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H123).