

19890925

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, SEPTEMBER 25, 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 2:09 p.m. The meeting was adjourned by Mayor O'Connor at 4:09 p.m. into Closed Session on Tuesday, September 26, 1989, at 9:30 a.m. in the twelfth floor conference room to discuss pending litigation and the possible acquisition of property.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-present
  - (2) Council Member Roberts-present
  - (3) Council Member McColl-excused by R-274683  
(vacation)
  - (4) Council Member Pratt-excused by R-274631  
(Out-of-town business with MTDB)
  - (5) Council Member Struiksma-excused by R-274751  
(vacation)
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-present
- Clerk-Abdelnour (mp)

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-not present

- (4) Council Member Pratt-not present
- (5) Council Member Struiksmma-not present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-10: INVOCATION

Invocation was given by Msgr. Patrick Fox of All  
Hallow's Roman Catholic Church.

FILE LOCATION: MINUTES

Sep-25-1989

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
Henderson.

FILE LOCATION: MINUTES

ITEM-30: CONTINUED TO OCTOBER 16, 1989

Recognition of Andrea Hom and Christine Koch, two  
librarians from West Germany who are participating in a  
three-month work experience at the San Diego Public  
Library.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A209-271.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 16, 1989, AT THE  
REQUEST OF THE CITY MANAGER BECAUSE THE LIBRARIANS WILL NOT BE  
IN ATTENDANCE UNTIL THEN. Second by Wolfsheimer. Passed by the  
following vote: Wolfsheimer-yea, Roberts-yea, McColl-not  
present, Pratt-not present, Struiksmma-not present,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: PROCLAIMED

Proclaiming October 2-8, 1989 to be "Customer Service Week"

in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A049-077.)

MOTION BY HENDERSON TO PROCLAIM. Second by McCarty. 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.

Sep-25-1989

ITEM-32: APPROVED

Approval of Council Minutes for the Meetings of:

8/21/89 Adjourned

8/22/89 Adjourned

9/04/89 Adjourned

9/05/89 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A078-080.)

MOTION BY ROBERTS TO APPROVE. Second by McCarty. 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-33: DENIED REQUEST FOR A HEARING

Matter of the request of Marina Development, Inc., by Michael W. Prairie, Counsel, for a hearing of an appeal from the decision of the Planning Commission in denying Southeast San Diego Development/Resource Protection Overlay Zone Permit SED/RPOZ-88-0760, proposing 43 multiple-family units in five structures on 1.49 acres.

Variances to the Planned District Development criteria is required to allow for entryways facing interior and rear yards where street facing entryways are required; and one offsetting plane exists on all building end elevations, by definition, where three offsetting planes are required.

The subject property is located at 335 Ozark Street, in Zone MF-1500, in the Southeast San Diego Community Plan area, and is described as the northwest corner of Lot 42 of Horton's Purchase, Map-283.

(SED/RPOZ-88-0760. District-4.)

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

FILE LOCATION: PERM - SED/RPOZ-88-0760

COUNCIL ACTION: (Tape location: A081-110.)

MOTION BY ROBERTS TO DENY THE REQUEST FOR A HEARING. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksmma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-34: CONTINUED TO OCTOBER 2, 1989

Matter of the request of Roy Moffett, for a hearing of an appeal from the decision of the Planning Director in denying Early Release Single Family Neighborhood Protection Ordinance Case-89-3075, which requests an early release from this restriction to determine if the property at 4383 Wilson Avenue is located within a single-family neighborhood. The subject property is further described as the south 15 feet of Lot 3, and all of Lot 4 of Block 42 of W.P. Herbert's Subdivision, Map-1108, in Zone MR-1000B, Multi-Family, in the Mid-City Community Plan area.

(Case-89-3075. District-3.)

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

FILE LOCATION: ZONE ERSFNPO Case-89-3075

COUNCIL ACTION: (Tape location: A114-134.)

MOTION BY McCARTY TO CONTINUE TO OCTOBER 2, 1989, AT THE REQUEST OF COUNCIL MEMBER McCOLL. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksmma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-35: GRANTED REQUEST FOR A HEARING

Matter of the request of James H. N. Hudnall, Jr. by Procopio, Cory, Hargreaves & Savitch and Althea D. Lucic, et al, for a hearing of an appeal from the decision of the Planning Commission in granting Coastal Development Permit CDP-89-0393 for the demolition of an existing single-family dwelling on Lots 2 and 3 and the

construction of a new single-family dwelling unit consisting of 2,921 square feet of floor area to be located on one of the existing two lots (Lot 3). The subject property is located at 1447 Park Row and is further described as Lots 2 and 3, Block 47 of La Jolla Park, Map-352 in Zone R1-5000 within the La Jolla Community Plan area.

(CDP-89-0393. District-1.)

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

FILE LOCATION: PERM - Coastal Development Permit  
CDP-89-0393

COUNCIL ACTION: (Tape location: A143-166.)

MOTION BY WOLFSHEIMER TO GRANT THE REQUEST FOR A HEARING BECAUSE

THIS IS A MATTER OF CITYWIDE SIGNIFICANCE. 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-36: DENIED REQUEST FOR A HEARING

Matter of the request of Andre Bordes, for a hearing of an appeal from the decision of the Board of Zoning Appeals in granting a Conditional Use Permit CUP-20218 (Ecole Francaise de San Diego), with conditions. The requested permit would:

- 1) Increase the number of children in the day care facility from 22 to 36 children;
- 2) Maintain two compact parking spaces observing a 0'0" setback where 15'0" is established on Moccasin Avenue;
- 3) Add three compact parking spaces to observe a 2'6" setback where 12'0" is established on Lake Forest Avenue;
- 4) Propose parking spaces to be accessed by a 35'0" wide driveway where 25'0" is the maximum permitted;
- 5) Maintain 83'0" of maximum 6'0" high, solid fence within the 15'0" established setback on Moccasin Avenue and partially in the public right-of-way where a maximum 6'0" high is permitted, provided the top 3'0" is 50 percent open and complies with the design criteria; and
- 6) Maintain 20'0" of maximum 6'0" high, solid fence located within a driveway visibility area where a 3'0" high, solid fence is the maximum permitted.

The subject property is located at 4741 Lake Forest Avenue,

in Zone R1-5000, in the Clairemont Mesa Community Plan area, and is more particularly described as Lot 2346, Clairemont Unit 11, Map-2944.

(CUP-20218. District-6.)

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

FILE LOCATION: ZONE Zone Appeals CUP-20218

COUNCIL ACTION: (Tape location: A168-208.)

MOTION BY HENDERSON TO DENY THE REQUEST FOR A HEARING. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

\* ITEM-50: (O-89-181 Rev. 4) ADOPTED AS ORDINANCE O-17357 (New Series)

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Amending Chapter III, Article 3, of the San Diego Municipal Code by amending and renumbering Section 33.1406.1, relating to Solicitors, Peddlers and Interviewers, by prohibiting door to door solicitation from the hours of 8:00 p.m. to 9:00 a.m.

(First introduced as amended on 6/19/89. Council voted 8-0. Mayor not present. Reintroduced as amended on 9/11/89. Council voted 8-0. District 4 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A272-309.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. 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-51: (O-90-23) ADOPTED AS ORDINANCE O-17342 (New Series)

Amending Article 1, Division 5, Section 101.0550 (Sidewalk Cafes) of the San Diego Municipal Code to:

\*permit temporary railings, instead of permanent railings to define the sidewalk cafe boundary, if fixed to the sidewalk and in place when the cafe is in operation;

and,  
\*permit expansion of sidewalk cafes to adjacent businesses if the clear path and railing requirements are met and permission is obtained from the adjacent property owner(s) and first floor tenant(s).

(Introduced as amended on 9/12/89. Council voted 6-0. Districts 2, 3 and 4 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A272-309.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. 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-52: (O-90-33 Rev.1) TRAILED TO TUESDAY, SEPTEMBER 26, 1989

Amending the San Diego Municipal Code by adding a new Article 1, Division 1 to Chapter VII, relating to Transportation Demand Management. This Division implements the first program component of the City's Comprehensive Program for Transportation Demand Management. This first component specifies employer, building owner, and developer requirements for vehicle trip reductions and contributions to support Federal and State-mandated clean air standards through Transportation Demand Management. This Program component will reduce traffic congestion and improve air quality by reducing the number of employees who drive alone in motor vehicles to work sites during peak periods.

(Introduced as amended on 9/11/89. Council voted 6-2. Districts 6 and 8 voted nay. District 4 not present.)

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A272-309.)

CONSENT MOTION BY ROBERTS TO TRAIL TO TUESDAY, SEPTEMBER 26, 1989. Second by McCarty. 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-53: (O-90-47) ADOPTED AS ORDINANCE O-17343 (New Series)

Amending Chapter X, Article 1, Divisions 4 and 8, of the San Diego Municipal Code by amending Sections 101.0410, 101.0414, 101.0421.1, 101.0423, 101.0426, 101.0426.1, 101.0427, 101.0427.1, 101.0428, 101.0430, 101.0432, 101.0433, 101.0437, 101.0441, 101.0459, 101.0802, 101.0803, 101.0806, 101.0813, 101.0821, and 101.0822; amending Chapter X, Article 1, Divisions 1 and 8, of the San Diego Municipal Code, by adding Sections 101.0101.55, 101.0830 and 101.0835; reserve for future use Sections 101.0824 through 101.0829 and 101.0831 through 101.0834; and amending Chapter X, Article 3, Divisions 2, 7, 9, 10, 13, 14, 15, and 17 of the San Diego Municipal Code by amending Sections 103.0207, 103.0708.3, 103.0927, 103.1008, 103.1306, 103.1421, 103.1513, 103.1705 and 103.1706; all relating to Multi-Family Residential Parking Regulations. (City-wide. Trailed from 9/11/89 and introduced as amended on 9/12/89. Council voted 6-0. Districts 4, 5 and 8 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A272-309.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. 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-54: (O-90-36) ADOPTED AS ORDINANCE O-17344 (New Series)

Incorporating approximately 0.188 acres of land located on the southeast corner of La Cuenta Drive and Baroque Lane into CO Zone.

(Case-88-1037. Tierrasanta Community Area. District-7.

Introduced on 9/12/89. Council voted 6-0. Districts 2, 3, and 4 not present.)

NOTE: This is a companion item to the Tierrasanta Gateway Project, Item 55.

FILE LOCATION: ZONE ORD. NO.



COUNCIL ACTION: (Tape location: A272-309.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. 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-55: (O-90-37) ADOPTED AS ORDINANCE O-17345 (New Series)

Incorporating a portion of Parcel 9 of Parcel Map PM-8547 and Lot 150 of Villa Barbados North Unit No. 1, Map-7236, located south of State Route 52, west of Santo Road, into Community Commercial Zone.

(Case-88-1036. Tierrasanta Community Area. District-7. Introduced on 9/12/89. Council voted 6-0. Districts 1, 3, and 4 not present.)

NOTE: This is a companion item to the Tierrasanta Yorobe project, Item 54.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A272-309.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. 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-56: (O-90-21) ADOPTED AS ORDINANCE O-17346 (New Series)

Incorporating various properties located within the Peninsula Community Plan Area, into R1-5000 Zone, in order to implement the Single Family Protection Ordinance.

(Case-89-0720. Peninsula Community Area. District-2. Introduced as amended on 9/11/89. Council voted 5-0. Districts 3, 4, 5, and Mayor not present.)

FILE LOCATION: LAND - Peninsula Community Plan

COUNCIL ACTION: (Tape location: A272-309.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. 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-57: (O-90-41) ADOPTED AS ORDINANCE O-17347 (New Series)

Authorizing the execution of a 55 year lease agreement with the San Diego Community College District of San Diego, for the lease, development, maintenance and operation of a portion of the San Diego Miramar College campus. (Mira Mesa Community Area. District-5. Introduced on 9/11/89. Council voted 8-0. District 4 not present.)

FILE LOCATION: LEAS - San Diego Community College District of San Diego, Miramar College Campus  
LEASFY90-1

COUNCIL ACTION: (Tape location: A272-309.)  
CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. 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-58: (O-90-30) ADOPTED AS ORDINANCE O-17348 (New Series)

Setting aside and dedicating Parcel A, Lot 170, Penasquitos Views West Unit 1 and Parcel B, Lot 992, Penasquitos Park View Estates Unit 4, for a public park. (Rancho Penasquitos Community Area. District-1. Introduced on 9/11/89. Council voted 8-0. District 4 not present.)

FILE LOCATION: DEED F-5056 DEEDFY90-1

COUNCIL ACTION: (Tape location: A272-309.)  
CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. 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-90-186) TRAILED TO TUESDAY, SEPTEMBER 26, 1989

Awarding a contract to Hawthorne Lift Systems for the purchase of 11 parking control scooters (Cushman Model 464) for a total cost of \$107,257.81, including tax and terms, less trade-in allowance as follows: 3 each 1984 Cushman 3-wheel scooters, unit allowance - \$550, extension \$1650. (BID-C0919/90)  
Aud. Cert. 9000292.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A310-318.)

MOTION BY McCARTY TO TRAIL TO TUESDAY, SEPTEMBER 26, 1989, AT THE REQUEST OF THE CITY ATTORNEY. 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-101: (R-90-180) RETURNED TO CITY MANAGER

Awarding a contract to San Diego Helicopter Service, Inc. for furnishing helicopter maintenance, as may be required for a period of one year beginning September 15, 1989 through September 14, 1990, for an estimated cost of \$113,000, including tax, with options to renew the contract for four additional one year periods, with option year price increases not to exceed 10 percent per year. (BID-C0898/90)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A209-271.)

MOTION BY HENDERSON TO RETURN TO THE CITY MANAGER AT THE REQUEST OF THE CITY MANAGER. Second by Wolfsheimer. 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-102: (R-90-187) ADOPTED AS RESOLUTION R-274462

Awarding a contract to Chemwest Industries, Inc., for the purchase of ferric chloride, as may be required for a period of one year beginning November 1, 1989 through October 31, 1990, for a total estimated cost of \$3,388,476, including tax, with an option to renew the contract for three additional one year periods with price escalation not

to exceed 15 percent of the previous year's price; authorizing the Purchasing Agent to obtain ferric chloride from Imperial West Chemical Co. in the event that the contractor fails to deliver material meeting specifications any time during the contract period. (BID-0899/90)

FILE LOCATION: MEET CONFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-103: (R-90-179) RETURNED TO CITY MANAGER

Approving the assignment of the contractual rights with Western Waste Industries for furnishing refuse container service for the Park and Recreation Department, as previously authorized by Resolution R-271954, adopted on September 26, 1988, to Laidlaw Waste Systems, Inc. at an estimated cost of \$112,000. (BID-0073/89)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A209-271.)

MOTION BY HENDERSON TO RETURN TO THE CITY MANAGER AT THE REQUEST OF THE CITY MANAGER. Second by Wolfsheimer. 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-104: (R-90-185) ADOPTED AS RESOLUTION R-274433

Rescinding Resolution R-274135, adopted August 1, 1989; awarding a contract for the purchase of sewer and water flow monitoring systems, for a total cost of \$188,051.16, including tax and terms, as follows:

A) ADS Services, Inc. for Item 1, and B) Omnidata International, Inc. for Item 2. (BID-0678/89)  
Aud. Cert. 9000294.

FILE LOCATION: MEET CONFY90-2

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-105:

Three actions relative to Sewer Pump Stations 11, 14 and 16 Improvements:

(Mission Bay, Mission Beach and Ocean Beach Community Areas. Districts-2 and 6.)

Subitem-A: (R-90-192 Revised) ADOPTED AS RESOLUTION R-274434

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Inviting bids for the Sewer Pump Stations 11, 14 and 16 Improvements on Work Order No. 170431; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Manager, if circumstances warrant, to finance or refinance this project with tax exempt securities; authorizing the execution of Amendment No. 1 with BSI Consultants, Inc. for the additional Engineering Design Services at a cost not to exceed \$17,500 for the Sewer Pump Stations 11, 14 and 16 Improvements; authorizing the City Auditor and Comptroller to transfer \$768,000 within the Sewer Revenue Fund 41506 from the Unallocated Reserve (70697) to the Wastewater Construction Program (70492), CIP-46-121, Sewer Pump Stations 11, 14 and 16 Improvements; authorizing the expenditure of an amount not to exceed \$3,144,378 from Sewer Revenue Fund 41506, CIP-46-121, Sewer Pump Stations 11, 14 and 16 Improvements,

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-K0977/90)

Subitem-B: (R-90-193) ADOPTED AS RESOLUTION R-274435

Authorizing the City Manager to do by City Forces all the work to make connections and perform operational checks as required in connection with Sewer Pump Stations 11, 14 and 16 Improvements; declaring that the cost of said work shall not exceed \$20,000.

Subitem-C: (R-90-194) ADOPTED AS RESOLUTION R-274436

Certifying that the information contained in Environmental Negative Declaration END-89-0319, dated May 3, 1989, in connection with Sewer Pump Stations 11, 14 and 16 Improvements, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: Sewer Pump Stations 11, 14, and 16 were originally constructed in 1923. The Pump Stations have undergone major rehabilitations in 1948, 1949, and 1969. Recent inflow and pumping measurements indicate that the ability of these pump stations to perform during peak flow is inadequate to meet demands; and these pump stations do not meet current regulations which require a backup power supply. In addition, the force main constructed in the 1940's serving the area from Pump Station 11 is reduced to less than 40 percent of its original capacity due to sand which has settled in the low points. Finally, the exterior of these pump station structures are not compatible with the unique setting and beauty of Mission Bay. An Engineering study and design approved by the City Council on October 19, 1987, has been completed which will upgrade Pump Stations 11, 14, and 16, and underground the structures. The Engineering Agreement with BSI, Inc., is being amended to include detailed plans for a parallel force main which will be horizontally drilled under the Mission Bay and San Diego River Channel. Upon inspection of its condition, the existing force main will be rehabilitated to provide a reliable and redundant system.

Aud. Cert. 9000159.

WU-P-89-156.

FILE LOCATION: W.O. 170431 CONT - The Industrial Company  
San Diego, Inc. CONT - Cherrington Corp.  
CONTFY90-1 CCONTFY90-1

COUNCIL ACTION: (Tape location: A320-427.)

MOTION BY HENDERSON TO ADOPT. Second by McCarty. 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-106: (R-90-189) ADOPTED AS RESOLUTION R-274437

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Inviting bids for the Construction of Traffic Signal and Street Lighting Systems at Linda Vista Road and Stalmer Street and at Convoy Street and Dagget Street on Work

Order No. 119235; authorizing the execution of contract with the lowest responsible bidder; authorizing the City Manager, if circumstances warrant, to finance or re-finance this project with tax exempt securities; authorizing the expenditure of an amount not to exceed \$246,532 from Fund 30300 (Proposition A), CIP-68-010, Construct Top 10-15 Prioritized Traffic Signals Each Year, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in CIP-68-010, Construct Top 10-15 Prioritized Traffic Signals. (BID-K0974/90)

(Linda Vista and Serra Mesa Community Areas. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Both of the subject FY-89 Capital Improvement Program project intersections are currently controlled by stop signs stopping vehicular traffic entering from the minor streets. Installation of a traffic signal will provide the orderly assignment of right-of-way to vehicular and pedestrian traffic at each of these intersections. Aud. Cert. 9000213.

FILE LOCATION: W.O. 119235 CONT - Select Electric  
CONTFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-107: (R-90-190 Revised) ADOPTED AS RESOLUTION R-274438

19890925

Inviting bids for the Eighth Avenue Improvements from "L" Street to Harbor Drive on Work Order No. 118902; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$348,096 (\$85,000 from Capital Outlay Fund 30245, CIP-64-004, Annual Allocation - Railroad Warning Devices and \$263,096 from Proposition "A" Fund 30300, CIP-58-004, Annual Allocation - Miscellaneous Requirements - City Streets) to CIP-52-353, Eighth Avenue Improvements - from "L" Street to Harbor Drive; authorizing the City Manager, if circumstances warrant, to finance or refinance this project with tax exempt securities; authorizing the expenditure of an amount not to exceed \$270,000 per executed Agreement R-273017 with the

Metropolitan Transit Development Board (MTDB) for Proposition "A" Fund 30300, CIP-52-353, Eighth Avenue Improvements - from "L" Street to Harbor Drive; authorizing the expenditure of an amount not to exceed \$1,314,000 (\$121,904 from Capital Outlay Fund 30245 and \$1,192,096 from Proposition "A" Fund 30300) from CIP-52-353, Eighth Avenue Improvements - From "L" Street to Harbor Drive, 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-K0949/90) (Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This Proposition "A" Sales Tax project will widen Eighth Avenue from "L" Street to Harbor Drive to provide for improved access to the Convention Center. Improvements will include street widening, decorative sidewalk, trees, street lighting, additional drainage facilities, traffic signal modifications at the intersection of Eighth Avenue with Harbor Drive, concrete at-grade crossing over MTDB tracks, and a rubberized at-grade crossing over AT&SF railroad tracks. A previously executed agreement with MTDB provides that MTDB construct improvements in conjunction with its Bayside LRT project, and MTDB, under a separate contract

with AT&SF, would have AT&SF install rubberized crossings for its tracks with railroad signal gate relocations. These construction costs would be reimbursed by the City and will not exceed \$270,000. Because of decorative amenities and complicated drainage improvements, it is necessary to acquire additional funds for construction. The AT&SF Railway Company is requiring the purchase of right-of-way at downtown rates, rather than a simple easement for a street crossing at the railroad tracks; therefore, it is necessary to acquire additional funds for land acquisition. It is proposed to transfer funds from CIP-64-004, Annual Allocation--Railroad Warning Devices, and from CIP-58-004, Annual Allocation--City Streets.

Aud. Cert. 9000178.

FILE LOCATION: W.O. 118902 CONT - T. B. Penick & Sons, Inc.  
CONFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

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

\* ITEM-108: (R-90-191) ADOPTED AS RESOLUTION R-274439



Rejecting all the bids received on April 26, 1989 for Construction of Alvarado Pipeline No. 2, Phase II-C; inviting bids for the above project on Work Order No. 148126; authorizing the execution of a contract with the lowest responsible and reliable bidder. (BID-0501/89A) (East Mission Valley Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: Bids were opened on April 26, 1989 for the construction of Alvarado Pipeline No. 2, Phase II(c). Of 56 bid packages issued, 3 bids were received, although one was declared unresponsive. The low bid of \$296,230 was 7.72 percent over the engineer's estimate of \$275,000. However, with the low bid, the original project funding authorization has been exceeded and additional funding will be necessary. Early in the bidding process it was discovered that the request for bids had been advertised with an erroneous construction cost estimate of \$1.6 million. One week later a revised request reflecting the correct estimate was issued. Staff feels that the first 12 prospective bidders were among those most interested in the project, but were misled and

confused by the erroneous cost estimate and were hesitant to commit time and materials to such a contract. Although the higher \$1.6 million cost was much more attractive, the bidders, given additional time to reconsider the project, may rebid more competitively. By readvertising, we hope to secure a bid at or below the engineer's estimate and thus forego the need for additional funding. The delay caused by readvertising for bids will not adversely impact the normal operations of the water system.

WU-P-90-006.

FILE LOCATION: W.O. 148126 CONFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-109: (R-90-464) ADOPTED AS RESOLUTION R-274440

Authorizing the City Manager to execute an amendment to the Subdivision Improvement Agreement for Scripps Eastview Unit No. 2, on file in the office of the City Clerk as Document RR-272889, to provide for the substitution of Donald L. Bren Company for ITEC Properties, as subdivider;

accepting Performance Bond No. 111325 84 183, issued by The American Insurance Company, in the amount of \$794,900, as surety for the required improvements in the subdivision; releasing Performance Bond No. 11273 96, issued by Insurance Company of the West, in the amount of \$794,900.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On February 21, 1989 the City entered into an agreement with ITEC Properties, a California general partnership, for the construction of public improvements for Scripps Eastview Unit No. 2. The agreement expires on February 21, 1991. The property is now owned by Donald L. Bren, a California Corporation. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The new subdivider has provided a performance bond for the same amount as the original bond.

FILE LOCATION: SUBD - Scripps Eastview Unit No. 2  
CONTFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-110: (R-90-465) ADOPTED AS RESOLUTION R-274441

Authorizing the City Manager to execute an amendment to the Subdivision Improvement Agreement for Scripps Eastview Unit No. 3, on file in the office of the City Clerk as Document RR-273457, to provide for the substitution of Donald L. Bren Company for ITEC Properties, as subdivider; accepting Performance Bond No. 111325 84 191, issued by The American Insurance Company, in the amount of \$2,194,478, as the surety for the required improvements in the subdivision; releasing Performance Bond No. 013 18 25, issued by Insurance Company of the West, in the amount of \$2,194,478.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On May 15, 1989 the City entered into an agreement with ITEC Properties, a California general partnership, for the construction of public improvements for Scripps Westview Unit No. 3. The agreement expires on May 15, 1991. The property is now owned by Donald L.

Bren Company, a California Corporation. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The new subdivider has provided a performance bond for the same amount as the original bond.

FILE LOCATION: SUBD - Scripps Eastview Unit No. 3  
CONTFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

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

\* ITEM-111: (R-90-466) ADOPTED AS RESOLUTION R-274442

Authorizing the City Manager to execute an amendment to the Subdivision Improvement Agreement for Scripps Eastview Unit No. 4, on file in the office of the City Clerk as Document RR-273568, to provide for the substitution of Donald L. Bren Company for ITEC Properties, as subdivider; accepting Performance Bond No. 111325 84 209, issued by The American Insurance Company, in the amount of \$1,138,843, as the surety for the required improvements in the subdivision; releasing Performance Bond No. 013 18 26, issued by Insurance Company of the West, in the amount of \$1,138,843.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On May 30, 1989 the City entered into an agreement with ITEC Properties, a California general partnership, for the construction of public improvements for Scripps Westview Unit No. 4. The agreement expires on May 30, 1991. The property is now owned by Donald L. Bren Company, a California Corporation. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The new subdivider has provided a performance bond for the same amount as the original bond.

FILE LOCATION: SUBD - Scripps Eastview Unit No. 4  
CONTFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-112: CONTINUED TO OCTOBER 2, 1989

Two actions relative to vacating 29th Street between "B" Street and "C" Street:

(Greater Golden Hill Community Area. District-4.)

Subitem-A: (R-90-388)

Vacating 29th Street between "B" Street and "C" Street and a portion of the alley adjacent to Lots 1-6 and 43-48, Block 63 of E.W. Morse's Addition, Map-547, under the procedure for the summary vacation of streets; reserving and excepting from the vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature; reserving and excepting from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewals thereof; declaring that the easement reserved herein is in, under, over, upon, along and across 29th Street and the alley specified; declaring that this Resolution shall not become effective unless and until issuance of the permits for the required public improvements have been accomplished; in the event that the above requirements are not completed within 18 months following adoption of the 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 completion of the issuance of permits.

Subitem-B: (R-90-389)

Approving the acceptance by the City Manager of a drainage easement deed of 29th and "B" Street, Ltd., granting to the City an easement for drainage purposes in a portion of Lots 1 through 3, Block 63 of E.W. Morse's Subdivision, Map-547.

CITY MANAGER SUPPORTING INFORMATION: The abutting property owners have petitioned for the subject vacation in order to increase yard areas and to expand the existing lot sizes for future development. The proposed vacation consists of 29th Street between "B" Street and "C" Streets and the 142-foot length of alley immediately west of 29th Street. The City owns the southeasterly property adjacent to the vacation. The Property Department has requested that a pedestrian easement be

reserved to provide continued pedestrian access between "B" Street and "C" Street in the future. The subject vacation, which totals approximately 20,700 square feet in the R-600 Zone, is located in the Greater Golden Hill Community. Based upon the present zoning, the vacation will increase the residential entitlements of the adjacent properties including the City's, a

total of 34 residential units. The Planning Department has no objections to the proposed vacation, and the Planning Commission recommended approval on August 6, 1981, by a 5-0 vote. The subject rights-of-way are within a deep southeast-trending canyon and are unimproved except for sewer and drainage facilities. Easements for those utilities are either to be reserved from the vacation or acquired. Due to the adverse topography, it is not feasible to improve these rights-of-way for street purposes. However, there is considerable evidence of pedestrian traffic through the area and, therefore, a pedestrian easement will be reserved to accommodate this use. The vacation will not preclude access to any of the adjacent properties. 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.

FILE LOCATION: STRT J-2726; Subitem A,B: - -

COUNCIL ACTION: (Tape location: A310-318;B115-119.)

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

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

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 2, 1989, WHEN COUNCIL MEMBER PRATT WILL BE PRESENT. Second by Roberts.

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

ITEM-113: (R-90-380) DENIED VACATION

Vacating Puterbaugh Street northwest of Keating Street and adjacent to Lots 21-24 of Block 50, and Lots 9-12 of Block 63, within the Middletown Addition, Map-384, under the procedure for the summary vacation of streets; reserving

and excepting from the 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 easement reserved herein is in, under, over, upon, along and across Puterbaugh Street; declaring that this Resolution shall not become effective until the filing of a consolidation map or other

appropriate map to eliminate the landlocked parcels, which will exist upon vacation of the rights-of-way, and issuance of permits for the required public improvements; in the event the above map is not filed and the required permits are not issued within 18 months following the adoption of the 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 completion of the map and issuance of permits.

(Uptown Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The abutting property owners have requested the proposed vacation in order to proceed with a general clean-up of the area, including landscaping, and to provide an additional area for future redevelopment on the southwesterly property. The vacation is situated within the Uptown Community Plan Area in an R-1000 Zone and is subject to the Uptown Emergency Ordinance. Under this emergency ordinance, any redevelopment of this property would be subject to a Planned Residential Development, encompassing the affected properties. The area-of-vacation is 4,400 square feet and would increase the total residential entitlements of the adjoining properties by four residential units under the existing zone. The Planning Department has no objection to the proposed vacation. The unimproved right-of-way provides legal frontage for six lots but is precluded from improvement due to the steepness of the terrain. A consolidation Parcel Map is required to eliminate the lots which would be left landlocked by the vacation. The right-of-way is not required for traffic circulation. The area proposed for vacation contains private water and sewer services which will be relocated into a private easement. A ten-foot-wide drainage easement will also be reserved to accommodate future surface drainage. As a condition to the vacation, public improvements (to include curb, gutter, and sidewalk) must also be constructed across the closing at Keating Street. Staff review has indicated that the right-of-way to be vacated is not required for present or prospective public use and may be summarily vacated, conditioned upon the completion of the aforementioned requirements.

FILE LOCATION: STRT J-2725 DEED F-5059

COUNCIL ACTION: (Tape location: A430-B119.)

MOTION BY ROBERTS TO DENY THE STREET VACATION. Second by Wolfsheimer. 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-114: (R-90-355) ADOPTED AS RESOLUTION R-274443

Authorizing the acceptance by the City Manager of the easement deed of Oxford - DSB Limited Partnership, dated November 7, 1988, conveying to the City a water easement in a portion of Lot 3 of Carmel Mountain Ranch Unit No. 15, Map-11681; authorizing the execution of a quitclaim deed, quitclaiming to Oxford - DSB Limited Partnership, all of the City's right, title and interest in the water easement in Lot 3 of Carmel Mountain Ranch Unit No. 15, Map-11681; authorizing the acceptance by the City Manager of an additional water easement in Lot 3 of Carmel Mountain Ranch Unit No. 15, Map-11681, from Oxford - DSB Limited Partnership.

(Rancho Carmel Community Area. District-1.)

FILE LOCATION: DEED F-5060 DEEDFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-115: (R-90-477) ADOPTED AS RESOLUTION R-274444

Recognizing Ron Blair for his true sense of community spirit and the fact that he has been instrumental in brightening the lives of the disabled here in San Diego; and congratulating him for his selection as the 1989 Nice Guy of the Year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-116: (R-90-459) ADOPTED AS RESOLUTION R-274445

Recognizing Tim Flannery and his athletic accomplishments  
and contributions to the community; designating Saturday,  
September 30, 1989, as "Tim Flannery Day" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-117: (R-90-479) ADOPTED AS RESOLUTION R-274446

Excusing Council Member H. Wes Pratt from attending the  
Council meetings on September 11 and 12, 1989,  
Transportation and Land Use Committee on September 11, 1989  
and Special Meeting of the Committee of the Whole on  
September 14, 1989, due to out of town City business in  
Washington, D.C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-118: (R-90-452) CONTINUED TO OCTOBER 3, 1989, A.M.

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 the sum of \$250,000 within the General Fund  
100, from the 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. 9000282.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B120-189.)

MOTION BY ROBERTS TO CONTINUE TO OCTOBER 3, 1989, A.M.. Second by Wolfsheimer. 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-119: (R-90-315) ADOPTED AS RESOLUTION R-274447

Authorizing the City Treasurer to notify the Bank of America, as paying agent for the 1966 San Diego Municipal Improvement Bonds, Series 3, that they are authorized to make payment number 38 on lost coupons from bonds numbers 727 through 746, maturing February 1, 1991 and bond number 585 maturing February 1, 1989, for \$125 each, for a total of \$2,625.

CITY MANAGER SUPPORTING INFORMATION: The City Treasurer's office has been notified that 21 interest coupons representing interest payment number 38 for bonds 727 through 746 and bond 585 for the 1966 San Diego Municipal Improvement Bonds, Series 3, were lost in transit from Bank of America's San Diego Branch to the San Francisco Corporate Office. In order for the bank to make payment for the lost coupons, the City Council must authorize payment for the lost coupons. An indemnity agreement indemnifying the City against loss has been received and a stop payment order on the coupons has been issued.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-120: (R-90-454) ADOPTED AS RESOLUTION R-274448

Authorizing the City Manager to submit a grant application to the State Coastal Commission in the amount of \$45,203 for work on the Implementation Phase of the Local Coastal

Program; authorizing the City Manager to execute, for and on behalf of the City, the grant application, when approved by the California Coastal Commission, including any amendments and extensions.

PLANNING DEPARTMENT SUPPORTING INFORMATION: The proposed resolution would authorize the City Manager to submit a grant application to the California Coastal Commission in the amount of \$45,203 to fund work on the City's Local Coastal Program. Projects identified in the grant application include LCP amendments to remove deferred certification status in the

following areas: 1) North City West-Neighborhood 8 Precise Plan located within Carmel Valley 2) the former SDG&E (now City owned) future study area located within Los Penasquitos Lagoon 3) The South Bay and Otay River Valley study area 4) the Tia Juana River Valley and 5) the La Jolla Planned District. The grant funds are intended to cover the costs of processing the LCP amendments and to complete necessary rezonings. The grant application includes an additional project to revise the coastal development permit/post certification maps as recommended by the Coastal Commission. Approval of the grant would not obligate the Council to approve any specific action which may be proposed to accomplish the objective of removing deferred certification areas.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-121: (R-90-427) ADOPTED AS RESOLUTION R-274449

Authorizing the execution of an agreement with Normal Heights Community Development Corporation and the City Heights Community Development Corporation for specified economic development activities; authorizing the expenditure of an amount not to exceed \$158,000 (\$79,000 from Fund 18525, Dept. 5886, Org. 8602 and \$79,000 from Fund 18525, Dept. 5886, Org. 8601), for the purpose of providing funds for the above agreements.  
(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The City Council, in the 1989 Community Development Block Grant (CDBG) appropriation

cycle, approved a \$79,000 grant to the Normal Heights Community Development Corporation, and a \$79,000 grant to the City Heights Community Development Corporation for neighborhood economic development activities. Major activities include maintaining meeting spaces for residents and business owners, promotion of special events, employment training for residents, and development and implementation of revitalization and redevelopment of the communities. These grants will be administered by the Economic Development Division of the

Property Department to ensure coordination with the Mid-City Commercial Revitalization Project.  
Aud. Cert. 9000262.

FILE LOCATION: MEET CONFY90-2

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-122: (R-90-450) ADOPTED AS RESOLUTION R-274450

Authorizing the execution of an agreement with Padre Dam Municipal Water District for the City's use of facilities at the Padre Dam Wastewater Treatment Plant, under the terms and conditions set forth in the Flow Equalization Agreement.

(See City Manager Report CMR-89-441.)  
WU-U-90-023.

FILE LOCATION: WATER - Padre Dam Municipal Water District  
CONFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-200: (O-90-18) CONTINUED TO OCTOBER 10, 1989

(Continued from the meeting of September 11, 1989, Item 53, at Jack McGrory's request, for further review of the fees.)

Adoption of an Ordinance amending Chapter 9, Article 5, Division 1, of the San Diego Municipal Code by amending Sections 95.0102, 95.0104, 95.0107, 95.0108, 95.0110, 95.0118, and by repealing Section 95.0123, all relating to Signs and House Numbers, to provide a full cost recovery program for enforcing the City's Sign Code Ordinance. (Introduced on 7/31/89. Council voted 7-1. District 6 voted nay. District 2 not present.)

NOTE: See Item 201 on today's docket for a companion item.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A209-271.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 10, 1989, AT THE REQUEST OF THE CITY MANAGER. Second by Wolfsheimer. 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-201: (R-90-392) CONTINUED TO OCTOBER 10, 1989

(Continued from the meeting of September 11, 1989, Item 205, at Assistant City Manager McGrory's request, for further review of fees.)

Amending the Planning Department Schedule of Fees and Deposits to include a Sign Code Inspection Maintenance fee of \$12.75 annually for each sign requiring a permit.

PLANNING DEPARTMENT SUPPORTING INFORMATION: The proposed Sign Code Inspection Maintenance Fee of \$12.75 per sign, per year is necessary to fund full cost recovery for Sign Code Enforcement. Council action on July 31, 1989 accepted the Planning Department Report PDR-89-394 and introduced amendments necessary to implement a cost recovery program for Sign Code Enforcement. This fee is based upon current estimates of 16,000 businesses using 34,000 to 40,000 signs. Using a mid range of 37,000 signs at \$12.75 per sign, this would generate \$471,750 short of the \$485,111 for full cost recovery. If, however, the number of signs exceeds 38,000, full cost recovery would be achieved. Delinquent charges are proposed at \$25 after the first 20 days. Unpaid fees will be carried over to the following year.

NOTE: See Item 200 on today's docket for a companion item.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A209-271.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 10, 1989, AT THE REQUEST OF THE CITY MANAGER. Second by Wolfsheimer. 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-202: (R-90-279) CONTINUED TO OCTOBER 10, 1989

(Continued from the meeting of September 11, 1989, Item 111, at the request of Greg Hovey, representing Kibbing Road Homeowners, to work with the Attorney's office regarding a noticing problem.)

Authorizing the execution of an amendment to the Subdivision Improvement Agreement for Mah's Subdivision to provide for the substitution of Del Mar View Partners for Robert K. Mah, as subdivider; accepting Performance Bond No. 1461971, issued by Planet Insurance Company in the amount of \$454,860 as the surety for the required improvements in the subdivision; releasing Assignment of Certificate of Deposit, No. 70731, in the amount of \$69,230.55; and Assignment of Certificate of Deposit, No. 0021698317, in the amount of \$60,000; and Irrevocable Letter of Credit, No. 885-0927, issued by Security Pacific Asian Bank, in the amount of \$250,000.

(North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On February 27, 1989 the City entered into an agreement with Robert K. Mah for the construction of public improvements for Mah's Subdivision. The agreement expires on February 27, 1991. The property is now owned by Del Mar View Partners, a California general partnership. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The new subdivider has provided a performance bond in the amount of \$454,860 to assure the work.

FILE LOCATION: SUBD - MAH Subdivision

COUNCIL ACTION: (Tape location: B190-303.)

MOTION BY WOLFSHEIMER TO CONTINUE FOR TWO WEEKS AT THE REQUEST OF THE CITY ATTORNEY FOR TIME TO PRESENT A LEGAL OPINION PRIOR TO COUNCIL TAKING ACTION. 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-203: (O-90-49 Rev.1) TRAILED TO TUESDAY, SEPTEMBER  
26, 1989

Introduction and adoption of an Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "an Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by amending the budget for the Engineering and Development Department (540), by creating a new Transportation Management Division and adding to the personnel authorization of the Engineering and Development Department (540), Transportation Management Division, 10.50 new positions as follows: 1.00 Deputy Director, 0.50 Principal Planner, 1.00 Senior Traffic Engineer, 1.00 Senior Planner, 1.00 Associate Transportation Planner, 1.00 Associate Traffic Engineer, 1.00 Assistant Transportation Planner, 1.00 Associate Administrative Analyst, 1.00 Associate Planner, 1.00 Senior Public Information Officer, 1.00 Graphic Designer, 1.00 Word Processing Operator, 2.00 Clerical Assistant II, all for the purpose of implementing the City of San Diego's Transportation Demand Program; authorizing the Auditor and Comptroller to transfer within the General Fund the sum of \$626,000 from Non-Departmental Expenditures (601) to Engineering and Development Department (540) for the purpose of funding said program and personnel; exempting one Deputy Director position from the Classified Service.

NOTE: See Item 202B on the docket of Monday, September 11, 1989 for the first public hearing. Today's action is the introduction and adoption of the ordinance.

Aud. Cert. 9000277.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: C045-051.)

MOTION BY McCARTY TO TRAIL TO TUESDAY, SEPTEMBER 26, 1989.

Second by Roberts. Passed by the following vote:

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

ITEM-204: CONTINUED TO OCTOBER 2, 1989

(Continued from the meetings of August 1, 1989, Item 331

and August 7, 1989, Item S407; last continued at Council Member Wolfsheimer's request, to hear the item after the La Jolla Shores Association's meeting.)

Matter of a proposal to amend Chapter 10, Article 3, Division 3 of the San Diego Municipal Code by adding Section 103.0307 relating to the La Jolla Shores Planned District to require that a developer of any property contemplating a development that will be located below the water table take certain actions with respect to water removal and disposal.

The proposed amendment also constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If approved, the proposed LCP amendment must be transmitted to the California Coastal Commission for review and final approval. The proposed LCP amendment would not become effective until after approval by the California Coastal Commission.

(District-1.)

Subitem-A: (O-89-235)

Introduction of an Ordinance amending the La Jolla Shores Planned District Ordinance.

Subitem-B: (R-89-2621)

Adoption of a Resolution amending the Local Coastal Program (LCP) and authorizing transmittal to the California Coastal Commission.

FILE LOCATION: LAND - La Jolla Shores Planned District

COUNCIL ACTION: (Tape location: A209-271.)

MOTION BY HENDERSON TO CONTINUE FOR ONE WEEK FOR A FULL COUNCIL AT COUNCIL MEMBER WOLFSHEIMER'S REQUEST. Second by Wolfsheimer.

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-S400: PRESENTATION MADE

In the matter of a presentation by Cabrillo Festival, Inc.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A038-044.)

\* ITEM-S401: (R-90-475) ADOPTED AS RESOLUTION R-274451

Authorizing the execution of Amendment No. 2 to the Agreement of September 27, 1988 with Regional Environmental Consultants (RECON) to provide environmental services to the City necessary to prepare an Environmental Impact Report for the Water Reclamation and Reuse Master Plan for the Clean Water Program; authorizing the expenditure of an amount not to exceed \$117,000 from CIP-46-147.0, Modified Wastewater Treatment Facilities Plan, within the Sewer Revenue Fund, No. 41506, for the purpose of providing funds for the above environmental services.

(See City Manager Report CMR-89-447.)

COMMITTEE ACTION: Reviewed by PSS on 9/20/89.  
Recommendation to approve the City Manager's recommendation.  
Districts 2, 3, 4 and 7 voted yea. District 6 not present.  
Aud. Cert. 9000302.  
WU-CWP-90-030.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A310-318.)  
CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksmas-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-S402: (R-90-470) ADOPTED AS RESOLUTION R-274452

Approving in concept the procedures for the design phase of the City's Clean Water Program as set forth in the City Manager Report; authorizing the City Manager to negotiate with James M. Montgomery, Consulting Engineers, Inc. as Program Manager to oversee the design phase of the program; authorizing the City Manager to negotiate contracts with other design firms to be selected for the various design elements of the Clean Water Program, including a value engineering review to be conducted during the early stages of the design phase, consistent with the recommendations in the City Manager's Report; declaring that the City Manager shall, as soon as possible, return to the Council for authorization to execute the above agreements, unless otherwise authorized by the City Charter or the San Diego



Municipal Code.  
(See City Manager Report CMR-89-449.)

COMMITTEE ACTION: Reviewed by PSS on 9/20/89.  
Recommendation to approve the City Manager's recommendation and request the material be scheduled as a supplemental item on the docket of 9/25/89. Districts 3, 4 and 7 voted yea. Districts 2 and 6 not present.  
WU-SP-90-026.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A310-318.)  
CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksmma-present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-S403: (R-90-493) ADOPTED AS RESOLUTION R-274453  
Authorizing the execution of a second amendment to the agreement with Black & Veatch, Engineers-Architects, dated December 7, 1987, for engineering services regarding the East Mission Gorge Interceptor Force Main, Pump Station and Equalization Facility; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$126,000 within the Sewer Revenue Fund, No. 41506, from the Unallocated Reserve (No. 70697), to the East Mission Gorge Interceptor, CIP-43-104.0; authorizing the expenditure of an amount not to exceed \$730,000 from the Sewer Revenue Fund, No. 41506, East Mission Gorge Interceptor, CIP-43-104.0, for the above services.  
(See City Manager Report CMR-89-425. Navajo Community Area. District-7.)

COMMITTEE ACTION: Reviewed by PSS on 9/20/89.  
Recommendation to approve the City recommendations and request that this matter be scheduled as a supplemental item on the City Council docket of 9/25/89. Districts 3, 4 and 7 voted yea. Districts 2 and 6 not present.  
Aud. Cert. 9000256.  
WU-U-90-004.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-S404: (R-90-482) ADOPTED AS RESOLUTION R-274454

A Resolution approved by the City Council in Closed Session on Tuesday, September 12, 1989 by the following vote:

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

Authorizing the City Manager to pay the total sum of \$25,000 in the settlement of each and every claim against

the City, its agents and employees, resulting from a property damage claim of Walter and Elizabeth Hudritsch against the City of San Diego stemming from an incident on July 16, 1987 (Superior Court Case No. 589673, Walter and Elizabeth Hudritsch v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$25,000 made payable to Walter and Elizabeth Hudritsch and Thomas Homann, Esq., in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the property damage claim of Walter and Elizabeth Hudritsch against the City of San Diego as a result of the incident of July 16, 1987.

Aud. Cert. 9000304.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-S405: TRAILED TO TUESDAY, SEPTEMBER 26, 1989

(Continued from the meeting of September 18, 1989, Item 152, at Council Member Henderson's request, for further review of the issues stated in Council Member Wolfsheimer's memo.)

Three actions relative to Council Policy 900-3 (Managing and Marketing City-Owned Industrial Property) and Issues

relating to Eastgate Technology Park:  
(District-1. See Memorandum from Council Member  
Wolfsheimer dated 9/11/89; City Manager Report CMR-89-428.)

Subitem-A: (R-89-1367)

Amending Council Policy 900-3 regarding Management and  
Marketing of City-Owned Industrial Property.

Subitem-B: (R-89-2598)

Authorizing the City Manager to resubdivide Eastgate  
Technology Park into one to four net acres.

Subitem-C: (R-89-2573)

Authorizing the City Manager to develop a "Lease Only"  
marketing program for Eastgate Technology Park.

COMMITTEE ACTION: Reviewed by PFR on 8/9/89. Recommendation  
to approve the City Manager's recommendations to 1) revise  
Council Policy 900-3, 2) commence activities for the City to  
resubdivide Eastgate Technology Park into lots of one to four  
acres on a phased basis, as appropriate, and 3) direct staff to  
develop a marketing plan for leasing parcels in Eastgate.  
Districts 5, 6, 7 and 8 voted yea. District 1 voted nay.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C055-440.)

MOTION BY WOLFSHEIMER TO TRAIL TO TUESDAY, SEPTEMBER 26, 1989.

Second by Roberts. Passed by the following vote:

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

ITEM-S406: (O-90-3) CONTINUED TO OCTOBER 2, 1989

(Continued from the meetings of September 12, 1989,  
Item 180, and September 18, 1989, Item S403; last continued  
at Council Member Henderson's request, for further review.)

Introduction of an Ordinance amending Chapter II,  
Article 2, of the San Diego Municipal Code by amending  
Section 22.0101, entitled "Permanent Rules of the Council",  
by amending Rule 1 relating to Hours of Meetings, Rule 2  
relating to Parliamentary Procedure, Rule 4 relating to  
Special Order of Business, Rule 17 relating to Conduct of  
Committee Business, Rule 30 relating to Preparation of the  
Council Docket, Rule 30.1 relating to Posting, Notice and

Items for Consideration; and establishing a new Rule 30.2 relating to Non-Docket Items.

(See City Attorney Reports dated 7/13/89 and 2/3/87; City Clerk Report CC-87-02.)

COMMITTEE ACTION: Reviewed by RULES on 7/19/89.

Recommendation to approve the proposed amendment to Rule 1 by specifying that the time of a Council meeting may be extended by

the Chair or by a two thirds vote of the Council. Refer all other proposed amendments to the full Council without a recommendation. Districts 3, 4, 6, 7 and Mayor voted yea. District 2 not present.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: C443-493.)

MOTION BY McCARTY TO CONTINUE FOR ONE WEEK FOR A FULL COUNCIL.

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-not present, Mayor O'Connor-yea.

\* ITEM-S407: (R-90-484) ADOPTED AS RESOLUTION R-274455

Declaring that the City Council opposes SB 1256 (Craven), which would permit the City of San Diego to make a lease for the De Anza property in Mission Bay to expire 2053.

(See Intergovernmental Relations Department Report IRD-89-34.)

COMMITTEE ACTION: Reviewed by RULES on 9/20/89.

Recommendation to oppose SB 1256 (Craven). Districts 2, 3, 4, 6, 7 and Mayor voted yea.

INTERGOVERNMENTAL RELATIONS DEPARTMENT REPORT: At the regularly scheduled meeting of September 20, 1989, the Rules Committee reviewed Intergovernmental Relations Department Report IRD-89-34. Testimony was received from proponents of SB 1256, including representatives of the De Anza Group, Inc., which holds the current lease on the De Anza properties on Mission Bay; and opponents of SB 1256, including representatives of citizen planning groups including the Sierra Club and Citizens Coordinate for Century 3. Concern was raised about legislation affecting local prerogatives in planning for the future of Mission Bay. Stating that the planning process for Mission Bay should be completed locally before any legislation on this

matter should be explored and then such legislation should be the domain of the City, the staff recommendation was amended. By a vote of 6-0, the Committee approved a position to oppose SB 1256.

FILE LOCATION: LEAS - De Anza Group, Inc.

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-S408: (R-90-474) ADOPTED AS RESOLUTION R-274456

A Resolution approved by the City Council in Closed Session on Tuesday, January 24, 1989 by the following vote: Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-yea; Struiksma-yea; Henderson-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$1,000,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Rodney Boyd Carlson (Superior Court Case No. 575141, Carlson et al v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$1,000,000 made payable to Rodney Boyd Carlson, his conservator Marcia Carlson, and their attorney, George Andreos, 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 Rodney B. Carlson against the City of San Diego as a result of a traffic accident which occurred on April 7, 1985.  
Aud. Cert. 8900684.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A310-318.)

CONSENT MOTION BY McCARTY TO ADOPT. 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-S409: (R-90-520) TRAILED TO TUESDAY, SEPTEMBER 26, 1989

Authorizing the City Manager to pay the total sum of \$20,000 in the settlement of Perez V. City of San Diego, Federal District Court Case No. 88-0103R(M), pursuant to the terms of the settlement agreement; authorizing the City Auditor and Comptroller to issue one check in the amount of \$20,000 made payable to Aguirre and Meyer, Client Trust, Chicano Federation Litigation Account, in full settlement of the lawsuit and of all claims.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A310-318.)

MOTION BY McCARTY TO TRAIL TO TUESDAY, SEPTEMBER 26, 1989.

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-S410: (R-90-514) ADOPTED AS RESOLUTION R-274457 AMENDING THE MEMORANDUM OF UNDERSTANDING

Authorizing the execution of a Memorandum of Understanding (MOU) between the City and the San Diego Unified Port District.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-669.)

MOTION BY ROBERTS TO ADOPT THE RESOLUTION AMENDING THE MEMORANDUM OF UNDERSTANDING TO ADD THE WORDS "SOME PORTION OF" WITH RESPECT TO THE AREA RELATING TO THE LINKING OF BALBOA PARK AND THE WATERFRONT VIA FIFTH AVENUE (PAGE 3, FOURTH STATEMENT).

Second by McCarty. 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.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent the meeting was adjourned by Mayor  
O'Connor at 4:09 p.m..

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C516).