

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 17, 1990
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 2:07 p.m.
Mayor O'Connor adjourned the meeting at 4:59 p.m. to meet in Closed
Session on September 18, 1990, at 9:30 a.m., in 12th Floor
Conference Room, to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Bernhardt-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-excused by R-276594
(City business in London, England)
 - (8) Council Member Filner-present
- Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

Sep-17-1990

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

Sep-17-1990

ITEM-10: INVOCATION

Invocation was given by Minister Darrel Davis,
Clairemont Church of Christ.

FILE LOCATION: MINUTES

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ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Pratt.

FILE LOCATION: MINUTES

Sep-17-1990

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

- 07/23/90
- 07/23/90 Special
- 07/23/90, held 7/24/90
- 07/24/90
- 07/24/90 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A041-045.)

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

ITEM-31: (R-91-449) ADOPTED AS RESOLUTION R-276519
Proclaiming September 1, 1990 through September 30, 1990, to be "Hispanic Heritage Month" in San Diego, and encouraging all San Diegans to share and enjoy the festivities and cultural significance of this month.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A046-051.)
MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-32: GRANTED HEARING

(Continued from the meeting of July 23, 1990, Item 31, at the request of the members of the Community.)
Matter of the request of Peninsula Community Planning Board, Inc., by Norman Magneson, Chair, for a hearing of an appeal from the decision of the Board of Zoning Appeals in approving variance / Conditional Use Permit C-20523, subject to conditions.
The project request is to maintain 1) a three-story, single-family dwelling observing a .75 floor area ratio where .60 is the maximum permitted; 2) three bay windows observing a 13'0" front yard where 15'0" is required; 3) guest quarters where such use is permitted by Conditional Use Permit only; 4) 7'2" wide fireplace observing a 3'0" rear yard where 4'0" is required; 5) eave projection observing a 2'0" rear yard where 2'6" is required; and 6) 7'4" high retaining wall observing a 2'0" street side yard where a 6'0" high retaining wall is the maximum height permitted within the side yard. The subject property is located at 1447 Plum Street, in Zone R1-5000, in the Peninsula Community Plan area, and is more particularly described as portions of Lots 11 and 12, Block 55, Roseville, Map-165.
(C-20523. District-2.)

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

FILE LOCATION: ZONE - ZONING APPEALS CASE C-20523

COUNCIL ACTION: (Tape location: A058-095.)

MOTION BY ROBERTS TO GRANT THE HEARING BASED ON SUFFICIENT GROUNDS FOR CITY-WIDE IMPLICATIONS. THE HEARING IS TO HELD ON OCTOBER 9, 1990. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-33: GRANTED HEARING

Matter of the request of Alfred Strohlein for a hearing of an appeal from the decision of the Planning Director in approving Early Release Single-family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 1461 Chalcedony Street is located within a single-family neighborhood. The subject property is further described as Lots 16 & 17, Block 124, Pacific Beach Map-948, in Zone R-1500 within the Pacific Beach Community Plan area. (ER-90-3024. District-6.)

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

FILE LOCATION: ZONE - ERSFNPO CASE ER-90-3024

COUNCIL ACTION: (Tape location: A096-109.)

MOTION BY HENDERSON TO GRANT THE HEARING OF THE APPEAL AND SET FOR OCTOBER 30, 1990. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-34: GRANTED HEARING

Matter of the requests of Jean Monfort, Alfred Strohlein, Thomas Battista, and Bertha Chase, for a hearing of appeals from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection

Ordinance Case-90-3025, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property located at 936 Opal Street is located within a single-family neighborhood. The subject property is further described as Lots 27 and 28, Block 3, Reed's Ocean Front Addition Tract 913, in Zone R-1500 in the Pacific Beach Community Plan area. (Case-90-3025. District-6.)
A motion granting or denying the requests for a hearing of the appeals.

FILE LOCATION: ZONE - ERSFNPO CASE-90-3025

COUNCIL ACTION: (Tape location: A096-109.)

MOTION BY HENDERSON TO GRANT THE HEARING OF THE APPEAL AND SET FOR OCTOBER 30, 1990. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-35: GRANTED HEARING

Matter of the requests of 1) Point Loma Nazarene College by Rebecca Michael, Attorney and 2) Ann Swanson and Michael Taylor McGreevy for a hearing of appeals from the decision of the Planning Commission in granting a request for Coastal Development Permit CDP-87-0142 and Conditional Use Permit CUP-87-0142 (an amendment to CUP-82-0205). Point Loma Nazarene College (the applicant) is appealing conditions of the permits. Ann Swanson and Michael Taylor McGreevy are opposing the approval of the project.

The project proposes to allow additions and modifications to the existing Point Loma Nazarene College, which will modernize and regroup campus facilities. The subject property is approximately 87 acres in size, located at 3900 Lomaland Drive, and is more particularly described as Parcels 1, 3 and 4 of Parcel Map-1889, in Zone R1-5000/HR within the Peninsula Community Plan area. (CUP/CDP-87-0142. District-2.)

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

FILE LOCATION: PERM - CUP/CDP-87-0142

COUNCIL ACTION: (Tape location: A113-118.)

MOTION BY ROBERTS TO GRANT THE HEARING TO BE HELD ON OCTOBER 16, 1990. Second by Bernhardt. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea,
Mayor O'Connor-yea.

* ITEM-50: (O-91-10) ADOPTED AS ORDINANCE O-17527 (New Series)

Amending Chapter VI, Article 1, Division 20, of the San Diego Municipal Code by amending Sections 61.2004 and 61.2040 and by adding Sections 61.2045, 61.2046 and 61.2063 relating to the San Diego Park Facilities District Procedural Ordinance.
(Introduced on 7/24/90. Council voted 8-0. District 1 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A240-250.)

CONSENT MOTION BY PRATT TO DISPENSE WITH THE READING AND ADOPT. Second by Hartley. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea,
Mayor O'Connor-yea.

* ITEM-100: (R-91-306) ADOPTED AS RESOLUTION R-276520

Accepting the low bid of \$47,400, and awarding a contract to Roca Construction, Inc. for the Removal of Architectural Barriers for the Handicapped - Contract C; authorizing the expenditure of not to exceed \$14,000 from Fund 79527, CIP-52-461.0, Architectural Barriers Removal - DIF Funded - Torrey Pines, to supplement funds previously authorized by Resolution R-275640, adopted on 5/7/90, in the amount of \$60,000 for a total of \$74,000, 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-K1439/90)
(Torrey Pines Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This project will install pedestrian ramps at various locations in the community area of Torrey Pines to increase mobility of the physically limited, visually impaired, and many senior citizens. These locations were coordinated with the Committee for the Removal of Architectural Barriers (CRAB). Bids were opened on May 31, 1990, with the low bid of \$47,400 from Roca Construction, Inc. This bid was the lowest of two bids received from 18 bid packages issued and was 24.74 percent over the engineer's estimate of \$38,000. The next "low" bid was from Caves Construction for \$54,510. After review of these bids, it is believed that readvertising would not produce lower bids. It is recommended that this contract be awarded to Roca Construction, Inc.
Aud. Cert. 9100161.

FILE LOCATION: CONT - ROCA CONTRUCTION, INC. CONT
FY91-1

COUNCIL ACTION: (Tape location: A252-286.)
CONSENT MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

* ITEM-101: (R-91-308) ADOPTED AS RESOLUTION R-276521

Awarding a contract to Laidlaw Waste Systems, Inc. for furnishing refuse container service, as may be required for a period of one year beginning October 1, 1990 through September 30, 1991, for an estimated cost of \$150,000, with options to renew the contract for four additional one year periods; cumulative total of each option year increase not to exceed 5 percent of the prices in effect at the end of the prior year; in the event the contractor does not perform according to specifications, the Purchasing Agent is authorized to terminate the contract and award to the next low responsive and responsible bidder and to subsequent bidders, if necessary, until a bidder is found who performs to specifications. (BID-C1713/91)

FILE LOCATION: CONT - PURCHASE, LAIDLAW WASTE SYSTEMS, INC.
CONT FY91-1

COUNCIL ACTION: (Tape location: A252-286.)
CONSENT MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by

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

* ITEM-102: (R-91-295) ADOPTED AS RESOLUTION R-276522

Awarding a contract to Industries Supply for furnishing of parts for Cla-val Brand Devices, as may be required for a period of one year beginning September 1, 1990 through August 31, 1991, at an estimated cost of \$44,400, including tax and terms, with options to renew the contract for four additional one year periods, with increases not to exceed 5 percent of the prices in effect for each prior contract period. (BID-E1659/91)

FILE LOCATION: CONT - PURCHASE, INDUSTRIES SUPPLY CONT
FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

ITEM-103: (R-91-296) ADOPTED AS RESOLUTION R-276523

Awarding a contract to U.S. Battery Mfg. Co. for furnishing the City of San Diego and other local agencies with wet charge maintenance free storage batteries, as may be required for a period of one year beginning July 1, 1990 through June 30, 1991, for an estimated cost of \$60,966.36, with an option to renew the contract for two additional one year periods with price escalation not to exceed 7 percent of prices in effect at the end of each prior year. (BID-I1476/90)

FILE LOCATION: CONT - PURCHASE, U.S. BATTERY MFG. CO.
CONT FY91-1

COUNCIL ACTION: (Tape location: A607-B058.)

MOTION BY ROBERTS TO SUPPORT THE MANAGER'S RECOMMENDATION. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-present.

* ITEM-104: (R-91-311) ADOPTED AS RESOLUTION R-276524

Accepting the low bid of \$46,943.50, which is 30.4 percent over the City's estimate of \$36,000, and awarding a contract to ROCA Construction, Inc., for the Removal of Architectural Barriers for the Handicapped - Contract D; authorizing the expenditure of not to exceed \$19,000 from Fund No. 79528, CIP-52-461.0, Architectural Barriers Removal - DIF Funded - University City South, to supplement funds previously authorized by Resolution R-275641, adopted on May 7, 1990 (in the amount of \$60,000 for a total of \$79,000) 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-K1440/90) (University City South Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This project will install pedestrian ramps at various locations in the community area of University City South to increase mobility of the physically limited, visually impaired, and many senior citizens. These locations were coordinated with the Committee for the Removal of Architectural Barriers (CRAB). Bids were opened on May 31, 1990, with the low bid of \$46,943.50 from Roca Construction, Inc. This bid was the lowest of two bids received from 17 bid packages issued and was 30.4 percent over the engineer's estimate of \$36,000. The next "low" bid was from Caves Construction for \$54,915. After review of these bids, it is believed that readvertising would not produce lower bids. It is recommended that this contract be awarded to Roca Construction, Inc.
Aud. Cert. 9100184.

FILE LOCATION: CONT - ROCA CONSTRUCTION, INC. CONT
FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

* ITEM-105: (R-91-305) ADOPTED AS RESOLUTION R-276525

Rescinding the contract authorized by Resolution R-276278, adopted on August 6, 1990 with Hyde Electrical Supply for

furnishing photo, stage and studio lamps in Sections III, IV, V, and VI of Bid No. I1600/90, as may be required for a period of one year beginning August 1, 1990 through July 31, 1991; accepting the next low bid of Graybar Electric for Sections III, IV, V and VI for photo, stage and studio lamps for an estimated cost of \$85,474.06, with options to renew the contract for four additional one year periods with price escalation not to exceed 6 percent of prices in effect at the end of each prior year. (BID-I1600/90)

FILE LOCATION: CONT - PURCHASE, GRAYBAR ELECTRIC
CONT FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

ITEM-106: CONTINUED TO OCTOBER 15, 1990

Two actions relative to the Construction of the North Mission Valley Interceptor Sewer:
(Districts-5 and 7.)

Subitem-A: (R-91-298)

Inviting bids for the Construction of the North Mission Valley Interceptor Sewer, on Work Order No. 170401; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of not to exceed \$15,970,424 from Sewer Revenue Fund No. 41506, CIP-43-033.0, for providing funds 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-K1737/91)

Subitem-B: (R-91-299)

Certifying that the information contained in Environmental Negative Declaration END-87-0914, dated August 21, 1989, issued in connection with CIP-43-033, entitled North Mission Valley Interceptor Sewer, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said declaration has

been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This project will replace 2.25 miles of the existing undercapacity and unlined 54-inch interceptor sewer with a larger PVC-lined interceptor sewer ranging in size from 72 inches through 96 inches. This project will provide additional sewer capacity needed for the builtout conditions for the east city and east county communities. The alignment of this project is generally situated along the north side of the San Diego River in Mission Valley between Stadium Way and the intersection of Twain and Fairmount Avenue. On the west end it will connect to the section which was recently installed under the First San Diego River Improvement Project.

From this connection, the project proceeds east through the Rio-Vista subdivision and connects to the west end of the section that was recently installed by the River Run subdivision developer with City participation. This project then continues east along the southerly edge of the Jack Murphy Stadium parking lot and along the north side of the River to San Diego Mission Road, where it crosses the River and terminates near the intersection of Twain and Fairmount. Under an agreement for

engineering consultant services previously authorized by the City Council, Hirsch and Co. has completed plans and specifications which are ready for inviting bids. As part of this project, a wetland mitigation plan will be implemented by revegetating impacted areas and restoring riparian habitat.

Aud. Cert. 9000951.

WU-P-90-141.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B059-066.)

MOTION BY WOLFSHEIMER TO CONTINUE THE ITEM TO OCTOBER 15, 1990, AS REQUESTED BY COUNCIL MEMBER McCARTY FOR REVIEW BY THE NAVAJO COMMUNITY PLANNING COMMITTEE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-present.

ITEM-107:

Two actions relative to the Construction of Ocean Beach Athletic Area - West Athletic Field:

(Ocean Beach Community Area. District-2.)

Subitem-A: (R-91-310) ADOPTED AS RESOLUTION R-276526

19900917

Inviting bids for the construction of Ocean Beach Athletic Area - West Athletic Field on Work Order No. 119224; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$414,671 from Fund No. 18525, CIP-29-675, Ocean Beach Athletic Area - West Athletic Field, for providing funds 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-K1769/91)
Subitem-B: (R-91-312) ADOPTED AS RESOLUTION R-276527

Certifying that the information contained in Environmental Negative Declaration END-88-0162BG, dated May 3, 1990,

issued in connection with Construction of Ocean Beach Athletic Area - West Athletic Field, 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: This project will provide improvements to the Ocean Beach Athletic Area - West Athletic Field which is located north of Point Loma Boulevard between Abbott Street and Bacon Street, in the Ocean Beach Planning Area. The improvements will include a multi-purpose sports field, walkways and landscaping in a three acre area.
Aud. Cert. 9100169.

FILE LOCATION: W.O. 119224 CONT - Coast Grading Co., Inc.
CONT FY91-1

COUNCIL ACTION: (Tape location: B067-118.)
MOTION BY ROBERTS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-108:

Three actions relative to the final subdivision map of La Jolla Shores Glen, a 2-lot subdivision located northwesterly of Ardath Road and Torrey Pines Road: (La Jolla Community Area. District-1.)

Subitem-A: (R-91-384) ADOPTED AS RESOLUTION R-276528

19900917

Authorizing the execution of a Subdivision Improvement Agreement with P and T Partnership, for the installation and completion of public improvements.

Subitem-B: (R-91-383) ADOPTED AS RESOLUTION R-276529

Approving the final map.

Subitem-C: (R-91-385) ADOPTED AS RESOLUTION R-276530

Authorizing the execution of a quitclaim deed, quitclaiming to Puebla Pacific Development Corporation, all of the City's right, title and interest in the drainage easement in a portion of Pueblo Lot 1280.

FILE LOCATION: SUBITEM-A&B: SUBD - LA JOLLA SHORES GLEN;
SUBITEM-C: DEED F-5359 DEED FY91-1;
CONT FY91-1

COUNCIL ACTION: (Tape location: B120-187.)

MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-nay, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

* ITEM-109:

Two actions relative to amended agreements for Sunburst Scripps and Scripps Eastview: (Scripps Miramar Ranch Community Area. District-5.)

Subitem-A: (R-91-381) ADOPTED AS RESOLUTION R-276531

Authorizing the execution of an amendment to the Subdivision Agreement for satisfaction of Vesting Tentative Map VTM-87-0883, Condition No. 8, and Vesting Tentative Map VTM-87-0884, Condition No. 9, to provide for the substitution of BPKC and Associates, and Donald L. Bren Company, for Sunburst Homes Company, and ITEC Properties, as subdivider.

Subitem-B: (R-91-382) ADOPTED AS RESOLUTION R-276532

Authorizing the execution of an amendment to the Subdivision Agreement for dedication and improvement for County Island Neighborhood Park, to provide for the substitution of BPKC and Associates, and Donald L. Bren Company, and ITEC Properties, as subdivider.

CITY MANAGER SUPPORTING INFORMATION: On October 31, 1988 the City entered into two agreements with Sunburst Homes Company, a General Partnership and ITEC Properties, a General Partnership. The first was an agreement whereby the developers agreed to

pursue the acquisition of right-of-way to complete the Pomerado Road transition in the City of Poway and construct the transition at their expense when the right-of-way is acquired. This requirement was a condition of the resolution approving the final maps of Sunburst Scripps and Scripps Eastview. The second was an agreement to provide for the acquisition and improvement of County Island Neighborhood Park. Sunburst Homes Company, developer of Sunburst Scripps, and ITEC Properties, developer of Scripps Eastview, jointly agreed to design Phase I and Phase II of the park and complete Phase I before occupancy of any of the residential units within either subdivision. Park fee credits or reimbursement (depending on the availability of funds) are to be granted for the acquisition and improvement of the park. These properties are now owned by BPKC and Associates, a California General Partnership and Donald L. Bren Company, a California Corporation, respectively. The new owners have signed amended agreements to assume all of the rights and obligations of the original subdividers.

FILE LOCATION: SUBITEM-A: SUBD - SUNBURST SCRIPPS UNIT 1;
SUBITEM-B: SUBD - SCRIPPS EASTVIEW UNIT 1
CONT FY91-2

COUNCIL ACTION: (Tape location: A252-286.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,

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

* ITEM-110: (R-91-394) ADOPTED AS RESOLUTION R-276533

Authorizing the execution of an amendment to the Subdivision Improvement Agreement for Sunburst Scripps Unit 2, to provide for the substitution of BPKC Associates for BPKC/GADCo I as subdivider; accepting the Rider to Performance Bond No. 112 70 81, issued by Insurance Company of the West, for \$1,333,390, to substitute BPKC Associates, for BPKC/GADCo I as principal on the surety for the required improvements.

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

CITY MANAGER SUPPORTING INFORMATION: On October 31, 1988 the City entered into an agreement with Sunburst Homes Company for the construction of public improvements for Sunburst Scripps

Unit 2. The agreement expires on October 31, 1990. On December 11, 1989, an amendment to Subdivision Improvement Agreement was approved changing the new subdivider to BPKC/GADCo I, a California General Partnership. The property is now owned by BPKC Associates, a California General Partnership. The new owner has signed an amended agreement to assume all of the obligations of the BPKC/GADCo I, and complete the required work. The new subdivider has provided a rider to performance bond for the same amount as the original bond, changing the name from BPKC/GADCo I, a California General Partnership, to BPKC Associates, a California General Partnership.

FILE LOCATION: SUBD - SUNBURST SCRIPPS UNIT 2 CONT
FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

* ITEM-111: (R-91-395) ADOPTED AS RESOLUTION R-276534

Authorizing the execution of an amendment to the Subdivision Improvement Agreement for Sunburst Scripps Unit 3, to provide for the substitution of BPKC Associates, for Sunburst Homes Company, as subdivider; accepting the Riders to Performance Bond Nos. 112 70 83 and 112 70 05, issued by

Insurance Company of the West in the amount of \$1,498,899 and \$392,600, respectively, to substitute BPKC Associates, for Sunburst Homes Company, as principal on the sureties for the required improvements.

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

CITY MANAGER SUPPORTING INFORMATION: On December 12, 1988 the City entered into a Subdivision Improvement Agreement with Sunburst Homes Company for the construction of public improvements for Sunburst Scripps Unit 3 (Document No. RR-272540). The agreement expires on December 12, 1990. On October 31, 1989, the City entered into an agreement with ITEC Properties, a California general partnership, Document No. RR-272232, which included improvements to Cypress Canyon Park Drive and Cypress Canyon Road. The Sunburst Scripps Unit 3 property is now owned by BPKC and Associates, a California

general partnership, and in connection with the development of Sunburst Scripps Unit 3, BPKC and Associates has agreed to complete the improvements to Cypress Canyon Park Drive and Cypress Canyon Road. Said improvements have been transferred from the improvement plans for Scripps Eastview Unit 1 to those for Sunburst Scripps Unit 3. The new owner (BPKC and Associates) has signed an amended agreement to assume all of the obligations of ITEC for the improvements of Cypress Canyon Park Drive and Cypress Canyon Road, and complete the required work. The new subdivider has provided riders to the existing performance bonds for the same amount as the original bond for Sunburst Scripps Unit 3 in the amount of \$1,498,899.00 and for street improvements in the amount of \$392,600.00, changing the principals on the bonds to BPKC and Associates, a California general partnership.

FILE LOCATION: SUBD - SUNBURST SCRIPPS UNIT 3 CONT
FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

* ITEM-112:

Two actions relative to Amended Agreements for Sunburst Scripps Unit 1:

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

Subitem-A: (R-91-392) ADOPTED AS RESOLUTION R-276535

Authorizing the execution of an Amendment to Subdivision Improvement Agreement for Sunburst Scripps Unit 1 to provide for the substitution of BPKC Associates, for Sunburst Homes Company, as subdivider; accepting the Riders to Performance Bond Nos. 112 70 82 and 04 55 32, respectively, issued by Insurance Company of the West, in the amount of \$2,340,297 and \$80,750, respectively, to substitute BPKC Associates, for Sunburst Homes Company as principal on the sureties for the required improvements.

Subitem-B: (R-91-393) ADOPTED AS RESOLUTION R-276536

Authorizing the execution of an Amended Agreement for construction of street improvements, which substitutes BPKC and Associates for Sunburst Homes Company, as the party responsible for complying with the terms of the agreement.

CITY MANAGER SUPPORTING INFORMATION: On October 31, 1988 the City entered into two agreements with Sunburst Homes Company, one for the construction of public improvements for Sunburst Scripps Unit 1 and public improvements to Pomerado Road/Spring Canyon Road, the other for construction and reimbursement of costs for Pomerado Road (Construction of Street Improvements). The Subdivision Improvement Agreement expires on October 31, 1990. The property is now owned by BPKC and Associates, a California general partnership. The new owner has signed amended agreements to assume all of the rights and obligations of the original subdivider and complete the required work. The new subdivider has provided riders to the existing performance bonds for the same amounts as the original bonds changing the principal on the bonds to BPKC and Associates, a California general partnership.

FILE LOCATION: SUBD - SUNBURST SCRIPPS UNIT 1 CONT
FY91-2

COUNCIL ACTION: (Tape location: A252-286.)

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

ITEM-113: (R-91-1926) ADOPTED AS RESOLUTION R-276537

Resolution of Intention to vacate Bancroft Street between

Nutmeg Street and Palm Street and adjacent to Blocks 5 and 6 of Carmel Heights, Map-1736, under the provisions of the Public Streets, Highways, and Service Easements Vacation Law; fixing a time and place for a public hearing.
(Greater North Park Community Area. District-8.)

FILE LOCATION: DEED F-5360; STRT J-2749 DEED FY91-1

COUNCIL ACTION: (Tape location: B190-485.)

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

* ITEM-114: (R-91-413) ADOPTED AS RESOLUTION R-276538

Accepting a street easement deed of McDonald's Corporation, granting to the City an easement for public street purposes in a portion of Lot 1 of Map-5438; dedicating the same as and for public streets, and naming the same Midway Drive and Duke Street.
(Midway Community Area. District-2.)

FILE LOCATION: DEED F-5361 DEED FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

* ITEM-115: (R-91-370) ADOPTED AS RESOLUTION R-276539

Vacating the City's interest in an unneeded sewer, water, drainage and public utility easement and slope easement affecting Parcel C of Parcel Map PM-563, pursuant to Section 8300 et seq. of the Streets and Highways Code.
(Clairemont Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: An application from the affected property owner has been received by the Engineering and Development Department for the abandonment of a sewer, water,

drainage and public utility easement and a slope easement that encumber property north of Clairemont Mesa Boulevard, west of I-805 between Genesee Avenue and Diane Avenue in the Clairemont

area. The sewer, water, drainage and public utility easement was acquired by Subdivision Map, the slope easement was acquired by deed and both easements were acquired at no cost to the City. The easements have been reviewed by all affected City departments and all have found there are no present or prospective needs for these two easements. Also, per Council Policy 600-15, the easements were reviewed by the Clairemont Community Planning Committee and there is no objection to the abandonment, therefore, Abandonment by Resolution is recommended. These easements have not been used in the past five years.
WU-PR-91-021.

FILE LOCATION: DEED F-5362 DEED FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

* ITEM-116:

Two actions relative to the Morena Boulevard Interceptor:
(Linda Vista Community Area. District-5.)

Subitem-A: (R-91-338) ADOPTED AS RESOLUTION R-276540

Authorizing the expenditure of an amount not to exceed \$100,000 from Dept. 41506, Org. 258, Account 4638, Job Order 170349, CIP-43-123.0, (Morena Boulevard Interceptor) for the acquisition of property rights and related costs.

Subitem-B: (R-91-339) ADOPTED AS RESOLUTION R-276541

Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-0497, issued in connection with the Morena Boulevard Interceptor, has been completed in compliance with the California Environmental

Quality Act of 1970, as amended, and State guidelines, and that said report has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This action requests the expenditure of up to \$100,000 to acquire four easements and three temporary rights of entry or work strips. The acquisitions are part of the Morena Boulevard Interceptor

Phase II project to construct a sewer line approximately four miles long, generally along the west side of Morena Boulevard and north of Friars Road. The size of the sewer pipeline would have an anticipated diameter of 72 inches. The existing East Mission Bay Interceptor sewer has reached its 25-year design capacity. To eliminate the potential for accidental spills, a relief sewer, the Morena Boulevard Interceptor, is proposed. Aud. Cert. 9100143. WU-P-91-029.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A252-286.)

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

* ITEM-117: (R-91-422) ADOPTED AS RESOLUTION R-276542

Authorizing the execution of an agreement with Decision Management Associates, to provide training services in connection with delivery of the Project Management Academy, for the period September 15, 1990 to June 30, 1991, unless earlier terminated, for an amount not to exceed \$36,000 plus reimbursable expenses not to exceed \$5,000; with an option to renew the agreement for fiscal year 1992 for a sum not to exceed the amount appropriated for said project. (See City Manager Report CMR-90-259.)

CITY MANAGER SUPPORTING INFORMATION: It is expected that this consultant contract will result in more effective project management for all projects in the Capital Improvements Program. Additional outcomes include more effective collaboration between

departments responsible for timely project completion, more effective and realistic project planning and control, and dollars saved in avoidance of projects running over time and over budget. Decision Management Associates will provide assistance with the development and delivery of course curriculum customized to fit the City of San Diego's procedures related to project management in the Capital Improvements Program. The Project Management Academy will include: 1. A presentation of current strategies and tools for efficient project management; 2. proactive project scheduling and problem identification; 3. skills for effective collaboration and communication (e.g. citizen groups; other departments

/divisions); 4. advanced project documentation for efficient transfer of projects from one project manager to the next; and 5. effective consultant management (including selection, negotiation, and quality control). Decision Management Associates will assist with curriculum revision and will deliver the majority of the training programs. Additional training will be provided by City staff.
Aud. Cert. 9100209.

FILE LOCATION: MEET CONT FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

* ITEM-118: (R-91-396) ADOPTED AS RESOLUTION R-276543

Authorizing the execution of an Encroachment Removal Agreement with the developer of Seabridge Apartment Complex, for the construction of a private pedestrian bridge over and across City right-of-way.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The developer of the Seabridge Apartment Project has applied for a permit to construct a permanent pedestrian bridge over and across California Street. This encroachment will not conflict with the existing underground utilities or the surface improvements in adjacent streets. A development agreement for Seabridge was

approved by City Council on December 7, 1989. The approval of this Encroachment Removal Agreement is recommended since it is consistent with Council Policy 700-18.

FILE LOCATION: MEET CONT FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

ITEM-150: (O-91-11) INTRODUCED, TO BE ADOPTED ON OCTOBER 1, 1990

Introduction of an Ordinance amending the San Diego Municipal Code relating to Land Development and Public Right-of-Way, Chapter VI, Article II, of the San Diego Municipal Code by amending Sections 62.0101, 62.0102, 62.0103, 62.0104, 62.0105, 62.0106 and 62.0107; by adding Section 62.0108; by renumbering and amending Sections 62.0108, 62.0109, 62.0110 and 62.0111; by renumbering Section 62.0112; by adding Section 62.0114; by renumbering Section 62.0114; by renumbering and amending Section 62.0115; by adding Sections 62.0117, 62.0118 and 62.0119; by amending Sections 62.0202, 62.0203, 62.0206, 62.0207, 62.0301, 62.0302, 62.0303, 62.0304, 62.0401 and 62.0402; by renumbering and amending Sections 62.0402.1 and 62.0402.2; by adding Section 62.0405; renumbering and amending Sections 62.0402.1 and 62.0402.2; by adding Section 62.0405; by renumbering and amending Sections 62.0403.6 and 62.0404; by adding Section 62.0408; by renumbering Section 62.0404.6; by renumbering and amending Section 62.0405; by renumbering Sections 62.0406 and 62.0407; by renumbering and amending Sections 62.0408, 62.0409, 62.0410, 62.0414, 62.0416.5 and 62.0417; by renumbering Section 62.0417.1; by renumbering and amending Section 62.0418; by renumbering Section 62.0419 and by renumbering Section 62.0419 and by renumbering and amending Section 62.0420; amending Chapter VIII, Article 2, Section 82.25.5, Chapter X, Article 1, Section 101.0550 and Chapter X, Article 3, Sections 103.1204 and 103.1408 to reflect the renumbering of Sections 62.0115 to 62.0116 within those Sections; and amending Chapter X, Article 2, Section 102.0500 to reflect the renumbering of Section 62.0111 to 62.0112 within that Section.

(See City Manager Reports CMR-90-224 and CMR-89-517; Committee Consultant Analysis TLU-90-26.)

COMMITTEE ACTION: Reviewed by TLU on 6/25/90. Recommendation to approve the proposed amendments with the following modifications:

1. Section 62.0108. Exploratory Permits - Clarify language to reflect R.P.O. Permits and required findings.
2. Section 62.0105. Application for Permits. Modify to notify property owners within 300 feet.
3. Section 62.0405. Site Restoration. Modify the required restriction on violation, with monitoring prior to City acceptance and further permits on the site.

Districts 1, 2, 4 and 5 voted yea. District 8 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B494-500.)

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

ITEM-151: (R-90-925 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-276544

19900917

(Continued from the meetings of July 23, 1990, Item 150, and August 6, 1990, Item 151; last continued at Councilmember Henderson's request, to work with various groups and the community to acquire open space.)
Authorizing the City Manager to negotiate for the sale of Site 13C to the San Diego Hebrew Day School, and, if feasible, to provide for the use of a portion of the property by the Free Serbian Orthodox Church; authorizing the City Manager to include a potential acquisition of the portion of Stevenson Canyon owned by the Hebrew Day School as part of the consideration for the acquisition of Site 13C.
(See City Manager Report CMR-89-515. District-1.)

COMMITTEE ACTION: Initiated by PFR on 11/8/89. Recommendation to redesignate all of Site 13C as a sale parcel and authorize

the City Manager to: 1) Negotiate a sale-terms agreement with the San Diego Hebrew Day School and Free Serbian Orthodox Church and 2) Investigate the feasibility of including Stevenson Canyon as part of the acquisition payment. Districts 1, 5, 6, 7 and 8 voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B501-D107.)

MOTION BY BERNHARDT TO APPROVE THE NEGOTIATION OF THE SALE SUBJECT TO THE FOLLOWING CONDITIONS: 1) IF THE PROPERTY IS NOT UTILIZED FOR SCHOOL WITHIN A PERIOD OF THREE YEARS, DUE TO THE FACT THAT AREA BEARS A 65-70 CNEL, THE CITY HAS THE FIRST RIGHT TO REPURCHASE THE PROPERTY AT A STATED PRICE; AND UPON REPURCHASE, THE CITY SHALL EXPLORE THE FEASIBILITY OF DEDICATING THIS PROPERTY FOR OPEN SPACE. 2) THAT ANY PORTION OF THE PROPERTY THAT HEBREW DAY SCHOOL DOES NOT PLAN TO USE SHALL NOT BE SOLD TO THEM, BUT SHALL BE RETAINED BY THE CITY OF SAN DIEGO. 3) THAT STEVENSON CANYON SHALL NOT BE DEEMED A PORTION OF THE POTENTIAL ACQUISITION PAYMENT IF THIS WOULD PRECLUDE THE CITY FROM REPURCHASING THE PROPERTY AT A SPECIFIED LOWER PRICE. 4) THAT THE HEBREW DAY SCHOOL WOULD BE THE PRIMARY PURCHASER. 5) THAT HEBREW DAY SCHOOL SIGN A RELEASE WITH REGARD TO LIABILITY ARISING FROM NOISE-RELATED EVENTS. 6) TO PUT A CLAUSE IN THE CONTRACT TO THE EFFECT THAT HEBREW DAY SCHOOL

UNDERSTANDS

WHAT THEY ARE PURCHASING. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-152: (O-91-12) CONTINUED TO OCTOBER 15, 1990

Introduction of an Ordinance amending Chapter III, Article 3, Division 39, of the San Diego Municipal Code, by amending Section 33.3917, relating to an increase in the hourly charge to cardroom players from \$2.50 to \$5. (See City Manager Report CMR-90-282.)

COMMITTEE ACTION: Initiated by PSS on 6/20/90. Recommendation to increase the per hour charge collected from any player participating in cardroom games to \$5. Districts 3, 4 and 5 voted yea. Districts 2 and 7 voted nay.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A119-127.)

MOTION BY PRATT TO CONTINUE TO OCTOBER 15, 1990, AS REQUESTED BY JACK McGRORY, TO BE HEARD ALONG WITH RELATED ITEMS. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor

O'Connor-yea.

ITEM-200: CONTINUED TO SEPTEMBER 24, 1990

(Continued from the meeting of July 30, 1990, Item 51, at Councilmember Henderson's request, to allow Councilmember Wolfsheimer to be present.)

Four actions relative to development in the Future Urbanizing Area:

Subitem-A: (O-90-215)

Amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code, by amending Section 101.0404, relating to the A-1 (Agricultural) Zones, to restrict the permitted density of residential development and eliminate off-street parking requirements within the Future Urbanizing area; to restrict the pattern of residential development in the A-1 zones City-wide; to delete churches as a use permitted by right in the A-1 zones city-wide; and to create A-1-20 and A-1-40 Zones.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4, and 7 voted nay. Mayor not present.)

Subitem-B: (O-90-217)

Amending Chapter X, Article 1, Division 9 of the San Diego Municipal Code, by amending Section 101.0901, relating to Planned Residential Developments, to restrict the permitted density of residential development within the Future Urbanizing area; to restrict the pattern of residential development within the Future Urbanizing area and in the A-1 zones city-wide; and to clarify limitations on accessory uses city-wide.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4 and 7 voted nay. Mayor not present.)

Subitem-C: (O-90-219)

Amending Chapter X, Article 1, Division 5 of the San Diego Municipal Code, by amending Section 101.0510, relating to Conditional Use Permits, to restrict the types of land uses which may be permitted within the Future Urbanizing area; to limit certain other conditional uses city-wide; to clarify limitations on incidental facilities city-wide; and to designate the City Council as the decision-making body for permitting of specified uses.

(Introduced as amended on 7/17/90. Council voted 5-3. Districts 2, 4 and 7 voted nay. Mayor not present.)

Subitem-D: (O-90-221)

Amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code, by amending Section 101.0403, relating to the FW (Floodway) Zone, to restrict the types of conditional uses which may be permitted within the Future Urbanizing area; and to clarify limitations on incidental facilities city-wide.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4, and 7 voted nay. Mayor not present.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A200-239; A287-590.)

MOTION BY HENDERSON TO CONTINUE ONE WEEK FOR FURTHER REVIEW.

Second by Pratt. Passed by the following vote:

Wolfsheimer-nay, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-nay, Mayor O'Connor-ineligible.

ITEM-201: (R-91-428) ADOPTED AS RESOLUTION R-276545

Accepting City Manager Report CMR-90-370, documenting the status of various developer fee funds as of June 30, 1990.

(See City Manager Report CMR-90-370.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D117-134.)

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

ITEM-202: (R-91-431) ADOPTED AS RESOLUTION R-276546

Approving the Annual Budget for the San Diego Data Processing Corporation; approving and authorizing a Lease Agreement, a Sublease Agreement, and a City Assignment Agreement; and making certain other findings and determinations in connection therewith.

FILE LOCATION: LEAS - SAN DIEGO DATA PROCESSING CORPORATION
LEAS FY91-1

COUNCIL ACTION: (Tape location: D135-146.)

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

ITEM-203: (R-91-241) DENIED

Vacating Cordero Road east of Camino del Mar adjacent to Lot 7 of Block 32 and Lot 6 of Block 34 of Del Mar Heights, Map-157, under the procedure for the summary vacation of streets where for a period of five consecutive years the street to be vacated has been impassable for vehicular travel and during such period no public money has been expended for maintenance; reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature; reserving and excepting the right, from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewals; declaring that the easement reserved herein is in, under, over, upon, along and across Cordero Road; declaring that this resolution shall not become effective unless and until the encroaching fence constructed adjacent to Lot 6 has been

relocated to the satisfaction of the City Engineer; in the event that the above is not completed within one year after 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 completion of this condition.

(See City Manager Report CMR-90-362. Torrey Pines Community Area. District-1.)

FILE LOCATION: DEED F-5363; STRT J-2747 DEED FY91-1

COUNCIL ACTION: (Tape location: D147-503.)

MOTION BY WOLFSHEIMER TO DENY THE VACATION. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-204: (R-91-105) CONTINUED TO OCTOBER 1, 1990

(Continued from the meeting of July 30, 1990, Item 108, at Councilmember Bernhardt's request, to review the finding.)
Authorizing the Building Inspection Department of the City of San Diego to send notice to the State Department of Housing and Community Development cancelling its assumption of responsibility to enforce the Mobilehome Parks Act, Sections 18300 California Health and Safety Code; rescinding Resolution R-167996.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego acquired the enforcement authority of mobilehomes and mobilehome parks from the State of California on October 13, 1961 by means of Resolution No. R-167996, passed by Council on the same date. The maintenance of the mobilehome park inspection program and the enforcement of State laws has been supported largely by non related revenues. Because the revenues we are allowed to collect are limited by State law, we are unable to make mobilehome inspection cost fully recoverable. The 1990 Fiscal Year budget for the mobilehome program was \$112,991. This did not include non-personnel expenses. The revenues collected from mobilehome permits and annual mobilehome park fees were \$19,656. This amounts to \$93,335 in non recoverable costs. Section 1006 of the California Title 25 code of regulation allows the former enforcement agency to retain the full amount of fees collected

(\$19,656) if State assumption of jurisdiction is after July 1st of that year.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A128-187.)

MOTION BY HARTLEY TO CONTINUE TO OCTOBER 1, 1990, AS REQUESTED BY JACK McGRORY FOR REVIEW WITH THE HOUSING COMMISSION. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-205: (R-91-423) ADOPTED AS RESOLUTION R-276547

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the construction, operation and maintenance of Carmel Valley Restoration and Enhancement Project on portions of Lot 1 of Section 30, Township 14 South, Range 3 West, San Bernardino Meridian; and that the public interest, convenience and necessity demand the acquisition of fee

title to said property for the Carmel Valley Restoration and Enhancement Project; declaring the intention of the City of San Diego to acquire said property under eminent domain proceedings; directing the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring immediate possession. (See City Manager Report CMR-90-380. North City West Community Area. District-1.)
Aud. Cert. 9100201.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D509-568.)

Hearing began at 4:47 p.m. and halted at 4:50 p.m.

Testimony in opposition by David Hooper.

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

* ITEM-S400: (R-91-470) ADOPTED AS RESOLUTION R-276548

Proclaiming September 21, 1990 through October 7, 1990 to be "Oktoberfest Days" in San Diego in recognition of the celebration of Oktoberfest, in the traditional German fashion, at Karl Strauss' Old Columbia Brewery and Grill in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A252-286.)

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

* ITEM-S401:

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

Subitem-A: (R-91-469) ADOPTED AS RESOLUTION R-276549

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-91-468) ADOPTED AS RESOLUTION R-276550

Approving the final map.

FILE LOCATION: SUBD - DE LA FUENTE BUSINESS PARK UNIT VI
CONT FY91-1

COUNCIL ACTION: (Tape location: A252-286.)
CONSENT MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

* ITEM-S402: (R-91-447) ADOPTED AS RESOLUTION R-276551

Authorizing the execution of an agreement with Krommenhoek/McKeown and Associates for professional design and related services for the Southern Division Police Substation; authorizing the expenditure of an amount not to exceed \$259,800 from Industrial Development Fund 30248, Dept. 30244, Org. 106, Account 4279, Job Order 360210, CIP-36-021.0 - Southern Area Station, for the above purpose.

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

CITY MANAGER SUPPORTING INFORMATION: Capital Improvement Project CIP-36-021.0 provides for design, construction, and furnishing of the Southern Division Police Station, located at 27th Street and Coronado Avenue in Otay Mesa. This project consists of a 17,100 sq. ft. police command and a 5,700 sq. ft. light-vehicle maintenance facility. On December 1979 an agreement was executed between the City and Krommenhoek/McKeown and Associates to provide professional design services for a prototype area station at four area station sites. Construction of the last of these was completed on June 5, 1989. It is proposed that Council Policy 300-7 be waived and Krommenhoek/McKeown and Associates be retained as a sole-source consultant. Krommenhoek/McKeown and Associates was the consultant for the initial four substations and it is proposed that the Southern Area Station be constructed utilizing the plans developed for the Western, Southeastern, Eastern, and Northeastern Area Stations. The reuse of the previous design

reduces the consultant fee by more than 30 percent, reduces the design time considerably, and the experience gained from the four previous uses of the plans has afforded the Police Department and Engineering and Development Department the opportunity to make minor changes to enhance the construction, operation, characteristics, and maintainability of the facility.
Aud. Cert. 9100200.

FILE LOCATION: MEET CCONT FY91-1

COUNCIL ACTION: (Tape location: A252-286.)

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

ITEM-S403: (R-91-357) CONTINUED TO OCTOBER 8, 1990

(Continued from the meeting of September 10, 1990, Item 148, at Councilmember Wolfsheimer's request, to allow time for further review by the City Council regarding the City's liability.)

Authorizing the execution of an agreement with Battle Mountain for professional services in connection with the proposed Bernardo Vista del Lago Development - San Pasqual Aquatic Treatment Facilities, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$761,000 within the Sewer Revenue Fund (41506) from CIP-46-111.0, Rose Canyon Trunk Sewer, to CIP-46-151.0, San Pasqual Water Reclamation Facility, and \$761,000 within the Water Revenue Fund (41502), CIP-73-248.0, Pomerado Pipeline, to CIP-73-290.0, San Pasqual Water Reclamation Facility; authorizing the expenditure of an amount not to exceed \$1,522,000, consisting of \$761,000 from CIP-46-151.0, San Pasqual Water Reclamation Facility, and \$761,000 from CIP-73-290.0, San Pasqual Water Reclamation Facility, for the purpose of providing funds for the above project; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

(Rancho Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On July 31, 1989, the City of San Diego entered into negotiations for the exclusive sale of City-owned land to Battle Mountain. The City required an easement for the San Pasqual Water Reclamation Pipeline across Battle Mountain's property. Since Battle Mountain has indicated that they plan to develop their property, the need for

the agreement is necessary. Battle Mountain plans to grade their property and reduce the elevation along the proposed San Pasqual Pipeline route by up to fifty feet. Battle Mountain must first grade their property; the City will then construct its pipelines; then Battle Mountain will construct their subdivision. The purpose of this agreement is to protect either party in case construction delays from one project affect the other. The primary purpose of this agreement is for the City to grade the property and bill Battle Mountain if Battle Mountain's project was delayed, and if the City's project is delayed, Battle Mountain would construct the pipelines and bill the City. It is anticipated that delays which affect another party will not occur, and no expenditures will be required; however, if Battle Mountain is required to construct the City's pipelines, this work would be deducted from the original construction contract. Some minor work will also be performed by both parties for the benefit of the other. The agreement provides for Battle Mountain to blast additional rock along the pipeline route for the benefit of the City. The City would reimburse Battle Mountain for this work in the amount of \$52,000. It is practical to complete all blasting work at one time, and Battle Mountain has a much greater quantity than the City. The City is also constructing a casement below Interstate 15 for its pipelines. There is room in the casement for a sewer outfall that Battle Mountain is required to construct for this subdivision. The City will construct this sewer outfall, and Battle Mountain will reimburse the City \$35,000.

Aud. Cert. 9100115.

WU-U-90-139.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A188-199.)

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 8, 1990, AS REQUESTED BY JACK McGRORY TO REVISE LANGUAGE IN THE AGREEMENT. DIRECT THE CITY MANAGER TO PREPARE AN AGREEMENT WITH BATTLE MOUNTAIN AND THE CITY OF SAN DIEGO, HAVING BATTLE MOUNTAIN CONSTRUCT THE PIPELINE AND THE CITY REIMBURSE BATTLE MOUNTAIN UPON COMPLETION OF CONSTRUCTION. Second by Pratt. Passed by

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

ITEM-S404: CONTINUED TO OCTOBER 1, 1990

Two actions relative to commendations:

Subitem-A: (R-91-476)

Recognizing Bee Fang for her dedication and hard work in representing Kearny High School and Junior Achievement of San Diego County at the 47th National Junior Achievement Conference (NAJAC) held at Indiana University, the results of which serve as an example for high school students throughout the county; commending Bee Fang for taking top honors at the 47th National Junior Achievement Conference.

Subitem-B: (R-91-477)

Recognizing Scott Closson for his dedication and hard work in representing Kearny High School and Junior Achievement of San Diego County at the 47th National Junior Achievement Conference (NAJAC) held at Indiana University, the results of which serve as an example for high school students throughout the county; commending Scott Closson for taking top honors at the 47th National Junior Achievement Conference.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A055-058.)

MOTION BY ROBERTS TO CONTINUE FOR TWO WEEKS. Second by Pratt.

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

* ITEM-S405: (R-90-2142) ADOPTED AS RESOLUTION R-276552

Authorizing the City Manager to negotiate with the Zoological Society of San Diego for the Society's lease of 341 acres, consisting of three parcels of 280, 37 and 24 acres in San Pasqual Valley, which acreage would be used by the Wild Animal Park for growing crops and feed for the Park and Zoo animals, as a buffer zone from any future development along the Park's frontage, and for educational tours that would highlight the diverse natural flora and

fauna in the valley.
(See City Manager Report CMR-90-303. San Pasqual Community Area. District-1.)

COMMITTEE ACTION: Reviewed by PFR on 7/25/90.
Recommendation to approve the City Manager's recommendation.
Districts 3, 6, and 8 voted yea. Districts 1 and 7 not present.
WU-P-90-167.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A252-286.)
CONSENT MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-S406: (R-91-480) ADOPTED AS RESOLUTION R-276553

Opposing congressional action to amend tax laws relating to home mortgage deduction, state and local tax deduction, and inclusion of part-time and temporary state and local government employees in the social security system, as recommended in Intergovernmental Relations Department Report IRD-90-28, dated 9/5/90; directing the Intergovernmental Relations Department to forward to the appropriate federal legislative officials the City of San Diego's opposition to the proposed amendments.
(See Intergovernmental Relations Department Report IRD-90-28.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D570-E064.)
MOTION BY ROBERTS TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

NON-DOCKET ITEMS:
None.

COUNCIL COMMENT:
None.

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding Council restructuring.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E075-098.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:59 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E098-100).