

19901105

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 5, 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 2:04 p.m. The meeting was recessed by Mayor O'Connor at 4:15 p.m. to meet in Closed Session. The meeting was reconvened by Mayor O'Connor at 4:24 p.m. Mayor O'Connor recognized Troop 1218 from Scripps Ranch. Mayor O'Connor adjourned the meeting at 5:08 p.m. to meet in Closed Session at 9:30 a.m., Tuesday, November 13, 1990, in the twelfth floor conference room to discuss pending and potential litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (so)

FILE LOCATION: MINUTES

Nov-5-1990

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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-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

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ITEM-10: INVOCATION

Invocation was given by Pastor Stan Ferdyn, Horizon
Christian Fellowship.

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ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Roberts.

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ITEM-30: APPROVED

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Approval of Council Minutes for the Meetings of:

9/3/90 Adjourned

9/4/90 Adjourned

9/10/90

9/11/90

9/13/90 Special

9/17/90

9/18/90

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A040-042.)

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

Nov-5-1990
ITEM-31: GRANTED HEARING

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Matter of the request of Kathy Hallak, for a hearing of an appeal from the decision of the Board of Zoning Appeals in denying Conditional Use Permit CUP-20554 proposing the sale of beer and wine at an existing convenience food store and delicatessen where such use is permitted by conditional use permit only. The subject property is located at 4725 Federal Boulevard, in the CA Zone, in Mid-City Community Plan area, and is more particularly described as Lots 6-10, Federal Boulevard Subdivision, Map-2260.
(CUP-20554. District-3.)

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

FILE LOCATION: ZONE-ZONING APPEALS-CUP-20554

COUNCIL ACTION: (Tape location: A098-128.)

MOTION BY HARTLEY TO GRANT THE REQUEST FOR A HEARING. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-nay, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

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ITEM-32: GRANTED HEARING

Matter of the request of Torrey Pines Community Planning Group, by Opal Trueblood, Chair, and Kevin Patrick, M.D., for a hearing of an appeal from the decision of the Planning Commission (by a vote of 2-2) to deny the appeal. Due to a lack of four affirmative votes, the decision of the Planning Director approving the project was upheld. This project proposes to construct two single-family detached residences on two separate building lots consisting of a total combined gross floor area of 8,864 square feet (including off-street parking), with related site landscaping and brush management on a vacant 0.41 acre site. The project also includes a requested variance to provide a common driveway on the site with access to the proposed structures from Via Latina. The subject property is located on the east side of Via Latina, between Portofino Drive and Via Grimaldi, in Zone R1-5000 (portions in Zone HR), in the Torrey Pines Community Plan area, and

is more particularly described as Parcels 1 and 3 of
Map-5893.

(HRP/CDP-89-0799. District-1.)

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

FILE LOCATION: PERM-HRP/CDP-89-0799

COUNCIL ACTION: (Tape location: A128-143.)

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

ITEM-33: GRANTED HEARING

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Matter of the request of Ruth A. Anderson, et al, for a
hearing of an appeal from the decision of the Planning
Commission in granting La Jolla Shores / Coastal
Development Permits LJS/CDP-90-0109, proposing to demolish
an existing single-family residence and construct a new
3,521 square-foot, two-story residence with basement. The
subject property (approximately 7,705 square-foot site) is
located on the north side of Camino del Collado (2320

Camino del Collado), in single-family Zone, in the La Jolla
Shores Community Plan area, and is more particularly
described as Miscellaneous Map-36, Pueblo Lands, Portion of
Pueblo Lot 1297.

(LJS/CDP-90-0109. District-1.)

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

FILE LOCATION: PERM-LJS/CDP-90-0109

COUNCIL ACTION: (Tape location: A145-163.)

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

ITEM-34: DENIED HEARING

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Matter of the request of B & G Holding Co., Inc., by
Matthew A. Peterson of Peterson & Price, for a hearing of
an appeal from the decision of the Planning Commission in

denying Coastal Development Permit CDP-89-1209, proposing to demolish two (2) residential structures and construct two (2) new residential structures totaling 5,800 square feet (excludes garages). The subject property is a 7,683 square-foot lot located at the southeast corner of Vista del Mar and Gravilla Avenues, in Zone R-3000, in the La Jolla Community Plan area, and is further described as Lots 6, 7, 8 and a portion of Lot 9 of Map-1216. (CDP-89-1209. District-1.)

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

FILE LOCATION: PERM-CDP-89-1209

COUNCIL ACTION: (Tape location: A166-235.)

MOTION BY WOLFSHEIMER TO DENY THE REQUEST FOR A HEARING. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-nay.

* ITEM-50: (O-91-67) INTRODUCED, TO BE ADOPTED ON NOVEMBER 19, 1990

19901105

Introduction of an Ordinance establishing a parking meter zone on the east side of Park Boulevard between El Cajon Boulevard and Meade Avenue.

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

CITY MANAGER SUPPORTING INFORMATION: The owner of the property located on the east side of Park Boulevard between El Cajon Boulevard and Meade Avenue has requested that a two-hour time-limit parking meter zone be implemented at this location. This property represents over 75 percent of the frontage of the block in question. This location is adjacent to other two-hour metered zones, and we anticipate proper enforcement of the requested parking limitation. We recommend that the two-hour time-limit parking meter zone be established as requested.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A418-425

MOTION BY HENDERSON TO INTRODUCE. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-91-314) ADOPTED AS RESOLUTION R-276803

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Awarding a contract to Aztec Landscape Co., for furnishing complete landscape maintenance of designated street medians and rights-of-way within 12 selected sites, as may be required for a period of one year beginning October 16, 1990 through October 15, 1991, for an estimated cost of \$45,000, with options to renew the contract for four additional one-year periods, with option year increases not to exceed 15 percent of the prices in effect at the end of the prior year; declaring that in the event the contractor does not perform 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-C1721/91)
(Districts-1, 2, and 6.)

FILE LOCATION: CONT-Purchase-Aztec Landscape Co.
CONTFY91-1

COUNCIL ACTION: (Tape location: A425-444.)

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

ITEM-101: (R-91-546) CONTINUED TO NOVEMBER 13, 1990

19901105

Awarding contracts for furnishing office furniture, as may be required for a period of one year beginning November 1, 1990 through October 31, 1991, for an estimated cost of \$142,324.39, including tax and terms, Sections I through V only: (BID-H1787/91)

1. Arenson Office Furniture for Section I - Desks; Section II - Tables; Section III - Vertical Files; Section IV - Office Chairs; Section V - Gas Cylinder Chairs; Section VI - Executive Furnishings for the following brands: Anderson, Chairworld, G.F. Furniture and La-Z Boy; with options to renew the contract for two additional one year periods.
2. Parron Hall for Section VI - Executive Furnishings for the following brands: Harpers and Krueger.
3. Southwest Business Interiors for Section VI - Executive Furnishings for the following brands: Commercial CHR, Gunlocke, Hon and Steelcase, with options to renew the contract for two additional one year periods.

4. Eastman for Section VI - Executive Furnishings for the following brands: Chromecraft, and Haworth; with options to renew the contract for two additional one year periods.
5. McMahon Desk of San Diego for Section VI - Executive Furnishings, for the following brands: Alba, Charvoz, KT Furniture, Lazris and M & J Desk; with options to renew the contract for two additional one year periods.
6. Seal Furniture for Section VI - Executive Furnishings for the following brands: Bendetti, GGG Mfg., Kimball,

Signature and St. Timothy's; with options to renew the contract for two additional one year periods.

7. Office Pavilion for Section VI - Executive Furnishings for the following brands: Condi and Howe; with options to renew the contract for two additional one-year periods.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A439-623.)

MOTION BY ROBERTS TO CONTINUE TO NOVEMBER 13, 1990 AT THE CITY MANAGER'S REQUEST FOR FIRE DEPARTMENT CONSIDERATION OF THE RULES AND REGULATIONS OF STATE LAW REGARDING FIRE RETARDANT OFFICE FURNITURE TO BE SURE THE PRODUCT IS LEGAL, IF INDUSTRY STANDARDS ARE NOT BEING MET, OR IF IT IS A PRACTICAL PROBLEM. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-91-544) ADOPTED AS RESOLUTION R-276804

19901105

Awarding contracts for furnishing blank and printed plastic panels, as may be required for a period of one year beginning October 1, 1990 through September 30, 1991, as follows: (BID-1783/91)

1. Port Plastics for Section I, Blank Plastic Panels and Section II, Printed Plastic Panels, for an estimated cost of \$41,827.56, including tax and terms, with an option to renew the contract for two additional one-year periods with price increases not to exceed 15 percent of prices in effect at the end of each prior year.
2. Omni Graphics for Section II, Printing of Blank Plastic Panels, for an estimated cost of \$6,563.70.

FILE LOCATION: CONT-Purchase-Port Plastic, Omni Graphics

CONTFY91-2

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-103: (R-91-547) ADOPTED AS RESOLUTION R-276805

19901105

Awarding a contract to American Processing Co., Inc. for furnishing contingency contract for removal and disposal of rags and various other materials from sewage flow at Pump Stations No. 1, No. 2 and No. 64, as may be required for a period of one year beginning January 1, 1991 through December 31, 1991, at an estimated maximum total cost of \$178,880, with an option to renew the contract for four additional one year periods with a maximum price escalation of 20 percent of prices in effect at the end of each prior year. (BID-B1794/91)
(Districts-1 and 2.)

FILE LOCATION: CONT-Purchase-American Processing Co., Inc.
CONTFY91-1

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-104: (R-91-543) ADOPTED AS RESOLUTION R-276806

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Awarding contracts for furnishing asbestos removal services, as may be required for a period of 6 months beginning June 1, 1990 through November 30, 1990, for an estimated cost of \$60,000, for the primary contract only, for the original 6-month contract period. (BID-E1528/90)
1. Barsotti's Inc. for the primary contract, with options to renew the contract for three additional 6-month periods,

with option period price increases not to exceed 25 percent of the prices in effect in each prior contract period.
2. Insultec Inc. for the secondary contract, with options to renew the contract for three additional 6-month periods,

with option period price increases not to exceed 10 percent of the prices in effect in each prior contract period.

FILE LOCATION: CONT-Purchase-Barsottis, Inc., Insultec, Inc. CONTFY91-2

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-105: (R-91-548) ADOPTED AS RESOLUTION R-276807

19901105

Awarding a contract to Omniflight Helicopters, Inc. for furnishing helicopter maintenance, as may be required for a period of one year beginning November 1, 1990 through October 31, 1991, for an estimated cost of \$287,016, including tax and terms, with options to renew the contract for four additional one year periods, with option year price increases not to exceed 10 percent of prices in effect at the end of the prior year; declaring, that in the event the Contractor does not perform 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-C1774/91)

FILE LOCATION: CONT-Purchase-Omniflight Helicopters, Inc. CONTFY91-1

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-106: (R-91-549) ADOPTED AS RESOLUTION R-276808

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Inviting bids for the Construction of Linda Vista Road Landscaping - Phase I on Work Order No. 119130; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$300,000 from CDBG Fund No. 18521, Department No. 5833, Organization No. 3314 and \$70,000 from CDBG Fund No. 18522, Department No. 5863, Organization No. 6313 to CIP-52-370.0, Linda Vista Road Landscaping - Napa Street to Genesee Avenue; authorizing the expenditure of funds not to exceed \$1,527,261 from CIP-52-370.0, Linda Vista Road Landscaping - Napa Street to Genesee Avenue (\$82,892 from Capital Outlay Fund No. 30244; \$300,000 from CDBG Fund No. 18521, Department No. 5833, Organization No. 3314; \$70,000 from CDGB Fund No. 18522, Department No. 5863, Organization No. 6313; \$200,369 from CDBG Fund No. 18522 Department No. 5863, Organization No. 6306; \$334,000 from CDBG Fund No. 18523, Department No. 5633, Organization No. 3309; \$240,000 from CDBG Fund No. 18524, Department No. 5663, Organization No. 6310; and \$300,000 from CDBG Fund No. 18525, Department No. 5883, Organization No. 8310) for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, for future phases. (BID-K184591)

(Linda Vista Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This Capital Improvement project will provide landscaped medians and parkway areas along Linda Vista Road between Via Las Cumbres and Genesee Avenue (Phase 1). The improvement will be maintained by the contractor until July 1991 as part of this construction contract. The formation of a maintenance district was approved recently (R-275584) and will begin July 1991.
Aud. Cert. 9100088.

FILE LOCATION: W.O. 119130 CONT - Carolyn E. Scheidel,
Contractor CONFY91-1

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-107:

Four actions relative to Parcel Map W.O. No. 890284, a 4-parcel map located northwesterly of Carmel Country Road and Carmel Creek Road:
(North City West Community Area. District-1.)

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Subitem-A: (R-91-651) ADOPTED AS RESOLUTION R-276809
Authorizing the execution of a Subdivision Improvement Agreement with Recreation of California, Inc., for the installation and completion of public improvements.

Subitem-B: (R-91-650) ADOPTED AS RESOLUTION R-276810

Approving Parcel Map W.O. No. 890284.

Subitem-C: (R-91-652) ADOPTED AS RESOLUTION R-276811

Approving the acceptance by the City Manager of a grant deed of Village Properties, granting to the City an easement for public street purposes in a portion of Parcel 2 of Parcel Map PM-11045; dedicating said land as and for a public street, and naming the same Mykonos Lane.

Subitem-D: (R-91-653) ADOPTED AS RESOLUTION R-276812

Approving the acceptance by the City Manager of a grant deed of Village Properties, granting to the City an easement for public pedestrian and non-motor vehicle right-of-way purposes in a portion of Parcel 2 of Parcel Map No. 11045, and in a portion of Parcel 3 of Parcel Map No. 15278; dedicating said land as and for pedestrian and non-motor vehicle right-of-way.

FILE LOCATION: Subitem-A,B: SUBD-Parcel Map 14570, Parcels 1 and 2, Div.; Subitem C: DEED F-5427;
Subitem D: DEED F-5428 DEEDFY91-2
CONTFY91-1

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-108:

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Four actions relative to Genesee/North Torrey Pines Road Intersection Cost Reimbursement District:

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

Subitem-A: (R-91-672) ADOPTED AS RESOLUTION R-276813

Authorizing and directing the City Manager to initiate proceedings for the formation of a cost reimbursement district for Genesee/North Torrey Pines Road Intersection pursuant to the provisions of San Diego Municipal Code Section 62.0208.

Subitem-B: (R-91-673) ADOPTED AS RESOLUTION R-276814

Authorizing the execution of a District Formation Cost Agreement with Chevron under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. CR-19-1; authorizing the City Auditor and Comptroller to accept a cash advance of \$40,000 from Chevron.

Subitem-C: (R-91-674) ADOPTED AS RESOLUTION R-276815

Authorizing the execution of a consultant agreement with Nolte and Associates, as Assessment Engineer, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. CR-19-2.

Subitem-D: (R-91-675) ADOPTED AS RESOLUTION R-276816

Authorizing the City Auditor and Comptroller to establish the Genesee/North Torrey Pines Road Intersection Fund (Fund No. 72012).

CITY MANAGER SUPPORTING INFORMATION: In January 1988, the City Council adopted the Cost Reimbursement District Procedural Ordinance (O-17013). This ordinance provides a mechanism for developers who are required to construct certain public improvements, above and beyond what is normally required to support their development, a chance to seek reimbursement from other benefitting property owners. Chevron has requested that the City initiate proceedings for the formation of Genesee/North Torrey Pines Intersection Cost Reimbursement District. The public improvements for which the developer is seeking reimbursement include the reconfiguration of the intersection,

right-of-way acquisition, relocation of gas and electrical facilities, and reconstruction of the traffic signal. The improvements will be evaluated to determine their eligibility for reimbursement. The costs of these improvements will then be spread to various property owners based on benefit. Prior to the public hearing, which will be held in the near future, staff

will notice all affected property owners and explain the cost spread methodology.

Aud. Cert. 9100279.

FILE LOCATION: Subitem-A,B,C,D: STRT CR-19 CONTFY91-2

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-109: (R-91-657) ADOPTED AS RESOLUTION R-276817

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Approving the acceptance by the City Manager of an easement deed of Edward E. Colson, III and Dennis Sciotto, granting to the City an easement for public street purposes in a portion of Lot 1, Block 3 of La Mesa Colony Townsite, Map-346, and a portion of Alice Street vacated; dedicating the land as and for public streets and naming the same 67th Street and El Cajon Boulevard.

(Mid-City Community Area. District-7.)

FILE LOCATION: DEED F-5429 DEED FY91-1

COUNCIL ACTION: (Tape location: A425-444.)

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

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* ITEM-110: (R-91-659) ADOPTED AS RESOLUTION R-276818

Determining that the landscape easement in Lots 21, 26, 27, 28, 29, 30 and 31 of Sunburst Woodman, Map-12598 is surplus and is authorized to be sold for the cost of processing to Sunburst Homes Corporation; authorizing the execution of a quitclaim deed, quitclaiming to Sunburst Homes Corporation that certain easement shown on Drawing No. 17724-B; declaring that no broker's commission shall be paid on the negotiated sale.

(Skyline-Paradise Hills Community Area. District-4.)

FILE LOCATION: DEED F-5430 DEED FY91-1

COUNCIL ACTION: (Tape location: A425-444.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson. Passed

by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-91-679) ADOPTED AS RESOLUTION R-276819

19901105

Excusing Councilmember Judy McCarty from attending the regularly scheduled Council meeting of Tuesday, October 9, 1990; and the Public Facilities and Recreation Committee meeting and Special Meeting of the City Council on Wednesday, October 10, 1990, due to illness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-112: (R-91-689) ADOPTED AS RESOLUTION R-276820

19901105

Excusing Mayor Maureen O'Connor from attending the regularly scheduled City Council meeting of November 13, 1990 and the Rules Committee meeting of October 17, 1990, due to other official City business and her attendance of the Urban Summit in New York.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-113: (R-91-645) ADOPTED AS RESOLUTION R-276821

19901105

Approving the recommendations by the Public Facilities and Recreation Committee to retain City-owned site 455C as a site for a potential sludge pipeline cleaning station; declaring that the designation serves as a tentative guide to City staff with regard to potential use of vacant City-owned land.

(See City Manager Report CMR-90-235 and memorandum from Maureen Stapleton dated 6/26/90. Linda Vista Community Area. District-5.)

COMMITTEE ACTION: Reviewed by PFR on 6/27/90. Recommendation to approve the City Manager's recommendation that Site 455C be designated for public facility. Districts 1, 3, 6, 7 and 8 voted yea.

CITY MANAGER SUPPORTING INFORMATION: On June 27, 1990, the Public Facilities and Recreation Committee recommended that Site 455C be designated for public facilities (sludge pipeline cleaning station). Site 455C is designated for office-commercial use in the Linda Vista Community Plan. The plan recommends a Planned Commercial Development Permit for the development of this site. It is temporarily being leased for parking to the adjacent landowner on the east. The adjacent site to the west is being held for a proposed new fire station, and immediately west of that is the Western Division Police Substation. The Clean Water Program of the Water Utilities Department has identified Site 455C as the desired location of a sludge pipeline cleaning station.

WU-PR-91-042.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-444.)

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

ITEM-114: (R-91-683) ADOPTED AS RESOLUTION R-276822

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Authorizing the City Manager to waive the ten percent Stadium parking lot rental fee for the Cirque Du Soleil in lieu of a flat rental fee of \$25,000 plus payment of Stadium expenses; authorizing the City Manager to charge for parking for the Cirque Du Soleil event; the City shall keep all parking revenues.

CITY MANAGER SUPPORTING INFORMATION: The Cirque Du Soleil is a non-profit corporation in Canada that would like to conduct their acrobatic circus in the Stadium parking lot from January 26 through February 10, 1991. For the past few years they have held the circus in Balboa Park; however, because of several factors Balboa Park is not acceptable this year. The Stadium's standard rental fee for non-profit parking lot events is \$600

per day or 10 percent of gross ticket sales, whichever is greater. The Cirque Du Soleil has indicated that if they have to pay 10 percent of gross ticket sales they would not have their show at the Stadium and would move to another city. Therefore, it has been negotiated that the Cirque Du Soleil pay a flat rental fee of \$25,000 for their 16 day event plus all Stadium expenses. In order to compensate for the loss of the 10% of gross ticket sales (estimated at \$72,000), the Stadium would charge for parking and keep all parking revenues. Normally, the Stadium does not charge parking for events in the lot. It is estimated that \$55,000 in parking revenues would be generated. Thus the Stadium would earn from rent and parking \$80,000 which is greater than the \$72,000 from the 10 percent of ticket sales. Therefore, it is recommended that the 10 percent of gross ticket sales be waived for this event. The Stadium Authority Board of Governors Administrative Committee recommended approval of the waiver.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A638-B078.)

MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-115: (R-91-682) ADOPTED AS RESOLUTION R-276823

19901105

Authorizing the execution of a month-to-month rental agreement with Garnet Properties, Inc., for 154 square feet of office space at 919 Garnet Avenue, Suite 205, for use by Council District Six, at a monthly rental of \$250; authorizing the expenditure of an amount not to exceed \$4,000 for rental costs for Fiscal Years 1990 and 1991; authorizing the extension of the month-to-month agreement beyond June 30, 1991, subject to the availability of budgeted funds, for such purpose.

(District-2.)

CITY MANAGER SUPPORTING INFORMATION: Council District 6, in order to better serve its constituents, established a satellite office in Pacific Beach in March of this year at 919 Garnet Street, Suite 205. Under the terms of the rental agreement with the owner, Garnet Properties, the City will be paying \$250 per month for the suite. The agreement is on a month-to-month tenancy and is cancelable with 30 days notice. Although the agreement is on a month-to-month basis it is intended that the

term extend through June 30, 1991. The suite is approximately 150 sq. ft. which equates to a rental rate of \$1.62 per sq ft. Garnet Properties has partially furnished the suite and will be providing janitorial services and all utilities without cost to the City.

Aud. Cert. 9100316.

FILE LOCATION: LEAS-Garnet Properties, Inc. Leas FY91-1

COUNCIL ACTION: (Tape location: B078-B178.)

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

* ITEM-116: (R-91-606) ADOPTED AS RESOLUTION R-276824

19901105

Authorizing the execution of three separate agreements with the Sweetwater Union High School District, Poway Unified School District and Torrey Pines High School, to provide a minimum of two San Diego police officers at each regularly scheduled night home football game at Montgomery High School, Southwest High School, Mt. Carmel High School, Rancho Bernardo High School and Torrey Pines High School, during the period of January 1, 1990, through December 31, 1995.

CITY MANAGER SUPPORTING INFORMATION: In past years, the City has entered into agreements with the San Diego Unified School District, Sweetwater Union High School District and Poway Unified School District wherein the City provided off-duty police officers to assist high school personnel with security at their regularly scheduled night football games. Although the schools are located outside the San Diego District, they are within the San Diego City limits. Sweetwater Union High School District, Poway Unified School District (for Mt. Carmel and Rancho Bernardo High Schools) and Torrey Pines High School, have requested agreements for night games scheduled for the 1990 football season. Past experience has proven the arrangement is workable for all parties and the Police Department feels that continuation of services is in order.

The general conditions of the agreement are:

1. The City provides a minimum of two police officers (paid by the City) and one vehicle for each event.
2. The City receives, as consideration, \$106.34 per hour for each assignment of two officers and \$53.17 for each additional police-officer-hour; cost to be adjusted

yearly.

3. The term is for five years.

FILE LOCATION: MEET CONT FY91-3

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-117: (R-91-655 Cor.Copy) ADOPTED AS RESOLUTION R-276825

19901105

19901105

Authorizing the City Manager to release a portion of the surety issued by Insurance Company of the West for Carmel Valley Employment Center Neighborhood 6 in the form of Performance Bond No. 027593, so that the same is reduced as follows:

1. For faithful performance, to the sum of \$283,411.
2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$141,705.50.

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

CITY MANAGER SUPPORTING INFORMATION: On November 3, 1986 the City issued Engineering Permit No. W32196 for the construction of public improvements for Parcel Map PM-14590 (Carmel Valley Employment Center Neighborhood 6). Performance Bond No. 027593 issued by Insurance Company of the West in the amount of \$656,203.00 was provided by the subdivider. The permit expires March 21, 1991. Approximately 76 percent of the work has been completed to the satisfaction of the City Engineer, and the subdivider has requested a partial release of surety. The job order account has sufficient funds to cover anticipated future costs to the City. There are no mechanic's liens filed against the surety and there has not been a previous partial release. In accordance with Council Policy 800-11, it is recommended that the surety be reduced by an amount which is 75 percent of the value of the work completed. Therefore, 57 percent of the original surety will be released which will reduce the surety to \$283,411.

FILE LOCATION: SUBD-Carmel Valley Employment Center
Neighborhood 6

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-118: (R-90-1111) ADOPTED AS RESOLUTION R-276826

19901105

Terminating the Subdivision Improvement Agreement of
October 11, 1973, with Mission Valley Enterprises,
subdivider of Baldwin-Moore Subdivision; releasing
Performance Bond No. MNR 86 58 91, issued by Insurance
Company of North America, guaranteeing the improvements in
Baldwin-Moore Subdivision.

(See City Manager Report CMR-90-449. Mission Valley
Community Area. District-5.)

FILE LOCATION: SUBD-Baldwin-Moore Office Park

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-119: (R-90-1110) ADOPTED AS RESOLUTION R-276827

19901105

Terminating the Subdivision Improvement Agreement of
January 9, 1975 with Russell G. Tanner, subdivider of
Valley Centre Plaza Subdivision; releasing Performance Bond
No. MNR-90-53-10, issued by Insurance Company of North
America, guaranteeing the improvements in the Valley Centre
Plaza Subdivision.

(See City Manager Report CMR-90-449. Mission Valley
Community Area. District-5.)

FILE LOCATION: SUBD-Valley Centre Plaza Subdivision

COUNCIL ACTION: (Tape location: A425-444.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson. Passed

by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-120: (R-90-1113) ADOPTED AS RESOLUTION R-276828

19901105

Terminating the Subdivision Improvement Agreement of March 8, 1974, with Insurance Company of the West, subdivider of I.C.W. Subdivision; releasing Cash Receipt No. 65633, dated February 8, 1974, guaranteeing the improvements in the I.C.W. Subdivision.

(See City Manager Report CMR-90-449. Mission Valley Community Area. District-5.)

FILE LOCATION: SUBD-I.C.W. Subdivision

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-121: (R-90-1114) ADOPTED AS RESOLUTION R-276829

19901105

Terminating the Subdivision Improvement Agreement of April 22, 1977, with Manuel and Maria Eugenia Turrent, subdivider of Park Camino Unit No. 1 Subdivision; releasing Performance Bond No. L05-014183, issued by Balboa Insurance Company, guaranteeing the improvements in the subdivision known as Park Camino Unit No. 1 Subdivision.

(See City Manager Report CMR-90-449. Mission Valley Community Area. District-5.)

FILE LOCATION: SUBD-Park Camino Unit No. 1

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-122: (R-90-1108) ADOPTED AS RESOLUTION R-276830

19901105

Terminating the Subdivision Improvement Agreement of May

18, 1978, with Madonna Construction Company, Inc., subdivider of Park Camino Unit No. 2 Subdivision; releasing Cash Receipt No. 72707, guaranteeing the improvements in the subdivision known as Park Camino Unit No. 2 Subdivision.

(See City Manager Report CMR-90-449. Mission Valley Community Area. District-5.)

FILE LOCATION: SUBD-Park Camino Unit No. 2

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-123: (R-90-1166) ADOPTED AS RESOLUTION R-276831

19901105

Terminating the Subdivision Improvement Agreement of December 19, 1974, with The Pepper Tree Company, subdivider of Pepper Tree Company Subdivision; releasing Pass Book Account Nos. 44-60880-0 and 44-60881-8, held by Central Federal Savings and Loan, guaranteeing the improvements in Pepper Tree Company Subdivision.

(See City Manager Report CMR-90-449. Mission Valley Community Area. District-5.)

FILE LOCATION: SUBD-Pepper Tree Company Subdivision

COUNCIL ACTION: (Tape location: A425-444.)

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

19901105

* ITEM-124: (R-90-1109) ADOPTED AS RESOLUTION R-276832

Terminating the Subdivision Improvement Agreement of April 17, 1978, with Robert L. Turek, Gail Turek and Thomas F. Gillard, subdividers of Turek-Gillard Subdivision; releasing Performance Bond No. 11 17 79, issued by Insurance Company of North America, guaranteeing the improvements in the subdivision known as Turek-Gillard Subdivision.

(See City Manager Report CMR-90-449. Mission Valley Community Area. District-5.)

FILE LOCATION: SUBD-Turek-Gillard Subdivision

COUNCIL ACTION: (Tape location: A425-444.)

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

* ITEM-125: (R-90-1112) ADOPTED AS RESOLUTION R-276833

19901105

Terminating the Subdivision Improvement Agreement of January 10, 1974, with Westland Title Company, subdivider of Westland Title Company Subdivision; releasing Performance Bond No. 173 38 98, issued by Phoenix Assurance Company of New York, guaranteeing the improvements in Westland Title Company Subdivision.

(See City Manager Report CMR-90-449. Mission Valley Community Area. District-5.)

FILE LOCATION: SUBD-Westland Title Company Subdivision

COUNCIL ACTION: (Tape location: A425-444.)

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

ITEM-126: (R-91-592) RETURNED TO MANAGER

19901105

Authorizing and directing the City Engineer to issue a special permit to George Wimpey, Inc., subdivider, to commence grading work in La Jolla Pines Technology Center, located within the Hillside Review Overlay Zone, prior to the filing of the subdivision map.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Section 102.0318 of the Municipal Code authorizes the City Engineer to issue a special permit to do work prior to the filing of a final subdivision map, except when the subdivision is located within the HR zone. The City Council must authorize the issuance of a special permit to allow work to start before the final map is filed. The subdivider has requested that he be allowed to start grading immediately to assure establishment of erosion control measures

prior to the rainy season. The tentative map, PID and HR were approved by the Subdivision Board on September 25, 1989. The improvement plans have been completed and the final map is expected to be ready for Council consideration in approximately 8 weeks. Before a special permit is issued by the City Engineer, if so authorized by Council, the subdivider will be required to pay all fees and provide a full surety to cover all the improvements included in the Subdivision Improvement Agreement.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B126-245.)

MOTION BY WOLFSHEIMER TO RETURN TO THE CITY MANAGER FOR REDOCKETING TO REISSUE A GRADING PERMIT TO GEORGE WIMPEY, INC. AT THE END OF THE RAINY SEASON. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-ineligible.

ITEM-127: (R-91-656) CONTINUED TO NOVEMBER 19, 1990

19901105

Approving the Conflict of Interest Code for the
Transportation Demand Management Appeals Board.

CITY MANAGER SUPPORTING INFORMATION: On September 26, 1989, the City Council adopted the Transportation Demand Management Ordinance. The Ordinance created an Appeals Board consisting of seven members, balanced among affected businesses, property interest and community representatives. The majority of the membership is representative of the employment sector. The Council appointed the members of the Board on March 19, 1990. The Appeals Board has discussed and approved a Conflict of Interest Code as required by law. This resolution will formally adopt the Conflict of Interest Code for the Transportation Demand Management Appeals Board.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A235-A365.)

MOTION BY FILNER TO CONTINUE TO NOVEMBER 19, 1990 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW BY THE CITY ATTORNEY. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (R-91-677) ADOTPED AS RESOLUTION R-276834

19901105

Accepting the report from Rees and Associates and the Department of Legislative Services regarding the 1990 legislative activities undertaken on behalf of the City of San Diego; approving the proposed 1991 State Legislative Work Plan and directing the Department of Legislative Services and Rees and Associates to implement these activities.

(See Intergovernmental Relations Department Report IRD-90-36.)

COMMITTEE ACTION: Reviewed by RULES on 10/17/90.

Recommendation to accept the Annual State Legislative Work Program Report from Kathryn Rees of Rees and Associates, Inc., and the Department of Legislative Services (DLS) regarding the legislative activities undertaken by Rees and Associates on behalf of the City in 1990. Districts 1, 2, 4 and 8 voted yea. District 5 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-444.)

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

ITEM-151: (R-91-649) CONTINUED TO NOVEMBER 13, 1990

19901105

Approving the Mission Bay Park Master Plan for Land and Water Use Update Work Program.

(See City Manager Report CMR-90-296. Mission Bay Community Area. District-2.)

COMMITTEE ACTION: Reviewed by PFR on 9/12/90. Recommendation to: 1) Accept the Coordinator's report, with C-3's comments and the understanding that the newly formed CPC Subcommittee on Mission Bay will continue its efforts to survey all planning groups Citywide and send reports back to the Manager to supplement the Outreach Coordinator's report. 2) Direct the Manager to continue the Planning Phase Consultant selection with the direction that the four finalists submit scoping proposals and fee schedules as part of, and prior to, the final selection with a report to the PFR Committee on their efforts. Districts 3, 6, 7 and 8 voted yea. District 1 voted nay.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D586-588.)

MOTION BY McCARTY TO CONTINUE TO NOVEMBER 13, 1990 DUE TO LACK OF TIME. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: (O-90-95) CONTINUED TO NOVEMBER 26, 1990 AND REFERRED TO THE CITY MANAGER TO REDOCKET THE RESOLUTION ON IMPACT FEES

19901105

(Continued from the meeting of October 15, 1990, Item S401, at Councilmember McCarty's request, to work out the problems.)

Amending Chapter VI, Article 1, of the San Diego Municipal Code by adding Division 25, Section 61.2501, 61.2502, 61.2503, 61.2504, 61.2505, 61.2506, 61.2507, 61.2508, 61.2509 and 61.2510 relating to Impact Fees.

(Introduced on 10/1/90. Council voted 5-3. Districts 2, 6 and 8 voted nay. District 4 not present.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A243-370.)

MOTION BY FILNER TO CONTINUE TO NOVEMBER 26, 1990 AND REFER TO THE CITY MANAGER TO RESCIND AND REDOCKET THE PREVIOUSLY ADOPTED RESOLUTION ON IMPACT FEES. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-201: (R-91-686) ADOPTED AS RESOLUTION R-276835

19901105

Council confirmation of the appointment by the Mayor of Carlos D. Molina to serve as a member of the Citizens Equal Opportunity Commission, for a term ending January 1, 1991, to replace Diego Haro, who has resigned.

(See memorandum from Mayor O'Connor dated 10/23/90 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-444.)

MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,

Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-91-688) ADOPTED AS RESOLUTION R-276836

19901105

Council confirmation of the appointment by the Mayor of
Paula Seigel to serve as a member of the Board of Library

Commissioners, for a term ending March 1, 1992, to replace
Karen Gates-Marshall, whose term has expired.

(See memorandum from Mayor O'Connor dated 10/23/90.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-444.)

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

ITEM-203: (R-91-687) ADOPT AS RESOLUTION R-276837

19901105

Council confirmation of the following appointments by the
Mayor to serve as members of the Historical Site Board, for
terms to expire as indicated:

(See memorandum from Mayor O'Connor dated 10/23/90 with
resumes attached.)

NAMES	TERM EXPIRES
Patricia Schaelchlin (Reappointment)	March 1, 1992
Ronald B. Kirkemo (Reappointment)	March 1, 1992
Carol A. Lindemulder (Reappointment)	March 1, 1991
Kathryn Willetts (Reappointment)	March 1, 1991
Jeffery D. Shorn (Reappointment)	March 1, 1992
Robert J. Michaels	March 1, 1992

(To replace Virginia Waller,
whose term has expired.)

Evelyn W. Goldman	March 1, 1992
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(To replace Marilyn Irwin,
whose term has expired.)

Phillip Gay	March 1, 1991
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(To replace Gregory C.M. Garrett,
whose term has expired.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A425-444.)

MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the

following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-204:

(Continued from the meeting of October 16, 1990, Item 331, for full Council.)

Appeals of J. P. Snodgrass, William W. Williams, Christopher J. Wills, Herman F. Froeb, R. L. McNitt, Jr., and Joseph M. Patridge, from the decision of the Planning Commission in approving Coastal Development Permit and La Jolla Shores Permit CDP/LJS-90-0531, proposing to remove one existing single-family residence and reconstructing two two-story single-family residences on the two existing adjacent lots. The subject property (4,622 square feet for Lot 7 and 4,672 square feet for Lot 8) is located at 8315 Camino del Oro, between El Paseo Grande and Calle Frescota, in a single-family zoned site, in the La Jolla Shores Community Plan area. The site is more particularly described as Lots 7 and 8, Block 35 of La Jolla Shores Unit No. 6, Map-2147.

(CDP/LJS-90-0531. District-1.)

Subitem-A: (R-91-) DEEMED DENIED DUE TO LACK OF FIVE AFFIRMATIVE VOTES TO UPHOLD THE APPEAL

19901105

Adoption of a Resolution granting or denying the appeal and granting or denying the CDP permit, with appropriate findings to support Council action.

Subitem-B: (R-91-) DEEMED DENIED DUE TO LACK OF FIVE AFFIRMATIVE VOTES TO UPHOLD THE APPEAL

Adoption of a Resolution granting or denying the appeal and granting or denying the LJS permit, with appropriate findings to support Council action.

FILE LOCATION: Subitems-A,B: PERM-CDP/LJS-90-0531

COUNCIL ACTION: (Tape location: D077-E100.)

Hearing began at 4:26 p.m. and halted at 5:03 p.m.

Testimony in opposition by Nathan Adler, Pete Banner, Dale Combs, Rebecca Michael, Nona Atkins

Testimony in favor by Larry Keller, Jenny Patridge, Bill Williams, Christopher Wills

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL. Second by Mayor

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

ITEM-S400: RECOGNIZED

19901105

Recognizing Mr. Bojan Butolen, President of the Yugoslavian Challenge to the Americas Cup.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A042-B095.)

* ITEM-S401: (R-91-786) ADOPTED AS RESOLUTION R-276838

19901105

Authorizing the execution of an agreement with Project Design Consultants, Inc. to provide the final map and construction documents for Eastgate Technology Park Unit No. 3; authorizing the expenditure of an amount not to exceed \$200,000 from Industrial Development Fund 30248, CIP-39-202.0, Eastgate Technology Park Unit No. 3, for the purpose of providing funds for the above project.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Unit No. 3 of Eastgate Technology Park is the last unit of a three unit development to be constructed. This development is part of the approximate 400 acres of Pueblo Lands approved by the electorate by way of

Proposition B on September 18, 1979, which authorizes the sale or lease of these lands, and the use of proceeds to finance police substations. This project is consistent with the Mira Mesa, Torrey Pines and University Community Plans and the City's General Guidelines. It is proposed to utilize the services of a consultant to design this project since City Staff is already fully committed to other projects. Consultants submitted Letters of Interest and three were interviewed in conformance with Council Policy 300-7. The firm, Project Design Consultants, was selected and would be responsible for the preparations of the final map, construction drawings, specifications, and cost estimates.

Aud. Cert. 9100339.

FILE LOCATION: SUBD-Eastgate Technology Park Unit No. 3

CCONTFY91-1

COUNCIL ACTION: (Tape location: A425-444.)

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

ITEM-S402: (O-91-72) REFERRED TO RULES COMMITTEE

19901105

(Continued from the meeting of October 30, 1990, Item S500, to October 31, 1990; Trailed as Unfinished Business from October 31, 1990, due to lack of 5 votes.)

Introduction and adoption of an Ordinance amending Chapter II, Article 7, Division 27, of the San Diego Municipal Code by amending Sections 27.2715, 27.2717, 27.2718, and 27.2721 and by repealing Sections 27.2719 and 27.2720, pertaining to Supplemental Petitions in Local Recall Elections.

(See City Attorney Memorandum of Law dated 10/9/90 and City Attorney Report dated 10/24/90.)

COMMITTEE ACTION: Initiated by RULES on 10/17/90.

Recommendation to direct the City Attorney to produce an appropriate ordinance regarding "Supplemental Recall Petitions" which would make the San Diego Elections Code consistent with state law by eliminating the requirement for supplemental recall petitions. The Committee also directed that the ordinance be docketed for introduction at the October 30, 1990, City Council meeting. Districts 1, 4, 5 and 8 voted yea. District 2 and Mayor not present.

NOTE: On 10/31/90, Council voted on the following motion, which failed by a 4-3 vote: Motion by Councilmember Pratt (second by Hartley) to delete the Supplemental Petitions and to establish a 90-day period for recall. Districts 1, 3, 4 and 5 voted yea; Districts 2, 7 and Mayor voted nay; Districts 6 and 8 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D586-588.)

MOTION BY PRATT TO REFER TO THE RULES COMMITTEE AT THE REQUEST OF THE CITY MANAGER. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (O-91-61) CONTINUED TO NOVEMBER 13, 1990

19901105

(Continued from the meeting of October 30, 1990, Item 337, at the City Manager's request, to allow for the second public hearing and adoption.)

Introduction and adoption of an Ordinance amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted therein, by exempting one Deputy Director position from the Classified Service; amending the personnel authorization schedule of the Water Utilities Department (700) Clean Water Program (70711) to reflect the position as Unclassified; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will create the Clean Water Program Deputy Director for Construction Management and will exempt this position from the Classified Service. This action will facilitate implementation of the Clean Water Program. The Deputy Director for Construction Management for the Clean Water Program will be responsible for construction of all projects connected with the expansion and upgrade of the Metropolitan Sewerage System.

WU-CWP-91-041.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: AD586-588.)

MOTION BY McCARTY TO CONTINUE TO NOVEMBER 13, 1990 AT THE REQUEST OF THE CITY MANAGER. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (O-91-68) CONTINUED TO NOVEMBER 13, 1990

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(Continued from the meeting of October 30, 1990, Item 338, at the City Manager's request, to allow for the second public hearing and adoption.)

Introduction and Adoption of an Ordinance amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted

therein, by amending the personnel authorization of the Water Utilities Department (41500) Engineering Division to delete one Senior Drafting Aide position and add in lieu thereof one Assistant Deputy Director position; exempting the Assistant Deputy Director from the Classified Service; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will exempt an Assistant Deputy Director from the Classified Service.

This action will provide the Water Utilities Engineering Division with enhanced administrative capabilities, to ensure timely and appropriate implementation of all engineering responsibilities. The Division is responsible for Capital Improvements Program planning, design of replacement and expansion of water and wastewater projects, and contract construction of water and sewer facilities. The annual allocation for the Capital Improvements Program is \$125,000,000. At present the work effort is overseen solely by a Deputy Director. The Civil Service Commission reviewed this request pursuant to Charter Section 117 on September 6, 1990, and approved the proposed exemption.

WU-U-91-010.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D586-588.)

MOTION BY McCARTY TO CONTINUE TO NOVEMBER 13, 1990 AT THE CITY MANAGER'S REQUEST. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-91-954) ADOPTED AS RESOLUTION R-276948

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In the matter of the opening of Pomerado Road.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B254-C000-D011.)

MOTION BY BERNHARDT TO DIRECT THE CITY MANAGER TO: 1) SCHEDULE A NOTICED HEARING TO AMEND THE COMMUNITY PLAN IF THE ROAD IS GOING TO BE REOPENED; 2) THE COMMUNITY PLAN AMENDMENT IS A PROJECT UNDER CEQA AND REQUIRES AN APPROPRIATE ENVIRONMENTAL DOCUMENT; AND 3) DIRECT STAFF TO WORK CLOSELY WITH THE COMMUNITY

TO MITIGATE TRAFFIC IMPACTS. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: CONTINUED TO NOVEMBER 19, 1990

(Continued from the meetings of August 7, 1990, Item 338, September 18, 1990, Item 342, September 25, 1990, Item S500; Trailed as Unfinished Business from the meeting of October 16, 1990, Item 343; Continued from the meeting of October 30, 1990, Item 218; last continued at Councilmember Wolfsheimer's request, to allow Councilmember Bernhardt to listen to the tape.)

In the matter of Vesting Tentative Map (Fairbanks Highlands), Planned Residential Development Permit and Resource Protection Overlay Zone Permit VTM, PRD & RPZ-88-1041, proposing a 109-lot subdivision of this site for each of the proposed residential development parcels, seven open space lots, one private recreation lot, and

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necessary public facilities to serve the site; and construction of 92 single-family detached residences (including site landscaping, brush management and off-street parking) on a vacant 391-acre site.

Street Vacation of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124, and Old Survey 451 as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed vesting tentative map for Fairbanks Highlands (VTM-88-1041).

The subject property is located generally north of Black Mountain Road and immediately west of the Penasquitos community in Zone A-1-10 (portions Hillside Review) and within the boundaries of the future urbanization area as identified by the City's General Plan. The subject property is more particularly described as portions of the northeast quarter and the east half of the northwest

quarter of Section 11, the northwest quarter of Section 12,
Township 14 South, Range 3 West, SBBM, Parcel Map PM-8133.
(VTM, PRD & RPZ-88-1041. District-1.)

Subitem-A: (R-90-2220)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-1041 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-)

Adoption of a Resolution granting or denying the PRD permit, with appropriate findings to support Council action.

Subitem-C: (R-91-)

Adoption of a Resolution granting or denying the RPZ permit, with appropriate findings to support Council action.

Subitem-D: (R-91-)

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-E: (R-90-2219)

Adoption of a Resolution authorizing the vacation of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124, and Old Survey 451 as provided for under Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacations of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124 and Old Survey 451 have been initiated by the submission of the tentative map for Fairbanks Highlands (VTM-88-1041). The tentative map proposes subdivision of a 391-acre site for the purpose of creating 92 single-family residential lots. Development of the site will be controlled by the associated Planned Residential Development (PRD). The subject vacation is located in an area designated as a Future Urbanizing area immediately west of the Penasquitos East Community. The proposed vacation was reviewed by the adjacent designated Community Planning Groups (North City West Planning Board and Rancho Penasquitos Planning Board) as part of the tentative map. There were no apparent concerns from the North City West Planning Board, and the Rancho Penasquitos Planning Board supported the project in concept. On May 24, 1990, the

Planning Commission upheld an appeal to the Subdivision Board's recommendation of approval and recommended denial of the Fairbanks Highlands project by a 7-0 vote.

The subject vacation consists of portions of Black Mountain Road, which is an unimproved travelway that has an assumed width of 40 feet, three road surveys which are unplotable, and one road survey which is partially utilized as a private road. The rights-of-way to be vacated will not be required for easement rights-of-way for access or traffic circulation since they will be replaced if the map is approved. The tentative map conditions provide for the dedication of half-width improvements for Carmel Valley Road with off-site transitions, the dedication of Camino Ruiz with a deferred six-year agreement for full-width improvements, and a system of private streets for access within the subdivision boundaries. The public benefits to be accrued with this vacation are an improved road system and improved utilization of the land.

Upon Council approval of the Planned Residential Development Permit (PRD-88-1041) and the Vesting Tentative Map (VTM-88-1041) for Fairbanks Highlands, the rights-of-way to be vacated would no longer be required for present or prospective use, as indicated by staff review. It is therefore recommended that, if the vacation is approved, it be conditioned upon the approval and recordation of the final map for Fairbanks Highlands (VTM-88-1041).

NOTE: Pursuant to Sections 101.0225 and 102.0307 of the Municipal Code, this project shall require City Council approval.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A370-404; D023-104.)

MOTION BY WOLFSHEIMER TO CONTINUE TO NOVEMBER 19, 1990 FOR FURTHER REVIEW BY THE CITY ATTORNEY. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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NON-DOCKET ITEMS:

None.

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COUNCIL COMMENT:

None.

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PUBLIC COMMENT:

None.

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ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor
O'Connor at 5:08 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D104-106)